

DEPARTMENT OF STATE HOSPITALS

THIRD 15-DAY NOTICE OF PUBLIC AVAILABILITY OF MODIFIED TEXT AND MODIFIED TEXT

ADOPTION OF PROPOSED REGULATIONS FOR THE SEXUALLY VIOLENT PREDATOR STANDARDIZED ASSESSMENT PROTOCOL

California Code of Regulations
Title 9. Rehabilitative and Developmental Services
Division 1. Department of Mental Health
Chapter 15. Assessment of Sexually Violent Predators

Public Hearing Date: January 22, 2018
First 15-Day Dates: February 15, 2018: March 2, 2018
Second 15-Day Dates: July 10, 2018-July 25, 2018
Third Public Availability Date: August 20, 2018
End of Comment Period: September 4, 2018

This notice announces a Third 15-day comment period in which the public may comment on the modifications to the originally proposed text for the sexually violent predator standardized assessment protocol regulation. This notice is issued pursuant to Government Code section 11346.8, subsection (c), California Code of Regulations, title 1, section 44, and Government Code section 11347.1.

This regulatory action was originally noticed and published in the California Regulatory Notice Register and was also mailed on December 8, 2017 to all interested parties. The originally proposed regulatory action is described in detail in the ISOR and can be found at: <http://www.dsh.ca.gov/Publications/Regulations.aspx>

No action by the public is necessary unless persons wish to comment on the proposed modified text.

The Proposed Third 15-Day Modified Text is available on the Department of State Hospitals (DSH or Department) Internet Web site under the Sexually Violent Predator Standardized Assessment Protocol - Regular Rulemaking Proceeding "Third 15-Day Notice of Public Availability of Modified Text" at: <http://www.dsh.ca.gov/Publications/Regulations.aspx>

This rulemaking and all documents relevant to it shall be physically available at the address indicated below under WRITTEN COMMENTS, between 8:00 a.m. and 5:00 p.m. on August 20, 2018 through September 4, 2018, or by request to the persons also indicated below.

SUMMARY OF MODIFICATIONS

The text of the modified regulatory language is shown in Attachment 1. The originally proposed regulatory language is shown in plain text. The modifications proposed as part of the Second 15-day changes are shown in double underline to indicate addition, and ~~double strikethrough~~ to show deletion. The modifications proposed as part of the Third 15-day changes are shown in **bold underline** to indicate addition, and ~~**bold double strikethrough**~~ to show deletion.

The following Third 15-day modification was made to the Regulation Text:

Section 4014(e)(3)(A): The sentence “Likely” may cover a range from possible to probable” has been removed to make it clear that there is no specific range from possible to probable of an Individual’s likelihood of risk of re-offense in sexually violent criminal behavior.

In addition to the modification described above, additional modifications correcting grammar, changes in numbering and formatting have been made to improve clarity. These changes are nonsubstantive.

WRITTEN COMMENTS

DSH invites all interested persons to provide comments relevant to the Proposed Modified Text. The public may comment only in writing, submitted by postal mail, fax, or electronically as follows:

Please submit written comments to:

Postal mail: California Department of State Hospitals
Regulations Unit
RE: SVP Protocol-3rd 15-Day
1600 9th Street, Room 410
Sacramento, California 95814; or
Hand delivered to the address above

Fax: (916) 651-3090 (include **RE: SVP Protocol-3rd 15-Day**)

Electronic submittal: DSH.Regulations@dsh.ca.gov

It is requested that all comments, particularly those emailed with attachments, contain the regulation package identifier “**SVP Protocol-3rd 15-Day**” in the subject line to facilitate timely identification and review.

All written comments received by **September 4, 2018**, no later than **5:00 p.m.**, which pertain to the Proposed Modified Text will be considered and responded to by the Department. The Department will prepare the Final Statement of Reasons (FSOR) which will provide a response to all timely comments received. The Department will submit the FSOR and the final text of the regulation to OAL and will also post the documents on the DSH Internet Web site.

CONTACT PERSONS

Inquiries concerning the substance of the proposed regulatory action may be directed to the agency representatives: Domingo Aguilar, Forensic Services Division, Program Chief, by telephone at (916) 651-0984 or Dr. James Rokop, Forensic Services Division, Chief Psychologist, by telephone at (916) 651-5285.

Attachment