



# HOUSE BILL No. 5245

October 12, 1995, Introduced by Reps. Olshove, Weeks, Freeman, McBryde, Yokich, LaForge, Hanley, DeHart, Baird, Pitoniak, Willard, DeMars and Galloway and referred to the Committee on Judiciary and Civil Rights.

A bill to amend Act No. 258 of the Public Acts of 1974, entitled as amended "Mental health code," as amended, being sections 330.1001 to 330.2106 of the Michigan Compiled Laws, by adding chapter 10a.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 258 of the Public Acts of 1974, as  
2 amended, being sections 330.1001 to 330.2106 of the Michigan  
3 Compiled Laws, is amended by adding chapter 10a to read as  
4 follows:

### 5 CHAPTER 10A

6 SEC. 1070. AS USED IN THIS CHAPTER:

7 (A) "SEXUALLY VIOLENT PREDATOR" MEANS AN INDIVIDUAL WHO HAS  
8 BEEN CONVICTED OF OR CHARGED WITH A SEXUALLY VIOLENT OFFENSE AND  
9 WHO SUFFERS FROM A MENTAL ABNORMALITY OR INDIVIDUALITY DISORDER

1 THAT MAKES THE INDIVIDUAL LIKELY TO ENGAGE IN HABITUAL PREDATORY  
2 ACTS OF SEXUAL VIOLENCE.

3 (B) "MENTAL ABNORMALITY" MEANS A CONGENITAL OR ACQUIRED CON-  
4 DITION AFFECTING THE EMOTIONAL OR VOLITIONAL CAPACITY THAT PRE-  
5 DISPOSES AN INDIVIDUAL TO THE COMMISSION OF SEXUALLY VIOLENT  
6 OFFENSES IN A DEGREE CONSTITUTING THE INDIVIDUAL A MENACE TO THE  
7 HEALTH AND SAFETY OF OTHERS.

8 (C) "PREDATORY ACTS" MEANS ACTS DIRECTED TOWARD INDIVIDUALS  
9 WITH WHOM A RELATIONSHIP HAS BEEN ESTABLISHED OR PROMOTED FOR THE  
10 PRIMARY PURPOSE OF VICTIMIZATION.

11 (D) "SEXUALLY VIOLENT OFFENSE" MEANS A VIOLATION OF 1 OR  
12 MORE OF THE FOLLOWING COMMITTED ON, BEFORE, OR AFTER JANUARY 1,  
13 1996:

14 (i) SECTION 520B OF THE MICHIGAN PENAL CODE, ACT NO. 328 OF  
15 THE PUBLIC ACTS OF 1931, BEING SECTION 750.520B OF THE MICHIGAN  
16 COMPILED LAWS, HAVING TO DO WITH FIRST DEGREE CRIMINAL SEXUAL  
17 CONDUCT.

18 (ii) SECTION 520C OF ACT NO. 328 OF THE PUBLIC ACTS OF 1931,  
19 BEING SECTION 750.520C OF THE MICHIGAN COMPILED LAWS, HAVING TO  
20 DO WITH SECOND DEGREE CRIMINAL SEXUAL CONDUCT.

21 (iii) SECTION 520D OF ACT NO. 328 OF THE PUBLIC ACTS OF  
22 1931, BEING SECTION 750.520D OF THE MICHIGAN COMPILED LAWS,  
23 HAVING TO DO WITH THIRD DEGREE CRIMINAL SEXUAL CONDUCT.

24 (iv) SECTION 520E OF ACT NO. 328 OF THE PUBLIC ACTS OF 1931,  
25 BEING SECTION 750.520E OF THE MICHIGAN COMPILED LAWS, HAVING TO  
26 DO WITH FOURTH DEGREE CRIMINAL SEXUAL CONDUCT.

1 (v) SECTION 520G OF ACT NO. 328 OF THE PUBLIC ACTS OF 1931,  
2 BEING SECTION 750.520G OF THE MICHIGAN COMPILED LAWS, HAVING TO  
3 DO WITH ASSAULT WITH INTENT TO COMMIT CRIMINAL SEXUAL CONDUCT.

4 (vi) A FELONY OFFENSE UNDER FEDERAL LAW OR ANOTHER STATE'S  
5 LAW THAT, IF COMMITTED IN THIS STATE, WOULD BE A VIOLATION  
6 DESCRIBED IN THIS SECTION.

7 (vii). ANY OTHER FELONY OFFENSE UNDER THE LAWS OF THIS STATE  
8 THAT AT TRIAL HAS BEEN DETERMINED BEYOND ANY REASONABLE DOUBT TO  
9 HAVE BEEN SEXUALLY MOTIVATED.

10 SEC. 1070A. THE LEGISLATURE FINDS THAT THERE EXIST A SMALL  
11 BUT EXTREMELY DANGEROUS NUMBER OF SEXUALLY VIOLENT PREDATORS WHO  
12 HAVE ANTISOCIAL PERSONALITY FEATURES THAT ARE NOT AMENABLE TO  
13 EXISTING TREATMENTS FOR MENTAL ILLNESS AND WHO MAY NOT QUALIFY  
14 FOR INVOLUNTARY COMMITMENT TO A MENTAL HEALTH FACILITY AS ALLOWED  
15 UNDER THIS ACT. THE LEGISLATURE FURTHER FINDS THAT SEXUALLY VIO-  
16 LENT PREDATORS ARE LIKELY TO ENGAGE IN REPEATED ACTS OF PREDATORY  
17 SEXUAL VIOLENCE, THAT THE PROGNOSIS FOR CURING SEXUALLY VIOLENT  
18 OFFENDERS IS POOR, THAT THE TREATMENT APPROPRIATE FOR SEXUALLY  
19 VIOLENT OFFENDERS IS VERY LONG-TERM, AND THAT THOSE TREATMENTS  
20 DIFFER GREATLY FROM THE TREATMENTS REQUIRED BY INDIVIDUALS WHO  
21 ARE INVOLUNTARILY COMMITTED.

22 SEC. 1071. THE PROSECUTING ATTORNEY OF THE COUNTY IN WHICH  
23 AN INDIVIDUAL WAS CONVICTED OR CHARGED, OR THE ATTORNEY GENERAL  
24 IF REQUESTED BY THE PROSECUTING ATTORNEY, MAY FILE A PETITION  
25 WITH THE PROBATE COURT ALLEGING THAT AN INDIVIDUAL IS A SEXUALLY  
26 VIOLENT PREDATOR AND STATING SUFFICIENT FACTS TO SUPPORT THE  
27 ALLEGATION, IF 1 OR MORE OF THE FOLLOWING CIRCUMSTANCES EXIST:

1 (A) THE INDIVIDUAL WAS CONVICTED OF A SEXUALLY VIOLENT  
2 OFFENSE AND HIS OR HER SENTENCE IS ABOUT TO EXPIRE, OR HAS  
3 EXPIRED ON OR AFTER JANUARY 1, 1996.

4 (B) THE INDIVIDUAL WAS FOUND TO HAVE COMMITTED A SEXUALLY  
5 VIOLENT OFFENSE AS A JUVENILE, AND HIS OR HER TERM OF CONFINEMENT  
6 IS ABOUT TO EXPIRE, OR HAS EXPIRED ON OR AFTER JANUARY 1, 1996.

7 (C) THE INDIVIDUAL WAS CHARGED WITH A SEXUALLY VIOLENT  
8 OFFENSE, HAS BEEN DETERMINED TO BE INCOMPETENT TO STAND TRIAL,  
9 AND IS ABOUT TO BE RELEASED, OR HAS BEEN RELEASED ON OR AFTER  
10 JANUARY 1, 1996.

11 (D) THE INDIVIDUAL HAS BEEN FOUND NOT GUILTY BY REASON OF  
12 INSANITY OF A SEXUALLY VIOLENT OFFENSE, HE OR SHE IS ABOUT TO BE  
13 RELEASED, OR HAS BEEN RELEASED ON OR AFTER JANUARY 1, 1996, AND  
14 IT APPEARS THAT THE INDIVIDUAL MAY BE A SEXUALLY VIOLENT  
15 PREDATOR.

16 SEC. 1072. UPON THE FILING OF A PETITION UNDER SECTION  
17 1071, THE JUDGE SHALL DETERMINE WHETHER PROBABLE CAUSE EXISTS TO  
18 BELIEVE THAT THE INDIVIDUAL NAMED IN THE PETITION IS A SEXUALLY  
19 VIOLENT PREDATOR. IF THE DETERMINATION IS MADE THAT PROBABLE  
20 CAUSE EXISTS, THE JUDGE SHALL DIRECT THAT THE INDIVIDUAL BE TAKEN  
21 INTO CUSTODY AND THE INDIVIDUAL SHALL BE TRANSFERRED TO THE  
22 CENTER FOR FORENSIC PSYCHIATRY FOR AN EVALUATION AS TO WHETHER  
23 THE INDIVIDUAL IS A SEXUALLY VIOLENT PREDATOR.

24 SEC. 1073. (1) NOT MORE THAN 45 DAYS AFTER THE FILING OF A  
25 PETITION UNDER SECTION 1071, THE COURT SHALL CONDUCT A TRIAL TO  
26 DETERMINE WHETHER THE INDIVIDUAL IS A SEXUALLY VIOLENT PREDATOR.  
27 THE INDIVIDUAL, THE PROSECUTING ATTORNEY OR ATTORNEY GENERAL, OR

1 THE JUDGE HAS THE RIGHT TO DEMAND THAT THE TRIAL BE BEFORE A  
2 JURY. IF NO JURY DEMAND IS MADE, THE TRIAL SHALL BE BEFORE THE  
3 COURT.

4 (2) AT ALL STAGES OF THE PROCEEDINGS UNDER THIS CHAPTER, AN  
5 INDIVIDUAL SUBJECT TO THIS CHAPTER IS ENTITLED TO THE ASSISTANCE  
6 OF COUNSEL. IF THE INDIVIDUAL IS INDIGENT, THE COURT SHALL  
7 APPOINT COUNSEL TO ASSIST HIM OR HER.

8 (3) WHENEVER AN INDIVIDUAL IS SUBJECTED TO AN EXAMINATION  
9 UNDER THIS CHAPTER, HE OR SHE MAY RETAIN EXPERTS OR PROFESSIONAL  
10 PERSONS TO PERFORM AN EXAMINATION ON HIS OR HER BEHALF. IF THE  
11 INDIVIDUAL WISHES TO BE EXAMINED BY A QUALIFIED EXPERT OR PROFES-  
12 SIONAL PERSON OF HIS OR HER OWN CHOICE, THE EXAMINER SHALL BE  
13 PERMITTED TO HAVE REASONABLE ACCESS TO THE INDIVIDUAL FOR THE  
14 PURPOSE OF THE EXAMINATION, AND TO ALL RELEVANT MEDICAL AND PSY-  
15 CHOLOGICAL RECORDS AND REPORTS. IF THE INDIVIDUAL IS INDIGENT,  
16 THE COURT SHALL, UPON THE INDIVIDUAL'S REQUEST, ASSIST THE INDI-  
17 VIDUAL IN OBTAINING AN EXPERT OR PROFESSIONAL PERSON TO PERFORM  
18 AN EXAMINATION OR PARTICIPATE IN THE TRIAL ON THE INDIVIDUAL'S  
19 BEHALF.

20 SEC. 1074. (1) THE COURT OR JURY SHALL DETERMINE WHETHER,  
21 BEYOND A REASONABLE DOUBT, THE INDIVIDUAL IS A SEXUALLY VIOLENT  
22 PREDATOR. IF THE STATE ALLEGES THAT THE PRIOR SEXUALLY VIOLENT  
23 OFFENSE THAT FORMS THE BASIS FOR THE PETITION FOR COMMITMENT WAS  
24 AN ACT THAT WAS SEXUALLY MOTIVATED AS PROVIDED BY SECTION  
25 1070(D)(*vi*), THE STATE MUST PROVE BEYOND A REASONABLE DOUBT THAT  
26 THE ALLEGED SEXUALLY VIOLENT ACT WAS SEXUALLY MOTIVATED.

1       (2) IF THE COURT OR JURY DETERMINES THAT THE INDIVIDUAL IS A  
2 SEXUALLY VIOLENT PREDATOR, THE INDIVIDUAL SHALL BE COMMITTED TO  
3 THE CUSTODY OF THE DEPARTMENT IN A SECURE FACILITY FOR CONTROL,  
4 CARE, AND TREATMENT UNTIL SUCH TIME AS THE INDIVIDUAL'S MENTAL  
5 ABNORMALITY OR PERSONALITY DISORDER HAS SO CHANGED THAT THE INDIVIDUAL  
6 IS SAFE TO BE AT LARGE AND IS NOT LIKELY TO COMMIT SEXUALLY  
7 VIOLENT OFFENSES. THE CONTROL, CARE, AND TREATMENT SHALL BE  
8 PROVIDED AT A FACILITY OPERATED BY THE DEPARTMENT. THE FACILITY  
9 SHALL NOT BE LOCATED ON THE GROUNDS OF A STATE MENTAL FACILITY OR  
10 REGIONAL HABILITATION CENTER UNLESS THE DEPARTMENT OF CORRECTIONS  
11 CERTIFIES THAT THE FACILITY IS SUFFICIENTLY SECURE FOR THIS  
12 POPULATION. THE INVOLUNTARY DETENTION OR COMMITMENT OF INDIVIDUALS  
13 UNDER THIS CHAPTER SHALL CONFORM TO CONSTITUTIONAL REQUIREMENTS  
14 FOR CARE AND TREATMENT.

15       (3) IF THE COURT OR JURY IS NOT SATISFIED BEYOND A REASONABLE  
16 DOUBT THAT THE INDIVIDUAL IS A SEXUALLY VIOLENT PREDATOR,  
17 THE COURT SHALL DISMISS THE PETITION.

18       SEC. 1075. (1) IF THE INDIVIDUAL CHARGED WITH A SEXUALLY  
19 VIOLENT OFFENSE HAS BEEN FOUND INCOMPETENT TO STAND TRIAL, AND IS  
20 ABOUT TO BE OR HAS BEEN RELEASED UNDER SECTION 1044, AND HIS OR  
21 HER COMMITMENT IS SOUGHT UNDER THIS CHAPTER, THE COURT SHALL  
22 FIRST HEAR EVIDENCE AND DETERMINE WHETHER THE INDIVIDUAL DID  
23 COMMIT THE ACT OR ACTS CHARGED IF THE COURT DID NOT ENTER A FINDING  
24 PRIOR TO DISMISSAL UNDER SECTION 1044 THAT THE INDIVIDUAL  
25 COMMITTED THE ACT OR ACTS CHARGED. THE HEARING ON THIS ISSUE  
26 SHALL COMPLY WITH ALL THE PROCEDURES SPECIFIED IN THIS CHAPTER.  
27 THE RULES OF EVIDENCE APPLICABLE IN CRIMINAL CASES APPLY TO A

1 TRIAL UNDER THIS SECTION, AND THE INDIVIDUAL HAS ALL  
2 CONSTITUTIONAL RIGHTS AVAILABLE TO DEFENDANTS AT CRIMINAL TRIALS,  
3 OTHER THAN THE RIGHT NOT TO BE TRIED WHILE INCOMPETENT.

4 (2) AFTER HEARING EVIDENCE ON THE ISSUE, THE COURT SHALL  
5 MAKE SPECIFIC FINDINGS ON WHETHER THE INDIVIDUAL DID COMMIT THE  
6 ACT OR ACTS CHARGED, THE EXTENT TO WHICH THE INDIVIDUAL'S INCOM-  
7 PETENCE OR DEVELOPMENTAL DISABILITY AFFECTED THE OUTCOME OF THE  
8 HEARING, INCLUDING ITS EFFECT ON THE INDIVIDUAL'S ABILITY TO CON-  
9 SULT WITH AND ASSIST COUNSEL AND TO TESTIFY IN HIS OR HER OWN  
10 BEHALF, THE EXTENT TO WHICH THE EVIDENCE COULD BE RECONSTRUCTED  
11 WITHOUT THE ASSISTANCE OF THE INDIVIDUAL, AND THE STRENGTH OF THE  
12 PROSECUTION'S CASE. IF, AFTER THE CONCLUSION OF THE HEARING ON  
13 THIS ISSUE, THE COURT FINDS, BEYOND A REASONABLE DOUBT, THAT THE  
14 INDIVIDUAL DID COMMIT THE ACT OR ACTS CHARGED, IT SHALL ENTER A  
15 FINAL ORDER, APPEALABLE BY THE INDIVIDUAL, ON THAT ISSUE, AND MAY  
16 PROCEED TO CONSIDER WHETHER THE INDIVIDUAL SHOULD BE COMMITTED  
17 UNDER SECTION 1074.

18 SEC. 1076. AN INDIVIDUAL COMMITTED UNDER THIS CHAPTER SHALL  
19 BE EXAMINED AT LEAST ONCE EACH YEAR. THE INDIVIDUAL MAY RETAIN  
20 OR, IF HE OR SHE IS INDIGENT AND SO REQUESTS, THE COURT MAY  
21 APPOINT A QUALIFIED EXPERT OR A PROFESSIONAL PERSON TO EXAMINE  
22 HIM OR HER. THE EXPERT OR PROFESSIONAL PERSON SHALL HAVE ACCESS  
23 TO ALL RECORDS CONCERNING THE INDIVIDUAL. THE DEPARTMENT SHALL  
24 PROVIDE AN ANNUAL REPORT TO THE COURT THAT COMMITTED THE INDIVID-  
25 UAL UNDER THIS CHAPTER.

26 SEC. 1077. (1) IF THE DIRECTOR OF THE DEPARTMENT OR THE  
27 DIRECTOR OF THE FACILITY IN WHICH THE INDIVIDUAL HAS BEEN

1 COMMITTED DETERMINES THAT THE INDIVIDUAL'S MENTAL ABNORMALITY HAS  
2 CHANGED SO THAT THE INDIVIDUAL IS NOT LIKELY TO COMMIT SEXUALLY  
3 VIOLENT OFFENSES IF RELEASED, THE DIRECTOR OF THE DEPARTMENT OR  
4 THE DIRECTOR OF THE FACILITY SHALL AUTHORIZE THE INDIVIDUAL TO  
5 PETITION THE COURT FOR RELEASE. THE PETITION SHALL BE SERVED  
6 UPON THE COURT AND THE PROSECUTING ATTORNEY.

7 (2) UPON RECEIPT OF A PETITION FOR RELEASE, THE COURT SHALL  
8 ORDER A HEARING TO BE HELD WITHIN 45 DAYS OF THE RECEIPT. THE  
9 PROSECUTING ATTORNEY OR THE ATTORNEY GENERAL, IF REQUESTED BY THE  
10 COUNTY, SHALL REPRESENT THE STATE, AND SHALL HAVE THE RIGHT TO  
11 HAVE THE PETITIONER EXAMINED BY AN EXPERT OR PROFESSIONAL PERSON  
12 OF HIS OR HER CHOICE.

13 (3) THE HEARING SHALL BE BEFORE A JURY IF DEMANDED BY EITHER  
14 THE PETITIONER OR THE PROSECUTING ATTORNEY OR ATTORNEY GENERAL.  
15 THE BURDEN OF PROOF SHALL BE UPON THE PROSECUTING ATTORNEY OR  
16 ATTORNEY GENERAL TO SHOW BEYOND A REASONABLE DOUBT THAT THE  
17 PETITIONER'S MENTAL ABNORMALITY OR PERSONALITY DISORDER REMAINS  
18 SO THAT THE PETITIONER IS NOT SAFE TO BE AT LARGE AND THAT IF  
19 DISCHARGED IS LIKELY TO COMMIT SEXUALLY VIOLENT OFFENSES.

20 SEC. 1078. (1) NOTWITHSTANDING SECTION 1077, AN INDIVIDUAL  
21 MAY PETITION THE COURT FOR DISCHARGE WITHOUT THE APPROVAL OF THE  
22 DIRECTOR OF THE DEPARTMENT OR THE DIRECTOR OF THE FACILITY. THE  
23 DIRECTOR OF THE DEPARTMENT SHALL PROVIDE THE COMMITTED INDIVIDUAL  
24 WITH AN ANNUAL WRITTEN NOTICE OF THE INDIVIDUAL'S RIGHT TO PETI-  
25 TION THE COURT FOR RELEASE OVER THE DEPARTMENT DIRECTOR'S OR  
26 FACILITY DIRECTOR'S OBJECTION. THE NOTICE SHALL CONTAIN A WAIVER  
27 OF RIGHTS. THE DIRECTOR OF THE DEPARTMENT SHALL FORWARD THE



1 NOTICE AND WAIVER FORM TO THE COURT WITH THE ANNUAL REPORT  
2 REQUIRED UNDER SECTION 1076.

3       (2) IF THE INDIVIDUAL DOES NOT AFFIRMATIVELY WAIVE THE RIGHT  
4 TO PETITION, THE COURT SHALL SET A SHOW CAUSE HEARING TO DETER-  
5 MINE WHETHER FACTS EXIST THAT WARRANT A HEARING ON WHETHER THE  
6 INDIVIDUAL'S CONDITION HAS SO CHANGED THAT HE OR SHE IS SAFE TO  
7 BE AT LARGE. THE COMMITTED INDIVIDUAL HAS A RIGHT TO HAVE AN  
8 ATTORNEY REPRESENT HIM OR HER AT THE SHOW CAUSE HEARING, BUT THE  
9 COMMITTED INDIVIDUAL IS NOT ENTITLED TO BE PRESENT AT THE SHOW  
10 CAUSE HEARING. IF THE COURT AT THE SHOW CAUSE HEARING DETERMINES  
11 THAT PROBABLE CAUSE EXISTS TO BELIEVE THAT THE INDIVIDUAL'S  
12 MENTAL ABNORMALITY HAS SO CHANGED THAT THE INDIVIDUAL IS SAFE TO  
13 BE AT LARGE AND IS NOT LIKELY TO ENGAGE IN SEXUALLY VIOLENT  
14 OFFENSES IF DISCHARGED, THEN THE COURT SHALL SET A HEARING ON THE  
15 ISSUE. THE COMMITTED INDIVIDUAL IS ENTITLED TO BE PRESENT AT THE  
16 HEARING AND TO HAVE THE BENEFIT OF ALL CONSTITUTIONAL PROTECTIONS  
17 THAT WERE AFFORDED TO HIM OR HER AT THE INITIAL COMMITMENT  
18 PROCEEDING. THE PROSECUTING ATTORNEY OR THE ATTORNEY GENERAL IF  
19 REQUESTED BY THE COUNTY SHALL REPRESENT THE STATE AND SHALL HAVE  
20 A RIGHT TO A JURY TRIAL AND TO HAVE THE COMMITTED INDIVIDUAL  
21 EVALUATED BY EXPERTS CHOSEN BY THE STATE. THE COMMITTED INDIVID-  
22 UAL ALSO HAS THE RIGHT TO HAVE EXPERTS EVALUATE HIM OR HER ON HIS  
23 OR HER BEHALF AND THE COURT SHALL APPOINT AN EXPERT IF THE INDIV-  
24 VIDUAL IS INDIGENT AND REQUESTS AN APPOINTMENT. THE BURDEN OF  
25 PROOF AT THE HEARING IS UPON THE STATE TO PROVE BEYOND A REASON-  
26 ABLE DOUBT THAT THE COMMITTED INDIVIDUAL'S MENTAL ABNORMALITY

1 REMAINS SUCH THAT THE INDIVIDUAL IS NOT SAFE TO BE AT LARGE AND  
2 IF RELEASED IS LIKELY TO ENGAGE IN SEXUALLY VIOLENT OFFENSES.

3 SEC. 1079. THIS CHAPTER DOES NOT PROHIBIT AN INDIVIDUAL  
4 FROM FILING A PETITION FOR DISCHARGE PURSUANT TO THIS CHAPTER.  
5 IF AN INDIVIDUAL HAS PREVIOUSLY FILED A PETITION FOR DISCHARGE  
6 WITHOUT THE DEPARTMENT DIRECTOR'S OR FACILITY DIRECTOR'S APPROVAL  
7 AND THE COURT DETERMINED, EITHER UPON REVIEW OF THE PETITION OR  
8 FOLLOWING A HEARING, THAT THE PETITIONER'S PETITION WAS FRIVOLOUS  
9 OR THAT THE PETITIONER'S CONDITION HAD NOT SO CHANGED THAT HE OR  
10 SHE WAS SAFE TO BE AT LARGE, THEN THE COURT SHALL DENY THE SUBSE-  
11 QUENT PETITION UNLESS THE PETITION CONTAINS FACTS UPON WHICH A  
12 COURT COULD FIND THAT THE CONDITION OF THE PETITIONER HAD SO  
13 CHANGED THAT A HEARING WAS WARRANTED. UPON RECEIPT OF A FIRST OR  
14 SUBSEQUENT PETITION FROM A COMMITTED INDIVIDUAL WITHOUT THE  
15 DEPARTMENT DIRECTOR'S OR FACILITY DIRECTOR'S APPROVAL, THE COURT  
16 SHALL REVIEW THE PETITION AND DETERMINE IF THE PETITION IS BASED  
17 UPON FRIVOLOUS GROUNDS AND IF SO SHALL DENY THE PETITION WITHOUT  
18 A HEARING.

19 SEC. 1080. IN ADDITION TO ANY OTHER INFORMATION REQUIRED TO  
20 BE RELEASED UNDER THIS CHAPTER, AND UNLESS OTHERWISE PROHIBITED  
21 BY LAW, THE DEPARTMENT SHALL RELEASE RELEVANT INFORMATION THAT IS  
22 NECESSARY TO PROTECT THE PUBLIC CONCERNING A SPECIFIC SEXUALLY  
23 VIOLENT PREDATOR COMMITTED UNDER THIS CHAPTER.