

Post-Commitment Community Placement

This Act directs that following the commitment of a sexually dangerous individual, the state may conduct a risk management assessment of the committed individual for the purpose of determining whether the individual may be treated safely in the community on an outpatient basis. This can only be done pursuant to a court order and the individual must comply with the following stipulations;

- Participation and compliance with a specific course of treatment;
- Submission to electronic monitoring and any other appropriate supervision;
- Prohibition of the individual changing places of residency or leaving the state without prior authorization of the court;
- Establishment of safety zones, and compliance by the committed individual with those safety zones;
- The committed individual notify the court within twenty-four hours of any change in the individual's status that affects proper treatment or supervision;
- Contact with victims is prohibited independent of a supervised treatment plan, and
- Any other restriction or requirement deemed necessary by the court to assure public safety and proper treatment of the committed individual.

Submitted as:

North Dakota

HB 1057

Status: Enacted into law in 2005.

Suggested State Legislation

(Title, enacting clause, etc.)

1 Section 1. [*Short Title.*] This Act may be cited as “An Act to Address Post-Commitment
2 Community Placement of Sexually Dangerous People.”

3
4 Section 2. [*Post-Commitment Community Placement -Penalty.*]

5 1. Following commitment of a sexually dangerous individual, the [executive director of
6 the department of public safety] may conduct a risk management assessment of the committed
7 individual for the purpose of determining whether the individual may be treated safely in the
8 community on an outpatient basis. The [executive director] may place a committed individual in
9 the community for treatment on an outpatient basis only pursuant to a court order. The [executive
10 director] may petition the court at any time for community placement. The [executive director]
11 shall give the [state's attorney of the county of community placement] notice of any petition for
12 community placement the [executive director] files with the court. Before the petition is granted,
13 the [state's attorney] has the right to be heard by the court. The [state's attorney] may waive this
14 right. At any hearing held pursuant to a petition by the [executive director] for the community
15 placement of a committed individual, the burden of proof required of the [executive director] is a
16 preponderance of the evidence. The court's order of community placement must contain
17 appropriate restrictions and requirements for the committed individual, including:

- 18 a. Participation and compliance with a specific course of treatment;
- 19 b. Submission to electronic monitoring and any other appropriate supervision;

- 20 c. Prohibition of the individual changing place of residency or leaving the state
21 without prior authorization of the court;
22 d. Establishment of safety zones, and compliance by the committed individual
23 with those safety zones;
24 e. A requirement that the committed individual notify the court within [twenty-
25 four hours] of any change in the individual's status that affects proper treatment or supervision;
26 f. Contact with victims is prohibited independent of a supervised treatment plan;
27 and
28 g. Any other restriction or requirement deemed necessary by the court to assure
29 public safety and proper treatment of the committed individual.

30 2. Violation by a committed individual of a court order issued pursuant to this section is a
31 [class C felony].

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33 Section 3. [*Severability.*] [Insert severability clause.]

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35 Section 4. [*Repealer.*] [Insert repealer clause.]

36
37 Section 5. [*Effective Date.*] [Insert effective date.]