

FIRST REGULAR SESSION

# SENATE BILL NO. 488

92ND GENERAL ASSEMBLY

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INTRODUCED BY SENATOR DOLAN.

Read 1st time February 13, 2003, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

1502S.011

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## AN ACT

To repeal section 632.495, RSMo, and to enact in lieu thereof two new sections relating to appellate review of sexually violent predator proceedings.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 632.495, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 632.495 and 632.505, to read as follows:

632.495. The court or jury shall determine whether, beyond a reasonable doubt, the person is a sexually violent predator. If such determination that the person is a sexually violent predator is made by a jury, such determination shall be by unanimous verdict of such jury. [Any determination as to whether a person is a sexually violent predator may be appealed.] If the court or jury determines that the person is a sexually violent predator, the person shall be committed to the custody of the director of the department of mental health for control, care and treatment until such time as the person's mental abnormality has so changed that the person is safe to be at large. Such control, care and treatment shall be provided by the department of mental health. At all times, persons committed for control, care and treatment by the department of mental health pursuant to sections 632.480 to 632.513 shall be kept in a secure facility designated by the director of the department of mental health and such persons shall be segregated at all times from any other patient under the supervision of the director of the department of mental health. The department of mental health shall not place or house an offender determined to be a sexually violent predator, pursuant to sections 632.480 to 632.513, with other mental health patients who have not been determined to be sexually violent predators. The department of mental health is authorized to enter into an interagency

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

agreement with the department of corrections for the confinement of such persons. Such persons who are in the confinement of the department of corrections pursuant to an interagency agreement shall be housed and managed separately from offenders in the custody of the department of corrections, and except for occasional instances of supervised incidental contact, shall be segregated from such offenders. If the court or jury is not satisfied beyond a reasonable doubt that the person is a sexually violent predator, the court shall direct the person's release. Upon a mistrial, the court shall direct that the person be held at an appropriate secure facility, including, but not limited to, a county jail, until another trial is conducted. If the person is ordered to the department of mental health, the director of the department of mental health shall determine the appropriate secure facility to house the person. Any subsequent trial following a mistrial shall be held within ninety days of the previous trial, unless such subsequent trial is continued as provided in section 632.492.

**632.505. Any final judgment entered pursuant to sections 632.480 to 632.513 may be appealed pursuant to section 512.020, RSMo.**

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