

Stipulation To Implementing of "Jessica's Law" or Legislation

On September 20, 2006 Senate Bill 1128, urgency legislation, was signed into law by the Governor. Additionally a ballot initiative commonly known as "Jessica's Law" is on the ballot in November of 2006. The legislation and the initiative include language which would lengthen the term of commitment for a SVP from two years to an indeterminate term. Due to uncertainty in the retroactive application of this change, it is the intention of the Los Angeles County District Attorney's Office to apply the current two year commitment period to all currently pending initial commitment petitions, as limited below, for cases in which the trial and commitment occur after the effective date of the legislation or the initiative whichever occurs first, hereafter "effective date". For all cases in which an initial commitment petition is filed after the effective date of the legislation, the District Attorney's office will seek the indeterminate term.

24 Month Time Limit

The District Attorney's Office will apply the two year commitment period to pending initial petitions for 24 months after the effective date. For cases in which the initial order of commitment is issued 24 months or more after the effective date, the District Attorney's Office will seek an indeterminate commitment. The Public Defender's Office does not waive its right to challenge either SB1128 or 'Jessica's Law,' assuming that the latter is passed in November 2006.

Recommitment Petitions

For SVPs who have been committed and currently have a pending re-commitment petition for an extended commitment, the District Attorney's Office will file additional petitions for extended commitments as they become timely pursuant to Welfare and Institutions Code § 6604.1. The District Attorney's office will use the filing criteria and commitment period in effect at the time of filing the re-commitment petitions. If a pending 2 year re-commitment petition filed prior to the effective date of the bill and/or initiative has not been tried prior to the expiration of the two-year commitment period and a new petition is timely filed after the effective date, the District Attorney's Office will pursue an indeterminate term.

Evaluation Criteria

Cases which are pending for initial commitment or are evaluated for re-commitment prior to the effective date of the legislation and/or initiative will be evaluated based upon criteria currently present in the SVP statutes. Any initial petition or re-commitment petition filed on or after the effective date of the legislation and/or initiative will be evaluated based upon the language of the legislation or initiative as passed.

Tolling of Parole

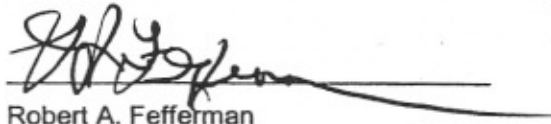
Provisions of the legislation tolling the period of parole until after the SVP completes the term of commitment or recommitment will be applied to a pending petition immediately following the effective date which might result from the passage of either legislation or the initiative.

Because it is impossible to predict all implications of the legislation and initiative, it is not the intent of this agreement to address all potential issues involving changes in the law.

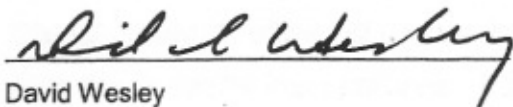
A copy of this agreement is to be filed in every SVP case in which a petition or re-petition is pending prior to the effective date of the legislation and/or initiative.



Jane Blissert
Representative-District Attorney



Robert A. Fefferman
Representative-Public Defender



David Wesley
Judge of the Superior Court

Date: October 11, 2006