

The County of Yuba

County Administrator



TO: Board of Supervisors
FROM: Kevin Mallen, County Administrator
BY: Jamme Yang, Management Analyst
SUBJECT: County Administrator: Approve letter of support for AB 821 by Assembly Member Cooper. (Five minute estimate)
DATE: April 27, 2021
NUMBER: 203/2021

Recommendation

It is recommended that the Board of Supervisors approve a letter of support for AB 821 (Cooper), which clarifies the definition of “extraordinary circumstances” as it relates to “housing” and increases the notice requirements to the non-domicile county while providing confidentiality protections to the Sexually Violent Predator (SVP).

Background & Discussion

Upon the placement of a SVP in a non-domicile county, the county only receives a 30-day notice before a scheduled court hearing. This is simply not enough time for the community and the District Attorney to evaluate and respond to the proposed placement. Current law requires the court to make a finding of “extraordinary circumstances” in order to place an SVP out of their county of domicile. This definition is vague which has led to placements of SVPs based on lack of housing which is in contrast to the intent of existing law.

Existing law also requires that attorneys, witnesses, and the public travel to the county of jurisdiction to attend the court hearing. This places an unreasonable burden on the county and community. This places an excessive burden on the county especially because most of these cases have multiple hearings. Over the years, Yuba County was recommended to house SVPs on many occasions. In some of these situations the house was in a rural neighborhood with teenage girls and boys living nearby who could be considered at risk.

SB 821 clarifies the definition of “extraordinary circumstances” by codifying that the lack of housing alone is not sufficient to demonstrate “extraordinary circumstances.” AB 821 also promotes transparency and fairness in the placement of SVPs in non-domicile counties by requiring:

1. 90-day notice instead of 30 days;

2. Discovery of documents supporting the request for placement;
3. Privacy protections of the SVP regarding these documents;
4. A more realistic opportunity for the county and community to be heard:

AB 821 provides the public with transparency and engagement by ensuring 1) The requirement of “extraordinary circumstances” has been met, 2) Whether the proposed placement is suitable for public safety; 3) That community representatives, witnesses and stakeholders have a chance to appear remotely.

Committee Action:

None. This request is brought directly to the full Board of Supervisors for consideration.

Fiscal Impact:

General Fund Impact:	No impact
Non-General Fund Impact:	No impact
Other Impact:	Unknown at this time

Attachments

203/2021 AB 821 Support Letter