

is a consensus by all that this amendment would alleviate the immediate concern. The problem presented is this, if an individual who either pleads guilty or is found guilty of a sex offense, a determination is made by health professions whether the person is a mentally disordered sex offender or I will refer to them as MDSO, if the offender is found to be an MDSO the judge, under current statute, must, must, and I emphasize that must, sentence the MDSO to the regional center for treatment of their particular disorder. However, currently the regional center's program for MDSO's is full, in fact more than full. And there are nearly 40 individuals in the penitentiary awaiting treatment. These individuals, under our law, are not supposed to be in the penitentiary, they're supposed to be in the regional center receiving treatment and being treated. Adding to this problem is the likelihood that in the next three to four months 40 to 50 more MDSO's are likely to be committed to the regional center for treatment under this program. The problem is even more severe when, as in the case...in several instances brought to our attention when the person pleads guilty to a sex offense. In guilty plea cases the judge essentially promises, as required by our law, that if the person is found guilty to be an MDSO they will receive treatment. The concern raised now is whether the MDSO's must be allowed to withdraw their guilty pleas, because the state has not kept their promise. The prosecutors would then have to prove their case in a trial. The consensus of legal opinions is such that a result is a confused area or atmosphere that may develop. We think that would be a disaster in that many of the prosecutors tell us that witnesses and evidence that they would use to prosecute these crimes before a jury have sometimes gone...have gone or the witnesses are unwilling to cooperate, the witnesses simply want to put a bad memory behind them, a memory which they thought they would no longer have to deal with in a courtroom. And my amendment deals directly with each concern raised. It allows a judge to sentence MDSO's to the penitentiary until treatment facilities are available. Senator Wesely will address an appropriation which was passed by this body yesterday, which will increase the treatment capability and resources of the regional center so these people will receive treatment as quickly as possible. However, this alone will not meet the problem of those who have already pled guilty. The second aspect of the amendment does fix that problem as well. The amendment allows the Department of Public Institutions to begin a first step program inside the penitentiary. Therefore, even though MDSO's are inside the penitentiary, the regional center will design and administer a