

SENATOR CROSBY: Senator Abboud.

SENATOR CHAMBERS: ...if he has the answer. Senator Abboud, what is it that triggers a court to start the determination of whether a person would be found to be a violent sexual offender?

SENATOR ABOUD: Senator Chambers, I would assume it would be, would have to be prosecution bringing a request before a court. Since that's usually the only way that an action, an action would...that's what I would assume.

SENATOR CHAMBERS: But I'm...here's what, maybe, let me add a little bit and then ask the question. That amendment of yours which we adopted does list all of those offenses that you and I were discussing as triggering acts, which in conjunction with the person being determined to have this mental disorder could result in the person being labeled a violent sexual offender. How then is the determination, at what point does a court decide to determine that this person who had child pornography is to be deemed a violent sexual offender because he or she has this mental disorder?

SENATOR ABOUD: I would assume, if you read the language of the amendment it refers to the sentencing court determining that this person is considered a sexually violent offender. And so the sentencing court that sentences that individual for the last, last offense that triggered these sexually violent offender registration would, as I said, most probably have to be brought before the court by the prosecution, the county attorney that's bringing the action against the individual that has committed the offense.

SENATOR CHAMBERS: Okay, I'd like to ask Senator Brown a couple of questions. And, Senator Brown, I may not be able to complete them all so I'm going to put my light on again.

SENATOR CROSBY: Senator Brown.

SENATOR CHAMBERS: And I ask these questions with the realization that you haven't had a chance to know the questions in advance or maybe even evaluate the amendment, so I'll take your answers to be general in nature based on the best you can do under these circumstances. In the amendment that Senator