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For Immediate Release

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San Diego Court Rules Jessica's Law Does Not Violate Constitutional Rights

No Equal Protection Violation, Ruling Lengthens Terms of Commitment

San Diego County District Attorney [Bonnie M. Dumanis](#) announced today a San Diego Superior Court has ruled that civil commitments do not violate a sexually-violent predator's constitutional right to Equal Protection under the 14th Amendment and that sexually-violent predators (SVPs) can be held under indeterminate sentences. In a case that had wide-ranging impacts for all SVP's in the state, San Diego County Superior Court Judge Michael Wellington's ruling brings California's sexually-violent predator laws in line with SVP civil commitments across the nation.

"Today's ruling is a win for public safety in San Diego County and all residents in California," said DA Dumanis. "I'm proud of the Deputy District Attorneys in our Sex Crimes and Appellate Divisions who worked hard on this case to clarify Jessica's Law and uphold the will of the People."

Deputy DAs John Rice and Gretchen Means presented evidence from experts over the course of a six-week hearing, which ended March 23rd. Sexually-violent predators pose a great danger to the community and a unique type of harm to their victims. SVPs are also known to be a very difficult population to treat effectively. In the McKee case, San Diego County prosecutors argued an indeterminate term reasonably balances public safety and treatment of the mentally ill. Evidence included treatment modalities and barriers, recidivism statistics, and the quality of harm and trauma to victims of sexual assaults and molestations.

[Jessica's Law](#) was passed by voters in 2006, changing the length of time an SVP could be held through a civil commitment from two years to an indeterminate sentence. Defendant Richard McKee was committed under Jessica's Law in 2007 and his case was one of the first to be appealed.

The case made its way to the California Supreme Court, which sent it back to San Diego Superior Court in January of 2010 after finding that the indeterminate term may violate the U.S. Constitution's Equal Protection Clause in that it treated SVPs differently than other civilly-committed classes of criminals.

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