

# The New York Times

THURSDAY, MARCH 1, 2007

## The Metro Section

### *Accord on Bill To Detain Sex Offenders*

By MICHAEL COOPER  
and DANNY HAKIM

### *Spitzer and Legislature Reconcile Rights Issues*

ALBANY, Feb. 28 — New York is poised to join more than a dozen states that continue to detain sex offenders after they have finished serving their prison sentences, under an agreement reached this week by Gov. Eliot Spitzer and the State Legislature.

The agreement, which officials said they expected to announce on Thursday, will bring an end to several years of agonizing debates that pitted victims' rights groups that argued that such laws were needed to protect the public from sex offenders against civil libertarians who were troubled that the state could confine people after their sentences were served.

The new legislation will call for having mental health experts identify sex offenders in prison who they believe pose a risk of committing new crimes upon their release, several state officials who were briefed on the agreement said. Those offenders would be tried before a jury, and if the jury decided that they posed a threat, a judge would sentence them to further confinement or would release them under strict supervision.

The state officials were granted anonymity to describe the bill because the formal announcement had not yet been made. Members of the Legislature were briefed on the agreement that their leaders made with the governor, and an announcement of the agreement was scheduled for Thursday morning in the Capitol.

"I think we are in agreement or very, very close to agreement," State Senator Joseph L. Bruno, the Republican majority leader, said Wednesday afternoon. "And that, again, is a tremendous result on behalf of the people of this state."

Such civil confinement legislation was long championed by the Republican-led Senate and by the former governor, George E. Pataki, a Republican, but it met with resistance in the Democratic-led Assembly, which raised concerns about civil liberties.

For several years, it became a hot-button political issue, with the Republicans accus-

ing the Democrats who opposed it of being soft on crime. Governor Pataki, who failed to get a civil confinement bill passed, started using the state's mental hygiene laws to detain sex offenders in psychiatric hospitals after their prison terms ended, a practice that the Court of Appeals struck down in November.

The mechanics of instituting civil confinement were complex. Some mental health professionals, who would be asked to screen sex offenders and supervise them in confinement, complained that it was a waste of scarce resources to combat mental illness. They warned that some states with similar laws almost never released offenders once they were civilly confined, raising questions about their rehabilitation efforts.

Governor Spitzer, a Democrat who campaigned in support of such legislation, helped persuade the Assembly to reach an agreement, several officials said.

Governor Spitzer made the bill a priority, calling for it recently in his first annual address to the Legisla-

ture. And his budget proposal called for the addition of 335 state workers to handle civil confinement efforts, the largest staff increase he has proposed.

The agreement calls for the creation of a new state office of sex offender management, an official briefed on the agreement said. It calls for greater supervision of sex offenders once they are paroled, and would create a new class of crime, a sexually motivated felony, in which prosecutors could try to prove that someone intended to commit a sex crime, even if such a crime was not actually committed, the official said.

Some groups worry about the passage of the new law.

"I think it's a poor piece of public policy, and won't make things better in terms of crime prevention," said JoAnne Page, the chief executive of the Fortune Society, an advocacy group that promotes rehabilitation and alternatives to incarceration. She questioned the ability of a state to predict who will commit a new crime.

But the agreement was hailed as a breakthrough in the Capitol.

Assemblyman Ron Canestrari, the Democratic majority leader, said he was pleased that the governor, the Assembly and the Senate were continuing to reach agreements on new bills even as they battled one another politically.

"I'm pleased with the outcome, and it's another success of this legislative session," he said.

Asked if the agreement was closer to the version proposed by the Assembly or the version proposed by the Senate, he said: "It's a mix. Maybe the fact that we're all not totally satisfied with it is proof that it's a real compromise."