

Appendix SVP Statutes and Definition of Mental Disorder

State	Code	Definition of Mental Disorder
Arizona	A.R.S. § 36-3701 (2019)	(5) "Mental disorder" means a paraphilia, personality disorder, or conduct disorder or any combination of paraphilia, personality disorder, and conduct disorder that predisposes a person to commit sexual acts to such a degree as to render the person a danger to the health and safety of others.
California	Wel. & Inst. Code § 6600 (2019)	(c) "Diagnosed mental disorder" includes a congenital or acquired condition affecting the emotional or volitional capacity that predisposes the person to the commission of criminal sexual acts in a degree constituting the person a menace to the health and safety of others.
Florida	Stat. Ann. § 394.912 (2019)	(5) "Mental abnormality" means a mental condition affecting a person's emotional or volitional capacity which predisposes the person to commit sexually violent offenses. (10) "Sexually violent predator" means any person who: (a) Has been convicted of a sexually violent offense; and (b) Suffers from a mental abnormality or personality disorder that makes the person likely to engage in acts of sexual violence if not confined in a secure facility for long-term control, care, and treatment.
Illinois	§ 725 ILCS 207/5 (2019)	(b) "Mental disorder" means a congenital or acquired condition affecting the emotional or volitional capacity which predisposes a person to engage in acts of sexual violence.
Iowa	Code Ann § 229A.2 (2019)	(6) "Mental abnormality" means a congenital or acquired condition affecting the emotional or volitional capacity of a person and predisposing that person to commit sexually violent offenses to a degree which would constitute a menace to the health and safety of others.
Kansas	Stat. Ann § 59-29a02 (2019)	(a) "Sexually violent predator" means any person who has been convicted of or charged with a sexually violent offense and who suffers from a mental abnormality or personality disorder which makes the person likely to engage in repeat acts of sexual violence and who has serious difficulty in controlling such person's dangerous behavior. (b) "Mental abnormality" means a congenital or acquired condition affecting the emotional or volitional capacity which predisposes a person to commit sexually violent offenses in a degree constituting such person as a menace to the health and safety of others.
Massachusetts	ALM GL ch. 123A, § 1 (2019)	"Mental abnormality" means a congenital or acquired condition of a person that affects the emotional or volitional capacity of the person in a manner that predisposes that person to the commission of criminal sexual acts to a degree that makes the person a menace to the health and safety of other persons. "Personality disorder" means a congenital or acquired physical or mental condition that results in a general lack of power to control sexual impulses.
Minnesota	Stat. Ann. § 245.462 § 253D.02 (2019)	Minn. Stat. § 245.462 Subd. 20: Mental illness (a) "Mental illness" means an organic disorder of the brain or a clinically significant disorder of thought, mood, perception, orientation, memory, or behavior that is detailed in a diagnostic codes list published by the commissioner, and that seriously limits a person's capacity to function in primary aspects of daily living such as personal relations, living arrangements, work, and recreation. Minn. Stat. § 253D.02 Subd. 11: Sexual psychopathic personality "Sexual psychopathic personality" means the existence in any person of such conditions of emotional instability, or impulsiveness of behavior, or lack of customary standards of good judgment, or failure to appreciate the consequences of personal acts, or a combination of any of these conditions which render the person irresponsible for personal conduct with respect to sexual matters, if the person has evidenced by habitual course of misconduct in sexual matters, an utter lack of power to control the person's sexual impulses and, as a result, is dangerous to other persons. Subd. 12: Sexually dangerous person (a) A "sexually dangerous person" means a person who: (1) has engaged in a course of harmful sexual conduct as defined in Subd. 7a; (2) has manifested a sexual, personality, or other mental disorder or dysfunction; and (3) as a result, is likely to engage in acts of harmful sexual conduct as defined in Subd. 7a (b) For purposes of this provision, it is not necessary to prove that the person has an inability to control the person's sexual impulses.

Case Law Considerations in the Use of ASPD

Appendix Continued

State	Code	Definition of Mental Disorder
Missouri	§ 632.480 Rev. Stat. Mo. (2019)	(2) "Mental abnormality" means a congenital or acquired condition affecting the emotional or volitional capacity which predisposes the person to commit sexually violent offenses in a degree constituting such person a menace to the health and safety of others.
Nebraska	Rev. Stat. § 83-174.01, § 71-907 (2019)	<p>Dangerous sex offender: R.R.S. Neb. § 83-174.01</p> <p>(1) Dangerous sex offender means</p> <p>(a) a person who suffers from a mental illness which makes the person likely to engage in repeat acts of sexual violence, who has been convicted of one or more sex offenses, and who is substantially unable to control his or her criminal behavior or</p> <p>(b) a person with a personality disorder which makes the person likely to engage in repeat acts of sexual violence, who has been convicted of two or more sex offenses, and who is substantially unable to control his or her criminal behavior;</p> <p>(3) A person who suffers from a mental illness means an individual who has a mental illness as defined in § 71-907</p> <p>(4) A person with a personality disorder means an individual diagnosed with a personality disorder;</p> <p>Mentally ill, defined: R.R.S. Neb. § 71-907</p> <p>Mentally ill means having a psychiatric disorder that involves a severe or substantial impairment of a person's thought processes, sensory input, mood balance, memory, or ability to reason which substantially interferes with such person's ability to meet the ordinary demands of living or interferes with the safety or well-being of others.</p>
New Hampshire	Rev. Stat Ann. § 135-E:2 (2019)	<p>VII. "Mental abnormality" means a mental condition affecting a person's emotional or volitional capacity which predisposes the person to commit sexually violent offenses.</p> <p>XII. "Sexually violent predator" means any person who:</p> <p>(a) has been convicted of a sexually violent offense; and</p> <p>(b) suffers from a mental abnormality or personality disorder that makes the person likely to engage in acts of sexual violence if not confined in a secure facility for long-term control, care, and treatment.</p>
New Jersey	N.J. Stat. § 30:4-27.26 (2019)	<p>"Mental abnormality" means a mental condition that affects a person's emotional, cognitive, or volitional capacity in a manner that predisposes that person to commit acts of sexual violence.</p> <p>"Sexually violent predator" means a person who has been convicted, adjudicated delinquent, or found not guilty by reason of insanity for commission of a sexually violent offense, or has been charged with a sexually violent offense but found to be incompetent to stand trial, and suffers from a mental abnormality or personality disorder that makes the person likely to engage in acts of sexual violence if not confined in a secure facility for control, care and treatment.</p>
New York	NY CLS Men Hyg § 10.03 (2019)	(i) "Mental abnormality" means a congenital or acquired condition, disease, or disorder that affects the emotional, cognitive, or volitional capacity of a person in a manner that predisposes him or her to the commission of conduct constituting a sex offense and that results in that person having serious difficulty in controlling such conduct.
North Dakota	N.D. Cent. Code § 25-03.3-01 (2019)	(8) "Sexually dangerous individual" means an individual who is shown to have engaged in sexually predatory conduct and who has a congenital or acquired condition that is manifested by a sexual disorder, a personality disorder, or other mental disorder or dysfunction that makes that individual likely to engage in further acts of sexually predatory conduct which constitute a danger to the physical or mental health or safety of others. It is a rebuttable presumption that sexually predatory conduct creates a danger to the physical or mental health or safety of the victim of the conduct. For these purposes, intellectual disability is not a sexual disorder, personality disorder, or other mental disorder or dysfunction.
South Carolina	S.C. Code Ann. § 44-48-30 (2019)	<p>(1) "Sexually violent predator" means a person who:</p> <p>(a) has been convicted of a sexually violent offense; and</p> <p>(b) suffers from a mental abnormality or personality disorder that makes the person likely to engage in acts of sexual violence if not confined in a secure facility for long-term control, care, and treatment.</p> <p>(3) "Mental abnormality" means a mental condition affecting a person's emotional or volitional capacity that predisposes the person to commit sexually violent offenses.</p>
Tennessee	Tenn. Code Ann. § 33-6-804 (2019)	(b) The examiner shall determine whether the person has a mental illness and, because of that illness, poses a likelihood of serious harm under § 33-6-501 and is in need of care and treatment in a mental hospital or treatment resource, as defined in § 33-1-101.

Appendix Continued

State	Code	Definition of Mental Disorder
Texas	Health & Safety Code § 841.002 (2019)	(2) "Behavioral abnormality" means a congenital or acquired condition that, by affecting a person's emotional or volitional capacity, predisposes the person to commit a sexually violent offense, to the extent that the person becomes a menace to the health and safety of another person.
Virginia	Va. Code Ann. § 37.2-900 (2019)	"Mental abnormality" or "personality disorder" means a congenital or acquired condition that affects a person's emotional or volitional capacity and renders the person so likely to commit sexually violent offenses that he constitutes a menace to the health and safety of others.
Washington	Rev. Code Wash. (ARCW) § 71.09.020 (2019)	(8) "Mental abnormality" means a congenital or acquired condition affecting the emotional or volitional capacity which predisposes the person to the commission of criminal sexual acts in a degree constituting such person a menace to the health and safety of others. (9) "Personality disorder" means an enduring pattern of inner experience and behavior that deviates markedly from the expectations of the individual's culture, is pervasive and inflexible, has onset in adolescence or early adulthood, is stable over time, and leads to distress or impairment. Purported evidence of a personality disorder must be supported by testimony of a licensed forensic psychologist or psychiatrist.
Wisconsin	Wis. Ann. Stat. § 980.01 (2019)	(18) "Sexually violent predator" means any person who has been convicted of or charged with a crime of sexual violence and who suffers from a mental abnormality or personality disorder which makes the person likely to engage in predatory acts of sexual violence if not confined in a secure facility. (2) Mental disorder" means a congenital or acquired condition affecting the emotional or volitional capacity that predisposes a person to engage in acts of sexual violence.
Federal legislation	18 U.S. Code § 4247 (2019)	(5) "Sexually dangerous person" means a person who has engaged or attempted to engage in sexually violent conduct or child molestation and who is sexually dangerous to others. (6) "Sexually dangerous to others" with respect [sic] a person, means that the person suffers from a serious mental illness, abnormality, or disorder as a result of which he would have serious difficulty in refraining from sexually violent conduct or child molestation if released.