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HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE NO. **3396**

February 25, 2008

Authored by Simon, Hilstrom and Olin

The bill was read for the first time and referred to the Committee on Public Safety and Civil Justice

March 18, 2008

Committee Recommendation and Adoption of Report:

To Pass

Read Second Time

1.1 A bill for an act
1.2 relating to civil commitments; modifying and clarifying time requirements for
1.3 hearings; providing an exception from prehearing discharge for commitment
1.4 petitions involving persons alleged to be mentally ill and dangerous or a sexual
1.5 psychopathic personality or sexually dangerous person; amending Minnesota
1.6 Statutes 2006, section 253B.08, subdivision 1.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. Minnesota Statutes 2006, section 253B.08, subdivision 1, is amended to read:

1.9 Subdivision 1. **Time for commitment hearing.** (a) The hearing on the commitment
1.10 petition shall be held within 14 days from the date of the filing of the petition, except that
1.11 the hearing on a commitment petition pursuant to section 253B.185 shall be held within 90
1.12 days from the date of the filing of the petition. For good cause shown, the court may extend
1.13 the time of hearing up to an additional 30 days. The proceeding shall be dismissed if the
1.14 proposed patient has not had a hearing on a commitment petition within the allowed time.

1.15 (b) If a patient is being held in a treatment facility pursuant to a court order, the
1.16 ~~proposed~~ patient, or the head of the treatment facility in which the ~~person~~ patient is held,
1.17 may demand in writing at any time that the hearing be held immediately. Unless the
1.18 hearing is held within five days of the date of the demand, exclusive of Saturdays, Sundays
1.19 and legal holidays, the ~~petition~~ patient shall be ~~automatically~~ discharged ~~if the patient~~
1.20 ~~is being held in a treatment facility pursuant to court order~~ from the treatment facility.
1.21 For good cause shown, the court may extend the time of hearing on the demand for an
1.22 additional ten days. This paragraph does not apply to a commitment petition brought
1.23 under section 253B.18 or 253B.185.