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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 3782

03/14/2018 Authored by Johnson, B., The bill was read for the first time and referred to the Committee on Health and Human Services Reform

1.1 A bill for an act
1.2 relating to human services; modifying provisions relating to discharge from civil
1.3 commitment for persons committed as mentally ill and dangerous, sexually
1.4 dangerous, or persons with a sexual psychopathic personality; amending Minnesota
1.5 Statutes 2016, sections 253B.18, subdivision 15; 253D.31.

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

1.7 Section 1. Minnesota Statutes 2016, section 253B.18, subdivision 15, is amended to read:

1.8 Subd. 15. Discharge. A patient who is mentally ill and dangerous shall not be discharged
1.9 unless it appears to the satisfaction of the commissioner, after a hearing and a favorable
1.10 recommendation by a majority of the special review board, that the patient is capable of
1.11 making an acceptable adjustment to open society, is no longer dangerous to the public self
1.12 or others, and or is no longer in need of inpatient treatment and or supervision as a person
1.13 who is mentally ill.

1.14 In determining whether a discharge shall be recommended, the special review board and
1.15 commissioner shall consider whether specific conditions exist to provide a reasonable degree
1.16 of protection to the public and to assist the patient in adjusting to the community. If the
1.17 desired conditions do not exist, the discharge shall not be granted.

1.18 EFFECTIVE DATE. This section is effective the day following final enactment for
1.19 any person committed as mentally ill and dangerous, a sexually dangerous person, or a
1.20 person with a sexual psychopathic personality, and any pending petition for a reduction in
1.21 custody, unless an order of the commissioner or the judicial appeal panel discharging the
1.22 person from commitment has become final, before that date, by the expiration of any appeal
1.23 or review period, or by the final resolution of all appeals and the issuance of judgment by
1.24 the appellate court.

2.1 Sec. 2. Minnesota Statutes 2016, section 253D.31, is amended to read:

2.2 **253D.31 DISCHARGE.**

2.3 A person who is committed as a sexually dangerous person or a person with a sexual
2.4 psychopathic personality shall not be discharged unless it appears to the satisfaction of the
2.5 judicial appeal panel, after a hearing and recommendation by a majority of the special review
2.6 board, that the committed person ~~is capable of making an acceptable adjustment to open~~
2.7 ~~society~~, is no longer dangerous to the public, ~~and~~ or is no longer in need of ~~inpatient~~ treatment
2.8 ~~and~~ or supervision for a condition that impairs the committed person's ability to control
2.9 sexual behavior.

2.10 In determining whether a discharge shall be recommended, the special review board and
2.11 judicial appeal panel shall consider whether specific conditions exist to provide a reasonable
2.12 degree of protection to the public and to assist the committed person in adjusting to the
2.13 community. ~~If the desired conditions do not exist, the discharge shall not be granted.~~

2.14 **EFFECTIVE DATE.** This section is effective the day following final enactment for
2.15 any person committed as mentally ill and dangerous, a sexually dangerous person, or a
2.16 person with a sexual psychopathic personality, and any pending petition for a reduction in
2.17 custody, unless an order of the commissioner or the judicial appeal panel discharging the
2.18 person from commitment has become final, before that date, by the expiration of any appeal
2.19 or review period, or by the final resolution of all appeals and the issuance of judgment by
2.20 the appellate court.