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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. **3177**

03/30/2023

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The bill was read for the first time and referred to the Committee on State and Local Government Finance and Policy

1.1 A bill for an act
1.2 relating to the attorney general; establishing a Civil Commitment Coordinating
1.3 Division; establishing engagement services and outpatient civil commitment grants;
1.4 appropriating money; proposing coding for new law in Minnesota Statutes, chapter
1.5 8.

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

1.7 Section 1. **[8.37] CIVIL COMMITMENT COORDINATING DIVISION.**

1.8 Subdivision 1. Civil Commitment Coordinating Division established. There shall be
1.9 in the Office of the Attorney General a Civil Commitment Coordinating Division. A civil
1.10 commitment coordinator shall be appointed by the attorney general. The civil commitment
1.11 coordinator shall perform duties that may lawfully be assigned to the coordinator by the
1.12 attorney general or by law.

1.13 Subd. 2. Definitions. (a) The definitions in section 253B.02 apply to this section.

1.14 (b) For the purposes of this section, "outpatient civil commitment" refers to the option
1.15 available to a committing court under section 253B.09, subdivision 1, paragraph (c).

1.16 (c) For the purposes of this section, "provisional discharge" refers to the option available
1.17 to the head of a treatment facility or community-based treatment program under section
1.18 253B.09, subdivision 1.

1.19 Subd. 3. Duties of the civil commitment coordinator. The civil commitment coordinator
1.20 must:

1.21 (1) establish and continuously maintain the Civil Commitment Advisory Committee;

(2) in consultation with the Civil Commitment Advisory Committee, provide best practices and guidance regarding engagement services, outpatient civil commitment, and provisional discharge to committing courts, counties, designated agencies, treatment facilities, and community-based treatment programs;

(3) advocate for increased statewide capacity for engagement services, outpatient civil commitment, and provisional discharge;

(4) provide ongoing technical assistance to those at the local and regional level tasked with monitoring participants civilly committed under chapter 253B;

(5) provide guidance on data collection of outcomes related to engagement services, outpatient civil commitment, and provisional discharge;

(6) aggregate and analyze all data submitted by all jurisdictions or either contract with a third party to perform these tasks or enter into an interagency agreement with the commissioner of management and budget to utilize the Results First Initiative to perform these tasks;

(7) ensure that any data submitted is treated in accordance with chapter 13;

(8) create a public awareness campaign designed to educate the public about the availability and effectiveness of engagement services;

(9) administer diversion study grants under section 8.38; and

(10) administer engagement services, outpatient civil commitment, and provisional discharge grants under section 8.39.

Subd. 4. **Civil Commitment Advisory Committee.** (a) The attorney general shall establish the Civil Commitment Advisory Committee. The Civil Commitment Advisory Committee shall advise the civil commitment coordinator on identification of best practices regarding engagement services, outpatient civil commitment, and provisional discharge; development of guidance for implementation of engagement services, outpatient civil commitment, and provisional discharge; development of data reporting requirements and standards; identifying outcomes to be measured through data analysis; development of grading criteria for grant applications; and other topics as determined by the coordinator.

(b) The Civil Commitment Advisory Committee must consist of no fewer than 11 members and no more than 20 members. The membership of the committee must include:

(1) the attorney general or a designee who is not the civil commitment coordinator;

(2) the commissioner of human services or a designee;

- 3.1 (3) the commissioner of public safety or a designee;
- 3.2 (4) a member representing district court judges, appointed by the attorney general;
- 3.3 (5) a member representing district court administrators, appointed by the attorney general;
- 3.4 (6) a member representing counties, appointed by the attorney general;
- 3.5 (7) a member who was previously civilly committed, appointed by the attorney general;
- 3.6 (8) a member who is a parent, sibling, or child of a person currently or previously civilly
3.7 committed, appointed by the attorney general;
- 3.8 (9) a member who is a person for whom engagement services were successfully provided,
3.9 appointed by the attorney general;
- 3.10 (10) a member who is a provider of engagement services, appointed by the attorney
3.11 general;
- 3.12 (11) a member who represents a treatment facility or community-based treatment program
3.13 that accepts civilly committed participants, appointed by the attorney general; and
- 3.14 (12) up to nine additional members appointed by the attorney general.
- 3.15 (c) The attorney general must consult with the commissioner of human services before
3.16 making appointments to the committee.
- 3.17 (d) The members of the Civil Commitment Advisory Committee serve without
3.18 compensation.

3.19 Sec. 2. **[8.38] DIVERSION STUDY GRANTS.**

3.20 Subdivision 1. **Diversion study grants.** The civil commitment coordinator must establish
3.21 diversion study grants to provide supplemental funding to counties to study the county's
3.22 local behavioral health system capacity to divert people who have a mental illness,
3.23 developmental disability, or chemical use disorder away from the justice system and into
3.24 treatment.

3.25 Subd. 2. **Required uses of funding.** All grantees must use a portion of awarded funds
3.26 as determined by the coordinator to study how people with a mental illness, people with a
3.27 developmental disability, and people with substance use disorder come into contact with
3.28 and move through the local criminal justice system to identify what resources are available
3.29 or needed to divert individuals away from the justice system and to develop a countywide
3.30 action plan to increase diversions and successful treatment outcomes.

Sec. 3. **[8.39] ENGAGEMENT SERVICES, OUTPATIENT CIVIL COMMITMENT,
AND PROVISIONAL DISCHARGE GRANTS.**

Subdivision 1. Engagement services, outpatient civil commitment, and provisional discharge grants. The civil commitment coordinator must establish engagement services, outpatient civil commitment, and provisional discharge grants to provide supplemental funding to counties to expand the county's capacity to provide engagement services under section 253B.041, outpatient civil commitment under section 253B.09, subdivision 1, paragraph (c), and provisional discharge under section 253B.15.

Subd. 2. Required uses of funding. All grantees must use a portion as determined by the coordinator of awarded funds for:

(1) outreach to and education of potential engagement services staff, providers, and community-based treatment programs to encourage their participation in engagement services;

(2) supplement county funding of engagement services, which may include but is not limited to hiring additional staff for prepetition screening teams, contracting with additional agencies to provide engagement services, or supplemental funding to mobile crisis teams, certified peer specialists, community-based treatment programs, and homeless outreach workers;

(3) outreach to potential treatment facilities and community-based treatment programs to educate and encourage facilities and programs to accept civilly committed participants;

(4) supplement county funding of outpatient civil commitment, which may include but is not limited to supplemental funding to treatment facilities and community-based treatment programs willing to accept civilly committed participants; and

(5) supplement county funding for supervision of and services provided to participants released on provisional discharge to ensure continuity of care, adherence to the provisional discharge plan, and to reduce the risk of revocation of provisional discharge.

Subd. 3. Reporting requirements. All grantees must submit to the civil commitment coordinator deidentified data on each individual receiving engagement services, who is civilly committed under section 253B.09, subdivision 1, paragraph (c), is accepted by a treatment facility or community-based treatment program, or is provisionally discharged under section 253B.15. The deidentified data on each individual must include data on the individual's adherence to treatment and other information as determined by the coordinator.

5.1 Subd. 4. **Evaluation.** The civil commitment coordinator must evaluate the impact of the
5.2 engagement services provided with supplemental funding under this section in increasing
5.3 engagement in treatment before initiation of a prepetition screening process under section
5.4 253B.07, decreasing admissions to a state-operated treatment program, reducing the
5.5 frequency of revocations of provisional discharge, and other measures as determined by the
5.6 coordinator.

5.7 Sec. 4. **APPROPRIATION; CIVIL COMMITMENT COORDINATING DIVISION.**

5.8 (a) \$..... in fiscal year 2024 and \$..... in fiscal year 2025 are appropriated from the
5.9 general fund to the attorney general for the Civil Commitment Coordinating Division.

5.10 (b) Of the amount in paragraph (a), \$..... in fiscal year 2024 and \$..... in fiscal year
5.11 2025 are for one additional staff to serve as the civil commitment coordinator.

5.12 (c) Of the amount in paragraph (a), \$..... in fiscal year 2024 and \$..... in fiscal year
5.13 2025 are for a contract with a third party or an interagency agreement to provide data analytic
5.14 services.

5.15 (d) Of the amount in paragraph (a), \$..... in fiscal year 2024 and \$..... in fiscal year
5.16 2025 are for a public awareness campaign to educate the public about the availability and
5.17 effectiveness of engagement services.

5.18 Sec. 5. **APPROPRIATION; DIVERSION STUDY GRANTS.**

5.19 \$..... in fiscal year 2024 and \$..... in fiscal year 2025 are appropriated from the general
5.20 fund to the attorney general for diversion study grants under Minnesota Statutes, section
5.21 8.38.

5.22 Sec. 6. **APPROPRIATION; ENGAGEMENT SERVICES, OUTPATIENT CIVIL**
5.23 **COMMITMENT, AND PROVISIONAL DISCHARGE GRANTS.**

5.24 \$..... in fiscal year 2024 and \$..... in fiscal year 2025 are appropriated from the general
5.25 fund to the attorney general for engagement services, outpatient civil commitment, and
5.26 provisional discharge grants under Minnesota Statutes, section 8.39.