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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 4395

03/11/2020 Authored by Brand, Considine and Sundin
The bill was read for the first time and referred to the Judiciary Finance and Civil Law Division

1.1 A bill for an act
1.2 relating to human services; modifying criteria for discharging civilly committed
1.3 patients; amending Minnesota Statutes 2018, sections 253B.18, subdivision 15;
1.4 253D.31.

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

1.6 Section 1. Minnesota Statutes 2018, section 253B.18, subdivision 15, is amended to read:

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

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

1.17 EFFECTIVE DATE. This section is effective the day following final enactment for
1.18 any person committed as mentally ill and dangerous, a sexually dangerous person, or a
1.19 person with a sexual psychopathic personality.

2.1 Sec. 2. Minnesota Statutes 2018, 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 treatment ~~and~~  
2.8 or supervision for a condition that impairs the committed person's ability to control sexual  
2.9 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.