

State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. **1557**

03/13/2013 Authored by Hilstrom

The bill was read for the first time and referred to the Committee on Judiciary Finance and Policy

03/21/2013 Adoption of Report: Pass as Amended and Read Second Time

1.1 A bill for an act
 1.2 relating to civil commitment; requiring simultaneous competency, mental illness
 1.3 or defect, and civil commitment examinations for defendants; facilitating civil
 1.4 commitment hearings for defendants; amending Minnesota Statutes 2012,
 1.5 section 253B.07, subdivision 2a.

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

1.7 Section 1. Minnesota Statutes 2012, section 253B.07, subdivision 2a, is amended to
 1.8 read:

1.9 Subd. 2a. **Petition following acquittal; referral originating from criminal court.**

1.10 (a) A criminal court shall order simultaneous competency, mental illness or deficiency,
 1.11 and civil commitment examinations in accordance with Minnesota Rules of Criminal
 1.12 Procedure, rule 20.04, when the prosecutor or defense counsel doubts the defendant's
 1.13 competency and a motion is made challenging competency or the court on its initiative
 1.14 raises the issue under Minnesota Rules of Criminal Procedure, rule 20, and the examiner
 1.15 recommends combining the examinations. Any additional examination of the defendant's
 1.16 mental illness or deficiency or incompetency is not required for the commitment hearing
 1.17 under section 253B.08.

1.18 (b) Following an acquittal of a person of a criminal charge under section 611.026,
 1.19 the petition shall be filed by the county attorney of the county in which the acquittal took
 1.20 place and the petition shall be filed with the court in which the acquittal took place, and
 1.21 that court shall be the committing court for purposes of this chapter. When a petition is
 1.22 filed pursuant to subdivision 2 with the court in which acquittal of a criminal charge took
 1.23 place, the court shall assign the judge before whom the acquittal took place to hear the
 1.24 commitment proceedings unless that judge is unavailable.

- 2.1 **EFFECTIVE DATE.** This section is effective August 1, 2014, and applies to
- 2.2 criminal proceedings beginning on or after that date.