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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 3358

04/28/2014 Authored by Zellers; Mack; Anderson, S.; Lenczewski and Lesch  
The bill was read for the first time and referred to the Committee on Early Childhood and Youth Development Policy

1.1 A bill for an act  
1.2 relating to judiciary; limiting appellate and postconviction relief for juvenile  
1.3 sentenced to life without possibility of release that was final before June 25,  
1.4 2012; requiring filing of civil commitment petition for certain offenders;  
amending Minnesota Statutes 2012, sections 253B.18, subdivision 1; 609.106,  
by adding a subdivision.

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

1.8 Section 1. Minnesota Statutes 2012, section 253B.18, subdivision 1, is amended to read:

1.9 Subdivision 1. **Procedure.** (a) Upon the filing of a petition alleging that a proposed  
1.10 patient is a person who is mentally ill and dangerous to the public, the court shall hear  
1.11 the petition as provided in sections 253B.07 and 253B.08. If the court finds by clear and  
1.12 convincing evidence that the proposed patient is a person who is mentally ill and dangerous  
1.13 to the public, it shall commit the person to a secure treatment facility or to a treatment  
1.14 facility willing to accept the patient under commitment. The court shall commit the  
1.15 patient to a secure treatment facility unless the patient establishes by clear and convincing  
1.16 evidence that a less restrictive treatment program is available that is consistent with the  
1.17 patient's treatment needs and the requirements of public safety. In any case where the  
1.18 petition was filed immediately following the acquittal of the proposed patient for a crime  
1.19 against the person pursuant to a verdict of not guilty by reason of mental illness, the verdict  
1.20 constitutes evidence that the proposed patient is a person who is mentally ill and dangerous  
1.21 within the meaning of this section. The proposed patient has the burden of going forward  
1.22 in the presentation of evidence. The standard of proof remains as required by this chapter.  
1.23 Upon commitment, admission procedures shall be carried out pursuant to section 253B.10.

2.1 (b) Once a patient is admitted to a treatment facility pursuant to a commitment  
 2.2 under this subdivision, treatment must begin regardless of whether a review hearing  
 2.3 will be held under subdivision 2.

2.4 (c) The commissioner of human services shall file a petition for commitment under  
 2.5 this subdivision for each offender who has their sentence of life without possibility of  
 2.6 release reduced by a court based on the United States Supreme Court decision in Miller v.  
 2.7 Alabama, 132 S. Ct. 2455 (2012).

2.8 Sec. 2. Minnesota Statutes 2012, section 609.106, is amended by adding a subdivision  
 2.9 to read:

2.10 Subd. 3. **Relief limited.** Notwithstanding any law to the contrary, a defendant is not  
 2.11 entitled to appellate or postconviction relief based on the United States Supreme Court  
 2.12 decision in Miller v. Alabama, 132 S. Ct. 2455 (2012), from a conviction or sentence  
 2.13 imposed under this section that was final before June 25, 2012.

2.14 **EFFECTIVE DATE.** This section is effective the day following final enactment,  
 2.15 and applies to petitions, appeals, or writs filed on, before, or after that date.