

SENATE

STATE OF MINNESOTA

EIGHTY-EIGHTH LEGISLATURE

S.F. No. 490

(SENATE AUTHORS: SHERAN)

DATE	D-PG	OFFICIAL STATUS
02/14/2013	237	Introduction and first reading Referred to Judiciary
03/06/2013		Comm report: To pass as amended Second reading

A bill for an act  
relating to human services; distinguishing and clarifying law regarding  
civil commitment to the Minnesota sex offender program from other civil  
commitments; amending Minnesota Statutes 2012, sections 253B.02,  
subdivisions 18a, 24; 253B.03, subdivision 1a; 253B.045, subdivision 1a;  
253B.092, subdivision 1; 253B.17, subdivision 1; 253B.185; 253B.19,  
subdivision 2; proposing coding for new law as Minnesota Statutes, chapter 253D.  
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2012, section 253B.02, subdivision 18a, is amended to  
read:

Subd. 18a. **Secure treatment facility.** "Secure treatment facility" means the  
Minnesota Security Hospital ~~and the Minnesota sex offender program facility in Moose  
Lake and any portion of the Minnesota sex offender program operated by the Minnesota  
sex offender program at the Minnesota Security Hospital~~, but does not include services or  
programs administered by the secure treatment facility outside a secure environment.

Sec. 2. Minnesota Statutes 2012, section 253B.02, subdivision 24, is amended to read:

Subd. 24. **Administrative restriction.** "Administrative restriction" means any  
measure utilized by the commissioner to maintain safety and security, protect possible  
evidence, and prevent the continuation of suspected criminal acts. Administrative  
restriction does not mean protective isolation as defined by Minnesota Rules, part  
9515.3090, subpart 4. Administrative restriction may include increased monitoring,  
program limitations, loss of privileges, restricted access to and use of possessions,  
and separation of a ~~patient~~ committed person from the normal living environment,  
as determined by the commissioner or the commissioner's designee. Administrative

restriction applies only to ~~patients~~ committed persons in a secure treatment facility as defined in ~~subdivision 18a~~ section 253D.02, subdivision 9, who:

- (1) are suspected of committing a crime or charged with a crime;
- (2) are the subject of a criminal investigation;
- (3) are awaiting sentencing following a conviction of a crime; or
- (4) are awaiting transfer to a correctional facility.

~~The commissioner shall establish policies and procedures according to section 246.014, paragraph (d), regarding the use of administrative restriction. The policies and procedures shall identify the implementation and termination of administrative restrictions. Use of administrative restriction and the reason associated with the use shall be documented in the patient's medical record.~~

Sec. 3. Minnesota Statutes 2012, section 253B.03, subdivision 1a, is amended to read:

Subd. 1a. **Administrative restriction.** (a) A ~~patient~~ committed person has the right to be free from unnecessary or excessive administrative restriction. Administrative restriction shall not be used for the convenience of staff, for retaliation for filing complaints, or as a substitute for program treatment. Administrative restriction may not involve any further deprivation of privileges than is necessary.

(b) Administrative restriction may include separate and secure housing.

(c) ~~Patients~~ Committed Persons under administrative restriction shall not be limited in access to their attorney.

(d) If a ~~patient~~ committed person is placed on administrative restriction because the ~~patient~~ committed person is suspected of committing a crime, the secure treatment facility must report the crime to the appropriate police agency within 24 hours of the beginning of administrative restriction. The ~~patient~~ committed person must be released from administrative restriction if a police agency does not begin an investigation within 72 hours of the report.

(e) A ~~patient~~ committed person placed on administrative restriction because the ~~patient~~ committed person is a subject of a criminal investigation must be released from administrative restriction when the investigation is completed. If the ~~patient~~ committed person is charged with a crime following the investigation, administrative restriction may continue until the charge is disposed of.

(f) The secure treatment facility must notify the ~~patient's~~ committed person's attorney of the ~~patient~~ committed person being placed on administrative restriction within 24 hours after the beginning of administrative restriction.

(g) The commissioner shall establish policies and procedures according to section 246.014, paragraph (d), regarding the use of administrative restriction. The policies and procedures shall identify the implementation and termination of administrative restrictions. Use of administrative restriction and the reason associated with the use shall be documented in the committed person's medical record.

Sec. 4. Minnesota Statutes 2012, section 253B.045, subdivision 1a, is amended to read:

Subd. 1a. ~~Exception~~ Correctional facilities. (a) A person who is being petitioned for commitment under ~~section 253B.185~~ this chapter and who is placed under a judicial hold order under section 253B.07, subdivision 2b or 7, may be confined at a Department of Corrections or a county correctional or detention facility, rather than a secure treatment facility, until a determination of the commitment petition as specified in this subdivision.

(b) A court may order that a person who is being petitioned for commitment under ~~section 253B.185~~ this chapter be confined in a Department of Corrections facility pursuant to the judicial hold order under the following circumstances and conditions:

(1) The person is currently serving a sentence in a Department of Corrections facility and the court determines that the person has made a knowing and voluntary (i) waiver of the right to be held in a secure treatment facility and (ii) election to be held in a Department of Corrections facility. The order confining the person in the Department of Corrections facility shall remain in effect until the court vacates the order or the person's criminal sentence and conditional release term expire.

In no case may the person be held in a Department of Corrections facility pursuant only to this subdivision, and not pursuant to any separate correctional authority, for more than 210 days.

(2) A person who has elected to be confined in a Department of Corrections facility under this subdivision may revoke the election by filing a written notice of intent to revoke the election with the court and serving the notice upon the Department of Corrections and the county attorney. The court shall order the person transferred to a secure treatment facility within 15 days of the date that the notice of revocation was filed with the court, except that, if the person has additional time to serve in prison at the end of the 15-day period, the person shall not be transferred to a secure treatment facility until the person's prison term expires. After a person has revoked an election to remain in a Department of Corrections facility under this subdivision, the court may not adopt another election to remain in a Department of Corrections facility without the agreement of both parties and the Department of Corrections.

4.1 (3) Upon petition by the commissioner of corrections, after notice to the parties  
4.2 and opportunity for hearing and for good cause shown, the court may order that the  
4.3 person's place of confinement be changed from the Department of Corrections to a secure  
4.4 treatment facility.

4.5 (4) While at a Department of Corrections facility pursuant to this subdivision, the  
4.6 person shall remain subject to all rules and practices applicable to correctional inmates  
4.7 in the facility in which the person is placed including, but not limited to, the powers and  
4.8 duties of the commissioner of corrections under section 241.01, powers relating to use of  
4.9 force under section 243.52, and the right of the commissioner of corrections to determine  
4.10 the place of confinement in a prison, reformatory, or other facility.

4.11 (5) A person may not be confined in a Department of Corrections facility under this  
4.12 provision beyond the end of the person's executed sentence or the end of any applicable  
4.13 conditional release period, whichever is later. If a person confined in a Department of  
4.14 Corrections facility pursuant to this provision reaches the person's supervised release  
4.15 date and is subject to a period of conditional release, the period of conditional release  
4.16 shall commence on the supervised release date even though the person remains in the  
4.17 Department of Corrections facility pursuant to this provision. At the end of the later of  
4.18 the executed sentence or any applicable conditional release period, the person shall be  
4.19 transferred to a secure treatment facility.

4.20 (6) Nothing in this section may be construed to establish a right of an inmate in a  
4.21 state correctional facility to participate in sex offender treatment. This section must be  
4.22 construed in a manner consistent with the provisions of section 244.03.

4.23 (c) The committing county may offer a person who is being petitioned for  
4.24 commitment under ~~section 253B.185~~ this chapter and who is placed under a judicial  
4.25 hold order under section 253B.07, subdivision 2b or 7, the option to be held in a county  
4.26 correctional or detention facility rather than a secure treatment facility, under such terms  
4.27 as may be agreed to by the county, the commitment petitioner, and the commitment  
4.28 respondent. If a person makes such an election under this paragraph, the court hold order  
4.29 shall specify the terms of the agreement, including the conditions for revoking the election.

4.30 Sec. 5. Minnesota Statutes 2012, section 253B.092, subdivision 1, is amended to read:

4.31 Subdivision 1. **General.** Neuroleptic medications may be administered, only as  
4.32 provided in this section, to patients subject to early intervention or civil commitment as  
4.33 mentally ill or mentally ill and dangerous ~~only as provided in this section~~, a sexually  
4.34 dangerous person, or a sexual psychopathic personality. For purposes of this section,

5.1 "patient" includes a proposed patient who is the subject of a petition for early intervention  
 5.2 or commitment and a committed person as defined in section 253D.02, subdivision 3.

5.3 Sec. 6. Minnesota Statutes 2012, section 253B.17, subdivision 1, is amended to read:

5.4 Subdivision 1. **Petition.** Any patient, except one committed as a sexually dangerous  
 5.5 person or person with a sexual psychopathic personality or as a person who is mentally ill  
 5.6 and dangerous to the public ~~or as a sexually dangerous person or person with a sexual~~  
 5.7 ~~psychopathic personality~~ as provided in section 253B.18, subdivision 3, or any interested  
 5.8 person may petition the committing court or the court to which venue has been transferred  
 5.9 for an order that the patient is not in need of continued care and treatment or for an order  
 5.10 that an individual is no longer a person who is mentally ill, developmentally disabled, or  
 5.11 chemically dependent, or for any other relief. A patient committed as a person who is  
 5.12 mentally ill or mentally ill and dangerous or a sexually dangerous person or person with a  
 5.13 sexual psychopathic personality may petition the committing court or the court to which  
 5.14 venue has been transferred for a hearing concerning the administration of neuroleptic  
 5.15 medication.

5.16 Sec. 7. Minnesota Statutes 2012, section 253B.185, is amended to read:

5.17 **253B.185 SEXUAL PSYCHOPATHIC PERSONALITY; SEXUALLY**  
 5.18 **DANGEROUS.**

5.19 Subdivision 1. **Commitment generally.** ~~(a) Except as otherwise provided in this~~  
 5.20 ~~section, the provisions of this chapter pertaining to persons who are mentally ill and~~  
 5.21 ~~dangerous to the public apply with like force and effect to persons who are alleged or~~  
 5.22 ~~found to be sexually dangerous persons or persons with a sexual psychopathic personality.~~  
 5.23 ~~For purposes of this section, "sexual psychopathic personality" includes any individual~~  
 5.24 ~~committed as a "psychopathic personality" under Minnesota Statutes 1992, section 526.10.~~

5.25 ~~(b)~~ (a) Before commitment proceedings are instituted, the facts shall first be  
 5.26 submitted to the county attorney, who, if satisfied that good cause exists, will prepare the  
 5.27 petition. The county attorney may request a prepetition screening report. The petition is to  
 5.28 be executed by a person having knowledge of the facts and filed with the district court of  
 5.29 the county of financial responsibility, as defined in section 253B.02, subdivision 4c, or the  
 5.30 county where the patient respondent proposed committed person is present. If the patient  
 5.31 respondent is in the custody of the commissioner of corrections, the petition may be filed  
 5.32 in the county where the conviction for which the person is incarcerated was entered.

5.33 ~~(e)~~ (b) Upon the filing of a petition alleging that a respondent proposed patient  
 5.34 committed person is a sexually dangerous person or is a person with a sexual psychopathic

personality, the court shall hear the petition as provided in ~~section 253B.18, except that~~  
~~section 253B.18, subdivisions 2 and 3, shall not apply~~ sections 253B.07 and 253B.08.

~~(d) In commitments under this section,~~ (c) If the court finds by clear and convincing  
evidence that the respondent proposed committed person is a sexually dangerous person  
or a sexual psychopathic personality, the court shall commit the ~~patient~~ respondent to a  
secure treatment facility unless the ~~patient~~ respondent establishes by clear and convincing  
evidence that a less restrictive treatment program is available that is consistent with the  
~~patient's~~ respondent's treatment needs and the requirements of public safety.

~~(e)~~ (d) After a ~~final~~ determination that a ~~patient~~ respondent is a sexually dangerous  
person or sexual psychopathic personality, the court shall order commitment for an  
indeterminate period of time and the ~~patient~~ respondent committed person shall be  
transferred, provisionally discharged, or discharged, only as provided in this ~~section~~  
chapter.

Subd. 1a. **~~Temporary confinement~~ Jails.** During any hearing held under this  
section, or pending ~~emergency~~ revocation of a provisional discharge, the court may order  
the ~~patient~~ committed person or proposed ~~patient~~ committed person temporarily confined  
in a jail or lockup but only if:

(1) there is no other feasible place of confinement for the ~~patient~~ committed person  
within a reasonable distance;

(2) the confinement is for less than 24 hours or, if during a hearing, less than 24  
hours prior to commencement and after conclusion of the hearing; and

(3) there are protections in place, including segregation of the ~~patient~~ committed  
person, to ensure the safety of the ~~patient~~ committed person.

Subd. 1b. **County attorney access to data.** Notwithstanding sections 144.291  
to 144.298; 245.467, subdivision 6; 245.4876, subdivision 7; 260B.171; 260B.235,  
subdivision 8; 260C.171; and 609.749, subdivision 6, or any provision of chapter 13  
or other state law, prior to filing a petition for commitment as a sexual psychopathic  
personality or as a sexually dangerous person, and upon notice to the proposed ~~patient~~  
respondent, the county attorney or the county attorney's designee may move the court for  
an order granting access to any records or data, to the extent it relates to the proposed  
~~patient~~ respondent, for the purpose of determining whether good cause exists to file a  
petition and, if a petition is filed, to support the allegations set forth in the petition.

The court may grant the motion if: (1) the Department of Corrections refers the case  
for commitment as a sexual psychopathic personality or a sexually dangerous person; or  
(2) upon a showing that the requested category of data or records may be relevant to the  
determination by the county attorney or designee. The court shall decide a motion under

7.1 this ~~subdivision~~ section within 48 hours after a hearing on the motion. Notice to the  
7.2 proposed ~~patient~~ respondent need not be given upon a showing that such notice may result  
7.3 in harm or harassment of interested persons or potential witnesses.

7.4 Notwithstanding any provision of chapter 13 or other state law, a county attorney  
7.5 considering the civil commitment of a person under this ~~section~~ chapter may obtain  
7.6 records and data from the Department of Corrections or any probation or parole agency in  
7.7 this state upon request, without a court order, for the purpose of determining whether good  
7.8 cause exists to file a petition and, if a petition is filed, to support the allegations set forth in  
7.9 the petition. At the time of the request for the records, the county attorney shall provide  
7.10 notice of the request to the person who is the subject of the records.

7.11 Data collected pursuant to this ~~subdivision~~ section shall retain their original status  
7.12 and, if not public, are inadmissible in any court proceeding unrelated to civil commitment,  
7.13 unless otherwise permitted.

7.14 Subd. 2. **Transfer to correctional facility.** (a) If a person has been committed  
7.15 under this ~~section~~ chapter and later is committed to the custody of the commissioner of  
7.16 corrections for any reason, including but not limited to, being sentenced for a crime or  
7.17 revocation of the person's supervised release or conditional release under section 244.05;  
7.18 609.3455, subdivision 6, 7, or 8; Minnesota Statutes 2004, section 609.108, subdivision  
7.19 6; or Minnesota Statutes 2004, section 609.109, subdivision 7, the person shall be  
7.20 transferred to a facility designated by the commissioner of corrections without regard to  
7.21 the procedures provided in ~~subdivision 11~~ section 253D.29, subdivision 1.

7.22 (b) If a person is committed under this ~~section~~ chapter after a commitment to  
7.23 the commissioner of corrections, the person shall first serve the sentence in a facility  
7.24 designated by the commissioner of corrections. After the person has served the sentence,  
7.25 the person shall be transferred to a treatment program designated by the commissioner  
7.26 of human services.

7.27 Subd. 3. **Not to constitute defense.** The existence in any person of a condition of a  
7.28 sexual psychopathic personality or the fact that a person is a sexually dangerous person  
7.29 shall not in any case constitute a defense to a charge of crime, nor relieve such person  
7.30 from liability to be tried upon a criminal charge.

7.31 Subd. 4. **Statewide judicial panel; commitment proceedings.** (a) The Supreme  
7.32 Court may establish a panel of district judges with statewide authority to preside over  
7.33 commitment proceedings of sexual psychopathic personalities and sexually dangerous  
7.34 persons. Only one judge of the panel is required to preside over a particular commitment  
7.35 proceeding. Panel members shall serve for one-year terms. One of the judges shall be  
7.36 designated as the chief judge of the panel, and is vested with the power to designate the

presiding judge in a particular case, to set the proper venue for the proceedings, and to otherwise supervise and direct the operation of the panel. The chief judge shall designate one of the other judges to act as chief judge whenever the chief judge is unable to act.

(b) If the Supreme Court creates the judicial panel authorized by this section, all petitions for civil commitment brought under ~~subdivision 1~~ section 253D.07 shall be filed with the supreme court instead of with the district court in the county where the proposed patient is present, notwithstanding any provision of subdivision 1 to the contrary. Otherwise, all of the other applicable procedures contained in this chapter and sections 253B.07 and 253B.08 apply to commitment proceedings conducted by a judge on the panel.

**Subd. 5. Financial responsibility.** (a) For purposes of this subdivision, "state facility" has the meaning given in section 246.50 and also includes a Department of Corrections facility when the proposed ~~patient~~ committed person is confined in such a facility pursuant to section ~~253B.045, subdivision 1a~~ 253D.10, subdivision 2.

(b) Notwithstanding sections 246.54, ~~253B.045~~ 253D.10, and any other law to the contrary, when a petition is filed for commitment under this ~~section~~ chapter pursuant to the notice required in section 244.05, subdivision 7, the state and county are each responsible for 50 percent of the cost of the person's confinement at a state facility or county jail, prior to commitment.

(c) The county shall submit an invoice to the state court administrator for reimbursement of the state's share of the cost of confinement.

(d) Notwithstanding paragraph (b), the state's responsibility for reimbursement is limited to the amount appropriated for this purpose.

**Subd. 7. Rights of ~~patients~~ persons committed under this section** chapter. (a) The commissioner ~~or the commissioner's designee~~ may limit the statutory rights described in paragraph (b) for ~~patients~~ persons committed to the Minnesota sex offender program under this ~~section~~ chapter or with the commissioner's consent under section 246B.02. The statutory rights described in paragraph (b) may be limited only as necessary to maintain a therapeutic environment or the security of the facility or to protect the safety and well-being of ~~patients~~ committed persons, staff, and the public.

(b) The statutory rights that may be limited in accordance with paragraph (a) are those set forth in section 144.651, subdivision 19, personal privacy; section 144.651, subdivision 21, private communications; section 144.651, subdivision 22, retain and use of personal property; section 144.651, subdivision 25, manage personal financial affairs; section 144.651, subdivision 26, meet with visitors and participate in groups; section 253B.03, subdivision 2, correspond with others; and section 253B.03, subdivision 3,



receive visitors and make telephone calls. Other statutory rights enumerated by sections 144.651 and 253B.03, or any other law, may be limited as provided in those sections.

Subd. 8. **Petition and report required.** (a) Within 120 days of receipt of a preliminary determination from a court under section 609.1351, or a referral from the commissioner of corrections pursuant to section 244.05, subdivision 7, a county attorney shall determine whether good cause under this section 253D.07 exists to file a petition, and if good cause exists, the county attorney or designee shall file the petition with the court.

(b) Failure to meet the requirements of paragraph (a) does not bar filing a petition under subdivision 1 any time the county attorney determines pursuant to ~~subdivision 1~~ section 253D.07 that good cause for such a petition exists.

Subd. 9. **Petition for reduction in custody.** (a) This subdivision applies only to committed persons as defined in ~~paragraph (b)~~ section 253D.02, subdivision 4. The procedures in ~~subdivision 10~~ section 253D.14 for victim notification and right to submit a statement apply to petitions filed and reductions in custody recommended under this subdivision.

(b) ~~As used in this subdivision:~~

~~(1) "committed person" means an individual committed under this section, or under this section and under section 253B.18, as mentally ill and dangerous. It does not include persons committed only as mentally ill and dangerous under section 253B.18; and~~

~~(2) For the purposes of this section, "reduction in custody" means transfer out of a secure treatment facility, a provisional discharge, or a discharge from commitment. A reduction in custody is considered to be a commitment proceeding under section 8.01.~~

(c) A petition for a reduction in custody or an appeal of a revocation of provisional discharge may be filed by either the committed person or by the ~~head of the treatment facility~~ executive director and must be filed with and considered by a panel of the special review board authorized under section 253B.18, subdivision 4c. A committed person may not petition the special review board any sooner than six months following either:

(1) the entry of judgment in the district court of the order for commitment issued under section ~~253B.18, subdivision 3~~ 253D.07, subdivision 5, or upon the exhaustion of all related appeal rights in state court relating to that order, whichever is later; or

(2) any recommendation of the special review board or order of the judicial appeal panel, or upon the exhaustion of all appeal rights in state court, whichever is later. The ~~head of the treatment facility~~ executive director may petition at any time. The special review board proceedings are not contested cases as defined in chapter 14.

(d) The special review board shall hold a hearing on each petition before issuing a recommendation and report under ~~paragraph (f)~~ section 253D.30, subdivision 4.

Fourteen days before the hearing, the committing court, the county attorney of the county of commitment, the ~~designated agency~~ county attorney of the county of financial responsibility, an interested person, the petitioner and the petitioner's counsel, and the committed person and the committed person's counsel must be given written notice by the commissioner of the time and place of the hearing before the special review board. Only those entitled to statutory notice of the hearing or those administratively required to attend may be present at the hearing. The ~~patient~~ committed person may designate interested persons to receive notice by providing the names and addresses to the commissioner at least 21 days before the hearing.

(e) A person or agency receiving notice that submits documentary evidence to the special review board before the hearing must also provide copies to the committed person, the committed person's counsel, the county attorney of the county of commitment, ~~and the case manager, and the commissioner~~ county attorney of the county of financial responsibility. The special review board must consider any statements received from victims under ~~subdivision 10~~ section 253D.14.

(f) Within 30 days of the hearing, the special review board shall issue a report with written findings of fact and shall recommend denial or approval of the petition to the judicial appeal panel established under section 253B.19. The commissioner shall forward the recommendation and report of the special review board to the judicial appeal panel and to every person entitled to statutory notice. No reduction in custody or reversal of a revocation of provisional discharge recommended by the special review board is effective until it has been reviewed by the judicial appeal panel and until 15 days after an order from the judicial appeal panel affirming, modifying, or denying the recommendation.

**Subd. 10. Victim notification of petition and release; right to submit statement.**

(a) As used in this ~~subdivision~~ section:

(1) "crime" has the meaning given to "violent crime" in section 609.1095, and includes criminal sexual conduct in the fifth degree and offenses within the definition of "crime against the person" in section 253B.02, subdivision 4a, and also includes offenses listed in section 253B.02, subdivision 7a, paragraph (b), regardless of whether they are sexually motivated;

(2) "victim" means a person who has incurred loss or harm as a result of a crime, the behavior for which forms the basis for a commitment under this ~~section or section 253B.18~~ chapter; and

(3) "convicted" and "conviction" have the meanings given in section 609.02, subdivision 5, and also include juvenile court adjudications, findings under Minnesota Rules of Criminal Procedure, rule 20.02, that the elements of a crime have been proved,

and findings in commitment cases under this ~~section or section 253B.18~~ chapter, that an act or acts constituting a crime occurred.

(b) A county attorney who files a petition to commit a person under this ~~section~~ chapter shall make a reasonable effort to provide prompt notice of filing the petition to any victim of a crime for which the person was convicted. In addition, the county attorney shall make a reasonable effort to promptly notify the victim of the resolution of the petition.

(c) Before provisionally discharging, discharging, granting pass-eligible status, approving a pass plan, or otherwise permanently or temporarily releasing a person committed under this ~~section~~ chapter from a treatment facility, the ~~head of the treatment facility~~ executive director shall make a reasonable effort to notify any victim of a crime for which the person was convicted that the person may be discharged or released and that the victim has a right to submit a written statement regarding decisions of the ~~head of the treatment facility or designee~~ executive director, or special review board, with respect to the person. To the extent possible, the notice must be provided at least 14 days before any special review board hearing or before a determination on a pass plan. Notwithstanding section 611A.06, subdivision 4, the commissioner shall provide the judicial appeal panel with victim information in order to comply with the provisions of this section. The judicial appeal panel shall ensure that the data on victims remains private as provided for in section 611A.06, subdivision 4.

(d) This subdivision applies only to victims who have requested notification through the Department of Corrections electronic victim notification system, or by contacting, in writing, the county attorney in the county where the conviction for the crime occurred or where the civil commitment was filed or, following commitment, the ~~head of the treatment facility~~ executive director. A request for notice under this subdivision received by the commissioner of corrections through the Department of Corrections electronic victim notification system shall be promptly forwarded to the prosecutorial authority with jurisdiction over the offense to which the notice relates or, following commitment, the head of the treatment facility. A county attorney who receives a request for notification under this ~~paragraph~~ subdivision following commitment shall promptly forward the request to the commissioner of human services.

(e) Rights under this ~~subdivision~~ section are in addition to rights available to a victim under chapter 611A. This provision does not give a victim all the rights of a "notified person" or a person "entitled to statutory notice" under subdivision 12 or 13 or section 253B.18, subdivision 4a, 4b, or 5; 253D.23; or 253D.27.

Subd. 10a. **Scope of community notification.** (a) Notification of the public and disclosure of information under section 244.052, subdivision 4, regarding an individual

who was committed under this ~~section~~ chapter or Minnesota Statutes 1992, section 526.10, is as provided under section 244.052, subdivision 4, paragraphs (b), clause (3), and (g), and subdivision 4b, regardless of the individual's assigned risk level. The restrictions under section 244.052, subdivision 4, paragraph (b), clause (3), placed on disclosing information on individuals living in residential facilities do not apply to persons committed under this section or Minnesota Statutes 1992, section 526.10. The local law enforcement agency may proceed with the broadest disclosure authorized under section 244.052, subdivision 4.

(b) After four years from the date of an order for provisional discharge or discharge of civil commitment, the individual may petition the ~~head of the treatment facility from which the individual was provisionally discharged or discharged~~ executive director to have the scope of notification and disclosure based solely upon the individual's assigned risk level under section 244.052.

(c) If an individual's provisional discharge is revoked for any reason, the four-year time period under paragraph (b) starts over from the date of a subsequent order for provisional discharge or discharge except that the ~~head of the treatment facility or designee~~ executive director may, in the that person's sole discretion ~~of the head or designee~~, determine that the individual may petition before four years have elapsed from the date of the order of the subsequent provisional discharge or discharge and notify the individual of that determination.

(d) The ~~head of the treatment facility~~ executive director shall appoint a multidisciplinary committee to review and make a recommendation on a petition made under paragraph (b). The ~~head of the treatment facility or designee~~ executive director may grant or deny the petition. There is no review or appeal of the decision. If a petition is denied, the individual may petition again after two years from the date of denial.

(e) Nothing in this ~~subdivision~~ section shall be construed to give an individual an affirmative right to petition the ~~head of the treatment facility~~ executive director earlier than four years after the date of an order for provisional discharge or discharge.

(f) The ~~head of the treatment facility~~ executive director shall act in place of the individual's corrections agent for the purpose of section 244.052, subdivision 3, paragraph (h), when the individual is not assigned to a corrections agent.

Subd. 11. **Transfer.** (a) A ~~patient~~ person who is committed as a sexually dangerous person or sexual psychopathic personality shall not be transferred out of a secure treatment facility unless it appears to the satisfaction of the judicial appeal panel, after a hearing and recommendation by a majority of the special review board, that the transfer is appropriate. Transfer may be to other treatment programs under the commissioner's control.

13.1 (b) The following factors must be considered in determining whether a transfer  
13.2 is appropriate:

- 13.3 (1) the person's clinical progress and present treatment needs;
- 13.4 (2) the need for security to accomplish continuing treatment;
- 13.5 (3) the need for continued institutionalization;
- 13.6 (4) which facility can best meet the person's needs; and
- 13.7 (5) whether transfer can be accomplished with a reasonable degree of safety for  
13.8 the public.

13.9 Subd. 11a. **Transfer; Voluntary readmission to a secure facility.** (a) After a  
13.10 patient committed person has been transferred out of a secure facility pursuant to section  
13.11 253D.29, subdivision 1, and with the consent of the executive director of the Minnesota  
13.12 ~~sex offender program~~, a patient committed person may voluntarily return to a secure  
13.13 facility operated by the Minnesota sex offender program for a period of up to 60 days.

13.14 (b) If the patient committed person is not returned to the facility to which the patient  
13.15 person was originally transferred pursuant to section 253D.29, subdivision 1, within  
13.16 60 days of being readmitted to a secure facility, the transfer is revoked and the patient  
13.17 committed person shall remain in a secure facility. The patient committed person shall  
13.18 immediately be notified in writing of the revocation.

13.19 (c) Within 15 days of receiving notice of the revocation, the patient committed  
13.20 person may petition the special review board for a review of the revocation. The special  
13.21 review board shall review the circumstances of the revocation and shall recommend to the  
13.22 judicial appeal panel whether or not the revocation shall be upheld. The special review  
13.23 board may also recommend a new transfer at the time of the revocation hearing.

13.24 (d) If the transfer has not been revoked and the patient committed person is to be  
13.25 returned to the facility to which the patient committed person was originally transferred  
13.26 pursuant to section 253D.29, subdivision 1, with no substantive change to the  
13.27 conditions of the transfer ordered pursuant to section 253D.29, subdivision 1, no action  
13.28 by the special review board or judicial appeal panel is required.

13.29 Subd. 11b. **Transfer; Revocation.** (a) The executive director of the Minnesota ~~sex~~  
13.30 ~~offender program or designee~~ may revoke a transfer made pursuant to section 253D.29,  
13.31 subdivision 1, and require a patient committed person to return to a secure treatment  
13.32 facility if:

- 13.33 (1) remaining in a nonsecure setting will not provide a reasonable degree of safety to  
13.34 the patient committed person or others; or

(2) the patient committed person has regressed in clinical progress so that the facility to which the patient committed person was transferred is no longer sufficient to meet the patient's committed person's needs.

(b) Upon the revocation of the transfer, the patient committed person shall be immediately returned to a secure treatment facility. A report documenting reasons for revocation shall be issued by the executive director or designee within seven days after the patient committed person is returned to the secure treatment facility. Advance notice to the patient committed person of the revocation is not required.

(c) The patient committed person must be provided a copy of the revocation report and informed, orally and in writing, of the rights of a patient committed person under this subdivision section. The revocation report shall be served upon the patient committed person and the patient's committed person's counsel. The report shall outline the specific reasons for the revocation including, but not limited to, the specific facts upon which the revocation ~~recommendation~~ is based.

(d) A patient committed person whose transfer is revoked must successfully re-petition the special review board and judicial appeal panel prior to being transferred out of a secure facility.

(e) Any patient committed person aggrieved by a transfer revocation decision may petition the special review board within seven days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of the revocation report for a review of the revocation. The matter shall be scheduled within 30 days. The special review board shall review the circumstances leading to the revocation and, after considering the factors in section 253D.29, subdivision 1, paragraph (b), shall recommend to the judicial appeal panel whether or not the revocation shall be upheld. The special review board may also recommend a new transfer out of a secure facility at the time of the revocation hearing.

Subd. 12. **Provisional discharge Factors.** (a) A patient person who is committed as a sexual psychopathic personality or sexually dangerous person shall not be provisionally discharged unless it appears to the satisfaction of the judicial appeal panel, after a hearing and a recommendation by a majority of the special review board, that the patient committed person is capable of making an acceptable adjustment to open society.

(b) The following factors are to be considered in determining whether a provisional discharge shall be recommended:

(1) whether the patient's committed person's course of treatment and present mental status indicate there is no longer a need for treatment and supervision in the patient's committed person's current treatment setting; and

(2) whether the conditions of the provisional discharge plan will provide a reasonable degree of protection to the public and will enable the ~~patient~~ committed person to adjust successfully to the community.

Subd. 13. **~~Provisional discharge~~ Plan.** A provisional discharge plan shall be developed, implemented, and monitored by the ~~head of the treatment facility or designee~~ executive director in conjunction with the ~~patient~~ committed person and other appropriate persons. The ~~head of the treatment facility or designee~~ executive director shall, at least quarterly, review the plan with the ~~patient~~ committed person and submit a written report to the ~~designated agency~~ county attorneys of the county of commitment and the county of financial responsibility concerning the ~~patient's~~ committed person's status and compliance with each term of the plan.

Subd. 14. **~~Provisional discharge; Review~~.** A provisional discharge pursuant to this ~~section~~ chapter shall not automatically terminate. A full discharge shall occur only as provided in ~~subdivision 18~~ section 253D.31. The ~~commissioner~~ shall notify the ~~patient~~ committed person that the terms of a provisional discharge continue unless the ~~patient~~ committed person requests and is granted a change in the conditions of provisional discharge or unless the ~~patient~~ committed person petitions the special review board for a full discharge and the discharge is granted by the judicial appeal panel.

Subd. 14a. **~~Provisional discharge; Voluntary readmission~~.** (a) With the consent of the executive director of the ~~Minnesota sex offender program~~, a ~~patient~~ committed person may voluntarily return to the Minnesota sex offender program from provisional discharge for a period of up to 60 days.

(b) If the ~~patient~~ committed person is not returned to provisional discharge status within 60 days of being readmitted to the Minnesota sex offender program, the provisional discharge is revoked. The ~~patient~~ committed person shall immediately be notified of the revocation in writing. Within 15 days of receiving notice of the revocation, the ~~patient~~ committed person may request a review of the matter before the special review board. The special review board shall review the circumstances of the revocation and, after applying the standards in section 253D.30, subdivision ~~15~~ 5, paragraph (a), shall recommend to the judicial appeal panel whether or not the revocation shall be upheld. The board may recommend a return to provisional discharge status.

(c) If the provisional discharge has not been revoked and the ~~patient~~ committed person is to be returned to provisional discharge, the Minnesota sex offender program is not required to petition for a further review by the special review board unless the ~~patient's~~ committed person's return to the community results in substantive change to the existing provisional discharge plan.

16.1 Subd. 15. **Provisional discharge; Revocation.** (a) The head of the treatment  
16.2 facility executive director may revoke a provisional discharge if either of the following  
16.3 grounds exist:

16.4 (1) the patient committed person has departed from the conditions of the provisional  
16.5 discharge plan; or

16.6 (2) the patient committed person is exhibiting behavior which may be dangerous to  
16.7 self or others.

16.8 (b) The head of the treatment facility executive director may revoke the provisional  
16.9 discharge and, either orally or in writing, order that the patient committed person be  
16.10 immediately returned to the a Minnesota sex offender program treatment facility. A report  
16.11 documenting reasons for revocation shall be issued by the head of the treatment facility  
16.12 executive director within seven days after the patient committed person is returned to the  
16.13 treatment facility. Advance notice to the patient committed person of the revocation  
16.14 is not required.

16.15 (c) The patient committed person must be provided a copy of the revocation report  
16.16 and informed, orally and in writing, of the rights of a patient committed person under this  
16.17 section. The revocation report shall be served upon the patient committed person, the  
16.18 patient's committed person's counsel, and the designated agency county attorneys of the  
16.19 county of commitment and the county of financial responsibility. The report shall outline  
16.20 the specific reasons for the revocation, including but not limited to the specific facts upon  
16.21 which the revocation recommendation is based.

16.22 (d) An individual who is revoked from provisional discharge must successfully  
16.23 re-petition the special review board and judicial appeal panel prior to being placed back  
16.24 on provisional discharge.

16.25 Subd. 16. **Return of absent patient person.** (a) If a patient committed person is  
16.26 absent without authorization, including failure to return to the custody of the Minnesota  
16.27 sex offender program upon the revocation of a provisional discharge, the head of the  
16.28 treatment facility or designee executive director shall report the absence to the local law  
16.29 enforcement agency. The head of the treatment facility executive director shall inform the  
16.30 committing court of the revocation or absence, and the committing court or other district  
16.31 court shall issue an order for the apprehension and holding of the patient committed  
16.32 person by a peace officer in any jurisdiction and transportation of the patient committed  
16.33 person to a facility operated by the Minnesota sex offender program or otherwise returned  
16.34 to the custody of the Minnesota sex offender program.

16.35 (b) An employee of the Department of Human Services may apprehend, detain, or  
16.36 transport an absent patient committed person at anytime any time. The immunity provided



17.1 under section 253B.23, subdivision 4, applies to the apprehension, detention, and transport  
17.2 of an absent ~~patient~~ committed person.

17.3 (c) Upon receiving either the report or the apprehend and hold order in paragraph  
17.4 (a), a law enforcement agency shall enter information on the ~~patient~~ committed person  
17.5 into the missing persons file of the National Crime Information Center database according  
17.6 to the missing persons practices. Where probable cause exists of a violation of section  
17.7 609.485, a law enforcement agency shall also seek a felony arrest warrant and enter the  
17.8 warrant in the National Crime Information Center database.

17.9 (d) For the purposes of ensuring public safety and the apprehension of an absent  
17.10 ~~patient~~ committed person, and notwithstanding state and federal data privacy laws, the  
17.11 Minnesota sex offender program shall disclose information about the absent ~~patient~~  
17.12 committed person relevant to the ~~patient's~~ person's apprehension and return to law  
17.13 enforcement agencies where the absent ~~patient~~ committed person is likely to be located or  
17.14 likely to travel through and to agencies with statewide jurisdiction.

17.15 (e) Upon receiving either the report or the apprehend and hold order in paragraph  
17.16 (a), a ~~patient~~ committed person shall be apprehended and held by a peace officer in any  
17.17 jurisdiction pending return to a facility operated by the Minnesota sex offender program or  
17.18 otherwise returned to the custody of the Minnesota sex offender program.

17.19 (f) A ~~patient~~ committed person detained solely under this subdivision may be held in  
17.20 a jail or lockup only if:

17.21 (1) there is no other feasible place of detention for the ~~patient~~ person;

17.22 (2) the detention is for less than 24 hours; and

17.23 (3) there are protections in place, including segregation of the ~~patient~~ person, to  
17.24 ensure the safety of the ~~patient~~ person.

17.25 These limitations do not apply to a ~~patient~~ committed person being held for criminal  
17.26 prosecution, including for violation of section 609.485.

17.27 (g) If a ~~patient~~ committed person is detained under this ~~subdivision~~ section, the  
17.28 Minnesota sex offender program shall arrange to pick up the ~~patient~~ person within 24 hours  
17.29 of the time detention was begun and shall be responsible for securing transportation for the  
17.30 ~~patient~~ person to a facility operated by the Minnesota sex offender program, as determined  
17.31 by ~~its~~ the executive director. The expense of detaining and transporting a ~~patient~~  
17.32 committed person shall be the responsibility of the Minnesota sex offender program.

17.33 (h) Immediately after an absent ~~patient~~ committed person is apprehended, the  
17.34 Minnesota sex offender program or the law enforcement agency that apprehended or  
17.35 returned the absent ~~patient~~ committed person shall notify the law enforcement agency  
17.36 that first received the absent ~~patient~~ committed person report under this ~~subdivision~~

section, and that agency shall cancel the missing persons entry from the National Crime Information Center computer.

Subd. 17. **Appeal.** Any ~~patient~~ committed person aggrieved by a revocation decision or any interested person may petition the special review board within seven days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of the revocation report for a review of the revocation. The matter shall be scheduled within 30 days. The special review board shall review the circumstances leading to the revocation and shall recommend to the judicial appeal panel whether or not the revocation shall be upheld. The special review board may also recommend a new provisional discharge at the time of the revocation hearing.

Subd. 18. **Discharge.** A ~~patient~~ person who is committed as a sexual psychopathic personality or sexually dangerous person shall not be discharged unless it appears to the satisfaction of the judicial appeal panel, after a hearing and recommendation by a majority of the special review board, that the ~~patient~~ committed person is capable of making an acceptable adjustment to open society, is no longer dangerous to the public, and is no longer in need of inpatient treatment and supervision.

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

Subd. 19. **Aftercare services.** (a) The Minnesota sex offender program shall provide the supervision, aftercare, and case management services for a person ~~under provisionally discharged or discharged from commitment as a sexual psychopathic personalities and personality or sexually dangerous persons discharged after July 1, 1999~~ person. The designated agency, as defined in section 253B.02, subdivision 5, shall assist with ~~client~~ eligibility for public welfare benefits and will provide those services that are ~~currently~~ available exclusively through county government.

(b) Prior to the date of discharge or provisional discharge of any ~~patient~~ person committed as a sexual psychopathic personality or sexually dangerous person, the ~~head of the treatment facility or designee~~ executive director shall establish a continuing plan of aftercare services for the ~~patient~~ person, including a plan for medical and behavioral health services, financial sustainability, housing, social supports, or other assistance the ~~patient~~ person needs. The Minnesota sex offender program shall provide case management services and shall assist the ~~patient~~ person in finding employment, suitable shelter, and

19.1 adequate medical and behavioral health services and otherwise assist in the patient's  
19.2 person's readjustment to the community.

19.3 Sec. 8. Minnesota Statutes 2012, section 253B.19, subdivision 2, is amended to read:

19.4 Subd. 2. **Petition; hearing.** (a) A person committed as mentally ill and dangerous  
19.5 to the public under section 253B.18, or the county attorney of the county from which the  
19.6 person was committed or the county of financial responsibility, may petition the judicial  
19.7 appeal panel for a rehearing and reconsideration of a decision by the commissioner under  
19.8 section 253B.18, subdivision 5. The judicial appeal panel must not consider petitions for  
19.9 relief other than those considered by the commissioner from which the appeal is taken.  
19.10 The petition must be filed with the Supreme Court within 30 days after the decision of  
19.11 the commissioner is signed. The hearing must be held within 45 days of the filing of the  
19.12 petition unless an extension is granted for good cause.

19.13 ~~(b) A person committed as a sexual psychopathic personality or as a sexually~~  
19.14 ~~dangerous person under section 253B.185, or committed as both mentally ill and~~  
19.15 ~~dangerous to the public under section 253B.18 and as a sexual psychopathic personality or~~  
19.16 ~~as a sexually dangerous person under section 253B.185; the county attorney of the county~~  
19.17 ~~from which the person was committed or the county of financial responsibility; or the~~  
19.18 ~~commissioner may petition the judicial appeal panel for a rehearing and reconsideration~~  
19.19 ~~of a decision of the special review board under section 253B.185, subdivision 9. The~~  
19.20 ~~petition must be filed with the Supreme Court within 30 days after the decision is mailed~~  
19.21 ~~by the commissioner as required in section 253B.185, subdivision 9, paragraph (f). The~~  
19.22 ~~hearing must be held within 180 days of the filing of the petition unless an extension is~~  
19.23 ~~granted for good cause. If no party petitions the judicial appeal panel for a rehearing~~  
19.24 ~~or reconsideration within 30 days, the judicial appeal panel shall either issue an order~~  
19.25 ~~adopting the recommendations of the special review board or set the matter on for a~~  
19.26 ~~hearing pursuant to this paragraph.~~

19.27 (e) For an appeal under paragraph (a) or ~~(b)~~ section 253D.28, the Supreme Court  
19.28 shall refer the petition to the chief judge of the judicial appeal panel. The chief judge  
19.29 shall notify the patient, the county attorney of the county of commitment, the designated  
19.30 agency, the commissioner, the head of the treatment facility, any interested person, and  
19.31 other persons the chief judge designates, of the time and place of the hearing on the  
19.32 petition. The notice shall be given at least 14 days prior to the date of the hearing.

19.33 ~~(d)~~ (c) Any person may oppose the petition. The patient, the patient's counsel, the  
19.34 county attorney of the committing county or the county of financial responsibility, and the  
19.35 commissioner shall participate as parties to the proceeding pending before the judicial

appeal panel and shall, except when the patient is committed solely as mentally ill and dangerous, no later than 20 days before the hearing on the petition, inform the judicial appeal panel and the opposing party in writing whether they support or oppose the petition and provide a summary of facts in support of their position. The judicial appeal panel may appoint examiners and may adjourn the hearing from time to time. It shall hear and receive all relevant testimony and evidence and make a record of all proceedings. The patient, the patient's counsel, and the county attorney of the committing county or the county of financial responsibility have the right to be present and may present and cross-examine all witnesses and offer a factual and legal basis in support of their positions. The petitioning party seeking discharge or provisional discharge bears the burden of going forward with the evidence, which means presenting a prima facie case with competent evidence to show that the person is entitled to the requested relief. If the petitioning party has met this burden, the party opposing discharge or provisional discharge bears the burden of proof by clear and convincing evidence that the discharge or provisional discharge should be denied. A party seeking transfer under section 253B.18, subdivision 6, or ~~253B.185, subdivision 1~~ 253D.29, subdivision 1, must establish by a preponderance of the evidence that the transfer is appropriate.

Sec. 9. **[253D.01] CITATION.**

This chapter may be cited as the "Minnesota Commitment and Treatment Act: Sexually Dangerous Persons and Sexual Psychopathic Personalities."

Sec. 10. **[253D.02] DEFINITIONS.**

Subdivision 1. **Scope.** For the purposes of this chapter, the terms defined in this section have the meanings given them.

Subd. 2. **Commissioner.** "Commissioner" means the commissioner of human services or the commissioner's designee.

Subd. 3. **Committed person.** "Committed person" means an individual committed under this chapter, or under this chapter and under section 253B.18, as mentally ill and dangerous. It does not include persons committed only as mentally ill and dangerous under section 253B.18. It includes individuals described in section 246B.01, subdivision 1a.

Subd. 4. **Committing court.** "Committing court" means the district court where a petition for commitment was decided.

Subd. 5. **Executive director.** "Executive director" has the same meaning as in section 246B.01, subdivision 2c.

21.1            Subd. 6. **Secure treatment facility.** "Secure treatment facility" means the  
21.2 Minnesota sex offender program facility in Moose Lake and any portion of the Minnesota  
21.3 sex offender program operated by the Minnesota sex offender program at the Minnesota  
21.4 Security Hospital, but does not include services or programs administered by the  
21.5 Minnesota sex offender program outside a secure environment.

21.6            Sec. 11. **[253D.03] GENERAL PROVISIONS.**

21.7            The provisions of section 253B.23 apply to commitments under this chapter except  
21.8 where inconsistent with this chapter.

21.9            Sec. 12. **[253D.04] REVIEW BOARD.**

21.10           The commissioner shall establish a review board under section 253B.22 for facilities  
21.11 of the Minnesota sex offender program.

21.12           Sec. 13. **[253D.13] PROCEDURES UPON COMMITMENT.**

21.13           Upon commitment under this chapter, admission procedures shall be carried out  
21.14 under section 253B.10.

21.15           Sec. 14. **[253D.17] RIGHTS OF COMMITTED PERSONS; GENERALLY.**

21.16           Persons committed under this chapter have the rights described in section 253B.03,  
21.17 except as limited under section 253D.19.

21.18           Sec. 15. **[253D.20] RIGHT TO COUNSEL.**

21.19           A committed person has the right to be represented by counsel at any proceeding  
21.20 under this chapter. The court shall appoint a qualified attorney to represent the committed  
21.21 person if neither the committed person nor others provide counsel. The attorney shall  
21.22 be appointed at the time a petition for commitment is filed. In all proceedings under  
21.23 this chapter, the attorney shall:

21.24           (1) consult with the person prior to any hearing;

21.25           (2) be given adequate time and access to records to prepare for all hearings;

21.26           (3) continue to represent the person throughout any proceedings under this chapter  
21.27 unless released as counsel by the court; and

21.28           (4) be a vigorous advocate on behalf of the person.

21.29           Sec. 16. **[253D.21] NEUROLEPTIC MEDICATION.**

22.1 Neuroleptic medications may be administered to a person committed under this  
22.2 chapter only as provided in section 253B.092.

22.3 Sec. 17. **[253D.23] PASSES.**

22.4 A committed person may be released on a pass only as provided by section 253B.18,  
22.5 subdivisions 4a and 4b.

22.6 Sec. 18. **[253D.28] JUDICIAL APPEAL PANEL.**

22.7 Subdivision 1. **Rehearing and reconsideration.** (a) A person committed as a sexual  
22.8 psychopathic personality or as a sexually dangerous person under section 253B.185, or  
22.9 committed as both mentally ill and dangerous to the public under section 253B.18 and as  
22.10 a sexual psychopathic personality or as a sexually dangerous person under this chapter;  
22.11 the county attorney of the county from which the person was committed or the county  
22.12 of financial responsibility; or the commissioner may petition the judicial appeal panel  
22.13 established under section 253B.19, subdivision 1, for a rehearing and reconsideration of a  
22.14 recommendation of the special review board under section 253D.27.

22.15 (b) The petition must be filed with the Supreme Court within 30 days after  
22.16 the recommendation is mailed by the commissioner as required in section 253D.27,  
22.17 subdivision 4. The hearing must be held within 180 days of the filing of the petition  
22.18 unless an extension is granted for good cause.

22.19 (c) If no party petitions the judicial appeal panel for a rehearing or reconsideration  
22.20 within 30 days, the judicial appeal panel shall either issue an order adopting the  
22.21 recommendations of the special review board or set the matter on for a hearing pursuant  
22.22 to this section.

22.23 Subd. 2. **Procedure.** (a) The Supreme Court shall refer a petition for rehearing and  
22.24 reconsideration to the chief judge of the judicial appeal panel. The chief judge shall notify  
22.25 the committed person, the county attorneys of the county of commitment and county of  
22.26 financial responsibility, the commissioner, the executive director, any interested person,  
22.27 and other persons the chief judge designates, of the time and place of the hearing on the  
22.28 petition. The notice shall be given at least 14 days prior to the date of the hearing.

22.29 (b) Any person may oppose the petition. The committed person, the committed  
22.30 person's counsel, the county attorneys of the committing county and county of financial  
22.31 responsibility, and the commissioner shall participate as parties to the proceeding pending  
22.32 before the judicial appeal panel and shall, no later than 20 days before the hearing on the  
22.33 petition, inform the judicial appeal panel and the opposing party in writing whether they  
22.34 support or oppose the petition and provide a summary of facts in support of their position.

(c) The judicial appeal panel may appoint examiners and may adjourn the hearing from time to time. It shall hear and receive all relevant testimony and evidence and make a record of all proceedings. The committed person, the committed person's counsel, and the county attorney of the committing county or the county of financial responsibility have the right to be present and may present and cross-examine all witnesses and offer a factual and legal basis in support of their positions.

(d) The petitioning party seeking discharge or provisional discharge bears the burden of going forward with the evidence, which means presenting a prima facie case with competent evidence to show that the person is entitled to the requested relief. If the petitioning party has met this burden, the party opposing discharge or provisional discharge bears the burden of proof by clear and convincing evidence that the discharge or provisional discharge should be denied.

(e) A party seeking transfer under section 253D.29 must establish by a preponderance of the evidence that the transfer is appropriate.

Subd. 3. **Decision.** A majority of the judicial appeal panel shall rule upon the petition. The panel shall consider the petition de novo. No order of the judicial appeal panel granting a transfer, discharge, or provisional discharge shall be made effective sooner than 15 days after it is issued. The panel may not consider petitions for relief other than those considered by the special review board from which the appeal is taken. The judicial appeal panel may not grant a transfer or provisional discharge on terms or conditions that were not presented to the special review board.

Subd. 4. **Appeal.** A party aggrieved by an order of the appeal panel may appeal that order as provided under section 253B.19, subdivision 5.

Sec. 19. **[253D.36] DISCHARGE; ADMINISTRATIVE PROCEDURES.**

Upon discharge from commitment under this chapter, administrative procedures shall be carried out under section 253B.20.

Sec. 20. **COURT RULES.**

Nothing in this act shall be construed to change the application of the Special Rules of Procedure Governing Proceedings under the Minnesota Commitment and Treatment Act.

Sec. 21. **CONSTRUCTION.**

Nothing in this act shall be construed to create grounds for relief or a cause of action for persons previously committed under Minnesota Statutes, chapter 253B, or its predecessors.

24.1       Sec. 22. **REVISOR'S INSTRUCTION.**

24.2               The revisor of statutes shall renumber each section of Minnesota Statutes listed in  
 24.3 column A with the number listed in column B. The revisor shall also make necessary  
 24.4 cross-reference changes consistent with the renumbering.

24.5	<u>Column A</u>	<u>Column B</u>
24.6	<u>253B.02, subd. 7a</u>	<u>253D.02, subd. 7</u>
24.7	<u>253B.02, subd. 18b</u>	<u>253D.02, subd. 11</u>
24.8	<u>253B.02, subd. 18c</u>	<u>253D.02, subd. 12</u>
24.9	<u>253B.02, subd. 24</u>	<u>253D.02, subd. 2</u>
24.10	<u>253B.02, subd. 25</u>	<u>253D.02, subd. 8</u>
24.11	<u>253B.02, subd. 26</u>	<u>253D.02, subd. 10</u>
24.12	<u>253B.03, subd. 1a</u>	<u>253D.18</u>
24.13	<u>253B.045, subd. 1a</u>	<u>253D.10, subd. 2</u>
24.14	<u>253B.185, subd. 1, paragraph (a)</u>	<u>253D.07, subd. 1</u>
24.15	<u>253B.185, subd. 1, paragraph (b)</u>	<u>253D.07, subd. 2</u>
24.16	<u>253B.185, subd. 1, paragraph (c)</u>	<u>253D.07, subd. 3</u>
24.17	<u>253B.185, subd. 1, paragraph (d)</u>	<u>253D.07, subd. 4</u>
24.18	<u>253B.185, subd. 1a</u>	<u>253D.10, subd. 1</u>
24.19	<u>253B.185, subd. 1b</u>	<u>253D.08</u>
24.20	<u>253B.185, subd. 2</u>	<u>253D.22</u>
24.21	<u>253B.185, subd. 3</u>	<u>253D.07, subd. 5</u>
24.22	<u>253B.185, subd. 4, paragraph (a)</u>	<u>253D.11, subd. 1</u>
24.23	<u>253B.185, subd. 4, paragraph (b)</u>	<u>253D.11, subd. 2</u>
24.24	<u>253B.185, subd. 5, paragraph (a)</u>	<u>253D.12, subd. 1</u>
24.25	<u>253B.185, subd. 5, paragraph (b)</u>	<u>253D.12, subd. 2</u>
24.26	<u>253B.185, subd. 5, paragraph (c)</u>	<u>253D.12, subd. 3</u>
24.27	<u>253B.185, subd. 5, paragraph (d)</u>	<u>253D.12, subd. 4</u>
24.28	<u>253B.185, subd. 7, paragraph (a)</u>	<u>253D.19, subd. 1</u>
24.29	<u>253B.185, subd. 7, paragraph (b)</u>	<u>253D.19, subd. 2</u>
24.30	<u>253B.185, subd. 8</u>	<u>253D.09</u>
24.31	<u>253B.185, subd. 9, paragraph (a)</u>	<u>253D.27, subd. 1, paragraph (a)</u>
24.32	<u>253B.185, subd. 9, paragraph (b)</u>	<u>253D.27, subd. 1, paragraph (b)</u>
24.33	<u>253B.185, subd. 9, paragraph (c)</u>	<u>253D.27, subd. 2</u>
24.34	<u>253B.185, subd. 9, paragraph (d)</u>	<u>253D.27, subd. 3, paragraph (a)</u>
24.35	<u>253B.185, subd. 9, paragraph (e)</u>	<u>253D.27, subd. 3, paragraph (b)</u>
24.36	<u>253B.185, subd. 9, paragraph (f)</u>	<u>253D.30, subd. 4</u>
24.37	<u>253B.185, subd. 10, paragraph (a)</u>	<u>253D.14, subd. 1</u>
24.38	<u>253B.185, subd. 10, paragraph (b)</u>	<u>253D.14, subd. 2</u>
24.39	<u>253B.185, subd. 10, paragraph (c)</u>	<u>253D.14, subd. 3</u>
24.40	<u>253B.185, subd. 10, paragraph (d)</u>	<u>253D.14, subd. 4</u>
24.41	<u>253B.185, subd. 10, paragraph (e)</u>	<u>253D.14, subd. 5</u>
24.42	<u>253B.185, subd. 10a, paragraph (a)</u>	<u>253D.32, subd. 1</u>
24.43	<u>253B.185, subd. 10a, paragraph (b)</u>	<u>253D.32, subd. 2, paragraph (a)</u>



25.1	<u>253B.185, subd. 10a, paragraph (c)</u>	<u>253D.32, subd. 2, paragraph (b)</u>
25.2	<u>253B.185, subd. 10a, paragraph (d)</u>	<u>253D.32, subd. 2, paragraph (c)</u>
25.3	<u>253B.185, subd. 10a, paragraph (e)</u>	<u>253D.32, subd. 2, paragraph (d)</u>
25.4	<u>253B.185, subd. 10a, paragraph (f)</u>	<u>253D.32, subd. 3</u>
25.5	<u>253B.185, subd. 11</u>	<u>253D.29, subd. 1</u>
25.6	<u>253B.185, subd. 11a</u>	<u>253D.29, subd. 2</u>
25.7	<u>253B.185, subd. 11b</u>	<u>253D.29, subd. 3</u>
25.8	<u>253B.185, subd. 12</u>	<u>253D.30, subd. 1</u>
25.9	<u>253B.185, subd. 13</u>	<u>253D.30, subd. 2</u>
25.10	<u>253B.185, subd. 14</u>	<u>253D.30, subd. 3</u>
25.11	<u>253B.185, subd. 14a</u>	<u>253D.30, subd. 4</u>
25.12	<u>253B.185, subd. 15</u>	<u>253D.30, subd. 5</u>
25.13	<u>253B.185, subd. 16, paragraph (a)</u>	<u>253D.24, subd. 1</u>
25.14	<u>253B.185, subd. 16, paragraph (b)</u>	<u>253D.24, subd. 2</u>
25.15	<u>253B.185, subd. 16, paragraph (c)</u>	<u>253D.24, subd. 3</u>
25.16	<u>253B.185, subd. 16, paragraph (d)</u>	<u>253D.24, subd. 4</u>
25.17	<u>253B.185, subd. 16, paragraph (e)</u>	<u>253D.24, subd. 5</u>
25.18	<u>253B.185, subd. 16, paragraph (f)</u>	<u>253D.24, subd. 6</u>
25.19	<u>253B.185, subd. 16, paragraph (g)</u>	<u>253D.24, subd. 7</u>
25.20	<u>253B.185, subd. 16, paragraph (h)</u>	<u>253D.24, subd. 8</u>
25.21	<u>253B.185, subd. 17</u>	<u>253D.30, subd. 6</u>
25.22	<u>253B.185, subd. 18</u>	<u>253D.31</u>
25.23	<u>253B.185, subd. 19, paragraph (a)</u>	<u>253D.35, subd. 1</u>
25.24	<u>253B.185, subd. 19, paragraph (b)</u>	<u>253D.35, subd. 2</u>
25.25	<u>253D.02, subd. 2</u>	<u>253D.02, subd. 3</u>
25.26	<u>253D.02, subd. 3</u>	<u>253D.02, subd. 4</u>
25.27	<u>253D.02, subd. 4</u>	<u>253D.02, subd. 5</u>
25.28	<u>253D.02, subd. 5</u>	<u>253D.02, subd. 6</u>
25.29	<u>253D.02, subd. 6</u>	<u>253D.02, subd. 9</u>