

SENATE
STATE OF MINNESOTA
SPECIAL SESSION

S.F. No. 54

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DATE	D-PG	OFFICIAL STATUS
06/21/2021	151	Introduction and first reading Referred to Rules and Administration

1.1 A bill for an act

1.2 relating to civil commitment; establishing a right to jury trial for respondents in

1.3 civil commitment proceedings; amending Minnesota Statutes 2020, sections

1.4 253B.08, by adding a subdivision; 253B.09, subdivisions 1, 2.

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

1.6 Section 1. Minnesota Statutes 2020, section 253B.08, is amended by adding a subdivision

1.7 to read:

1.8 Subd. 1a. **Right to jury trial.** Within ten days after receipt of a civil commitment petition,

1.9 the respondent or the respondent's attorney may request a jury trial by filing a written motion

1.10 with the district court. The court must grant the respondent's or the respondent's attorney's

1.11 motion for a jury trial upon receipt of the motion, as long as the motion is filed within ten

1.12 days after the respondent receives the civil commitment petition.

1.13 Sec. 2. Minnesota Statutes 2020, section 253B.09, subdivision 1, is amended to read:

1.14 Subdivision 1. **Standard of proof.** (a) If the court or the jury finds by clear and

1.15 convincing evidence that the proposed patient is a person who poses a risk of harm due to

1.16 mental illness, or is a person who has a developmental disability or chemical dependency,

1.17 and after careful consideration of reasonable alternative dispositions including but not

1.18 limited to dismissal of petition; voluntary outpatient care; voluntary admission to a treatment

1.19 facility, state-operated treatment program, or community-based treatment program;

1.20 appointment of a guardian or conservator; or release before commitment as provided for in

1.21 subdivision 4, ~~it~~ and the court or the jury finds that there is no suitable alternative to judicial

1.22 commitment, the court shall commit the patient to the least restrictive treatment program

2.1 or alternative programs which can meet the patient's treatment needs consistent with section
2.2 253B.03, subdivision 7.

2.3 (b) In deciding on the least restrictive program, the court or the jury shall consider a
2.4 range of treatment alternatives including but not limited to community-based nonresidential
2.5 treatment, community residential treatment, partial hospitalization, acute care hospital,
2.6 assertive community treatment teams, and state-operated treatment programs. The court or
2.7 the jury shall also consider the proposed patient's treatment preferences and willingness to
2.8 participate voluntarily in the treatment ordered. The court may not commit a patient to a
2.9 facility or program that is not capable of meeting the patient's needs.

2.10 (c) If, after careful consideration of reasonable alternative dispositions, the court or the
2.11 jury finds no suitable alternative to judicial commitment and the court or the jury finds that
2.12 the least restrictive alternative as determined in paragraph (a) is a treatment facility or
2.13 community-based treatment program that is less restrictive or more community based than
2.14 a state-operated treatment program, and there is a treatment facility or a community-based
2.15 treatment program willing to accept the civilly committed patient, the court may commit
2.16 the patient to both the treatment facility or community-based treatment program and to the
2.17 commissioner, in the event that treatment in a state-operated treatment program becomes
2.18 the least restrictive alternative. If there is a change in the patient's level of care, then:

2.19 (1) if the patient needs a higher level of care requiring admission to a state-operated
2.20 treatment program, custody of the patient and authority and responsibility for the commitment
2.21 may be transferred to the commissioner for as long as the patient needs a higher level of
2.22 care; and

2.23 (2) when the patient no longer needs treatment in a state-operated treatment program,
2.24 the program may provisionally discharge the patient to an appropriate placement or release
2.25 the patient to the treatment facility or community-based treatment program if the program
2.26 continues to be willing and able to readmit the patient, in which case the commitment, its
2.27 authority, and responsibilities revert to the non-state-operated treatment program. Both
2.28 agencies accepting commitment shall coordinate admission and discharge planning to
2.29 facilitate timely access to the other's services to meet the patient's needs and shall coordinate
2.30 treatment planning consistent with section 253B.03, subdivision 7.

2.31 (d) If a person is committed to a state-operated treatment program as a person who poses
2.32 a risk of harm due to mental illness or as a person who has a developmental disability or
2.33 chemical dependency, the court shall order the commitment to the commissioner. The
2.34 commissioner shall designate the placement of the person to the court.

3.1 (e) If the court or the jury finds a proposed patient to be a person who poses a risk of
3.2 harm due to mental illness under section 253B.02, subdivision 17a, paragraph (a), clause
3.3 (4), the court shall commit the patient to a treatment facility or community-based treatment
3.4 program that meets the proposed patient's needs.

3.5 Sec. 3. Minnesota Statutes 2020, section 253B.09, subdivision 2, is amended to read:

3.6 Subd. 2. **Findings.** (a) The court or the jury shall find the facts specifically, and the court
3.7 shall separately state its the court's conclusions of law. When the jury finds the facts, the
3.8 court shall base the court's conclusions of law on the jury's factual findings. Where
3.9 commitment is ordered, the findings of fact and conclusions of law shall specifically state
3.10 the proposed patient's conduct which is a basis for determining that each of the requisites
3.11 for commitment is met.

3.12 (b) If commitment is ordered, the findings shall also identify less restrictive alternatives
3.13 considered and rejected by the court or the jury and the reasons for rejecting each alternative.

3.14 (c) If the proceedings are dismissed, the court may direct that the person be transported
3.15 back to a suitable location including to the person's home.