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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 3887

02/27/2020 Authored by Edelson and Heinrich
The bill was read for the first time and referred to the Judiciary Finance and Civil Law Division
03/12/2020 Adoption of Report: Re-referred to the Committee on Health and Human Services Policy

1.1 A bill for an act
1.2 relating to human services; treatment; modifying provisions regarding releasing
1.3 records of civilly committed individuals; amending Minnesota Statutes 2018,
1.4 section 253B.10, subdivision 1.

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

1.6 Section 1. Minnesota Statutes 2018, section 253B.10, subdivision 1, is amended to read:

1.7 Subdivision 1. Administrative requirements. (a) When a person is committed, the
1.8 court shall issue a warrant or an order committing the patient to the custody of the head of
1.9 the treatment facility. The warrant or order shall state that the patient meets the statutory
1.10 criteria for civil commitment.

1.11 (b) The commissioner shall prioritize patients being admitted from jail or a correctional
1.12 institution who are:

1.13 (1) ordered confined in a state hospital for an examination under Minnesota Rules of
1.14 Criminal Procedure, rules 20.01, subdivision 4, paragraph (a), and 20.02, subdivision 2;

1.15 (2) under civil commitment for competency treatment and continuing supervision under
1.16 Minnesota Rules of Criminal Procedure, rule 20.01, subdivision 7;

1.17 (3) found not guilty by reason of mental illness under Minnesota Rules of Criminal
1.18 Procedure, rule 20.02, subdivision 8, and under civil commitment or are ordered to be
1.19 detained in a state hospital or other facility pending completion of the civil commitment
1.20 proceedings; or

1.21 (4) committed under this chapter to the commissioner after dismissal of the patient's
1.22 criminal charges.

2.1 Patients described in this paragraph must be admitted to a service operated by the
2.2 commissioner within 48 hours. The commitment must be ordered by the court as provided
2.3 in section 253B.09, subdivision 1, paragraph (c).

2.4 (c) Upon the arrival of a patient at the designated treatment facility, the head of the
2.5 facility shall retain the duplicate of the warrant and endorse receipt upon the original warrant
2.6 or acknowledge receipt of the order. The endorsed receipt or acknowledgment must be filed
2.7 in the court of commitment. After arrival, the patient shall be under the control and custody
2.8 of the head of the treatment facility.

2.9 (d) Copies of the petition for commitment, the court's findings of fact and conclusions
2.10 of law, the court order committing the patient, the report of the examiners, and the prepetition
2.11 report, and any medical and behavioral information available shall be provided at the time
2.12 of admission of a patient to the designated treatment facility. Upon a patient's civil
2.13 commitment to the commissioner of human services, any inpatient hospital, treatment
2.14 facility, jail, or correctional facility that has provided care or supervision to the patient in
2.15 the previous two years shall, when requested by the treatment facility or commissioner,
2.16 provide copies of the patient's medical and behavioral records to the Department of Human
2.17 Services for use in care and treatment, including for preadmission planning. This information
2.18 shall also be provided by the head of the treatment facility to treatment facility staff in a
2.19 consistent and timely manner and pursuant to all applicable laws.