

CHAPTER 194--S.F.No. 3673

An act relating to human services; modifying provisions relating to discharge from civil commitment for persons committed as mentally ill and dangerous, sexually dangerous, or persons with a sexual psychopathic personality; amending Minnesota Statutes 2016, sections 253B.18, subdivision 15; 253D.31.

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

Section 1. Minnesota Statutes 2016, section 253B.18, subdivision 15, is amended to read:

Subd. 15. **Discharge.** A patient who is mentally ill and dangerous shall not be discharged unless it appears to the satisfaction of the commissioner, after a hearing and a favorable recommendation by a majority of the special review board, that the patient 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 commissioner shall consider whether specific conditions exist to provide a reasonable degree of protection to the public and to assist the patient in adjusting to the community. If the desired conditions do not exist, the discharge shall not be granted.

EFFECTIVE DATE. This section is effective the day following final enactment for any person committed as mentally ill and dangerous, including any pending petition for a reduction in custody, unless, for such a pending petition, an order of the commissioner or the judicial appeal panel discharging the person from commitment has been issued.

Sec. 2. Minnesota Statutes 2016, section 253D.31, is amended to read:

253D.31 DISCHARGE.

A person who is committed as a sexually dangerous person or a person with a sexual psychopathic personality 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 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 committed person in adjusting to the community. If the desired conditions do not exist, the discharge shall not be granted.

EFFECTIVE DATE. This section is effective the day following final enactment for any person committed as a sexually dangerous person or a person with a sexual psychopathic personality, and any pending petition for a reduction in custody, unless, for such a pending petition, an order of the judicial appeal panel discharging the person from commitment has been issued.

Presented to the governor May 19, 2018

Signed by the governor May 29, 2018, 1:07 p.m.