

SENATE
STATE OF MINNESOTA
NINETIETH SESSION

S.F. No. 1095

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Introduction and first reading
Referred to Judiciary and Public Safety Finance and Policy

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to civil commitment; modifying and clarifying 48-hour admission
1.3 requirements; requiring a pretransfer evaluation in competency restoration cases;
1.4 amending Minnesota Statutes 2016, section 253B.10, subdivision 1.

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

1.6 Section 1. Minnesota Statutes 2016, 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.

Patients described in this paragraph must be admitted to a service operated by the commissioner within 48 hours of the time the commissioner receives notice of the court's order or, if applicable, a pretransfer evaluation under paragraph (c). Regardless of when the 48-hour time period expires, a regional treatment center is not required to admit a patient after 12:00 p.m. on Friday and before 8:00 a.m. on Monday. The commitment must be ordered by the court as provided in section 253B.09, subdivision 1, paragraph (c).

(c) For patients described in paragraph (b), clause (2), upon issuance of the court's order, the designated agency in the county where the jail is located shall arrange for a pretransfer evaluation to determine whether placement of the person in a regional treatment facility is appropriate or whether a less restrictive treatment program can meet the person's need for competency treatment and restoration. The evaluation must be conducted by an examiner, as defined in section 253B.02, subdivision 7, clause (1) or (2). The evaluation must be conducted as soon as practicable and may be conducted using audio-visual interactive technology. The county of financial responsibility is responsible for the cost of the evaluation. Upon completion, the examiner shall immediately forward the evaluation to the commissioner. The commissioner must provide for admission of the person to a regional treatment center or a less restrictive program, consistent with the recommendation of the examiner.

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

~~(d)~~ (e) Copies of the petition for commitment, the court's findings of fact and conclusions of law, the court order committing the patient, the report of the examiners, and the prepetition report shall be provided promptly to the treatment facility.