

**SENATE
STATE OF MINNESOTA
NINETIETH SESSION**

S.F. No. 1635

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DATE
03/01/2017

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

1.1 A bill for an act
1.2 relating to civil commitment; requesting a task force to assess civil commitment
1.3 laws and procedures.

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

1.5 Section 1. CIVIL COMMITMENT TASK FORCE.

1.6 Subdivision 1. Establishment. The Supreme Court is requested to establish a task force
1.7 to evaluate state civil commitment laws and procedures and related legal and treatment
1.8 issues under Minnesota Statutes, chapter 253B.

1.9 Subd. 2. Membership. (a) The task force shall consist of 24 members and shall include:

1.10 (1) legal practitioners including at least one judge, a county attorney, a representative
1.11 of the attorney general's office, and an attorney who represents individuals with mental
1.12 illness in commitment proceedings;

1.13 (2) parents or other family members of individuals with mental illnesses who have been
1.14 committed;

1.15 (3) a representative from a mental health advocacy group;

1.16 (4) individuals with mental illnesses who have and have not been committed;

1.17 (5) mental health service providers, including but not limited to hospitals;

1.18 (6) representatives of county agencies;

1.19 (7) representatives of the Department of Human Services Policy and Operations and
1.20 Direct Care and Treatment Divisions;

- 2.1 (8) representatives from law enforcement agencies;
- 2.2 (9) mental health professionals;
- 2.3 (10) representatives from Native American tribal courts;
- 2.4 (11) two members of the house of representatives, one of whom must be a member of
2.5 the minority party, appointed by the speaker of the house; and
- 2.6 (12) two members of the senate, one of whom must be a member of the minority party,
2.7 appointed by the senate Subcommittee on Committees of the Committee on Rules and
2.8 Administration.
- 2.9 (b) Members of the task force should represent a cross-section or regions within the
2.10 state.
- 2.11 Subd. 3. Duties. (a) The duties of the task force shall, at a minimum, include:
- 2.12 (1) reviewing and evaluating the current criteria for civil commitment under Minnesota
2.13 Statutes, chapter 253B;
- 2.14 (2) developing and recommending a protocol regarding the recognition of mental health
2.15 advance directives during and following commitment proceedings;
- 2.16 (3) developing and recommending standards to ensure due process in civil commitment
2.17 procedures, define the separate functions of the parties, and prevent conflicts of interest;
- 2.18 (4) developing and recommending standards to ensure consistent training for, and
2.19 expertise of, professionals involved in the commitment process;
- 2.20 (5) reviewing and evaluating the implementation and interpretation of commitment laws
2.21 in different regions of the state;
- 2.22 (6) developing and recommending standards to ensure consistent implementation and
2.23 interpretation of commitment laws throughout the state;
- 2.24 (7) reviewing and evaluating the involvement of family members during and following
2.25 commitment proceedings;
- 2.26 (8) developing and recommending a list of the rights of individuals with mental illnesses
2.27 during and following commitment proceedings;
- 2.28 (9) developing and recommending a protocol for individuals with mental illnesses subject
2.29 to both guardianship and commitment proceedings;
- 2.30 (10) reviewing and evaluating the current criteria for provisional discharges;

3.1 (11) developing and recommending a protocol for individuals with mental illnesses
3.2 subject to commitment proceedings as both mentally ill and chemically dependent; and

3.3 (12) reviewing and evaluating the current criteria for commitment to community
3.4 outpatient programs.

3.5 (b) At its discretion, the task force may examine other related issues consistent with this
3.6 section.

3.7 Subd. 4. **Report.** The task force is requested to submit a report under this section to the
3.8 chairs and ranking minority members of the legislative committees with jurisdiction over
3.9 health and human services and public safety policy and finance by January 15, 2019.

3.10 Subd. 5. **Sunset.** This task force sunsets the day after submitting its report under
3.11 subdivision 4.

3.12 **EFFECTIVE DATE.** This section is effective the day following final enactment.