

SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION

S.F. No. 415

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DATE	D-PG	OFFICIAL STATUS
01/29/2015	170	Introduction and first reading Referred to Health, Human Services and Housing

A bill for an act

1.1 relating to human services; public safety; modifying provisions related to
1.2 the Minnesota sex offender program; modifying provisions governing civil
1.3 commitment and treatment of persons with sexual psychopathic personalities
1.4 and sexually dangerous persons; establishing a sex offender civil commitment
1.5 screening unit; implementing the statewide sex offender civil commitment judicial
1.6 panel; establishing a sex offender civil commitment defense office; providing
1.7 for indeterminate lifetime and statutory maximum sentences for certain repeat
1.8 sex offenders; adjusting when certain sex offenders are eligible for release from
1.9 prison; establishing a special review panel to make release decisions regarding
1.10 sex offenders; precluding the subsequent civil commitment of certain sex
1.11 offenders subject to enhanced prison sentences; providing for lifetime supervision
1.12 for all sex offenders; requiring minimal levels of sex offender treatment; requiring
1.13 counties to provide housing for sex offenders in the community; appropriating
1.14 money; amending Minnesota Statutes 2014, sections 244.05, subdivisions 1, 1b,
1.15 4, 5, 7; 244.101, by adding a subdivision; 246B.01, subdivision 1a; 246B.10;
1.16 253B.18, subdivisions 4b, 4c; 253B.19, by adding a subdivision; 253D.02,
1.17 by adding subdivisions; 253D.07, subdivisions 1, 3, by adding a subdivision;
1.18 253D.08; 253D.09; 253D.11; 253D.12, subdivision 2; 253D.14, subdivision 3;
1.19 253D.20; 253D.23; 253D.29, subdivisions 2, 3; 253D.30, subdivisions 3, 4, 5, 6;
1.20 253D.31; 609.135, by adding a subdivision; 609.3455; proposing coding for new
1.21 law in Minnesota Statutes, chapters 244; 253D; repealing Minnesota Statutes
1.22 2014, sections 253D.27; 253D.28; 609.3455, subdivision 6.
1.23

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

ARTICLE 1

**STRICT AND INTENSIVE SUPERVISION AND TREATMENT;
COMMISSIONER OF HUMAN SERVICES AND COUNTY DUTIES**

1.28 Section 1. **STRICT AND INTENSIVE SUPERVISION AND TREATMENT;**
1.29 **COMMISSIONER OF HUMAN SERVICES AND COUNTY DUTIES.**

1.30 (a) The commissioner of human services shall ensure a regimen of treatment that
1.31 provides strict and intensive supervision and treatment (SIST) for individuals civilly

2.1 committed under Minnesota Statutes, section 253D.07, who are court-ordered to SIST
 2.2 or placed on provisional discharge. The SIST must meet public safety requirements as
 2.3 determined by the commissioners of human services, public safety, and corrections, which
 2.4 ensure the safety of the public while meeting the treatment needs of the civilly committed
 2.5 population. The commissioner shall determine existing and anticipated capacity for a
 2.6 range of options for SIST that are effective and appropriate and allow progression. The
 2.7 commissioner shall contract with existing and new providers to provide SIST.

2.8 (b) Each county must, based on the history of the number of commitments under
 2.9 Minnesota Statutes, section 253D.07, in the previous ten years, determine the demand for a
 2.10 range of housing options for SIST and provisional discharge for persons committed under
 2.11 Minnesota Statutes, section 253D.07, and ensure to the commissioner that appropriate and
 2.12 adequate housing is available for persons committed under Minnesota Statutes, section
 2.13 253D.07. The county shall reevaluate the county's housing capacity and demand annually,
 2.14 or more often if necessary, in order to ensure that an adequate range of housing options are
 2.15 available in the county.

2.16 **ARTICLE 2**

2.17 **CIVIL COMMITMENT MODIFICATIONS**

2.18 Section 1. Minnesota Statutes 2014, section 244.05, subdivision 7, is amended to read:

2.19 Subd. 7. **Sex offenders; civil commitment determination.** (a) Before the
 2.20 commissioner releases from prison any inmate convicted under section 609.342,
 2.21 609.343, 609.344, 609.345, or 609.3453, or sentenced as a patterned offender under
 2.22 section 609.3455, subdivision 3a, and determined by the commissioner to be in a
 2.23 high risk category, the commissioner shall make a preliminary determination whether,
 2.24 in the commissioner's opinion, a petition under chapter 253D may be appropriate.
 2.25 ~~The commissioner's opinion must be based on a recommendation of a Department~~
 2.26 ~~of Corrections screening committee and a legal review and recommendation from~~
 2.27 ~~independent counsel knowledgeable in the legal requirements of the civil commitment~~
 2.28 ~~process. The commissioner may retain a retired judge or other attorney to serve~~
 2.29 ~~as independent counsel~~ The commissioner shall establish a process for making a
 2.30 determination under this subdivision that is based on assessment standards established by
 2.31 the sex offender civil commitment screening unit under section 253D.05.

2.32 (b) In making this decision, the commissioner shall have access to the following data
 2.33 only for the purposes of the assessment and referral decision:

2.34 (1) private medical data under section 13.384 or sections 144.291 to 144.298, or
 2.35 welfare data under section 13.46 that relate to medical treatment of the offender;

- 3.1 (2) private and confidential court services data under section 13.84;
 3.2 (3) private and confidential corrections data under section 13.85; and
 3.3 (4) private criminal history data under section 13.87.

3.4 (c) If the commissioner determines that a petition may be appropriate, the
 3.5 commissioner shall forward this determination, along with a summary of the reasons for
 3.6 the determination, to the ~~county attorney in the county where the inmate was convicted~~
 3.7 screening unit under section 253D.05 no later than 12 months before the inmate's release
 3.8 date. If the inmate is received for incarceration with fewer than 12 months remaining in
 3.9 the inmate's term of imprisonment, or if the commissioner receives additional information
 3.10 less than 12 months before release that makes the inmate's case appropriate for referral, the
 3.11 commissioner shall forward the determination as soon as is practicable. Upon receiving
 3.12 the commissioner's preliminary determination, the ~~county attorney~~ screening unit shall
 3.13 proceed in the manner provided in ~~chapter 253D~~ section 253D.05. The commissioner
 3.14 shall release to the ~~county attorney~~ screening unit all requested documentation maintained
 3.15 by the department.

3.16 Sec. 2. Minnesota Statutes 2014, section 246B.01, subdivision 1a, is amended to read:

3.17 Subd. 1a. **Civilly committed sex offender.** "Civilly committed sex offender" means
 3.18 a person who is ~~admitted to the Minnesota sex offender program~~ civilly committed under
 3.19 chapter 253D for the purpose of assessment, diagnosis, care, treatment, supervision, or
 3.20 other services provided by the Minnesota sex offender program.

3.21 Sec. 3. Minnesota Statutes 2014, section 246B.10, is amended to read:

3.22 **246B.10 LIABILITY OF COUNTY; REIMBURSEMENT.**

3.23 The civilly committed sex offender's county shall pay to the state a portion of the
 3.24 cost of care provided ~~in~~ by or through the Minnesota sex offender program to a civilly
 3.25 committed sex offender who has legally settled in that county. Cost of care includes care,
 3.26 housing, and supervision provided to a civilly committed sex offender who is placed
 3.27 on strict and intensive supervision and treatment or provisional discharge. A county's
 3.28 payment must be made from the county's own sources of revenue and payments must
 3.29 equal 25 percent of the cost of care, as determined by the commissioner, for each day
 3.30 or portion of a day, that the civilly committed sex offender spends at ~~the~~ a Minnesota
 3.31 sex offender program facility or on strict and intensive supervision and treatment or
 3.32 provisional discharge. If payments received by the state under this chapter exceed 75
 3.33 percent of the cost of care, the county is responsible for paying the state the remaining
 3.34 amount. The county is not entitled to reimbursement from the civilly committed sex

4.1 offender, the civilly committed sex offender's estate, or from the civilly committed sex
4.2 offender's relatives, except as provided in section 246B.07. For purposes of this section,
4.3 cost of care begins after the order for commitment under section 253D.07, subdivision 3.

4.4 Sec. 4. Minnesota Statutes 2014, section 253B.18, subdivision 4b, is amended to read:

4.5 Subd. 4b. **Pass-eligible status; notification.** ~~The following patients~~ A patient
4.6 committed to a secure treatment facility ~~shall~~ as a person who is mentally ill and dangerous
4.7 must not be placed on pass-eligible status unless without approval of that status has been
4.8 approved by the medical director of the secure treatment facility if the patient:

4.9 ~~(a) a patient who has been committed as a person who is mentally ill and dangerous~~
4.10 ~~and who:~~

4.11 (1) was found incompetent to proceed to trial for a felony or was found not guilty
4.12 by reason of mental illness of a felony immediately prior to the filing of the commitment
4.13 petition;

4.14 (2) was convicted of a felony immediately prior to or during commitment as a
4.15 person who is mentally ill and dangerous; or

4.16 (3) is subject to a commitment to the commissioner of corrections; ~~and.~~

4.17 ~~(b) a patient who has been committed as a psychopathic personality, a sexually~~
4.18 ~~psychopathic personality, or a sexually dangerous person.~~

4.19 At least ten days prior to a determination on the status, the medical director shall
4.20 notify the committing court, the county attorney of the county of commitment, the
4.21 designated agency, an interested person, the petitioner, and the petitioner's counsel of the
4.22 proposed status, and their right to request review by the special review board. If within ten
4.23 days of receiving notice any notified person requests review by filing a notice of objection
4.24 with the commissioner and the head of the treatment facility, a hearing shall be held before
4.25 the special review board. The proposed status shall not be implemented unless it receives
4.26 a favorable recommendation by a majority of the board and approval by the commissioner.
4.27 The order of the commissioner is appealable as provided in section 253B.19.

4.28 Nothing in this subdivision shall be construed to give a patient an affirmative right to
4.29 seek pass-eligible status from the special review board.

4.30 Sec. 5. Minnesota Statutes 2014, section 253B.18, subdivision 4c, is amended to read:

4.31 Subd. 4c. **Special review board.** (a) The commissioner shall establish one or more
4.32 panels of a special review board. The board shall consist of three members experienced
4.33 in the field of mental illness. One member of each special review board panel shall be a
4.34 psychiatrist or a doctoral level psychologist with forensic experience and one member

5.1 shall be an attorney. No member shall be affiliated with the Department of Human
 5.2 Services. The special review board shall meet at least every six months and at the call of
 5.3 the commissioner. It shall hear and consider all petitions for a reduction in custody or to
 5.4 appeal a revocation of provisional discharge. A "reduction in custody" means transfer
 5.5 from a secure treatment facility, discharge, and provisional discharge. Patients may be
 5.6 transferred by the commissioner between secure treatment facilities without a special
 5.7 review board hearing.

5.8 Members of the special review board shall receive compensation and reimbursement
 5.9 for expenses as established by the commissioner.

5.10 ~~(b) A petition filed by a person committed as mentally ill and dangerous to the public~~
 5.11 ~~under this section must be heard as provided in subdivision 5 and, as applicable, subdivision~~
 5.12 ~~13. A petition filed by A person committed as a sexual psychopathic personality or as~~
 5.13 ~~a sexually dangerous person under chapter 253D, or committed as both mentally ill and~~
 5.14 ~~dangerous to the public under this section and as a sexual psychopathic personality or as a~~
 5.15 ~~sexually dangerous person must be heard as provided in section 253D.27 under chapter~~
 5.16 253D is not entitled to file a petition for a reduction in custody under this section.

5.17 Sec. 6. Minnesota Statutes 2014, section 253B.19, is amended by adding a subdivision
 5.18 to read:

5.19 Subd. 6. **Sex offender civil commitments.** The judicial appeal panel shall consider
 5.20 petitions for relief brought by a person who is civilly committed under chapter 253D
 5.21 regarding review of a biennial report, revocation of a transfer or provisional discharge, or
 5.22 a petition for discharge, as provided for under that chapter.

5.23 Sec. 7. Minnesota Statutes 2014, section 253D.02, is amended by adding a subdivision
 5.24 to read:

5.25 Subd. 9a. **Judicial appeal panel.** "Judicial appeal panel" means the appeal panel
 5.26 established under section 253B.19.

5.27 Sec. 8. Minnesota Statutes 2014, section 253D.02, is amended by adding a subdivision
 5.28 to read:

5.29 Subd. 12a. **Screening unit.** "Screening unit" means the sex offender civil
 5.30 commitment screening unit established under section 253D.05.

5.31 Sec. 9. **[253D.05] SEX OFFENDER CIVIL COMMITMENT SCREENING UNIT.**

6.1 Subdivision 1. **Establishment.** (a) A sex offender civil commitment screening
6.2 unit is established. The screening unit is part of the executive branch of government.
6.3 The screening unit must operate as a centralized, professionally independent unit with
6.4 statewide jurisdiction to develop and implement a comprehensive assessment process to
6.5 evaluate whether individuals meet the criteria for civil commitment under this chapter and
6.6 the appropriate terms and conditions of commitment, including placement.

6.7 (b) An executive board comprised of two members appointed by the commissioner
6.8 of human services, two members appointed by the commissioner of corrections, and
6.9 one member appointed by the Supreme Court is responsible for overseeing the general
6.10 administrative operations of the screening unit but has no control over the performance of
6.11 professional duties of the screening unit. The member designated by the Supreme Court is
6.12 the chair of the board. Members serve two-year terms. A member of the board must not
6.13 be an employee of the Department of Human Services, the Department of Corrections, a
6.14 county attorney, or the judicial branch. Section 15.0575 applies to the compensation and
6.15 removal of members and filling of vacancies.

6.16 Subd. 2. **Organization; multidisciplinary teams.** (a) The executive board
6.17 shall hire a director for the screening unit who must be chosen solely on the basis of
6.18 training, experience, and other qualifications and will serve at the pleasure of the board.
6.19 The director shall employ a sufficient number of individuals to serve as members of
6.20 the screening unit and may employ staff to assist the members. The members must
6.21 include individuals with the professional expertise, credentials, training, and professional
6.22 independence to perform duties under this section.

6.23 (b) Each case must be reviewed by a screening team comprised of at least three
6.24 members of the screening unit. At least two members of a team must be professionals
6.25 with training and credentials in the treatment, diagnosis, risk assessment, or management
6.26 of sex offenders that ensure that assessments, determinations, and recommendations are
6.27 evidence-based and use the most current and accurate science, including validated risk
6.28 assessment instruments.

6.29 Subd. 3. **Determinations and recommendations; use in court proceedings.** (a)
6.30 The screening unit shall:

6.31 (1) review cases submitted by the commissioner of corrections under section 244.05,
6.32 subdivision 7, or a county attorney under section 253D.07, subdivision 1, and determine
6.33 whether the person meets the legal criteria for commitment under this chapter;

6.34 (2) if a court makes a determination that a respondent is a person with a sexual
6.35 psychopathic personality or a sexually dangerous person, make a recommendation

7.1 regarding the terms and conditions of the commitment, including the appropriate
7.2 placement; and

7.3 (3) when a case is subject to biennial review under this chapter, conduct a forensic
7.4 evaluation and make a recommendation regarding whether the committed person should
7.5 be transferred, provisionally discharged, or discharged under this chapter and the
7.6 appropriate terms and conditions of any continued commitment, including placement.

7.7 (b) If a case is submitted to the screening unit by the commissioner of corrections
7.8 under section 244.05, subdivision 7, the screening unit shall notify the county attorney of
7.9 the county where the inmate was convicted and the county where the inmate resided before
7.10 incarceration of its determination regarding whether the person meets the legal criteria for
7.11 commitment under this chapter. If the commissioner of corrections provided a preliminary
7.12 determination to the screening unit at least 12 months before the inmate's scheduled release
7.13 from prison, the unit shall provide the notice within 90 days after receiving the preliminary
7.14 determination from the commissioner of corrections. If the commissioner of corrections
7.15 provided a preliminary determination to the screening unit less than 12 months before the
7.16 inmate's scheduled release, the unit shall provide the notice nine months before the inmate's
7.17 scheduled release or within 30 days after receiving the preliminary determination from the
7.18 commissioner of corrections, whichever is later. The screening unit shall release requested
7.19 documentation for its determination to the county attorney, including documentation
7.20 created by the screening unit or received from the commissioner of corrections.

7.21 (c) If a case is submitted to the screening unit by a county attorney under section
7.22 253D.07, subdivision 1, the screening unit shall notify the county attorney of its
7.23 determination regarding whether the person meets the legal criteria for commitment under
7.24 this chapter. The notice must be given within 30 days after the case is submitted.

7.25 (d) Failure to comply with the timelines under paragraph (b) or (c) does not affect
7.26 the validity or effectiveness of a determination. A determination or recommendation
7.27 of the screening unit is not binding but may be admissible in a proceeding under this
7.28 chapter. A member of the screening unit must not testify at a proceeding where a report
7.29 of the screening unit will be considered.

7.30 Subd. 4. **Access to data.** The screening unit has access to the data specified in
7.31 sections 244.05, subdivision 7, paragraph (b), and 253D.08, subdivision 2, for purposes
7.32 of making a determination under subdivision 3, paragraph (a), clause (1). The screening
7.33 unit may move for an order under section 253D.08, subdivision 1, in the same manner
7.34 as the county attorney to obtain access to other records regarding an inmate or potential
7.35 respondent that may be relevant to its determination.

8.1 Subd. 5. **Development and publication of standards.** (a) The screening unit shall
8.2 develop clear, consistent, and scientifically based standards by which individuals are
8.3 screened for civil commitment and for determining the appropriate treatment, including
8.4 standards for determining whether an individual meets the legal criteria for commitment;
8.5 terms and conditions of commitment, including placement; and standards for a transfer,
8.6 provisional discharge, or discharge. The standards must be evidence-based and use the
8.7 most current and accurate science, including validated risk assessment instruments.

8.8 (b) The screening unit shall maintain expertise on the most current and accurate
8.9 assessment methods and analysis and regularly publish guidance on these subjects for the
8.10 benefit of courts, petitioners, defense counsel, and individuals subject to civil commitment
8.11 proceedings under this chapter.

8.12 (c) The screening unit shall develop assessment standards for use by the
8.13 commissioner of corrections under section 244.05, subdivision 7, for purposes of making
8.14 a determination that an inmate is in a high-risk category and a preliminary determination
8.15 that a petition under this chapter may be appropriate.

8.16 Subd. 6. **Audit.** At least once every two years, the executive board established
8.17 under subdivision 1 shall arrange for an independent audit of the work of the screening
8.18 unit to ensure that the screening unit produces consistent, accurate, and quality evaluations
8.19 that identify the scientific basis for recommendations and that the screening unit operates
8.20 as a professionally independent entity that is not subject to pressure or retaliation from
8.21 any source in the performance of its duties.

8.22 Sec. 10. Minnesota Statutes 2014, section 253D.07, subdivision 1, is amended to read:

8.23 Subdivision 1. **Commitment generally.** (a) Before commitment proceedings are
8.24 instituted, the facts ~~shall first be submitted~~ case must be submitted to the screening unit
8.25 under section 253D.05, provided that if the case was submitted to the screening unit by
8.26 the commissioner of corrections under section 244.05, subdivision 7, and the screening
8.27 unit has not submitted its determination 48 hours before the inmate's scheduled release,
8.28 the county attorney may file a petition pending a determination by the screening unit. In
8.29 addition, the county attorney may file a petition pending a determination if there is good
8.30 cause for not submitting the case to the screening unit in time to receive a determination
8.31 before the filing of the petition. The petition must include a statement of good cause.
8.32 Upon a motion to dismiss for lack of good cause, or when considering an application of
8.33 the county attorney for a judicial hold order under section 253B.07, subdivision 2b or 7,
8.34 the court shall dismiss the petition unless the court determines that the county attorney has

9.1 established good cause. Dismissal does not preclude the county attorney from filing a new
 9.2 petition after the requirements of this paragraph have been satisfied.

9.3 (b) The screening unit must submit its determination regarding whether an individual
 9.4 meets the legal criteria for commitment under this chapter to the county attorney, who, if
 9.5 satisfied that good cause exists, will prepare the petition. ~~The county attorney may request~~
 9.6 ~~a prepetition screening report~~ A determination by the screening unit that an individual
 9.7 does not meet the criteria for commitment is not binding on the county attorney. The
 9.8 petition is to be executed by a person having knowledge of the facts and filed with the
 9.9 district court of the county of financial responsibility, as defined in section 253B.02,
 9.10 subdivision 4e, or the county where the respondent is present. If the respondent is in the
 9.11 eustody of the commissioner of corrections, the petition may be filed in the county where
 9.12 the conviction for which the person is incarcerated was entered Supreme Court for referral
 9.13 to the judicial panel under section 253D.11. The county attorney, as determined pursuant
 9.14 to section 253B.23, subdivision 1b, is responsible for making a decision regarding the
 9.15 filing of a commitment petition.

9.16 Sec. 11. Minnesota Statutes 2014, section 253D.07, subdivision 3, is amended to read:

9.17 Subd. 3. **Secure treatment facility Standard for commitment; evaluation.** (a)
 9.18 If the court finds by clear and convincing evidence that the respondent is a sexually
 9.19 dangerous person or a person with a sexual psychopathic personality, the court shall
 9.20 commit the person to the commissioner for placement in a secure treatment facility unless
 9.21 the person establishes by clear and convincing evidence that a less restrictive treatment
 9.22 program is available, is willing to accept the respondent under commitment, and is
 9.23 consistent with the person's treatment needs and the requirements of public safety. for
 9.24 evaluation and proposed disposition. The Minnesota sex offender program is not required
 9.25 to provide sex offender treatment to the person until the court issues a disposition order.

9.26 (b) Within 60 days following commitment and placement of the patient in a
 9.27 secure treatment facility, the screening unit shall evaluate the patient, consider possible
 9.28 dispositions, and file a written disposition report with the committing court. If the person
 9.29 is in the custody of the commissioner of corrections when the commitment is ordered
 9.30 under paragraph (a), the written disposition report must be filed no later than 60 days after
 9.31 the person is admitted to the secure treatment facility. The screening unit may perform
 9.32 part or all of the evaluation, including providing the disposition report to the court, before
 9.33 the person is placed in a secure treatment facility by the commissioner. The screening
 9.34 unit may request that the court grant an extension of the 60-day deadline, which may
 9.35 be granted for good cause after opportunity for objection by the patient and the county

10.1 attorney. The disposition report must recommend whether the person should be placed
10.2 on strict and intensive supervision and treatment or in a secure treatment facility. If the
10.3 recommendation is for placement on strict and intensive supervision and treatment, the
10.4 report must specifically describe the conditions that the screening unit determines would
10.5 be best suited to meet the person's treatment needs and the requirements of public safety.
10.6 Within 30 days after receiving the disposition report, unless otherwise agreed by the
10.7 parties, the court shall hold a hearing to make a final determination as to the appropriate
10.8 disposition of the case. If the disposition report recommends placement on strict and
10.9 intensive supervision and treatment, either party or the court may request the court
10.10 examiners to address the sufficiency and conditions of the plan.

10.11 (c) Between the time of the commitment order under paragraph (a) and the court's
10.12 disposition order under paragraph (b), with the agreement of the committed person the
10.13 person may be held in a Department of Corrections facility according to the provisions of
10.14 section 253D.10, subdivision 2, even though the person is not under a judicial hold order
10.15 under section 253B.07, subdivision 2b or 7. During any time the person is confined in a
10.16 Department of Corrections facility under this paragraph, the county's responsibility for
10.17 costs of confinement must not exceed 25 percent and the Department of Human Services
10.18 shall reimburse the Department of Corrections for the remaining 75 percent.

10.19 (d) At the time of commitment, the court shall provide the screening unit copies of
10.20 the court-appointed examiners' reports and the exhibits admitted in the case. Upon request
10.21 of the screening unit, the county attorney shall provide copies of records gathered by the
10.22 county attorney for purposes of the case. Upon request, the screening unit is entitled to
10.23 promptly obtain records and data regarding the committed person from the Department of
10.24 Corrections, a probation or parole agency, and a program or provider that has provided sex
10.25 offender or mental health evaluation or treatment to the committed person.

10.26 Sec. 12. Minnesota Statutes 2014, section 253D.07, is amended by adding a
10.27 subdivision to read:

10.28 Subd. 3a. **Disposition.** (a) If a specific plan for strict and intensive supervision and
10.29 treatment is proposed in the disposition report or by the committed person, the court
10.30 shall commit the person to strict and intensive supervision and treatment, unless the
10.31 petitioner proves by a preponderance of the evidence that the plan is not sufficient to meet
10.32 the person's treatment needs or the requirements of public safety. If no specific plan is
10.33 presented, or if the court determines that no plan that is proposed is sufficient, the court
10.34 shall commit the person to a secure treatment facility.

11.1 (b) If the court finds that strict and intensive supervision and treatment is appropriate,
11.2 the court shall notify the Minnesota sex offender program, which must prepare a plan
11.3 that identifies the treatment and services for the patient, including recommendations
11.4 regarding the conditions of strict and intensive supervision and treatment. The plan must
11.5 be presented to the court for its approval within 60 days after the court finds that strict
11.6 and intensive supervision and treatment is appropriate, unless the program or the patient
11.7 requests additional time to develop the plan and the court determines there is good cause
11.8 to allow an extension for a specified period.

11.9 (c) An order for strict and intensive supervision and treatment places the patient
11.10 in the custody and control of the commissioner of human services for the provision of
11.11 treatment, services, and supervision under the Minnesota sex offender program and the
11.12 patient is subject to the conditions set by the court and the program, which must ensure the
11.13 safety of the public while meeting the treatment needs of the civilly committed patient.

11.14 (d) If the program determines that a patient under this subdivision has violated a
11.15 condition under paragraph (c) or is exhibiting behavior that may be dangerous to self or
11.16 others or that the interests of public safety require that strict and intensive supervision
11.17 and treatment placement be revoked, the program may, using the procedures in section
11.18 253D.29, subdivision 3, or 253D.30, subdivision 5, revoke the patient's placement on
11.19 strict and intensive supervision and treatment and place the patient in a secure treatment
11.20 facility. The patient may appeal the revocation using the procedures in section 253D.29,
11.21 subdivision 3, or 253D.30, subdivision 5, except that appeal is to the committing court. If
11.22 the committing court determines that a condition of the strict and intensive supervision and
11.23 treatment placement has been violated or that the safety of the patient or others requires
11.24 that the strict and intensive supervision and treatment placement be revoked, the court
11.25 shall affirm the revocation of the strict and intensive supervision and treatment placement
11.26 and order an appropriate commitment placement under this section. The court may also,
11.27 after notice to the parties and opportunity for hearing, reinstate the person on strict and
11.28 intensive supervision under modified conditions the court determines are sufficient to
11.29 satisfy the person's treatment needs and the requirements of public safety. If the court
11.30 finds there was no violation and that the safety of the committed person or others does not
11.31 require that the strict and intensive supervision be revoked, it shall reverse the revocation
11.32 and order that the strict and intensive supervision placement be reinstated.

11.33 (e) This subdivision does not affect or replace any applicable registration
11.34 requirements under section 243.166 or notice requirements under sections 244.052 and
11.35 244.053.

12.1 Sec. 13. Minnesota Statutes 2014, section 253D.08, is amended to read:

12.2 **253D.08 COUNTY ATTORNEY ACCESS TO DATA.**

12.3 Subdivision 1. Court order required. (a) Notwithstanding sections 144.291
12.4 to 144.298; 245.467, subdivision 6; 245.4876, subdivision 7; 260B.171; 260B.235,
12.5 subdivision 8; 260C.171; and 609.749, subdivision 6, or any provision of chapter 13 or
12.6 other state law, prior to filing a petition for commitment of a sexually dangerous person
12.7 or a person with a sexual psychopathic personality, and upon notice to the proposed
12.8 committed person, the county attorney or the county attorney's designee may move the
12.9 court for an order granting access to any records or data, to the extent it relates to the
12.10 proposed committed person, for the purpose of determining whether good cause exists to
12.11 file a petition and, if a petition is filed, to support the allegations set forth in the petition.

12.12 (b) The court may grant the motion if: (1) the Department of Corrections refers
12.13 the case for commitment of a sexually dangerous person or a person with a sexual
12.14 psychopathic personality; or (2) upon a showing that the requested category of data or
12.15 records may be relevant to the determination by the county attorney or designee. The court
12.16 shall decide a motion under this section within 48 hours after a hearing on the motion.
12.17 Notice to the proposed committed person need not be given upon a showing that such
12.18 notice may result in harm or harassment of interested persons or potential witnesses.

12.19 Subd. 2. Court order not required; Department of Corrections, probation, or
12.20 parole data. Notwithstanding any provision of chapter 13 or other state law, a county
12.21 attorney considering the civil commitment of a person under this chapter may obtain
12.22 records and data from the Department of Corrections or any probation or parole agency in
12.23 this state upon request, without a court order, for the purpose of determining whether good
12.24 cause exists to file a petition and, if a petition is filed, to support the allegations set forth in
12.25 the petition. At the time of the request for the records, the county attorney shall provide
12.26 notice of the request to the person who is the subject of the records.

12.27 Subd. 3. Data retain classification; limited use in other proceedings. Data
12.28 collected pursuant to this section shall retain their original status and, if not public, are
12.29 inadmissible in any court proceeding unrelated to civil commitment, unless otherwise
12.30 permitted.

12.31 Sec. 14. Minnesota Statutes 2014, section 253D.09, is amended to read:

12.32 **253D.09 PETITION DETERMINATION REQUIRED.**

12.33 (a) Within 120 days of receipt of a preliminary determination from a court under
12.34 section 609.1351, or a referral determination from the commissioner of corrections sex
12.35 offender civil commitment screening unit pursuant to section 244.05, subdivision 7.

13.1 253D.05, a county attorney shall determine whether good cause under section 253D.07
 13.2 exists to file a petition, and if good cause exists, the county attorney or designee shall file
 13.3 the petition with the court.

13.4 (b) Failure to meet the requirements of paragraph (a) does not bar filing a petition
 13.5 under section 253D.07, subdivision 2, any time the county attorney determines pursuant
 13.6 to section 253D.07 that good cause for such a petition exists, provided that the case has
 13.7 been submitted to the screening unit under section 253D.05.

13.8 Sec. 15. Minnesota Statutes 2014, section 253D.11, is amended to read:

13.9 **253D.11 STATEWIDE JUDICIAL PANEL.**

13.10 ~~Subdivision 1. **Establishment.**~~ The Supreme Court ~~may~~ shall establish a panel of
 13.11 district judges, which may include retired judges, with statewide authority to preside
 13.12 over commitment proceedings of sexually dangerous persons or persons with sexual
 13.13 psychopathic personalities. ~~Only One~~ judge of the panel ~~is required to~~ will preside over
 13.14 a particular commitment proceeding. Panel members shall serve ~~for one-year~~ terms
 13.15 specified by the Supreme Court. One of the judges shall be designated as the chief judge
 13.16 of the panel, and is vested with the power to designate the presiding judge in a particular
 13.17 case, to set the proper venue for the proceedings, and to otherwise supervise and direct
 13.18 the operation of the panel. The chief judge shall designate one of the other judges to act
 13.19 as chief judge whenever the chief judge is unable to act.

13.20 ~~Subd. 2. **Petitions.** If the Supreme Court creates the judicial panel authorized by this~~
 13.21 ~~section, all petitions for civil commitment brought under section 253D.07 shall be filed~~
 13.22 ~~with the supreme court instead of with the district court in the county where the proposed~~
 13.23 ~~patient is present, notwithstanding any provision of section 253D.07 to the contrary.~~
 13.24 ~~Otherwise, all of the other applicable procedures contained in this chapter and sections~~
 13.25 ~~253B.07 and 253B.08 apply to commitment proceedings conducted by a judge on the panel.~~

13.26 Sec. 16. Minnesota Statutes 2014, section 253D.12, subdivision 2, is amended to read:

13.27 Subd. 2. **Share of cost of confinement.** Notwithstanding sections 246.54, 253D.10,
 13.28 and any other law to the contrary, when a petition is filed for commitment under this
 13.29 chapter ~~pursuant to the notice required in~~ of a person who was referred under section
 13.30 244.05, subdivision 7, the state and county are each responsible for 50 percent of the cost
 13.31 of the person's confinement at a state facility or county jail, prior to commitment.

13.32 Sec. 17. Minnesota Statutes 2014, section 253D.14, subdivision 3, is amended to read:

14.1 Subd. 3. **Notice of discharge or release.** Before provisionally discharging,
 14.2 discharging, ~~granting pass-eligible status, approving a pass plan,~~ or otherwise permanently
 14.3 or temporarily releasing a person committed under this chapter from a treatment facility,
 14.4 the executive director shall make a reasonable effort to notify any victim of a crime for
 14.5 which the person was convicted that the person may be discharged or released and that
 14.6 the victim has a right to submit a written statement regarding ~~decisions of the executive~~
 14.7 ~~director, or special review board~~ the decision, with respect to the person. To the extent
 14.8 possible, the notice must be provided at least 14 days before ~~any special review board a~~
 14.9 ~~hearing or before a determination on a pass plan.~~ Notwithstanding section 611A.06,
 14.10 subdivision 4, the commissioner shall provide the judicial ~~appeal~~ panel under section
 14.11 253D.11 with victim information in order to comply with the provisions of this chapter.
 14.12 The judicial ~~appeal~~ panel shall ensure that the data on victims remains private as provided
 14.13 for in section 611A.06, subdivision 4.

14.14 Sec. 18. Minnesota Statutes 2014, section 253D.20, is amended to read:

14.15 **253D.20 RIGHT TO COUNSEL.**

14.16 A committed person has the right to be represented by counsel at any proceeding
 14.17 under this chapter. The court shall appoint a qualified attorney from the sex offender
 14.18 civil commitment defense panel established under section 253D.201, to represent
 14.19 the committed person if neither the committed person nor others provide counsel.
 14.20 The attorney shall be appointed at the time a petition for commitment is filed. In all
 14.21 proceedings under this chapter, the attorney shall:

- 14.22 (1) consult with the person prior to any hearing;
- 14.23 (2) be given adequate time and access to records to prepare for all hearings;
- 14.24 (3) continue to represent the person throughout any proceedings under this chapter
 14.25 unless released as counsel by the court; and
- 14.26 (4) be a vigorous advocate on behalf of the person.

14.27 Sec. 19. **[253D.201] SEX OFFENDER CIVIL COMMITMENT DEFENSE**
 14.28 **OFFICE.**

14.29 Subdivision 1. **Establishment; operation.** A sex offender civil commitment
 14.30 defense office is established. The office is part of, but not subject to the administrative
 14.31 control of, the judicial branch of government. The Supreme Court shall appoint a chief
 14.32 administrator who shall supervise the operation of the office. The office shall approve and
 14.33 administer a panel of defense counsel to represent respondents and committed persons in

15.1 proceedings under this chapter and provide for investigative and professional resources
 15.2 necessary for the provision of quality legal representation.

15.3 Subd. 2. **Costs of defense services.** Notwithstanding section 253B.23, subdivision
 15.4 1, to the extent the costs of defense counsel, examiners, and witnesses employed or used
 15.5 by the defense office exceed in a proceeding under this chapter, those costs must
 15.6 be paid by the state.

15.7 Sec. 20. Minnesota Statutes 2014, section 253D.23, is amended to read:

15.8 **253D.23 PASSES PROHIBITED.**

15.9 A committed person ~~may be released on~~ is not eligible for, and must not receive,
 15.10 a pass only as provided by. Section 253B.18, subdivisions 4a and 4b, do not apply to a
 15.11 committed person.

15.12 Sec. 21. **[253D.25] BIENNIAL REVIEW.**

15.13 Subdivision 1. **General requirements; examination.** (a) Within 24 months after
 15.14 the date of the disposition order under section 253D.07, subdivision 3a, and at least once
 15.15 every 24 months after that time, the commissioner shall arrange for an examination and
 15.16 evaluation of the committed person by the screening unit.

15.17 (b) The screening unit shall prepare a written report of the examination and its
 15.18 recommendations regarding continued commitment and placement of the committed
 15.19 person no later than 30 days after the date of the examination. The report must examine
 15.20 and assess the patient's:

15.21 (1) progress toward treatment goals;

15.22 (2) risk to the public; and

15.23 (3) suitability for an alternative placement that balances the patient's continued
 15.24 treatment needs and public safety. The screening unit shall provide a copy of the report to
 15.25 the county attorneys of the committing county and the county of financial responsibility,
 15.26 the commissioner, and the judicial appeal panel.

15.27 (c) Notwithstanding paragraph (a), the judicial appeal panel may order an
 15.28 examination and evaluation of a committed person at any time during the period in which
 15.29 the person is subject to a commitment order. The examination must be conducted pursuant
 15.30 to this subdivision.

15.31 (d) The executive clinical director of the Minnesota sex offender program shall
 15.32 prepare a treatment progress report and provide a copy of the treatment progress report
 15.33 to the screening unit and the commissioner for the purposes of the report under this
 15.34 subdivision. The treatment progress report must consider all of the following:

16.1 (1) the specific factors associated with the person's risk for committing another
16.2 sexually violent offense;

16.3 (2) whether the person has made significant progress in treatment or has refused
16.4 treatment;

16.5 (3) the ongoing treatment needs of the person; and

16.6 (4) any specialized needs or conditions associated with the person that must be
16.7 considered in future treatment planning.

16.8 (e) The screening unit and the executive clinical director must have reasonable
16.9 access to the person for purposes of examination, to the person's past and present treatment
16.10 and supervision records, and to the person's health care records.

16.11 Subd. 2. **Report; submission.** The commissioner shall submit a biennial report
16.12 comprised of the examination report under subdivision 1, paragraph (b), and the treatment
16.13 progress report under subdivision 1, paragraph (d), to the judicial appeal panel. A copy of
16.14 the biennial report must be placed in the person's treatment records. The commissioner
16.15 shall provide a copy of the biennial report to the patient and the county attorneys of the
16.16 committing county and the county of financial responsibility. The panel shall provide a
16.17 copy of the biennial report to the patient's attorney as soon as the attorney is retained
16.18 or appointed.

16.19 Subd. 3. **Hearing on biennial report.** (a) Within 28 days after the commissioner
16.20 submits a biennial report under subdivision 2, the patient or the patient's attorney may
16.21 file supplemental written argument, affidavits, and exhibits, which must be served on
16.22 the county attorney. Within 14 days of the service of supplemental documents by the
16.23 patient or the patient's attorney, the county attorney of the committing county or county of
16.24 financial responsibility may file and serve a written response.

16.25 (b) Within 60 days after receiving the biennial report, the judicial appeal panel shall
16.26 determine whether to set the matter for a hearing. A hearing must be conducted unless the
16.27 judicial appeal panel determines that the biennial report and any supplemental documents
16.28 fail to present a prima facie case with competent evidence that the patient is entitled to
16.29 transfer out of a secure treatment facility, a provisional discharge, or discharge from
16.30 commitment. The judicial appeal panel shall allow the executive director to request a
16.31 hearing at any time. The judicial appeal panel may require a hearing at any time for
16.32 good cause.

16.33 (c) If a hearing is ordered under paragraph (b), the hearing must be held within
16.34 180 days after the order, unless an extension is granted for good cause. The patient, the
16.35 patient's counsel, and the county attorney of the committing county or the county of
16.36 financial responsibility shall participate as parties to the proceeding pending before the

17.1 judicial appeal panel and shall, no later than 20 days before the hearing on the petition,
17.2 inform the judicial appeal panel and the opposing party in writing whether they support
17.3 or oppose transfer, provisional discharge, or discharge, and provide a summary of facts
17.4 in support of their position. The judicial appeal panel may appoint examiners and may
17.5 adjourn the hearing from time to time. It shall hear and receive all relevant testimony and
17.6 evidence and make a record of all proceedings. The patient, the patient's counsel, and the
17.7 county attorney of the committing county or the county of financial responsibility have the
17.8 right to be present and may present and cross-examine all witnesses and offer a factual
17.9 and legal basis in support of their positions. The party opposing discharge or provisional
17.10 discharge bears the burden of proof by clear and convincing evidence that the discharge or
17.11 provisional discharge should be denied. A party seeking transfer under section 253D.29
17.12 must establish by a preponderance of the evidence that the transfer is appropriate.

17.13 (d) This subdivision applies to individuals committed under this chapter and
17.14 individuals committed under this chapter and section 253B.18. The procedures in section
17.15 253D.14 for victim notification and right to submit a statement apply to hearings under
17.16 this subdivision. A hearing under this subdivision is considered to be a commitment
17.17 proceeding under section 8.01.

17.18 Subd. 4. **Effect of new criminal charge or conviction.** If a person committed
17.19 under this section is incarcerated for a new criminal charge or conviction, any reporting
17.20 requirement under subdivision 1 or 2 does not apply during the incarceration period. The
17.21 judicial appeal panel may order an examination of the person under subdivision 1 if the
17.22 panel finds an examination is necessary. The required reports are due 24 months after the
17.23 person is returned to the custody and control of the commissioner of human services
17.24 under the Minnesota sex offender program.

17.25 Subd. 5. **Effect of failure to complete or file report.** Failure to complete or file
17.26 any required report within the specified time period does not affect the validity of the
17.27 person's continuing commitment.

17.28 Sec. 22. Minnesota Statutes 2014, section 253D.29, subdivision 2, is amended to read:

17.29 Subd. 2. **Voluntary readmission to a secure facility.** (a) After a committed person
17.30 has been transferred out of a secure facility pursuant to subdivision 1 and with the consent
17.31 of the executive director, a committed person may voluntarily return to a secure facility
17.32 for a period of up to 60 days.

17.33 (b) If the committed person is not returned to the facility to which the person was
17.34 originally transferred pursuant to subdivision 1 within 60 days of being readmitted to a

18.1 secure facility, the transfer is revoked and the committed person shall remain in a secure
18.2 facility. The committed person shall immediately be notified in writing of the revocation.

18.3 (c) Within 15 days of receiving notice of the revocation, the committed person may
18.4 petition the ~~special review board~~ judicial appeal panel for a review of the revocation. The
18.5 ~~special review board~~ judicial appeal panel shall review the circumstances of the revocation
18.6 and shall ~~recommend to the judicial appeal panel~~ determine whether or not the revocation
18.7 shall be upheld. The ~~special review board~~ judicial appeal panel may also ~~recommend~~
18.8 order a new transfer at the time of the revocation hearing.

18.9 (d) If the transfer has not been revoked and the committed person is to be returned
18.10 to the facility to which the committed person was originally transferred pursuant to
18.11 subdivision 1 with no substantive change to the conditions of the transfer ordered pursuant
18.12 to subdivision 1, no action by the ~~special review board~~ or judicial appeal panel is required.

18.13 Sec. 23. Minnesota Statutes 2014, section 253D.29, subdivision 3, is amended to read:

18.14 Subd. 3. **Revocation.** (a) The executive director may revoke a transfer made pursuant
18.15 to subdivision 1 and require a committed person to return to a secure treatment facility if:

18.16 (1) remaining in a nonsecure setting will not provide a reasonable degree of safety to
18.17 the committed person or others; or

18.18 (2) the committed person has regressed in clinical progress so that the facility to
18.19 which the committed person was transferred is no longer sufficient to meet the committed
18.20 person's needs.

18.21 (b) Upon the revocation of the transfer, the committed person shall be immediately
18.22 returned to a secure treatment facility. A report documenting reasons for revocation shall
18.23 be issued by the executive director within seven days after the committed person is
18.24 returned to the secure treatment facility. Advance notice to the committed person of the
18.25 revocation is not required.

18.26 (c) The committed person must be provided a copy of the revocation report and
18.27 informed, orally and in writing, of the rights of a committed person under this section. The
18.28 revocation report shall be served upon the committed person and the committed person's
18.29 counsel. The report shall outline the specific reasons for the revocation including, but not
18.30 limited to, the specific facts upon which the revocation is based.

18.31 (d) If a committed person's transfer is revoked, the committed person may re-petition
18.32 for transfer according to section 253D.27.

18.33 (e) Any committed person aggrieved by a transfer revocation decision may petition
18.34 the ~~special review board~~ judicial appeal panel within seven days, exclusive of Saturdays,
18.35 Sundays, and legal holidays, after receipt of the revocation report for a review of the

19.1 revocation. The matter shall be scheduled within 30 days. The ~~special review board~~
19.2 judicial appeal panel shall review the circumstances leading to the revocation and, after
19.3 considering the factors in subdivision 1, paragraph (b), shall ~~recommend to the judicial~~
19.4 ~~appeal panel~~ determine whether or not the revocation shall be upheld. The ~~special review~~
19.5 ~~board~~ judicial appeal panel may also ~~recommend~~ order a new transfer out of a secure
19.6 facility at the time of the revocation hearing.

19.7 Sec. 24. Minnesota Statutes 2014, section 253D.30, subdivision 3, is amended to read:

19.8 Subd. 3. **Review.** A provisional discharge pursuant to this chapter shall not
19.9 automatically terminate. A full discharge shall occur only as provided in section 253D.31.
19.10 The terms of a provisional discharge continue unless the committed person requests and
19.11 is granted a change in the conditions of provisional discharge or unless the committed
19.12 person petitions the ~~special review board~~ judicial appeal panel for a full discharge and the
19.13 discharge is granted by the ~~judicial appeal panel~~.

19.14 Sec. 25. Minnesota Statutes 2014, section 253D.30, subdivision 4, is amended to read:

19.15 Subd. 4. **Voluntary readmission.** (a) With the consent of the executive director, a
19.16 committed person may voluntarily return to the Minnesota sex offender program from
19.17 provisional discharge for a period of up to 60 days.

19.18 (b) If the committed person is not returned to provisional discharge status within 60
19.19 days of being readmitted to the Minnesota sex offender program, the provisional discharge
19.20 is revoked. The committed person shall immediately be notified of the revocation in
19.21 writing. Within 15 days of receiving notice of the revocation, the committed person may
19.22 request a review of the matter before the ~~special review board~~ judicial appeal panel. The
19.23 ~~special review board~~ judicial appeal panel shall review the circumstances of the revocation
19.24 and, after applying the standards in subdivision 5, paragraph (a), shall ~~recommend to the~~
19.25 ~~judicial appeal panel~~ determine whether or not the revocation shall be upheld. The ~~board~~
19.26 judicial appeal panel may ~~recommend~~ order a return to provisional discharge status.

19.27 (c) If the provisional discharge has not been revoked and the committed person is to
19.28 be returned to provisional discharge, the Minnesota sex offender program is not required
19.29 to petition for a further review by the ~~special review board~~ judicial appeal panel unless the
19.30 committed person's return to the community results in substantive change to the existing
19.31 provisional discharge plan.

19.32 Sec. 26. Minnesota Statutes 2014, section 253D.30, subdivision 5, is amended to read:

20.1 Subd. 5. **Revocation.** (a) The executive director may revoke a provisional discharge
20.2 if either of the following grounds exist:

20.3 (1) the committed person has departed from the conditions of the provisional
20.4 discharge plan; or

20.5 (2) the committed person is exhibiting behavior which may be dangerous to self
20.6 or others.

20.7 (b) The executive director may revoke the provisional discharge and, either orally
20.8 or in writing, order that the committed person be immediately returned to a Minnesota
20.9 sex offender program treatment facility. A report documenting reasons for revocation
20.10 shall be issued by the executive director within seven days after the committed person
20.11 is returned to the treatment facility. Advance notice to the committed person of the
20.12 revocation is not required.

20.13 (c) The committed person must be provided a copy of the revocation report and
20.14 informed, orally and in writing, of the rights of a committed person under this section.
20.15 The revocation report shall be served upon the committed person, the committed person's
20.16 counsel, and the county attorneys of the county of commitment and the county of financial
20.17 responsibility. The report shall outline the specific reasons for the revocation, including
20.18 but not limited to the specific facts upon which the revocation is based.

20.19 (d) An individual who is revoked from provisional discharge must successfully
20.20 re-petition the ~~special review board~~ and judicial appeal panel prior to being placed back
20.21 on provisional discharge.

20.22 Sec. 27. Minnesota Statutes 2014, section 253D.30, subdivision 6, is amended to read:

20.23 Subd. 6. **Appeal.** Any committed person aggrieved by a revocation decision or any
20.24 interested person may petition the ~~special review board~~ judicial appeal panel within seven
20.25 days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of the revocation
20.26 report for a review of the revocation. The matter shall be scheduled within 30 days. The
20.27 ~~special review board~~ judicial appeal panel shall review the circumstances leading to the
20.28 revocation and shall ~~recommend to the judicial appeal panel~~ determine whether or not
20.29 the revocation shall be upheld. The ~~special review board~~ judicial appeal panel may also
20.30 ~~recommend~~ order a new provisional discharge at the time of the revocation hearing.

20.31 Sec. 28. Minnesota Statutes 2014, section 253D.31, is amended to read:

20.32 **253D.31 DISCHARGE.**

20.33 A person who is committed as a sexually dangerous person or a person with a sexual
20.34 psychopathic personality shall not be discharged unless it appears to the satisfaction of the

21.1 judicial appeal panel, ~~after a hearing and recommendation by a majority of the special~~
 21.2 ~~review board~~, that the committed person is capable of making an acceptable adjustment to
 21.3 open society, is no longer dangerous to the public, and is no longer in need of inpatient
 21.4 treatment and supervision.

21.5 In determining whether to grant a discharge ~~shall be recommended, the special~~
 21.6 ~~review board and~~, the judicial appeal panel shall consider whether specific conditions exist
 21.7 to provide a reasonable degree of protection to the public and to assist the committed
 21.8 person in adjusting to the community. If the desired conditions do not exist, the discharge
 21.9 shall not be granted.

21.10 Sec. 29. **APPROPRIATIONS.**

21.11 (a) \$..... in fiscal year 2016 is appropriated from the general fund to the sex offender
 21.12 civil commitment screening unit established under section 9.

21.13 (b) \$..... in fiscal year 2016 is appropriated from the general fund to the sex
 21.14 offender civil commitment defense office established under section 19.

21.15 (c) \$..... in fiscal year 2016 and \$..... in fiscal year 2017 are appropriated from the
 21.16 general fund to the commissioner of human services to implement the provisions of this act.
 21.17 The base for this appropriation is \$..... in fiscal year 2018 and \$..... in fiscal year 2019.

21.18 Sec. 30. **REPEALER.**

21.19 Minnesota Statutes 2014, sections 253D.27; and 253D.28, are repealed.

21.20 Sec. 31. **EFFECTIVE DATE; APPLICATION.**

21.21 (a) Except as otherwise provided in this section, this article is effective August
 21.22 1, 2015.

21.23 (b) Sections 3 and 4 apply only to petitions for civil commitment filed on or after
 21.24 August 1, 2015.

21.25 (c) Petitions for a reduction in custody filed under Minnesota Statutes, section
 21.26 253D.27, before August 1, 2015, will continue to proceed under the laws and procedures
 21.27 in effect on July 31, 2015.

21.28 (d) Notwithstanding the requirements of section 21, the biennial report required under
 21.29 that section applies to patients with pending petitions no sooner than 12 months after the
 21.30 final disposition of a petition for reduction in custody that was filed before August 1, 2015.

21.31 (e) For persons civilly committed on petitions filed before August 1, 2015, and who
 21.32 are otherwise eligible for a biennial review, the commissioner may initiate the biennial

22.1 review based on either the first commitment anniversary date after August 1, 2016, or the
 22.2 second anniversary date after August 1, 2016.

22.3 **ARTICLE 3**

22.4 **SENTENCING**

22.5 Section 1. Minnesota Statutes 2014, section 244.05, subdivision 1, is amended to read:

22.6 Subdivision 1. **Supervised release required.** Except as provided in subdivisions
 22.7 1b, 4, and 5, and section 609.3455, subdivision 1a, every inmate shall serve a supervised
 22.8 release term upon completion of the inmate's term of imprisonment as reduced by any
 22.9 good time earned by the inmate or extended by confinement in punitive segregation
 22.10 pursuant to section 244.04, subdivision 2. Except for a sex offender conditionally released
 22.11 under Minnesota Statutes 2004, section 609.108, subdivision 5, the supervised release
 22.12 term shall be equal to the period of good time the inmate has earned, and shall not exceed
 22.13 the length of time remaining in the inmate's sentence.

22.14 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes
 22.15 committed on or after that date.

22.16 Sec. 2. Minnesota Statutes 2014, section 244.05, subdivision 1b, is amended to read:

22.17 Subd. 1b. **Supervised release; offenders who commit crimes on or after August**
 22.18 **1, 1993.** (a) Except as provided in subdivisions 4 and 5, and section 609.3455, subdivision
 22.19 1a, every inmate sentenced to prison for a felony offense committed on or after August
 22.20 1, 1993, shall serve a supervised release term upon completion of the inmate's term of
 22.21 imprisonment and any disciplinary confinement period imposed by the commissioner due
 22.22 to the inmate's violation of any disciplinary rule adopted by the commissioner or refusal
 22.23 to participate in a rehabilitative program required under section 244.03. The amount of
 22.24 time the inmate serves on supervised release shall be equal in length to the amount of
 22.25 time remaining in the inmate's executed sentence after the inmate has served the term of
 22.26 imprisonment and any disciplinary confinement period imposed by the commissioner.

22.27 (b) No inmate who violates a disciplinary rule or refuses to participate in a
 22.28 rehabilitative program as required under section 244.03 shall be placed on supervised
 22.29 release until the inmate has served the disciplinary confinement period for that disciplinary
 22.30 sanction or until the inmate is discharged or released from punitive segregation
 22.31 confinement, whichever is later. The imposition of a disciplinary confinement period shall
 22.32 be considered to be a disciplinary sanction imposed upon an inmate, and the procedure for
 22.33 imposing the disciplinary confinement period and the rights of the inmate in the procedure

23.1 shall be those in effect for the imposition of other disciplinary sanctions at each state
23.2 correctional institution.

23.3 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes
23.4 committed on or after that date.

23.5 Sec. 3. Minnesota Statutes 2014, section 244.05, subdivision 4, is amended to read:

23.6 Subd. 4. **Minimum imprisonment, life sentence and statutory maximum**
23.7 **sentences.** (a) An inmate serving a mandatory life sentence under section 609.106 or
23.8 609.3455, subdivision 2, must not be given supervised release under this section.

23.9 (b) An inmate serving a mandatory life sentence under section 609.185, clause (3),
23.10 (5), or (6); or Minnesota Statutes 2004, section 609.109, subdivision 3, must not be given
23.11 supervised release under this section without having served a minimum term of 30 years.

23.12 (c) An inmate serving a mandatory life sentence under section 609.385 must not
23.13 be given supervised release under this section without having served a minimum term of
23.14 imprisonment of 17 years.

23.15 (d) An inmate serving a mandatory life sentence under section 609.3455, subdivision
23.16 3 or 4, or a mandatory statutory maximum sentence under section 609.3455, subdivision
23.17 3b, must not be given supervised release under this section without having served the
23.18 minimum term of imprisonment specified by the court in its sentence.

23.19 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes
23.20 committed on or after that date.

23.21 Sec. 4. Minnesota Statutes 2014, section 244.05, subdivision 5, is amended to read:

23.22 Subd. 5. **Supervised release, life sentence and statutory maximum sentences.**

23.23 (a) The commissioner of corrections may, under rules promulgated by the commissioner,
23.24 give supervised release to an inmate serving a mandatory life sentence under section
23.25 609.185, clause (3), (5), or (6); ~~609.3455, subdivision 3 or 4;~~ 609.385; or Minnesota
23.26 Statutes 2004, section 609.109, subdivision 3, after the inmate has served the minimum
23.27 term of imprisonment specified in subdivision 4.

23.28 (b) The commissioner shall give supervised release to an inmate serving a sentence
23.29 under section 609.3455, subdivision 3, 3b, or 4, after the inmate has served the minimum
23.30 term of imprisonment specified by the court in section 609.3455, subdivision 5, when
23.31 directed to do so by the special review panel described in section 609.3455, subdivision 11.

23.32 (c) The commissioner shall require the preparation of a community investigation
23.33 report and shall consider the findings of the report when making a supervised release

24.1 decision under this subdivision. The report shall reflect the sentiment of the various
 24.2 elements of the community toward the inmate, both at the time of the offense and at the
 24.3 present time. The report shall include the views of the sentencing judge, the prosecutor,
 24.4 any law enforcement personnel who may have been involved in the case, and any
 24.5 successors to these individuals who may have information relevant to the supervised
 24.6 release decision. The report shall also include the views of the victim and the victim's
 24.7 family unless the victim or the victim's family chooses not to participate.

24.8 ~~(e)~~ (d) The commissioner shall make reasonable efforts to notify the victim, in
 24.9 advance, of the time and place of the inmate's supervised release review hearing. The
 24.10 victim has a right to submit an oral or written statement at the review hearing. The
 24.11 statement may summarize the harm suffered by the victim as a result of the crime and
 24.12 give the victim's recommendation on whether the inmate should be given supervised
 24.13 release at this time. The commissioner must consider the victim's statement when making
 24.14 the supervised release decision.

24.15 ~~(d)~~ (e) When considering whether to direct the commissioner to give supervised
 24.16 release to an inmate serving a life sentence under section 609.3455, subdivision 3 or 4,
 24.17 paragraph (a), the commissioner special review panel described in section 609.3455,
 24.18 subdivision 11, shall consider, at a minimum, the following: the risk the inmate poses to
 24.19 the community if released, the inmate's progress in treatment, the inmate's behavior while
 24.20 incarcerated, psychological or other diagnostic evaluations of the inmate, the inmate's
 24.21 criminal history, and any other relevant conduct of the inmate while incarcerated or
 24.22 before incarceration. The ~~commissioner~~ panel may not direct the commissioner to give
 24.23 supervised release to the inmate unless:

24.24 (1) while in prison:

24.25 (i) the inmate has successfully completed appropriate sex offender treatment;

24.26 (ii) the inmate has been assessed for chemical dependency needs and, if appropriate,
 24.27 has successfully completed chemical dependency treatment; and

24.28 (iii) the inmate has been assessed for mental health needs and, if appropriate, has
 24.29 successfully completed mental health treatment; and

24.30 (2) a comprehensive individual release plan is in place for the inmate that ensures
 24.31 that, after release, the inmate will have suitable housing and receive appropriate aftercare
 24.32 and community-based treatment. The comprehensive plan also must include a postprison
 24.33 employment or education plan for the inmate.

24.34 ~~(e)~~ (f) As used in this subdivision, "victim" means the individual who suffered
 24.35 harm as a result of the inmate's crime or, if the individual is deceased, the deceased's
 24.36 surviving spouse or next of kin.

25.1 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes
25.2 committed on or after that date.

25.3 Sec. 5. **[244.059] SEX OFFENDERS; REQUIREMENT FOR COUNTIES TO**
25.4 **PROVIDE HOUSING.**

25.5 (a) Each county, based on the number of offenders from the county under the
25.6 custody of the commissioner for violating sections 609.342 to 609.3453 in the previous
25.7 ten years, shall determine the average annual number of sex offenders from the county
25.8 under the commissioner's custody.

25.9 (b) Each county shall provide appropriate community housing options within the
25.10 county for sex offenders of at least an equal amount as the annual average determined in
25.11 paragraph (a).

25.12 Sec. 6. Minnesota Statutes 2014, section 244.101, is amended by adding a subdivision
25.13 to read:

25.14 Subd. 5. **Exception.** This section does not apply to offenders receiving executed
25.15 sentences for violating section 609.342, 609.343, 609.344, 609.345, 609.3451, subdivision
25.16 3, or 609.3453. These offenders' sentences are governed by section 609.3455.

25.17 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes
25.18 committed on or after that date.

25.19 Sec. 7. Minnesota Statutes 2014, section 609.135, is amended by adding a subdivision
25.20 to read:

25.21 Subd. 2a. **Mandatory lifetime probation for sex offenders.** (a) When a court stays
25.22 the imposition or execution of sentence for a person convicted of violating section 609.342,
25.23 609.343, 609.344, 609.345, 609.3451, subdivision 3, or 609.3453, notwithstanding the
25.24 statutory maximum penalty otherwise applicable to the offense or subdivision 2, the court
25.25 shall place the person on probation for the remainder of the person's life.

25.26 (b) The court shall have continuing jurisdiction over persons placed on lifetime
25.27 probation under this subdivision. If the person fails to meet any condition of probation,
25.28 the court may order an appropriate sanction, including, but not limited to, incarcerating
25.29 the person for a period specified by the court in a local jail or workhouse or revoking the
25.30 probation and executing the person's sentence.

25.31 (c) If the court subsequently executes a person's sentence under paragraph (b), and
25.32 the person is later released from prison, the provisions of section 609.3455, subdivision 7,
25.33 apply and the person is no longer on lifetime probation.

26.1 (d) Unless the court orders a higher level of monitoring, a probation agent may use
 26.2 low-intensity monitoring methods for an offender placed on lifetime probation but, at a
 26.3 minimum, must require the offender to provide the agent with annual address verification
 26.4 by mail.

26.5 (e) An offender may petition the court to remove lifetime probation if at least ten
 26.6 years have passed since sentencing or the offender's last probation violation, whichever
 26.7 occurred most recently. Unless the court determines that good cause exists to continue
 26.8 probation, the court must grant the offender's petition if the offender was not convicted of
 26.9 another crime during the probationary period. If the court rejects the offender's petition,
 26.10 the offender may not submit another application until two years after the date the court
 26.11 denied the offender's last petition.

26.12 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes
 26.13 committed on or after that date.

26.14 Sec. 8. Minnesota Statutes 2014, section 609.3455, is amended to read:

26.15 **609.3455 DANGEROUS SEX OFFENDERS; LIFE AND STATUTORY**
 26.16 **MAXIMUM SENTENCES; RELEASE ELIGIBILITY; SPECIAL REVIEW**
 26.17 **PANEL; CONDITIONAL RELEASE.**

26.18 Subdivision 1. **Definitions.** (a) As used in this section, the following terms have
 26.19 the meanings given.

26.20 (b) "Conviction" includes a conviction as an extended jurisdiction juvenile under
 26.21 section 260B.130 for a violation of, or an attempt to violate, section 609.342, 609.343,
 26.22 609.344, or 609.3453, if the adult sentence has been executed.

26.23 (c) "Extreme inhumane conditions" mean situations where, either before or after
 26.24 the sexual penetration or sexual contact, the offender knowingly causes or permits the
 26.25 complainant to be placed in a situation likely to cause the complainant severe ongoing
 26.26 mental, emotional, or psychological harm, or causes the complainant's death.

26.27 (d) A "heinous element" includes:

26.28 (1) the offender tortured the complainant;

26.29 (2) the offender intentionally inflicted great bodily harm upon the complainant;

26.30 (3) the offender intentionally mutilated the complainant;

26.31 (4) the offender exposed the complainant to extreme inhumane conditions;

26.32 (5) the offender was armed with a dangerous weapon or any article used or fashioned
 26.33 in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and
 26.34 used or threatened to use the weapon or article to cause the complainant to submit;

27.1 (6) the offense involved sexual penetration or sexual contact with more than one
27.2 victim;

27.3 (7) the offense involved more than one perpetrator engaging in sexual penetration or
27.4 sexual contact with the complainant; or

27.5 (8) the offender, without the complainant's consent, removed the complainant from
27.6 one place to another and did not release the complainant in a safe place.

27.7 (e) "Mutilation" means the intentional infliction of physical abuse designed to cause
27.8 serious permanent disfigurement or permanent or protracted loss or impairment of the
27.9 functions of any bodily member or organ, where the offender relishes the infliction of the
27.10 abuse, evidencing debasement or perversion.

27.11 (f) A conviction is considered a "previous sex offense conviction" if the offender was
27.12 convicted and sentenced for a sex offense before the commission of the present offense.

27.13 (g) A conviction is considered a "prior sex offense conviction" if the offender was
27.14 convicted of committing a sex offense before the offender has been convicted of the
27.15 present offense, regardless of whether the offender was convicted for the first offense
27.16 before the commission of the present offense, and the convictions involved separate
27.17 behavioral incidents.

27.18 (h) "Sex offense" means any violation of, or attempt to violate, section 609.342,
27.19 609.343, 609.344, 609.345, 609.3451, subdivision 3, 609.3453, or any similar statute of
27.20 the United States, this state, or any other state.

27.21 (i) "Special review panel" or "panel" means the special review panel described
27.22 in subdivision 11.

27.23 (j) "Torture" means the intentional infliction of extreme mental anguish, or extreme
27.24 psychological or physical abuse, when committed in an especially depraved manner.

27.25 (k) An offender has "two previous sex offense convictions" only if the offender
27.26 was convicted and sentenced for a sex offense committed after the offender was earlier
27.27 convicted and sentenced for a sex offense and both convictions preceded the commission
27.28 of the present offense of conviction.

27.29 **Subd. 1a. Executed sentences; no right to release upon completion of term of**
27.30 **imprisonment.** (a) A person who receives an executed sentence for a violation of section
27.31 609.342, 609.343, 609.344, 609.345, 609.3451, subdivision 3, or 609.3453 is not entitled
27.32 to be released upon completion of the person's term of imprisonment and any disciplinary
27.33 confinement period imposed by the commissioner. Instead, the person must petition the
27.34 special review panel for release under subdivision 12.

27.35 (b) A person described in paragraph (a) may not be imprisoned under this
27.36 subdivision for a period that is longer than the person's executed sentence.

28.1 (c) This subdivision does not apply to persons sentenced under subdivision 2, 3, 3a,
28.2 3b, or 4.

28.3 Subd. 2. **Mandatory life sentence without release; egregious first-time and**
28.4 **repeat offenders.** (a) Notwithstanding the statutory maximum penalty otherwise
28.5 applicable to the offense, the court shall sentence a person convicted under section
28.6 609.342, subdivision 1, paragraph (c), (d), (e), (f), or (h); or 609.343, subdivision 1,
28.7 paragraph (c), (d), (e), (f), or (h), to life without the possibility of release if:

28.8 (1) the fact finder determines that two or more heinous elements exist; or
28.9 (2) the person has a previous sex offense conviction for a violation of section
28.10 609.342, 609.343, or 609.344, and the fact finder determines that a heinous element exists
28.11 for the present offense.

28.12 (b) A fact finder may not consider a heinous element if it is an element of the
28.13 underlying specified violation of section 609.342 or 609.343. In addition, when
28.14 determining whether two or more heinous elements exist, the fact finder may not use the
28.15 same underlying facts to support a determination that more than one element exists.

28.16 Subd. 3. **Mandatory life sentence for egregious first-time offenders.** (a)
28.17 Notwithstanding the statutory maximum penalty otherwise applicable to the offense, the
28.18 court shall sentence a person to imprisonment for life if the person is convicted under
28.19 section 609.342, subdivision 1, paragraph (c), (d), (e), (f), or (h), or 609.343, subdivision
28.20 1, paragraph (c), (d), (e), (f), or (h); and the fact finder determines that a heinous element
28.21 exists.

28.22 (b) The fact finder may not consider a heinous element if it is an element of the
28.23 underlying specified violation of section 609.342 or 609.343.

28.24 Subd. 3a. **Mandatory sentence for certain engrained offenders.** (a) A court shall
28.25 commit a person to the commissioner of corrections for a period of time that is not less
28.26 than double the presumptive sentence under the sentencing guidelines and not more than
28.27 the statutory maximum, or if the statutory maximum is less than double the presumptive
28.28 sentence, for a period of time that is equal to the statutory maximum, if:

28.29 (1) the court is imposing an executed sentence on a person convicted of committing
28.30 or attempting to commit a violation of section 609.342, 609.343, 609.344, 609.345, or
28.31 609.3453;

28.32 (2) the fact finder determines that the offender is a danger to public safety; and

28.33 (3) the fact finder determines that the offender's criminal sexual behavior is so
28.34 engrained that the risk of reoffending is great without intensive psychotherapeutic
28.35 intervention or other long-term treatment or supervision extending beyond the presumptive
28.36 term of imprisonment and supervised release.

29.1 (b) The fact finder shall base its determination that the offender is a danger to public
29.2 safety on any of the following factors:

29.3 (1) the crime involved an aggravating factor that would justify a durational departure
29.4 from the presumptive sentence under the sentencing guidelines;

29.5 (2) the offender previously committed or attempted to commit a predatory crime
29.6 or a violation of section 609.224 or 609.2242, including:

29.7 (i) an offense committed as a juvenile that would have been a predatory crime or a
29.8 violation of section 609.224 or 609.2242 if committed by an adult; or

29.9 (ii) a violation or attempted violation of a similar law of any other state or the United
29.10 States; or

29.11 (3) the offender planned or prepared for the crime prior to its commission.

29.12 (c) As used in this section, "predatory crime" has the meaning given in section
29.13 609.341, subdivision 22.

29.14 Subd. 3b. **Mandatory statutory maximum sentence; repeat offenders.** The court
29.15 shall sentence a person to imprisonment for the statutory maximum period applicable to
29.16 the offense if the person is convicted under section 609.342, 609.343, 609.344, 609.345,
29.17 or 609.3453 and the person has a previous or prior sex offense conviction.

29.18 Subd. 4. **Mandatory life sentence; repeat offenders.** (a) Notwithstanding the
29.19 statutory maximum penalty otherwise applicable to the offense, the court shall sentence a
29.20 person to imprisonment for life if the person is convicted of violating section 609.342,
29.21 609.343, 609.344, 609.345, or 609.3453 and:

29.22 (1) the person has two previous sex offense convictions; or

29.23 (2) the person has a previous sex offense conviction and:

29.24 (i) the fact finder determines that the present offense involved an aggravating factor
29.25 that would provide grounds for an upward durational departure under the sentencing
29.26 guidelines other than the aggravating factor applicable to repeat criminal sexual conduct
29.27 convictions;

29.28 (ii) the person received an upward durational departure from the sentencing
29.29 guidelines for the previous sex offense conviction; or

29.30 (iii) the person was sentenced under this section or Minnesota Statutes 2004, section
29.31 609.108, for the previous sex offense conviction; or

29.32 ~~(3) the person has two prior sex offense convictions, and the fact finder determines~~
29.33 ~~that the prior convictions and present offense involved at least three separate victims, and:~~

29.34 ~~(i) the fact finder determines that the present offense involved an aggravating factor~~
29.35 ~~that would provide grounds for an upward durational departure under the sentencing~~

30.1 ~~guidelines other than the aggravating factor applicable to repeat criminal sexual conduct~~
30.2 ~~convictions;~~

30.3 ~~(ii) the person received an upward durational departure from the sentencing~~
30.4 ~~guidelines for one of the prior sex offense convictions; or~~

30.5 ~~(iii) the person was sentenced under this section or Minnesota Statutes 2004, section~~
30.6 ~~609.108, for one of the prior sex offense convictions.~~

30.7 (b) Notwithstanding the statutory maximum penalty otherwise applicable to the
30.8 offense, the court shall sentence a person to imprisonment for life if the person is convicted
30.9 of violating section 609.342, 609.343, 609.344, 609.345, or 609.3453 and the person has
30.10 two or more previous or prior sex offense convictions.

30.11 (c) Notwithstanding ~~paragraph~~ paragraphs (a) and (b), a court may not sentence a
30.12 person to imprisonment for life for a violation of section 609.345, unless the person's
30.13 previous or prior sex offense convictions that are being used as the basis for the sentence
30.14 are for violations of section 609.342, 609.343, 609.344, or 609.3453, or any similar statute
30.15 of the United States, this state, or any other state.

30.16 Subd. 4a. **Exception to certain mandatory sentences.** The mandatory sentences
30.17 described in subdivisions 3b and 4, paragraph (b), do not apply to persons convicted of
30.18 violating section 609.342, subdivision 1, paragraph (b) or (g); 609.343, subdivision 1,
30.19 paragraph (b) or (g); 609.344, subdivision 1, paragraph (b), (e), (f), (h), (i), (j), (k), (l),
30.20 (m), (n), or (o); or 609.345, subdivision 1, paragraph (b), (e), (f), (h), (i), (j), (k), (l), (m),
30.21 (n), or (o) unless the fact finder determines that the required prior sex offense conviction
30.22 or, if applicable, convictions and the present offense each involved separate victims. This
30.23 exception applies only to determining whether a prior sex offense conviction triggers
30.24 a sentence under subdivision 3b or 4, paragraph (b). It does not apply to determining
30.25 whether a previous sex offense conviction triggers the sentence.

30.26 Subd. 4b. **Statutory maximum and lifetime sentences; stay of imposition**
30.27 **or execution.** A court may stay execution of a sentence described in subdivision 3b
30.28 or subdivision 4, paragraph (b), but may not stay the imposition or adjudication of the
30.29 sentence. If a stay of execution is a departure from the sentencing guidelines, the court
30.30 shall make written findings of fact as to the reasons for the departure.

30.31 Subd. 5. **Life Indeterminate sentences; minimum term of imprisonment.** At
30.32 the time of sentencing under subdivision 3, 3b, or 4, the court shall specify a minimum
30.33 term of imprisonment, based on the sentencing guidelines or any applicable mandatory
30.34 minimum sentence, that must be served before the offender may be considered for
30.35 supervised release. This minimum term is subject to section 244.101, subdivision 1, and is
30.36 equal to two-thirds of the sentence the court pronounces.

31.1 Subd. 6. **Mandatory ten-year conditional release term.** Notwithstanding the
31.2 statutory maximum sentence otherwise applicable to the offense and unless a longer
31.3 conditional release term is required in subdivision 7, when a court commits an offender
31.4 to the custody of the commissioner of corrections for a violation of section 609.342,
31.5 609.343, 609.344, 609.345, or 609.3453, the court shall provide that, after the offender
31.6 has been released from prison, the commissioner shall place the offender on conditional
31.7 release for ten years.

31.8 Subd. 7. **Mandatory lifetime conditional release term.** ~~(a) Notwithstanding the~~
31.9 ~~statutory maximum penalty applicable to the offense, when a court sentences an offender~~
31.10 ~~under subdivision 3 or 4, to the custody of the commissioner of corrections for a violation~~
31.11 ~~of section 609.342, 609.343, 609.345, 609.3451, subdivision 3, or 609.3453, the court~~
31.12 ~~shall provide that, if the offender is released from prison, the commissioner of corrections~~
31.13 ~~shall place the offender on conditional release for the remainder of the offender's life.~~

31.14 ~~(b) Notwithstanding the statutory maximum sentence otherwise applicable to the~~
31.15 ~~offense, when the court commits an offender to the custody of the commissioner of~~
31.16 ~~corrections for a violation of section 609.342, 609.343, 609.344, 609.345, or 609.3453,~~
31.17 ~~and the offender has a previous or prior sex offense conviction, the court shall provide~~
31.18 ~~that, after the offender has been released from prison, the commissioner shall place the~~
31.19 ~~offender on conditional release for the remainder of the offender's life.~~

31.20 ~~(c) Notwithstanding paragraph (b), an offender may not be placed on lifetime~~
31.21 ~~conditional release for a violation of section 609.345, unless the offender's previous or~~
31.22 ~~prior sex offense conviction is for a violation of section 609.342, 609.343, 609.344, or~~
31.23 ~~609.3453, or any similar statute of the United States, this state, or any other state.~~

31.24 Subd. 8. **Terms of conditional release; applicable to all sex offenders.** (a) The
31.25 provisions of this subdivision relating to conditional release apply to all sex offenders
31.26 sentenced to prison for a violation of section 609.342, 609.343, 609.344, 609.345,
31.27 609.3451, subdivision 3, or 609.3453. Except as provided in this subdivision, conditional
31.28 release of sex offenders is governed by provisions relating to supervised release. The
31.29 commissioner of corrections may not dismiss an offender on conditional release from
31.30 supervision until the offender's conditional release term expires.

31.31 (b) The conditions of release may include successful completion of treatment
31.32 and aftercare in a program approved by the commissioner, satisfaction of the release
31.33 conditions specified in section 244.05, subdivision 6, and any other conditions the
31.34 commissioner considers appropriate. The commissioner shall develop a plan to pay the
31.35 cost of treatment of a person released under this subdivision. The plan may include
31.36 co-payments from offenders, third-party payers, local agencies, or other funding sources

32.1 as they are identified. This section does not require the commissioner to accept or retain
32.2 an offender in a treatment program. Before the offender is placed on conditional release,
32.3 the commissioner shall notify the sentencing court and the prosecutor in the jurisdiction
32.4 where the offender was sentenced of the terms of the offender's conditional release. The
32.5 commissioner also shall make reasonable efforts to notify the victim of the offender's
32.6 crime of the terms of the offender's conditional release.

32.7 (c) If the offender fails to meet any condition of release, the commissioner may
32.8 revoke the offender's conditional release and order that the offender serve all or a part of
32.9 the remaining portion of the conditional release term in prison. An offender, while on
32.10 supervised release, is not entitled to credit against the offender's conditional release term
32.11 for time served in confinement for a violation of release.

32.12 Subd. 9. **Applicability.** The provisions of this section do not affect the applicability
32.13 of Minnesota Statutes 2004, section 609.108, to crimes committed before August 1, 2005,
32.14 or the validity of sentences imposed under Minnesota Statutes 2004, section 609.108.

32.15 Subd. 10. **Presumptive executed sentence for repeat sex offenders.** Except as
32.16 provided in subdivision 2, 3, 3a, or 4, if a person is convicted under sections 609.342 to
32.17 609.345 or 609.3453 within 15 years of a previous sex offense conviction, the court shall
32.18 commit the defendant to the commissioner of corrections for not less than three years, nor
32.19 more than the maximum sentence provided by law for the offense for which convicted,
32.20 notwithstanding sections 242.19, 243.05, 609.11, 609.12, and 609.135. The court may
32.21 stay the execution of the sentence imposed under this subdivision only if it finds that a
32.22 professional assessment indicates the offender is accepted by and can respond to treatment
32.23 at a long-term inpatient program exclusively treating sex offenders and approved by the
32.24 commissioner of corrections. If the court stays the execution of a sentence, it shall include
32.25 the following as conditions of probation:

32.26 (1) incarceration in a local jail or workhouse; and

32.27 (2) a requirement that the offender successfully complete the treatment program and
32.28 aftercare as directed by the court.

32.29 Subd. 11. **Special review panel.** A special review panel is established and is
32.30 governed by section 15.0575, except as otherwise provided in this subdivision. The panel
32.31 consists of the commissioner of corrections or a designee and two retired judges appointed
32.32 by the chief justice of the Supreme Court. The commissioner shall convene the panel's
32.33 first meeting. The panel shall choose a chair from among its members. The panel shall
32.34 meet at the call of the chair. The panel shall hear and consider all petitions for supervised
32.35 release from imprisonment under subdivision 12 and determine whether to direct the
32.36 commissioner of corrections to give supervised release to the petitioner.

33.1 Subd. 12. **Petition for release; hearing.** (a) A person sentenced under subdivision
33.2 1a, 3, 3b, or 4 may petition the special review panel for supervised release as provided
33.3 in this subdivision. The panel shall hold a hearing on each petition for release before
33.4 making any determination. Within 45 days of the filing of the petition, the panel shall
33.5 give written notice of the time and place of the hearing before the panel to all interested
33.6 parties, including the petitioner, the petitioner's attorney if applicable, law enforcement
33.7 and correctional personnel involved in the case, the sentencing court, the county attorney's
33.8 office that prosecuted the case, and any victims of the crime who have indicated a desire
33.9 to be notified. The hearing must be recorded and held on the record. The petitioner may
33.10 present witnesses on the petitioner's behalf. The county attorney who prosecuted the case,
33.11 the sentencing judge, law enforcement and correctional personnel involved in the case, the
33.12 victim and the victim's family members, and any other interested party may submit a written
33.13 or oral statement at the hearing addressing the appropriateness of the inmate's release.

33.14 (b) If the panel votes to direct the commissioner to give supervised release to the
33.15 petitioner, the commissioner shall do so no later than 14 days after the panel's determination.

33.16 (c) If the panel rejects the inmate's petition for supervised release, it shall specify in
33.17 writing the reasons for the rejection. Unless the panel specifies a shorter time period, the
33.18 inmate may not petition for supervised release again until:

33.19 (1) for inmates sentenced under subdivision 3, 3b, or 4, 36 months have elapsed
33.20 since the rejection; and

33.21 (2) for inmates sentenced under subdivision 1a, 18 months have elapsed since the
33.22 rejection.

33.23 (d) A person may initially petition for supervised release under this subdivision
33.24 once the person is within 90 days of having served the minimum term of imprisonment
33.25 specified by the court. However, no person may actually be released before serving the
33.26 minimum term.

33.27 Subd. 13. **Criteria for release.** (a) When considering whether to order the
33.28 commissioner of corrections to give supervised release to an inmate serving a sentence
33.29 under subdivision 1a, 3b, or 4, paragraph (b), the panel shall consider, at a minimum, the
33.30 following: the risk the inmate poses to the community if released, the inmate's progress
33.31 in treatment, the inmate's behavior while incarcerated, psychological or other diagnostic
33.32 evaluations of the inmate, the inmate's criminal history, the ability of the inmate to readjust
33.33 to open society, the testimony or statements of individuals with an interest in the case
33.34 made at the hearing, and any other relevant conduct of the inmate while incarcerated
33.35 or before incarceration. The panel may not direct the commissioner to give supervised

34.1 release to an inmate unless, while in prison, the inmate has successfully completed
 34.2 appropriate sex offender treatment.

34.3 (b) When making a supervised release decision under paragraph (a), the panel shall
 34.4 presume that an inmate who has successfully completed appropriate sex offender treatment
 34.5 while in prison should be given supervised release. However, the panel shall deny the
 34.6 inmate supervised release if it determines that supervised release is not appropriate based
 34.7 on the factors specified in paragraph (a).

34.8 (c) The panel shall make a decision on directing the supervised release of an
 34.9 inmate sentenced under subdivision 3 or 4, paragraph (a), as provided in section 244.05,
 34.10 subdivision 5.

34.11 (d) The commissioner shall prepare a community investigation report as described in
 34.12 section 244.05, subdivision 5, paragraph (b), on an inmate who is petitioning for release
 34.13 under subdivision 12.

34.14 Subd. 14. **Administrative support.** The Department of Corrections shall provide
 34.15 office space and administrative support to the special review panel.

34.16 Subd. 15. **Civil commitment precluded.** A person sentenced under subdivision 3,
 34.17 3b, or 4 is not subject to subsequent commitment under chapter 253D.

34.18 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes
 34.19 committed on or after that date.

34.20 Sec. 9. **DEPARTMENT OF CORRECTIONS SEX OFFENDER TREATMENT.**

34.21 In fiscal year 2016 and later, the commissioner of corrections shall ensure that
 34.22 the department provides at least the same level of sex offender treatment as provided in
 34.23 fiscal year 2015, and shall attempt to provide an increased level of treatment beyond
 34.24 the fiscal year 2015 level.

34.25 Sec. 10. **APPROPRIATION.**

34.26 \$..... for the fiscal year ending June 30, 2016, and \$..... for the fiscal year ending
 34.27 June 30, 2017, are appropriated from the general fund to the commissioner of corrections
 34.28 to provide increased sex offender treatment.

34.29 Sec. 11. **REPEALER.**

34.30 Minnesota Statutes 2014, section 609.3455, subdivision 6, is repealed.

34.31 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes
 34.32 committed on or after that date.

APPENDIX
Article locations in 15-1494

	STRICT AND INTENSIVE SUPERVISION AND TREATMENT; COMMISSIONER OF HUMAN SERVICES AND COUNTY	
ARTICLE 1	DUTIES	Page.Ln 1.25
ARTICLE 2	CIVIL COMMITMENT MODIFICATIONS	Page.Ln 2.16
ARTICLE 3	SENTENCING	Page.Ln 22.3

253D.27 PETITION FOR REDUCTION IN CUSTODY.

Subdivision 1. **Victim notification.** (a) This section applies only to committed persons as defined in section 253D.02, subdivision 4. The procedures in section 253D.14 for victim notification and right to submit a statement apply to petitions filed and reductions in custody recommended under this subdivision.

(b) For the purposes of this section, "reduction in custody" means transfer out of a secure treatment facility, a provisional discharge, or a discharge from commitment. A reduction in custody is considered to be a commitment proceeding under section 8.01.

Subd. 2. **Filing.** A petition for a reduction in custody or an appeal of a revocation of provisional discharge may be filed by either the committed person or by the executive director and must be filed with and considered by a panel of the special review board authorized under section 253B.18, subdivision 4c. A committed person may not petition the special review board any sooner than six months following either:

(1) the entry of judgment in the district court of the order for commitment issued under section 253D.07, subdivision 5, or upon the exhaustion of all related appeal rights in state court relating to that order, whichever is later; or

(2) any recommendation of the special review board or order of the judicial appeal panel, or upon the exhaustion of all appeal rights in state court, whichever is later. The executive director may petition at any time. The special review board proceedings are not contested cases as defined in chapter 14.

Subd. 3. **Hearing.** (a) The special review board shall hold a hearing on each petition before issuing a recommendation and report under section 253D.30, subdivision 4. Fourteen days before the hearing, the committing court, the county attorney of the county of commitment, the county attorney of the county of financial responsibility, an interested person, the petitioner and the petitioner's counsel, and the committed person and the committed person's counsel must be given written notice by the commissioner of the time and place of the hearing before the special review board. Only those entitled to statutory notice of the hearing or those administratively required to attend may be present at the hearing. The committed person may designate interested persons to receive notice by providing the names and addresses to the commissioner at least 21 days before the hearing.

(b) A person or agency receiving notice that submits documentary evidence to the special review board before the hearing must also provide copies to the committed person, the committed person's counsel, the county attorney of the county of commitment, and the county attorney of the county of financial responsibility. The special review board must consider any statements received from victims under section 253D.14.

Subd. 4. **Report.** Within 30 days of the hearing, the special review board shall issue a report with written findings of fact and shall recommend denial or approval of the petition to the judicial appeal panel established under section 253B.19. The commissioner shall forward the report of the special review board to the judicial appeal panel and to every person entitled to statutory notice. No reduction in custody or reversal of a revocation of provisional discharge recommended by the special review board is effective until it has been reviewed by the judicial appeal panel and until 15 days after an order from the judicial appeal panel affirming, modifying, or denying the recommendation.

253D.28 JUDICIAL APPEAL PANEL.

Subdivision 1. **Rehearing and reconsideration.** (a) A person committed as a sexually dangerous person or a person with a sexual psychopathic personality under this chapter, or committed as both mentally ill and dangerous to the public under section 253B.18 and as a sexually dangerous person or a person with a sexual psychopathic personality under this chapter; the county attorney of the county from which the person was committed or the county of financial responsibility; or the commissioner may petition the judicial appeal panel established under section 253B.19, subdivision 1, for a rehearing and reconsideration of a recommendation of the special review board under section 253D.27.

(b) The petition must be filed with the Supreme Court within 30 days after the recommendation is mailed by the commissioner as required in section 253D.27, subdivision 4. The hearing must be held within 180 days of the filing of the petition unless an extension is granted for good cause.

APPENDIX

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(c) If no party petitions the judicial appeal panel for a rehearing or reconsideration within 30 days, the judicial appeal panel shall either issue an order adopting the recommendations of the special review board or set the matter on for a hearing pursuant to this section.

Subd. 2. **Procedure.** (a) The Supreme Court shall refer a petition for rehearing and reconsideration to the chief judge of the judicial appeal panel. The chief judge shall notify the committed person, the county attorneys of the county of commitment and county of financial responsibility, the commissioner, the executive director, any interested person, and other persons the chief judge designates, of the time and place of the hearing on the petition. The notice shall be given at least 14 days prior to the date of the hearing.

(b) Any person may oppose the petition. The committed person, the committed person's counsel, the county attorneys of the committing county and county of financial responsibility, and the commissioner shall participate as parties to the proceeding pending before the judicial appeal panel and shall, no later than 20 days before the hearing on the petition, inform the judicial appeal panel and the opposing party in writing whether they support or oppose the petition and provide a summary of facts in support of their position.

(c) The judicial appeal panel may appoint examiners and may adjourn the hearing from time to time. It shall hear and receive all relevant testimony and evidence and make a record of all proceedings. The committed person, the committed person's counsel, and the county attorney of the committing county or the county of financial responsibility have the right to be present and may present and cross-examine all witnesses and offer a factual and legal basis in support of their positions.

(d) The petitioning party seeking discharge or provisional discharge bears the burden of going forward with the evidence, which means presenting a prima facie case with competent evidence to show that the person is entitled to the requested relief. If the petitioning party has met this burden, the party opposing discharge or provisional discharge bears the burden of proof by clear and convincing evidence that the discharge or provisional discharge should be denied.

(e) A party seeking transfer under section 253D.29 must establish by a preponderance of the evidence that the transfer is appropriate.

Subd. 3. **Decision.** A majority of the judicial appeal panel shall rule upon the petition. The panel shall consider the petition de novo. No order of the judicial appeal panel granting a transfer, discharge, or provisional discharge shall be made effective sooner than 15 days after it is issued. The panel may not consider petitions for relief other than those considered by the special review board from which the appeal is taken. The judicial appeal panel may not grant a transfer or provisional discharge on terms or conditions that were not presented to the special review board.

Subd. 4. **Appeal.** A party aggrieved by an order of the appeal panel may appeal that order as provided under section 253B.19, subdivision 5.

609.3455 DANGEROUS SEX OFFENDERS; LIFE SENTENCES; CONDITIONAL RELEASE.

Subd. 6. **Mandatory ten-year conditional release term.** Notwithstanding the statutory maximum sentence otherwise applicable to the offense and unless a longer conditional release term is required in subdivision 7, when a court commits an offender to the custody of the commissioner of corrections for a violation of section 609.342, 609.343, 609.344, 609.345, or 609.3453, the court shall provide that, after the offender has been released from prison, the commissioner shall place the offender on conditional release for ten years.