CHAPTER 253D

CIVIL COMMITMENT AND TREATMENT OF SEX OFFENDERS

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253D.01 CITATION.

This chapter may be cited as the "Minnesota Commitment and Treatment Act: Sexually Dangerous Persons and Sexual Psychopathic Personalities."

History: *2013 c 49 s 9*

253D.02 DEFINITIONS.

Subdivision 1. **Scope.** For the purposes of this chapter, the terms defined in this section have the meanings given them.

Subd. 2. **Administrative restriction.** "Administrative restriction" means any measure utilized by the executive board to maintain safety and security, protect possible evidence, and prevent the continuation of suspected criminal acts. Administrative restriction does not mean protective isolation as defined by Minnesota Rules, part 9515.3090, subpart 4. Administrative restriction may include increased monitoring, program limitations, loss of privileges, restricted access to and use of possessions, and separation of a committed person from the normal living environment, as determined by the executive board or the designee of the executive board. Administrative restriction applies only to committed persons in a secure treatment facility who:

(1) are suspected of committing a crime or charged with a crime;

(2) are the subject of a criminal investigation;

(3) are awaiting sentencing following a conviction of a crime; or

(4) are awaiting transfer to a correctional facility.

Subd. 3. **Commissioner.** "Commissioner" means the commissioner of corrections or the commissioner's designee.

Subd. 4. **Committed person.** "Committed person" means an individual committed under this chapter, or under this chapter and under section 253B.18. It includes individuals described in section 246B.01, subdivision 1a, and any person committed as a sexually dangerous person, a person with a psychopathic personality, or a person with a sexual psychopathic personality under any previous statute including chapter 253B or Minnesota Statutes 1992, section 526.10.

Subd. 5. **Committing court.** "Committing court" means the district court where a petition for commitment was decided.

Subd. 6. **Court examiner.** "Court examiner" has the meaning given in section 253B.02, subdivision 4d.

Subd. 7. **Executive director.** "Executive director" has the meaning given in section 246B.01, subdivision 2c.

Subd. 7a. **Executive board.** "Executive board" has the meaning given under section 246C.015.

Subd. 8. **Harmful sexual conduct.** (a) "Harmful sexual conduct" means sexual conduct that creates a substantial likelihood of serious physical or emotional harm to another.

(b) There is a rebuttable presumption that conduct described in the following provisions creates a substantial likelihood that a victim will suffer serious physical or emotional harm: section 609.342 (criminal sexual conduct in the first degree), 609.343 (criminal sexual conduct in the second degree), 609.344 (criminal sexual conduct in the third degree), 609.345 (criminal sexual conduct in the fourth degree), or 609.3458 (sexual extortion).

(c) If the conduct was motivated by the person's sexual impulses or was part of a pattern of behavior that had criminal sexual conduct as a goal, the presumption in paragraph (b) also applies to conduct described in section 609.185 (murder in the first degree), 609.19 (murder in the second degree), 609.195 (murder in the third degree), 609.20 (manslaughter in the first degree), 609.205 (manslaughter in the second degree), 609.221 (assault in the first degree), 609.222 (assault in the second degree), 609.223 (assault in the third degree), 609.24 (simple robbery), 609.245 (aggravated robbery), 609.247 (carjacking), 609.25 (kidnapping), 609.255 (false imprisonment), 609.365 (incest), 609.498 (tampering with a witness), 609.561 (arson in the first degree), 609.582, subdivision 1 (burglary in the first degree), 609.713 (terroristic threats), or 609.749, subdivision 3 or 5 (harassment or stalking).

Subd. 9. **Interested person.** "Interested person" has the meaning given in section 253B.02, subdivision 10.

Subd. 10. **Peace officer.** "Peace officer" has the meaning given in section 253B.02, subdivision 16.

Subd. 11. **Respondent.** "Respondent" means an individual who is the subject of a petition for commitment as a sexually dangerous person or a person with a sexual psychopathic personality.

Subd. 12. **Safety.** "Safety" means protection of persons or property from potential danger, risk, injury, harm, or damage.

Subd. 13. **Secure treatment facility.** "Secure treatment facility" means the Minnesota Sex Offender Program facility in Moose Lake and any portion of the Minnesota Sex Offender Program operated by the Minnesota Sex Offender Program at the Minnesota Security Hospital, but does not include services or programs administered by the Minnesota Sex Offender Program outside a secure environment.

Subd. 14. **Security.** "Security" means the measures necessary to achieve the management and accountability of patients of the facility, staff, and visitors, as well as property of the facility.

Subd. 15. **Sexual psychopathic personality.** "Sexual psychopathic personality" means the existence in any person of such conditions of emotional instability, or impulsiveness of behavior, or lack of customary standards of good judgment, or failure to appreciate the consequences of personal acts, or a combination of any of these conditions, which render the person irresponsible for personal conduct with respect to sexual matters, if the person has evidenced, by a habitual course of misconduct in sexual matters, an utter lack of power to control the person's sexual impulses and, as a result, is dangerous to other persons.

Subd. 16. **Sexually dangerous person.** (a) A "sexually dangerous person" means a person who:

(1) has engaged in a course of harmful sexual conduct as defined in subdivision 8;

(2) has manifested a sexual, personality, or other mental disorder or dysfunction; and

(3) as a result, is likely to engage in acts of harmful sexual conduct.

(b) For purposes of this provision, it is not necessary to prove that the person has an inability to control the person's sexual impulses.

Subd. 17. **Other treatment program.** "Other treatment program" means a service or program administered by the Minnesota Sex Offender Program outside a secure environment.

History: *1Sp1994 c 1 art 1 s 1-3; 1997 c 217 art 1 s 16,17; 2004 c 288 art 3 s 14-16; 2010 c 299 s 14; 2013 c 49 s 2,10,22; 1Sp2019 c 5 art 2 s 29; 1Sp2020 c 2 art 6 s 119,123; 1Sp2021 c 11 art 4 s 31; 2023 c 52 art 20 s 10; 2024 c 79 art 6 s 1-7*

253D.03 GENERAL PROVISIONS.

The provisions of section 253B.23 apply to commitments under this chapter except where inconsistent with this chapter.

History: *2013 c 49 s 11*

253D.04 REVIEW BOARD.

The executive board shall establish a review board under section 253B.22 for facilities of the Minnesota Sex Offender Program.

History: *2013 c 49 s 12; 2024 c 79 art 10 s 3*

253D.07 PROCEEDINGS.

Subdivision 1. **Commitment generally.** Before commitment proceedings are instituted, the facts shall first be submitted to the county attorney, who, if satisfied that good cause exists, will prepare the petition. The county attorney may request a prepetition screening report. The petition is to be executed by a person having knowledge of the facts and filed with the district court of the county of financial responsibility, as defined in section 253B.02, subdivision 4c, or the county where the respondent is present. If the respondent is in the custody of the commissioner of corrections, the petition may be filed in the county where the conviction for which the person is incarcerated was entered.

Subd. 2. **Petition.** Upon the filing of a petition alleging that a proposed respondent is a sexually dangerous person or a person with a sexual psychopathic personality, all of the applicable procedures contained in sections 253B.07 and 253B.08 apply to the commitment proceeding.

Subd. 3. **Secure treatment facility.** If the court finds by clear and convincing evidence that the respondent is a sexually dangerous person or a person with a sexual psychopathic personality, the court shall commit the person to a secure treatment facility unless the person establishes by clear and convincing evidence that a less restrictive treatment program is available, is willing to accept the respondent under commitment, and is consistent with the person's treatment needs and the requirements of public safety.

Subd. 4. **Period of commitment.** After a determination that a respondent is a sexually dangerous person or a person with a sexual psychopathic personality, the court shall order commitment for an indeterminate period of time and the committed person shall be transferred, provisionally discharged, or discharged, only as provided in this chapter.

Subd. 5. **Not to constitute defense.** The existence in any person of a condition of a sexual psychopathic personality or the fact that a person is a sexually dangerous person shall not in any case constitute a defense to a charge of crime, nor relieve such person from liability to be tried upon a criminal charge.

History: *1Sp1994 c 1 art 1 s 4; 1999 c 118 s 6; 2002 c 221 s 37; 2010 c 300 s 26; 2010 c 357 s 9; 2010 c 385 s 7; 2011 c 102 art 1 s 1; 2013 c 49 s 7,22; 1Sp2020 c 2 art 6 s 120*

253D.08 COUNTY ATTORNEY ACCESS TO DATA.

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

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

Notwithstanding any provision of chapter 13 or other state law, a county attorney considering the civil commitment of a person under this chapter may obtain records and data from the Department of Corrections or any probation or parole agency in this state upon request, without a court order, for the purpose of determining whether good cause exists to file a petition and, if a petition is filed, to support the allegations set forth in the petition. At the time of the request for the records, the county attorney shall provide notice of the request to the person who is the subject of the records.

Data collected pursuant to this section shall retain their original status and, if not public, are inadmissible in any court proceeding unrelated to civil commitment, unless otherwise permitted.

History: *2000 c 480 s 1; 2008 c 299 s 13; 2008 c 326 s 10; 2010 c 300 s 26; 2013 c 49 s 7,22*

253D.09 PETITION REQUIRED.

(a) Within 120 days of receipt of a preliminary determination from a court under section 609.1351, or a referral from the commissioner of corrections pursuant to section 244.05, subdivision 7, a county attorney

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

(b) Failure to meet the requirements of paragraph (a) does not bar filing a petition under section 253D.07, subdivision 2, any time the county attorney determines pursuant to section 253D.07 that good cause for such a petition exists.

History: *2007 c 147 art 8 s 14; 2010 c 300 s 26; 2013 c 49 s 7,22*

253D.10 TEMPORARY CONFINEMENT.

Subdivision 1. **Jails.** During any hearing held under this chapter, or pending revocation of a provisional discharge, the court may order the committed person or proposed committed person temporarily confined in a jail or lockup but only if:

(1) there is no other feasible place of confinement for the person within a reasonable distance;

(2) the confinement is for less than 24 hours or, if during a hearing, less than 24 hours prior to commencement and after conclusion of the hearing; and

(3) there are protections in place, including segregation of the person, to ensure the safety of the person.

Subd. 2. **Correctional facilities.** (a) A person who is being petitioned for commitment under this chapter and who is placed under a judicial hold order under section 253B.07, subdivision 2b or 7, may be confined as specified in this subdivision at a Department of Corrections or a county correctional or detention facility, rather than a secure treatment facility, until a determination of the commitment petition.

(b) A court may order that a person who is being petitioned for commitment under this chapter be confined in a Department of Corrections facility pursuant to the judicial hold order under the following circumstances and conditions:

(1) The person is currently serving a sentence in a Department of Corrections facility and the court determines that the person has made a knowing and voluntary (i) waiver of the right to be held in a secure treatment facility and (ii) election to be held in a Department of Corrections facility. The order confining the person in the Department of Corrections facility shall remain in effect until the court vacates the order or the person's criminal sentence and conditional release term expire.

In no case may the person be held in a Department of Corrections facility pursuant only to this clause, and not pursuant to any separate correctional authority, for more than 210 days.

(2) A person who has elected to be confined in a Department of Corrections facility under clause (1) may revoke the election by filing a written notice of intent to revoke the election with the court and serving the notice upon the Department of Corrections and the county attorney. The court shall order the person transferred to a secure treatment facility within 15 days of the date that the notice of revocation was filed with the court, except that, if the person has additional time to serve in prison at the end of the 15-day period, the person shall not be transferred to a secure treatment facility until the person's prison term expires. After a person has revoked an election to remain in a Department of Corrections facility under this clause, the court may not adopt another election to remain in a Department of Corrections facility without the agreement of both parties and the Department of Corrections.

(3) Upon petition by the commissioner of corrections, after notice to the parties and opportunity for hearing and for good cause shown, the court may order that the person's place of confinement be changed from the Department of Corrections to a secure treatment facility.

(4) While at a Department of Corrections facility pursuant to this paragraph, the person shall remain subject to all rules and practices applicable to correctional inmates in the facility in which the person is placed including but not limited to the powers and duties of the commissioner of corrections under section 241.01, powers relating to use of force under section 243.52, and the right of the commissioner of corrections to determine the place of confinement in a prison, reformatory, or other facility.

(5) A person may not be confined in a Department of Corrections facility under this paragraph beyond the end of the person's executed sentence or the end of any applicable conditional release period, whichever is later. If a person confined in a Department of Corrections facility pursuant to this paragraph reaches the person's supervised release date and is subject to a period of conditional release, the period of conditional release shall commence on the supervised release date even though the person remains in the Department of Corrections facility pursuant to this provision. At the end of the later of the executed sentence or any applicable conditional release period, the person shall be transferred to a secure treatment facility.

(6) Nothing in this paragraph may be construed to establish a right of an inmate in a state correctional facility to participate in sex offender treatment. This section must be construed in a manner consistent with the provisions of section 244.03.

(7) When a person is temporarily confined in a Department of Corrections facility solely under this paragraph and not based on any separate correctional authority, the commissioner of corrections may charge the county of financial responsibility for the costs of confinement, and the executive board shall use existing appropriations to fund all remaining nonconfinement costs. The funds received by the commissioner of corrections for the confinement and nonconfinement costs are appropriated to the commissioner for these purposes.

(c) The committing county may offer a person who is being petitioned for commitment under this chapter and who is placed under a judicial hold order under section 253B.07, subdivision 2b or 7, the option to be held in a county correctional or detention facility rather than a secure treatment facility, under such terms as may be agreed to by the county, the commitment petitioner, and the commitment respondent. If a person makes such an election under this paragraph, the court hold order shall specify the terms of the agreement, including the conditions for revoking the election.

History: *1998 c 313 s 22; 2008 c 299 s 10; 2008 c 326 art 2 s 5; 2010 c 300 s 26; 2013 c 49 s 4,7,22; 1Sp2020 c 2 art 6 s 121; 2024 c 79 art 6 s 8*

253D.11 STATEWIDE JUDICIAL PANEL.

Subdivision 1. **Establishment.** The supreme court may establish a panel of district judges with statewide authority to preside over commitment proceedings of sexually dangerous persons or persons with sexual psychopathic personalities. Only one judge of the panel is required to preside over a particular commitment proceeding. Panel members shall serve for one-year terms. One of the judges shall be designated as the chief judge of the panel, and is vested with the power to designate the presiding judge in a particular case, to set the proper venue for the proceedings, and to otherwise supervise and direct the operation of the panel. The chief judge shall designate one of the other judges to act as chief judge whenever the chief judge is unable to act.

Subd. 2. **Petitions.** If the supreme court creates the judicial panel authorized by this section, all petitions for civil commitment of sexually dangerous persons or persons with sexual psychopathic personalities brought under section 253D.07 shall be filed with the supreme court instead of with the district court in the county where the proposed patient is present, notwithstanding any provision of section 253D.07 to the

contrary. Otherwise, all of the other applicable procedures contained in this chapter and sections 253B.07 and 253B.08 apply to commitment proceedings conducted by a judge on the panel.

History: *1Sp1994 c 1 art 1 s 4; 1997 c 217 art 1 s 100; 2010 c 300 s 26; 2013 c 49 s 7,22; 2024 c 79 art 6 s 9*

253D.12 FINANCIAL RESPONSIBILITY.

Subdivision 1. **State facility.** For purposes of this section, "state facility" has the meaning given in section 246.50 and also includes a Department of Corrections facility when the respondent is confined in such a facility pursuant to section 253D.10, subdivision 2.

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

Subd. 3. **Reimbursement.** The county shall submit an invoice to the state court administrator for reimbursement of the state's share of the cost of confinement.

Subd. 4. **Reimbursement limit.** Notwithstanding subdivision 2, the state's responsibility for reimbursement is limited to the amount appropriated for this purpose.

History: *1999 c 216 art 6 s 6; 2008 c 299 s 14; 2008 c 326 art 2 s 11; 2010 c 300 s 26; 2013 c 49 s 7,22*

253D.13 PROCEDURES UPON COMMITMENT.

Upon commitment under this chapter, admission procedures shall be carried out under section 253B.10.

History: *2013 c 49 s 13*

253D.14 VICTIM NOTIFICATION OF PETITION AND RELEASE; RIGHT TO SUBMIT STATEMENT.

Subdivision 1. **Definitions.** As used in this section:

(1) "crime" has the meaning given to "violent crime" in section 609.1095, and includes criminal sexual conduct in the fifth degree and offenses within the definition of "crime against the person" in section 253B.02, subdivision 4e, and also includes offenses listed in section 253D.02, subdivision 8, paragraph (b), regardless of whether they are sexually motivated;

(2) "victim" means a person who has incurred loss or harm as a result of a crime, the behavior for which forms the basis for a commitment under this chapter, and includes the family members, guardian, conservator, or custodian of a minor, incompetent, incapacitated, or deceased person; and

(3) "convicted" and "conviction" have the meanings given in section 609.02, subdivision 5, and also include juvenile court adjudications, findings under Minnesota Rules of Criminal Procedure, rule 20.02, that the elements of a crime have been proved, and findings in commitment cases under this section or section 253B.18, that an act or acts constituting a crime occurred.

Subd. 2. **Notice of filing petition.** A county attorney who files a petition to commit a person under this chapter shall make a reasonable effort to provide prompt notice of filing the petition to any victim of a crime for which the person was convicted or was listed as a victim in the petition of commitment. In addition, the

county attorney shall make a reasonable and good faith effort to promptly notify the victim of the resolution of the process for requesting the notification of an individual's change in status as provided in section 253D.14, subdivision 3.

Subd. 2a. **Requesting notification.** A victim may request notification of an individual's discharge or release as outlined in subdivision 3 by submitting a written request for notification to the executive director of the facility in which the individual is confined. The Department of Corrections or a county attorney who receives a request for notification from a victim under this section following an individual's civil commitment shall promptly forward the request to the executive director of the treatment facility in which the individual is confined.

Subd. 3. **Notice of discharge or release.** Before provisionally discharging, discharging, granting pass-eligible status, approving a pass plan, or otherwise permanently or temporarily releasing a person committed under this chapter from a treatment facility, the executive director shall make a reasonable effort to notify any victim of a crime for which the person was convicted that the person may be discharged or released and that the victim has a right to submit a written statement regarding decisions of the executive director, or special review board, with respect to the person. To the extent possible, the notice must be provided at least 14 days before any special review board hearing or before a determination on a pass plan. Notwithstanding section 611A.06, subdivision 4, the executive board shall provide the judicial appeal panel with victim information in order to comply with the provisions of this chapter. The judicial appeal panel shall ensure that the data on victims remains private as provided for in section 611A.06, subdivision 4. This subdivision applies only to victims who have submitted a written request for notification as provided in subdivision 2a.

Subd. 4. MS 2020 [Repealed, 1Sp2021 c 11 art 6 s 7]

Subd. 5. **Additional victim rights.** Rights under this section are in addition to rights available to a victim under chapter 611A. This provision does not give a victim all the rights of a "notified person" or a person "entitled to statutory notice" under section 253B.18, subdivision 4a, 4b, or 5; 253D.23; or 253D.27.

History: *2010 c 300 s 26; 2012 c 155 s 7; 2013 c 49 s 7,22; 1Sp2020 c 2 art 6 s 123; 1Sp2021 c 11 art 6 s 2-4; 2024 c 79 art 10 s 3; 2024 c 123 art 2 s 4*

253D.17 RIGHTS OF COMMITTED PERSONS; GENERALLY.

Persons committed under this chapter have the rights described in section 253B.03, except as limited under section 253D.19.

History: *2013 c 49 s 14*

253D.18 ADMINISTRATIVE RESTRICTION.

(a) A committed person has the right to be free from unnecessary or excessive administrative restriction. Administrative restriction shall not be used for the convenience of staff, for retaliation for filing complaints, or as a substitute for program treatment. Administrative restriction may not involve any further deprivation of privileges than is necessary.

(b) Administrative restriction may include separate and secure housing.

(c) Committed persons under administrative restriction shall not be limited in access to their attorney.

(d) If a committed person is placed on administrative restriction because the committed person is suspected of committing a crime, the secure treatment facility must report the crime to the appropriate police

agency within 24 hours of the beginning of administrative restriction. The committed person must be released from administrative restriction if a police agency does not begin an investigation within 72 hours of the report.

(e) A committed person placed on administrative restriction because the committed person is a subject of a criminal investigation must be released from administrative restriction when the investigation is completed. If the committed person is charged with a crime following the investigation, administrative restriction may continue until the charge is disposed of.

(f) The secure treatment facility must notify the committed person's attorney of the committed person being placed on administrative restriction within 24 hours after the beginning of administrative restriction.

(g) The executive board shall establish policies and procedures according to section 246C.10, regarding the use of administrative restriction. The policies and procedures shall identify the implementation and termination of administrative restrictions. Use of administration restriction and the reason associated with the use shall be documented in the committed person's medical record.

History: *2004 c 288 art 3 s 17; 2013 c 49 s 3,22; 2024 c 79 art 10 s 2,3*

253D.19 RIGHTS OF PERSONS COMMITTED UNDER THIS CHAPTER.

Subdivision 1. **Limited rights.** The executive board may limit the statutory rights described in subdivision 2 for persons committed to the Minnesota Sex Offender Program under this chapter or with the executive board's consent under section 246C.13. The statutory rights described in subdivision 2 may be limited only as necessary to maintain a therapeutic environment or the security of the facility or to protect the safety and well-being of committed persons, staff, and the public. Protection of staff from harassment, intimidation, or assault is a basis for limiting the statutory rights described in subdivision 2.

Subd. 2. **Statutory rights.** The statutory rights that may be limited in accordance with subdivision 1 are those set forth in section 144.651, subdivision 19, personal privacy; section 144.651, subdivision 21, private communications; section 144.651, subdivision 22, retain and use of personal property; section 144.651, subdivision 25, manage personal financial affairs; section 144.651, subdivision 26, meet with visitors and participate in groups; section 253B.03, subdivision 2, correspond with others; and section 253B.03, subdivision 3, receive visitors and make telephone calls. Other statutory rights enumerated by sections 144.651 and 253B.03, or any other law, may be limited as provided in those sections.

History: *2004 c 288 art 3 s 18; 2010 c 300 s 26; 2013 c 49 s 7,22; 2024 c 79 art 10 s 2,3; 2026 c 95 art 1 s 17*

253D.20 RIGHT TO COUNSEL.

A committed person has the right to be represented by counsel at any proceeding under this chapter. The court shall appoint a qualified attorney to represent the committed person if neither the committed person nor others provide counsel. The attorney shall be appointed at the time a petition for commitment is filed. In all proceedings under this chapter, the attorney shall:

(1) consult with the person prior to any hearing;

(2) be given adequate time and access to records to prepare for all hearings;

(3) continue to represent the person throughout any proceedings under this chapter unless released as counsel by the court; and

(4) be a vigorous advocate on behalf of the person.

History: *2013 c 49 s 15*

253D.21 NEUROLEPTIC MEDICATION.

Neuroleptic medications may be administered to a person committed under this chapter only as provided in section 253B.092.

History: *2013 c 49 s 16*

253D.22 TRANSFER TO CORRECTIONAL FACILITY.

(a) If a person has been committed under this chapter and later is committed to the custody of the commissioner of corrections for any reason, including but not limited to, being sentenced for a crime or revocation of the person's supervised release or conditional release under section 244.05; 609.3455, subdivision 6, 7, or 8; Minnesota Statutes 2004, section 609.108, subdivision 6; or Minnesota Statutes 2004, section 609.109, subdivision 7, the person shall be transferred to a facility designated by the commissioner of corrections without regard to the procedures provided in section 253D.29, subdivision 1.

(b) If a person is committed under this chapter after a commitment to the commissioner of corrections, the person shall first serve the sentence in a facility designated by the commissioner of corrections. After the person has served the sentence, the person shall be transferred to a treatment program designated by the Direct Care and Treatment executive board.

History: *1Sp1994 c 1 art 1 s 4; 2000 c 359 s 1; 2007 c 13 art 3 s 37; 2007 c 147 art 11 s 9; 2010 c 300 s 26; 2013 c 49 s 7,22; 2024 c 79 art 10 s 3*

253D.23 PASSES.

A committed person may be released on a pass only as provided by section 253B.18, subdivisions 4a and 4b.

History: *2013 c 49 s 17*

253D.24 RETURN OF ABSENT PERSON.

Subdivision 1. **Absent person report.** If a committed person is absent without authorization, including failure to return to the custody of the Minnesota Sex Offender Program upon the revocation of a provisional discharge, the executive director shall report the absence to the local law enforcement agency. The executive director shall inform the committing court of the revocation or absence, and the committing court or other district court shall issue an order for the apprehension and holding of the committed person by a peace officer in any jurisdiction and transportation of the committed person to a facility operated by the Minnesota Sex Offender Program or otherwise returned to the custody of the Minnesota Sex Offender Program.

Subd. 2. **Direct Care and Treatment.** An employee of Direct Care and Treatment may apprehend, detain, or transport an absent committed person at any time. The immunity provided under section 253B.23, subdivision 4, applies to the apprehension, detention, and transport of an absent committed person.

Subd. 3. **Crime database; missing persons entry.** Upon receiving either the report or the apprehend and hold order in subdivision 1, a law enforcement agency shall enter information on the committed person into the missing persons file of the National Crime Information Center database according to the missing persons practices. Where probable cause exists of a violation of section 609.485, a law enforcement agency

shall also seek a felony arrest warrant and enter the warrant in the National Crime Information Center database.

Subd. 4. **Disclosure of information.** For the purposes of ensuring public safety and the apprehension of an absent committed person, and notwithstanding state and federal data privacy laws, the Minnesota Sex Offender Program shall disclose information about the absent committed person relevant to the person's apprehension and return to law enforcement agencies where the absent committed person is likely to be located or likely to travel through and to agencies with statewide jurisdiction.

Subd. 5. **Peace officers.** Upon receiving either the report or the apprehend and hold order in subdivision 1, a committed person shall be apprehended and held by a peace officer in any jurisdiction pending return to a facility operated by the Minnesota Sex Offender Program or otherwise returned to the custody of the Minnesota Sex Offender Program.

Subd. 6. **Jail or lockup.** A committed person detained solely under this section may be held in a jail or lockup only if:

(1) there is no other feasible place of detention for the person;

(2) the detention is for less than 24 hours; and

(3) there are protections in place, including segregation of the person, to ensure the safety of the person.

These limitations do not apply to a committed person being held for criminal prosecution, including for violation of section 609.485.

Subd. 7. **Detention and transportation.** If a committed person is detained under this section, the Minnesota Sex Offender Program shall arrange to pick up the person within 24 hours of the time detention was begun and shall be responsible for securing transportation for the person to a facility operated by the Minnesota Sex Offender Program, as determined by the executive director. The expense of detaining and transporting a committed person shall be the responsibility of the Minnesota Sex Offender Program.

Subd. 8. **Apprehension; notice.** Immediately after an absent committed person is apprehended, the Minnesota Sex Offender Program or the law enforcement agency that apprehended or returned the absent committed person shall notify the law enforcement agency that first received the absent committed person report under this section, and that agency shall cancel the missing persons entry from the National Crime Information Center computer.

History: *2010 c 300 s 26; 2011 c 102 art 2 s 2; 2013 c 49 s 7,22; 2024 c 125 art 5 s 42; 2024 c 127 art 50 s 42*

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 section.

(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 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 executive board 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 executive board 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 executive board 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.

History: *2008 c 326 art 2 s 12; 2010 c 300 s 26; 2013 c 49 s 7,22; 2019 c 50 art 1 s 68; 2024 c 79 art 6 s 10; art 10 s 3*

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 executive board 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 executive board 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.

(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 executive board, 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. The hearing may be conducted by interactive video conference under General Rules of Practice, rule 131, and Minnesota Rules of Civil Commitment, rule 14.

(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 executive board 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 court 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.

History: *2013 c 49 s 18,22; 2015 c 65 art 2 s 3; 1Sp2020 c 2 art 6 s 122; 2024 c 79 art 10 s 3*

253D.29 TRANSFER.

Subdivision 1. **Factors.** (a) A person who is committed as a sexually dangerous person or a person with a sexual psychopathic personality shall not be transferred out of a secure treatment facility unless the transfer is appropriate. Transfer may be to a facility under the control of the executive board.

(b) The following factors must be considered in determining whether a transfer is appropriate:

(1) the person's clinical progress and present treatment needs;

(2) the need for security to accomplish continuing treatment;

(3) the need for continued institutionalization;

(4) which facility can best meet the person's needs; and

(5) whether transfer can be accomplished with a reasonable degree of safety for the public.

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

(b) If the committed person is not returned to the secure treatment facility to which the person was originally transferred pursuant to subdivision 1 within 60 days of being readmitted to a secure treatment facility under this subdivision, the transfer to the secure treatment facility under subdivision 1 is revoked and the committed person shall remain in a secure treatment facility. The committed person shall immediately be notified in writing of the revocation.

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

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

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

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

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

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

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

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

(e) Any committed person aggrieved by a transfer revocation decision may petition the special review board within seven days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of the revocation report for a review of the revocation. The matter shall be scheduled within 30 days. The special review board shall review the circumstances leading to the revocation and, after considering the factors in subdivision 1, paragraph (b), shall recommend to the judicial appeal panel whether or not the revocation shall be upheld. The special review board may also recommend a new transfer out of a secure treatment facility at the time of the revocation hearing.

History: *2010 c 300 s 26; 2011 c 102 art 1 s 1,2; 2013 c 49 s 7,22; 2024 c 79 art 6 s 11-13; 2025 c 38 art 3 s 46-48*

253D.30 PROVISIONAL DISCHARGE.

Subdivision 1. **Factors.** (a) A person who is committed as a sexually dangerous person or a person with a sexual psychopathic personality shall not be provisionally discharged unless the committed person is capable of making an acceptable adjustment to open society.

(b) The following factors are to be considered in determining whether a provisional discharge shall be granted:

(1) whether the committed person's course of treatment and present mental status indicate there is no longer a need for treatment and supervision in the committed person's current treatment setting; and

(2) whether the conditions of the provisional discharge plan will provide a reasonable degree of protection to the public and will enable the committed person to adjust successfully to the community.

Subd. 2. **Plan.** A provisional discharge plan shall be developed, implemented, and monitored by the executive director in conjunction with the committed person and other appropriate persons. The executive director shall, at least quarterly, review the plan with the committed person and submit a written report to the county attorneys of the county of commitment and the county of financial responsibility concerning the committed person's status and compliance with each term of the plan.

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

Subd. 4. **Voluntary readmission.** (a) With the consent of the executive director, a committed person may voluntarily return to a secure treatment facility from provisional discharge for a period of up to 60 days.

(b) If the committed person is not returned to provisional discharge status within 60 days of being readmitted to a secure treatment facility, the provisional discharge is revoked. The committed person shall immediately be notified of the revocation in writing. Within 15 days of receiving notice of the revocation, the committed person may request a review of the matter before the special review board. The special review board shall review the circumstances of the revocation and, after applying the standards in subdivision 5, paragraph (a), shall recommend to the judicial appeal panel whether or not the revocation shall be upheld. The board may recommend a return to provisional discharge status.

(c) If the provisional discharge has not been revoked and the committed person is to be returned to provisional discharge, no action by the special review board or judicial appeal panel is required unless the

committed person's return to the community results in substantive change to the existing provisional discharge plan.

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

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

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

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

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

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

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

History: *2010 c 300 s 26; 2011 c 102 art 1 s 3; 2013 c 49 s 7,22; 2024 c 79 art 6 s 14; 2025 c 38 art 3 s 49,50*

253D.31 DISCHARGE.

A person who is committed as a sexually dangerous person or a person with a sexual psychopathic personality shall not be discharged unless it appears to the satisfaction of the judicial appeal panel, after a hearing and recommendation by a majority of the special review board, that the committed person is capable of making an acceptable adjustment to open society, is no longer dangerous to the public, and is no longer in need of treatment and supervision.

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

History: *2010 c 300 s 26; 2013 c 49 s 7,22; 2018 c 194 s 2*

253D.32 SCOPE OF COMMUNITY NOTIFICATION.

Subdivision 1. **Notice and disclosure.** Notification of the public and disclosure of information under section 244.052, subdivision 4, regarding an individual who was committed under this chapter or Minnesota Statutes 1992, section 526.10, is as provided under section 244.052, subdivision 4, paragraphs (b), clause (3), and (g), and subdivision 4b, regardless of the individual's assigned risk level. The restrictions under section 244.052, subdivision 4, paragraph (b), clause (3), placed on disclosing information on individuals living in residential facilities do not apply to persons committed under this section or Minnesota Statutes 1992, section 526.10. The local law enforcement agency may proceed with the broadest disclosure authorized under section 244.052, subdivision 4.

Subd. 2. **Petition by committed individual.** (a) After four years from the date of an order for provisional discharge or discharge of civil commitment, the individual may petition the executive director to have the scope of notification and disclosure based solely upon the individual's assigned risk level under section 244.052.

(b) If an individual's provisional discharge is revoked for any reason, the four-year time period under paragraph (a) starts over from the date of a subsequent order for provisional discharge or discharge except that the executive director may, in that person's sole discretion, determine that the individual may petition before four years have elapsed from the date of the order of the subsequent provisional discharge or discharge and notify the individual of that determination.

(c) The executive director shall appoint a multidisciplinary committee to review and make a recommendation on a petition made under paragraph (a). The executive director may grant or deny the petition. There is no review or appeal of the decision. If a petition is denied, the individual may petition again after two years from the date of denial.

(d) Nothing in this chapter shall be construed to give an individual an affirmative right to petition the executive director earlier than four years after the date of an order for provisional discharge or discharge.

Subd. 3. **Executive director.** The executive director shall act in place of the individual's corrections agent for the purpose of section 244.052, subdivision 3, paragraph (h), when the individual is not assigned to a corrections agent.

History: *2011 c 102 art 4 s 1; 2012 c 123 s 1; 2013 c 49 s 7,22*

253D.35 AFTERCARE SERVICES.

Subdivision 1. **Provision.** The Minnesota Sex Offender Program shall provide the supervision, aftercare, and case management services for a person under commitment as a sexually dangerous person or a person with a sexual psychopathic personality. The designated agency, as defined in section 253B.02, subdivision 5, shall assist with eligibility for public welfare benefits and will provide those services that are available exclusively through county government.

Subd. 2. **Plan.** Prior to the date of discharge or provisional discharge of any person committed as a sexually dangerous person or a person with a sexual psychopathic personality, the executive director shall establish a continuing plan of aftercare services for the committed person, including a plan for medical and behavioral health services, financial sustainability, housing, social supports, or other assistance the committed person needs. The Minnesota Sex Offender Program shall provide case management services and shall assist

the committed person in finding employment, suitable shelter, and adequate medical and behavioral health services and otherwise assist in the committed person's readjustment to the community.

History: *2010 c 300 s 26; 2013 c 49 s 7,22*

253D.36 DISCHARGE; ADMINISTRATIVE PROCEDURES.

Upon discharge from commitment under this chapter, administrative procedures shall be carried out, to the extent applicable, under section 253B.20.

History: *2013 c 49 s 19*