

**SENATE
STATE OF MINNESOTA
NINETIETH SESSION**

S.F. No. 2134

(SENATE AUTHORS: ABELER)

DATE
03/15/2017

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

1.1 A bill for an act
1.2 relating to civil commitment; modifying the priorities for the admission of
1.3 committed patients to treatment facilities; removing the 48-hour requirement for
1.4 admission of patients from jail or a correctional institution; amending Minnesota
1.5 Statutes 2016, section 253B.10, subdivision 1.

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

1.7 Section 1. Minnesota Statutes 2016, section 253B.10, subdivision 1, is amended to read:

1.8 Subdivision 1. **Administrative requirements.** (a) When a person is committed, the
1.9 court shall issue a warrant or an order committing the patient to the custody of the head of
1.10 the treatment facility. The warrant or order shall state that the patient meets the statutory
1.11 criteria for civil commitment.

1.12 ~~(b) The commissioner shall prioritize patients being admitted from jail or a correctional~~
1.13 ~~institution who are:~~

1.14 ~~(1) ordered confined in a state hospital for an examination under Minnesota Rules of~~
1.15 ~~Criminal Procedure, rules 20.01, subdivision 4, paragraph (a), and 20.02, subdivision 2;~~

1.16 ~~(2) under civil commitment for competency treatment and continuing supervision under~~
1.17 ~~Minnesota Rules of Criminal Procedure, rule 20.01, subdivision 7;~~

1.18 ~~(3) found not guilty by reason of mental illness under Minnesota Rules of Criminal~~
1.19 ~~Procedure, rule 20.02, subdivision 8, and under civil commitment or are ordered to be~~
1.20 ~~detained in a state hospital or other facility pending completion of the civil commitment~~
1.21 ~~proceedings; or~~

1.22 ~~(4) committed under this chapter to the commissioner after dismissal of the patient's~~
1.23 ~~criminal charges.~~

2.1 ~~Patients described in this paragraph must be admitted to a service operated by the~~
2.2 ~~commissioner within 48 hours. The commitment must be ordered by the court as provided~~
2.3 ~~in section 253B.09, subdivision 1, paragraph (c).~~

2.4 (b) The commissioner shall prioritize committed patients to be admitted to treatment
2.5 facilities based on:

2.6 (1) the acuteness of the patient's condition, determined by using an assessment tool that
2.7 the commissioner shall select based on input from stakeholders;

2.8 (2) the patient's current location;

2.9 (3) how long the patient has been in the patient's current treatment or correctional setting;
2.10 and

2.11 (4) the resources available to address the patient's treatment needs in the patient's current
2.12 treatment or correctional setting.

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

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