

**SENATE
STATE OF MINNESOTA
NINETIETH SESSION**

S.F. No. 3782

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DATE
03/22/2018

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OFFICIAL STATUS
Introduction and first reading
Referred to Human Services Reform Finance and Policy

1.1 A bill for an act
1.2 relating to civil commitment; modifying the 48-hour rule requirements; amending
1.3 Minnesota Statutes 2017 Supplement, section 253B.10, subdivision 1.

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

1.5 Section 1. Minnesota Statutes 2017 Supplement, section 253B.10, subdivision 1, is amended
1.6 to read:

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

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

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

1.15 (2) ~~under civil commitment for competency treatment and continuing supervision~~
1.16 committed as mentally ill or as mentally ill and dangerous, if committed after a finding of
1.17 incompetency and referral for commitment under Minnesota Rules of Criminal Procedure,
1.18 rule 20.01, subdivision 7;

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

2.1 (4) committed under this chapter to the commissioner after dismissal of the patient's
2.2 criminal charges.

2.3 Patients described in this paragraph must be admitted to a service operated by the
2.4 commissioner within 48 hours unless the commissioner determines there is no medically
2.5 appropriate bed available for the particular patient being admitted in which case the patient
2.6 shall be admitted within 48 hours of a medically appropriate bed becoming available. The
2.7 commitment must be ordered by the court as provided in section 253B.09, subdivision 1,
2.8 paragraph (c).

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

2.14 (d) Copies of the petition for commitment, the court's findings of fact and conclusions
2.15 of law, the court order committing the patient, the report of the examiners, and the prepetition
2.16 report, and any medical and behavioral information available shall be provided at the time
2.17 of admission of a patient to the designated treatment facility. This information shall also be
2.18 provided by the head of the treatment facility to treatment facility staff in a consistent and
2.19 timely manner and pursuant to all applicable laws.