

1.1 A bill for an act

1.2 relating to public safety; allowing prisoners facing civil commitment in certain
1.3 cases to elect to remain confined in state correctional facilities beyond their
1.4 scheduled release date; amending Minnesota Statutes 2008, sections 244.05,
1.5 subdivisions 1, 1b; 253B.045, subdivision 1; 253B.185, subdivision 5; proposing
1.6 coding for new law in Minnesota Statutes, chapter 243.

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

1.8 Section 1. **[243.053] OPTION TO REMAIN IN PRISON FOR OFFENDERS**
1.9 **FACING CIVIL COMMITMENT.**

1.10 Subdivision 1. Election to remain confined. (a) Upon the approval of the
1.11 commissioner of corrections, a person who is committed to the commissioner's custody,
1.12 who is being imprisoned in a state correctional facility, who is participating in sex offender
1.13 treatment, and who is eligible for supervised release may elect to remain confined in a
1.14 state correctional facility for a portion or the remainder of the person's executed sentence
1.15 to continue treatment if the person is being petitioned for commitment under section
1.16 253B.185 as a sexually dangerous person or as having a sexual psychopathic personality.

1.17 (b) Upon the resolution of the petition, the completion of treatment, or the
1.18 completion of the person's executed sentence, whichever occurs first, the person under
1.19 paragraph (a) shall either be released from confinement or transferred to the custody
1.20 of the commissioner of human services.

1.21 Subd. 2. Process for election. A person who elects to continue confinement under
1.22 subdivision 1 may do so only after being informed of the person's right to supervised
1.23 release and to be held in a secure treatment facility pending the determination of the
1.24 civil commitment petition. The person may waive the right to supervised release and to

2.1 be transferred to a secure treatment facility if the waiver is knowing, intelligent, and
2.2 voluntary.

2.3 Subd. 3. **Terms of confinement.** A person who elects to continue confinement
2.4 under subdivision 1 remains under the custody of the commissioner of corrections in the
2.5 same manner and under the same terms as before the person's term of imprisonment
2.6 expired, except that the person has the right to request release from imprisonment under
2.7 this section. If the person requests release, the commissioner shall accommodate this
2.8 request as soon as is practicable. If this occurs, the provisions of chapter 253B govern the
2.9 physical custody of the person.

2.10 Subd. 4. **No right to treatment.** Nothing in this section may be construed to
2.11 establish a right of an inmate in a state correctional facility to participate in sex offender
2.12 treatment. This section must be construed in a manner consistent with the provisions
2.13 of section 244.03.

2.14 Subd. 5. **Costs of confinement.** The commissioner of corrections may charge the
2.15 county of financial responsibility as determined in section 253B.045, subdivision 2, for the
2.16 costs of a person's confinement under this section.

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

2.18 Sec. 2. Minnesota Statutes 2008, section 244.05, subdivision 1, is amended to read:

2.19 Subdivision 1. **Supervised release required.** Except as provided in subdivisions
2.20 1b, 4, and 5, and section 243.053, every inmate shall serve a supervised release term upon
2.21 completion of the inmate's term of imprisonment as reduced by any good time earned
2.22 by the inmate or extended by confinement in punitive segregation pursuant to section
2.23 244.04, subdivision 2. Except for a sex offender conditionally released under Minnesota
2.24 Statutes 2004, section 609.108, subdivision 5, the supervised release term shall be equal to
2.25 the period of good time the inmate has earned, and shall not exceed the length of time
2.26 remaining in the inmate's sentence.

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

2.28 Sec. 3. Minnesota Statutes 2008, section 244.05, subdivision 1b, is amended to read:

2.29 Subd. 1b. **Supervised release; offenders who commit crimes on or after August**
2.30 **1, 1993.** (a) Except as provided in subdivisions 4 and 5, and section 243.053, every inmate
2.31 sentenced to prison for a felony offense committed on or after August 1, 1993, shall serve
2.32 a supervised release term upon completion of the inmate's term of imprisonment and
2.33 any disciplinary confinement period imposed by the commissioner due to the inmate's

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3.1 violation of any disciplinary rule adopted by the commissioner or refusal to participate in
3.2 a rehabilitative program required under section 244.03. The amount of time the inmate
3.3 serves on supervised release shall be equal in length to the amount of time remaining in
3.4 the inmate's executed sentence after the inmate has served the term of imprisonment and
3.5 any disciplinary confinement period imposed by the commissioner.

3.6 (b) No inmate who violates a disciplinary rule or refuses to participate in a
3.7 rehabilitative program as required under section 244.03 shall be placed on supervised
3.8 release until the inmate has served the disciplinary confinement period for that disciplinary
3.9 sanction or until the inmate is discharged or released from punitive segregation
3.10 confinement, whichever is later. The imposition of a disciplinary confinement period shall
3.11 be considered to be a disciplinary sanction imposed upon an inmate, and the procedure for
3.12 imposing the disciplinary confinement period and the rights of the inmate in the procedure
3.13 shall be those in effect for the imposition of other disciplinary sanctions at each state
3.14 correctional institution.

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

3.16 Sec. 4. Minnesota Statutes 2008, section 253B.045, subdivision 1, is amended to read:

3.17 Subdivision 1. **Restriction.** Except when ordered by the court pursuant to a finding
3.18 of necessity to protect the life of the proposed patient or others or as provided under
3.19 subdivision 1a, no person subject to the provisions of this chapter shall be confined in a
3.20 jail or correctional institution, except pursuant to section 243.053 or chapter 242 or 244.

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

3.22 Sec. 5. Minnesota Statutes 2008, section 253B.185, subdivision 5, is amended to read:

3.23 Subd. 5. **Financial responsibility.** (a) For purposes of this subdivision, "state
3.24 facility" has the meaning given in section 246.50, and also includes a Department of
3.25 Corrections facility when the:

3.26 (1) proposed patient is confined in such a facility pursuant to section 253B.045,
3.27 subdivision 1a; and

3.28 (2) proposed patient remains in a correctional facility beyond the proposed patient's
3.29 release date as provided in section 243.053.

3.30 (b) Notwithstanding sections 246.54, 253B.045, and any other law to the contrary,
3.31 when a petition is filed for commitment under this section pursuant to the notice required
3.32 in section 244.05, subdivision 7, the state and county are each responsible for 50 percent of
3.33 the cost of the person's confinement at a state facility or county jail, prior to commitment.

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4.1 (c) The county shall submit an invoice to the state court administrator for
4.2 reimbursement of the state's share of the cost of confinement.

4.3 (d) Notwithstanding paragraph (b), the state's responsibility for reimbursement is
4.4 limited to the amount appropriated for this purpose.

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