

Fiscal Year 2005 Summary of 253B Legislation

HF 1816 Article 3

Section 1: Amends 253B.02 Subdivision 7; adds clause 3, Definition of Examiner

This amendment adds advance practice registered nurses [APRN] certified in mental health to the definition of examiner. It allows them to issue examiner hold orders, issue statements in support of commitment and to admit an individual on an emergency hold to a program.

It excludes them from being appointed as examiners for commitment hearings or Rule 20 hearings.

Section 2: Amends 253B.02 Subdivision 9 (Definition of a Health Officer)

It adds all APRN's to definition of a health officer. This covers APRN's not certified in mental health.

Section 3: Amends 253B.05 Subdivision 2 [Peace or Health Officer Authority]

This amendment does not make substantive changes. Some words are changed or moved, but the meaning of this subdivision does not change.

Section 4: Establishes a Supreme Court Task Force

The task force is charged with studying the possibility of using the court system instead of the special Review Board for sexually dangerous persons and sexual psychopathic personalities. These would include requests to move to a less restrictive setting from MSOP, discharge from commitment and provisional discharge. This does not include those committed as mentally ill and dangerous [MI&D]. Those individuals would still go through the Special Review Board.

The task force shall convene no later than August 1, 2005. The task force has to report to the House Public Safety Policy and Finance Committee chair and the Senate Crime Prevention and Public Safety Committee chair by February 1, 2006 with recommendations.

HF 1 Article 14

Section 2: Amends 253B.08 Subdivision 1 (Time for Commitment Hearings)

This section requires commitment hearings to be held within 14 days of the filing of the petition. This amendment changes the time for hearing for sexually dangerous persons and sexual psychopathic personalities to be held within 90 days of filing the petition. This can be extended for up to 30 days for good cause as with other commitments.

Article 5

Section 3: Amends 253B. 18 Subdivisions 4a

This deals with release on pass notification. It adds "or has been transferred out of a state-operated services facility according to Section 253B.18, Subd. 6" to the requirement for a pass plan for MI & D and sex offender patients. It also adds "the local law enforcement agency where the facility is located" to the 10 day notice of the plan, the nature of the passes and their right to object to it.

Article 3

Section 19 Amends 253B.18 Subdivision 5 by adding clause (e)

This subdivision sets up the process and timelines for Special Review Board hearings on petitions for transfer, provisional discharge, discharge and revocation of provisional discharge. The new clause requires the Special Review Board to consider any statement they receive from a victim. This applies not only to individuals committed as sex offenders but also to those committed as MI and D.

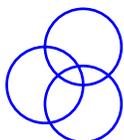
Section 20 Amends 253B.18 by adding Subdivision 5a

This subdivision addresses victim notification. It should be noted that there is already a victim notification statute. That is MS 611A.06 which requires the victim to request victim notification status from the head of the facility involving persons committed due to mental illness, mental deficiency (rule 20), MI & D or as a sex offender.

This amendment requires the county attorney who files a petition for commitment for MI&D or as a sex offender to make a reasonable effort to provide prompt notice of the petition to any victim of a crime for which the person was convicted. The county attorney must make a reasonable effort to notify the victim of the outcome of the petition. This subdivision also requires the treatment facility to notify the victim of any change of status of a person committed as MI & D or sex offender.

The notice must also include a statement that the victim has a right to submit a written statement regarding decisions made by the Medical Director, Special Review Board or the Commissioner. The notice must be provided 14 days prior to any special review board hearing or a determination on a pass plan to the extent possible. This subdivision also defines crime, victim and conviction.

This subdivision is in addition to the victim rights in MS 611A.06. Of note is the fact that this new subdivision sets up a different process for victim notification than is set up in MS 611A.06. That is, requesting victim notification from the county attorney instead of the head of the facility. The county attorney is required to notify the commissioner of any requests. It should also be noted that there is a question as to whether the new language meets the requirements of case law regarding victims. This will need to be worked out.



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