



State of Minnesota  
**Office of the Ombudsman for  
Mental Health and Developmental Disabilities**

*Summary of the 2010 Changes to the Minnesota Civil Commitment and Treatment Act*

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*All of the changes discussed in this summary are effective August 1, 2010*

[Chapter 357 \[HF 2612\]](#)

1. Adds Subd. 4c to 253B.02 [the definitions section]. This subdivision is a definition of county of financial responsibility [CFR] as defined in 256G [the Unitary Residency Act]. It also changes the county responsible for doing the prepetition screening and petition for commitment to the county of financial responsibility when a county determines it is the CFR. This does not require the proposed patient to qualify for or receive financial, medical or social services.

The law currently states the county responsible is the county of residence or presence. This change will follow the process in 256G when counties disagree on who is responsible. It will also follow the Special Rules of Procedure Governing the MN. Civil Commitment and Treatment Act.

2. Amends 253B.07 Subd. 2d [Change of Venue] to allow either party to move for a change of venue to the county where the person currently lives whether independently or pursuant to placement. The court shall grant the motion if it determines the transfer is appropriate and is in the interests of justice.
3. Adds Subd. 1b to 253B.23.
  - a. This subdivision is titled Responsibility for conducting prepetition screening and filing commitment and early intervention petitions. It requires the CFR to conduct prepetition screenings and file petitions for commitment. It allows the county where the proposed patient is present to do the prepetition screening and petition for commitment **if** the CFR fails or refuses to or, if it is unclear which county is the CFR except for commitments under 253B.185.
  - b. For commitments under 253B.185 if the CFR refuses or fails to file a petition, the county where the conviction occurred or where the proposed patient is present if incarcerated is responsible to do the commitment.
  - c. If the proposed patient is incarcerated in a correctional facility the county where the facility is located may agree to do the commitment.

[Chapter 220 \[HF 3187\]](#)

This bill allows for statements or documents to be deemed under oath without notarization as long as it contains a statement at the end of the document that is the same as or similar to wording included in this bill. It also allows for electronic documents to be filed. I have attached the bill to this email. I would suggest getting it to the court administrators in case they have not seen it so they can review it and get it out to attorneys involved in commitments.



[Chapter 300 sections 19 – 27 \[SF 2713\]](#)

1. 253B.05 was amended so as to exclude the sex offender program (“MSOP”) as a treatment facility where a person can be placed while on an emergency 72 hour hold.
2. 253B.07, subdivision 2b was amended to identify the Commissioner of Human Services as being responsible for determining which secure treatment facility a person shall be confined while on a judicial hold awaiting commitment as a sex offender.
3. 253B.185 was amended to clarify that a person committed as a sexually dangerous person (“SDP”) and/or a sexual psychopathic personality (“SPP”) is committed for an indeterminate period of time.
4. There were ten (10) subdivisions added to the existing nine (9) subdivisions of 253B.185. Subdivision 10 requires the county attorney to notify any and all victims that a petition for commitment as a SDP and/or SPP has been filed. Victims shall also be notified whether or not the person has been committed. Before a person’s commitment status is changed, (for example, the person is provisionally discharged), the head of the MSOP shall notify any and all victims. The victims have the right to submit a written statement about the decision to change the person’s commitment status.

Subdivision 11 states that a committed SDP and/or SPP cannot be transferred out of a secure treatment facility unless recommended by the special review board and approved by the judicial appeal panel. The amended section lists five (5) factors that need to be considered in determining if the transfer is appropriate.

Subdivision 12 states that a person shall not be provisionally discharged unless recommended by the special review board (“SRB”) and approved by the judicial appeal panel. The amended section lists two (2) factors that need to be considered in determining whether the person committed is capable of making an acceptable adjustment to open society.

Subdivision 13 requires a provisional discharge plan to be developed.

Subdivision 14 states that the provisional discharge shall not terminate automatically and that a patient needs to request a full discharge from the SRB and it needs to be approved by the judicial appeal panel.

Subdivision 15 lists the two grounds to revoke a provisional discharge. If either of the grounds are met, the SDP and/or SPP are immediately returned to the treatment facility. Advanced notice of the revocation is not required. Within seven (7) days of the revocation, the committed person must be provided a copy of a report documenting the reasons for the revocation.

Subdivision 16 states that if a SDP and/or SPP is absent from the secure treatment facility without authorization, the head of the treatment facility may request a peace officer to return the person to the facility.

Subdivision 17 allows the patient or any interested person to appeal to the SRB the decision to revoke the provisional discharge. The appeal must be made within seven days of the revocation report being issued. An SRB hearing is held within thirty (30) days and the SRB shall recommend to the judicial appeal panel whether or not the revocation shall be upheld.



Subdivision 18 lists the criterion that needs to be met for a full discharge of a person that is a SDP and/or SPP.

Subdivision 19 states that the MSOP shall provide the supervision, aftercare, and case management services for the sex offender.

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This document was prepared by Roger Schwab and Michael Woods.

If you have questions regarding these changes you may contact Roger Schwab by email at [Roger.Schwab@state.mn.us](mailto:Roger.Schwab@state.mn.us) or by phone at 320-231-5962 or 1-800-657-3506.

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