

1.1 ..... moves to amend H.F. No. 3300 as follows:

1.2 Page 1, after line 5, insert:

1.3 "Section 1. Minnesota Statutes 2009 Supplement, section 246B.01, subdivision 1a,  
1.4 is amended to read:

1.5 Subd. 1a. ~~Client~~ **Civilly committed sex offender.** "~~Client~~" "Civilly committed  
1.6 sex offender" means a person who is admitted to the Minnesota sex offender program  
1.7 ~~or subject to a court hold order~~ under section 253B.185 for the purpose of assessment,  
1.8 diagnosis, care, treatment, supervision, or other services provided by the Minnesota sex  
1.9 offender program.

1.10 Sec. 2. Minnesota Statutes 2009 Supplement, section 246B.01, subdivision 1b, is  
1.11 amended to read:

1.12 Subd. 1b. ~~Client's~~ **Civilly committed sex offender's county.** "~~Client's~~" "Civilly  
1.13 committed sex offender's county" means the county of the ~~client's~~ civilly committed sex  
1.14 offender's legal settlement for poor relief purposes at the time of commitment. If the  
1.15 ~~client~~ civilly committed sex offender has no legal settlement for poor relief in this state,  
1.16 it means the county of commitment, except that when a ~~client~~ civilly committed sex  
1.17 offender with no legal settlement for poor relief is committed while serving a sentence  
1.18 at a penal institution, it means the county from which the ~~client~~ civilly committed sex  
1.19 offender was sentenced.

1.20 Sec. 3. Minnesota Statutes 2008, section 246B.01, is amended by adding a subdivision  
1.21 to read:

1.22 Subd. 1c. **Judicial hold.** "Judicial hold" means any person who is subject to a  
1.23 judicial hold order under section 253B.185.

2.1 Sec. 4. Minnesota Statutes 2009 Supplement, section 246B.01, subdivision 2a, is  
2.2 amended to read:

2.3 Subd. 2a. **Community preparation services.** Community preparation services are  
2.4 specialized residential services or programs operated or administered by the Minnesota sex  
2.5 offender program outside of a secure treatment facility. Community preparation services  
2.6 are designed to assist ~~clients~~ civily committed sex offenders in developing the appropriate  
2.7 skills and resources necessary for an eventual successful reintegration into a community.  
2.8 A ~~client~~ civily committed sex offender may be placed in community preparation services  
2.9 only upon an order of the judicial appeal panel under section 253B.19.

2.10 Sec. 5. Minnesota Statutes 2009 Supplement, section 246B.01, subdivision 2d, is  
2.11 amended to read:

2.12 Subd. 2d. **Local social services agency.** "Local social services agency" means the  
2.13 local social services agency of the ~~client's~~ civily committed sex offender's county as  
2.14 defined in subdivision 1b and of the county of commitment, and any other local social  
2.15 services agency possessing information regarding, or requested by the commissioner to  
2.16 investigate, the financial circumstances of a ~~client~~ civily committed sex offender.

2.17 Sec. 6. Minnesota Statutes 2009 Supplement, section 246B.02, is amended to read:

2.18 **246B.02 ESTABLISHMENT OF MINNESOTA SEX OFFENDER PROGRAM.**

2.19 The commissioner of human services shall establish and maintain the Minnesota  
2.20 sex offender program. The program shall provide specialized sex offender assessment,  
2.21 diagnosis, care, treatment, supervision, and other services to ~~clients~~ civily committed sex  
2.22 offenders as defined in section 246B.01, subdivision 1a. Services may include specialized  
2.23 programs at secure treatment facilities as defined in section 253B.02, subdivision 18a,  
2.24 consultative services, aftercare services, community-based services and programs,  
2.25 transition services, or other services consistent with the mission of the Department of  
2.26 Human Services.

2.27 Sec. 7. Minnesota Statutes 2009 Supplement, section 246B.03, subdivision 2, is  
2.28 amended to read:

2.29 Subd. 2. **Minnesota sex offender program evaluation.** (a) The commissioner shall  
2.30 contract with national sex offender experts to evaluate the sex offender treatment program.  
2.31 The consultant group shall consist of four national experts, including:

3.1 (1) three experts who are licensed psychologists, psychiatrists, clinical therapists,  
3.2 or other mental health treatment providers with established and recognized training and  
3.3 experience in the assessment and treatment of sexual offenders; and

3.4 (2) one nontreatment professional with relevant training and experience regarding  
3.5 the oversight or licensing of sex offender treatment programs or other relevant mental  
3.6 health treatment programs.

3.7 (b) These experts shall, in consultation with the executive clinical director of the  
3.8 sex offender treatment program:

3.9 (1) review and identify relevant information and evidence-based best practices and  
3.10 methodologies for effectively assessing, diagnosing, and treating ~~clients~~ civily committed  
3.11 sex offenders;

3.12 (2) on at least an annual basis, complete a site visit and comprehensive program  
3.13 evaluation that may include a review of program policies and procedures to determine the  
3.14 program's level of compliance, address specific areas of concern brought to the panel's  
3.15 attention by the executive clinical director or executive director, offer recommendations,  
3.16 and complete a written report of its findings to the executive director and clinical director;  
3.17 and

3.18 (3) in addition to the annual site visit and review, provide advice, input, and  
3.19 assistance as requested by the executive clinical director or executive director.

3.20 (c) The commissioner or commissioner's designee shall enter into contracts as  
3.21 necessary to fulfill the responsibilities under this subdivision.

3.22 Sec. 8. Minnesota Statutes 2009 Supplement, section 246B.03, subdivision 3, is  
3.23 amended to read:

3.24 Subd. 3. ~~Client~~ **Civily committed sex offender grievance resolution process.**

3.25 (a) The executive director shall establish a grievance policy and related procedures  
3.26 that address and attempt to resolve ~~client~~ civily committed sex offender concerns and  
3.27 complaints. The grievance resolution process must include procedures for assessing  
3.28 or investigating a ~~client's~~ civily committed sex offender's concerns or complaints, for  
3.29 attempting to resolve issues informally, and for appealing for a review and determination  
3.30 by the executive director or designee.

3.31 (b) Any ~~client~~ civily committed sex offender who believes a right that is applicable  
3.32 to ~~a client~~ an individual under section 144.651 has been violated may file a grievance  
3.33 under paragraph (a) and attempt to resolve the issue internally, or by a complaint with  
3.34 the Minnesota Department of Health, Office of Health Facility Complaints, or both.

4.1 Complaints filed with the Office of Health Facility Complaints under this paragraph must  
4.2 be processed according to section 144.652.

4.3 Sec. 9. Minnesota Statutes 2009 Supplement, section 246B.04, subdivision 3, is  
4.4 amended to read:

4.5 Subd. 3. **Access to data.** The Minnesota sex offender program shall have access  
4.6 to private data contained in the statewide supervision system under section 241.065, as  
4.7 necessary for the administration and management of current ~~Minnesota sex offender~~  
4.8 ~~clients~~ civily committed sex offenders for the purposes of admissions, treatment, security,  
4.9 and supervision. The program shall develop a policy to allow individuals who conduct  
4.10 assessment, develop treatment plans, oversee security, or develop reintegration plans to  
4.11 have access to the data. The commissioner of corrections shall conduct periodic audits to  
4.12 determine whether the policy is being followed.

4.13 Sec. 10. Minnesota Statutes 2009 Supplement, section 246B.05, subdivision 1, is  
4.14 amended to read:

4.15 Subdivision 1. **Vocational work program option.** The commissioner of human  
4.16 services shall develop a vocational work program for persons admitted to the Minnesota  
4.17 sex offender program. The ~~vocation~~ vocational work program is an extension of  
4.18 therapeutic treatment in order for ~~clients~~ civily committed sex offenders to learn valuable  
4.19 work skills and work habits while contributing to their cost of care. The vocational work  
4.20 program may include work maintaining the center or work that is brought to the center  
4.21 by an outside source. The earnings generated from the vocational work program must be  
4.22 deposited into the account created in subdivision 2.

4.23 Sec. 11. Minnesota Statutes 2009 Supplement, section 246B.06, subdivision 1, is  
4.24 amended to read:

4.25 Subdivision 1. **Establishment; purpose.** (a) The commissioner of human services  
4.26 may establish, equip, maintain, and operate a vocational work program at any Minnesota  
4.27 sex offender program facility under this chapter. The commissioner may establish  
4.28 vocational activities for sex offender treatment ~~clients~~ for civily committed sex offenders  
4.29 as the commissioner deems necessary and suitable to the meaningful work skills training,  
4.30 educational training, and development of proper work habits and extended treatment  
4.31 services for ~~clients~~ civily committed sex offenders consistent with the requirements in  
4.32 section 246B.05. The industrial and commercial activities authorized by this section are  
4.33 designated Minnesota State Industries and must be for the primary purpose of sustaining

5.1 and ensuring Minnesota State Industries' self-sufficiency, providing educational training,  
5.2 meaningful employment, and the teaching of proper work habits to the ~~patients of~~  
5.3 individuals in the Minnesota sex offender program under this chapter, and not solely as  
5.4 competitive business ventures.

5.5 (b) The net profits from the vocational work program must be used for the  
5.6 benefit of the ~~clients~~ civily committed sex offenders as it relates to building education  
5.7 and self-sufficiency skills. Prior to the establishment of any vocational activity, the  
5.8 commissioner of human services shall consult with stakeholders including representatives  
5.9 of business, industry, organized labor, the commissioner of education, the state  
5.10 Apprenticeship Council, the commissioner of labor and industry, the commissioner  
5.11 of employment and economic development, the commissioner of administration, and  
5.12 other stakeholders the commissioner deems qualified. The purpose of the stakeholder  
5.13 consultation is to determine the quantity and nature of the goods, wares, merchandise,  
5.14 and services to be made or provided, and the types of processes to be used in their  
5.15 manufacture, processing, repair, and production consistent with the greatest opportunity  
5.16 for the reform and educational training of the ~~clients~~ civily committed sex offenders, and  
5.17 with the best interests of the state, business, industry, and labor.

5.18 (c) The commissioner of human services shall, at all times in the conduct of any  
5.19 vocational activity authorized by this section, utilize ~~client~~ civily committed sex offender  
5.20 labor to the greatest extent feasible, provided that the commissioner may employ all  
5.21 administrative, supervisory, and other skilled workers necessary to the proper instruction  
5.22 of the ~~clients~~ civily committed sex offenders and the efficient operation of the vocational  
5.23 activities authorized by this section.

5.24 (d) The commissioner of human services may authorize the director of any  
5.25 Minnesota sex offender treatment facility under the commissioner's control to accept  
5.26 work projects from outside sources for processing, fabrication, or repair, provided that  
5.27 preference is given to the performance of work projects for state departments and agencies.

5.28 Sec. 12. Minnesota Statutes 2009 Supplement, section 246B.06, subdivision 6, is  
5.29 amended to read:

5.30 Subd. 6. **Wages.** Notwithstanding section 177.24 or any other law to the contrary,  
5.31 the commissioner of human services has the discretion to set the pay rate for ~~clients~~  
5.32 individuals participating in the vocational work program. The commissioner has the  
5.33 authority to retain up to 50 percent of any payments made to ~~a client~~ an individual  
5.34 participating in the vocational work program for the purpose of reducing state costs  
5.35 associated with operating the Minnesota sex offender program.

6.1 Sec. 13. Minnesota Statutes 2009 Supplement, section 246B.06, subdivision 7, is  
6.2 amended to read:

6.3 Subd. 7. **Status of ~~clients~~ civily committed sex offenders.** ~~Clients~~ Civily  
6.4 committed sex offenders participating in the vocational work program are not employees  
6.5 of the Minnesota sex offender program, the Department of Human Services, or the state,  
6.6 and are not subject to fair labor standards under sections 177.21 to 177.35; workers  
6.7 compensation under sections 176.011 to 176.862; the Minnesota Human Rights Act under  
6.8 sections 363A.001 to 363A.41; laws governing state employees under chapter 43A; labor  
6.9 relations under chapter 179A; or the successors to any of these sections and any other laws  
6.10 pertaining to employees and employment.

6.11 Sec. 14. Minnesota Statutes 2009 Supplement, section 246B.06, subdivision 8, is  
6.12 amended to read:

6.13 Subd. 8. **Claims.** Claims and demands arising out of injury to or death of a ~~client~~  
6.14 civily committed sex offender while that ~~client~~ individual is participating in the vocational  
6.15 work program or performing a work assignment maintaining the facility must be presented  
6.16 to, heard, and determined exclusively by the legislature as provided in section 3.738.

6.17 Sec. 15. Minnesota Statutes 2009 Supplement, section 246B.07, subdivision 1, is  
6.18 amended to read:

6.19 Subdivision 1. **Procedures.** The commissioner shall determine or redetermine,  
6.20 if necessary, what amount of the cost of care, if any, the ~~client~~ civily committed sex  
6.21 offender is able to pay. The ~~client~~ civily committed sex offender shall provide to the  
6.22 commissioner documents and proof necessary to determine the ability to pay. Failure to  
6.23 provide the commissioner with sufficient information to determine ability to pay may  
6.24 make the ~~client~~ civily committed sex offender liable for the full cost of care until the time  
6.25 when sufficient information is provided.

6.26 Sec. 16. Minnesota Statutes 2009 Supplement, section 246B.07, subdivision 2, is  
6.27 amended to read:

6.28 Subd. 2. **Rules.** The commissioner shall use the standards in section 246.51,  
6.29 subdivision 2, to determine the ~~clients~~ civily committed sex offender's liability for the  
6.30 care provided by the Minnesota sex offender program.

6.31 Sec. 17. Minnesota Statutes 2009 Supplement, section 246B.08, is amended to read:

6.32 **246B.08 PAYMENT FOR CARE; ORDER; ACTION.**

7.1 The commissioner shall issue an order to the ~~client~~ civilly committed sex offender or  
 7.2 the guardian of the estate, if there is one, requiring the ~~client~~ civilly committed sex offender  
 7.3 or guardian to pay to the state the amounts determined, the total of which must not exceed  
 7.4 the full cost of care. The order must specifically state the commissioner's determination  
 7.5 and must be conclusive, unless appealed. If a ~~client~~ civilly committed sex offender fails to  
 7.6 pay the amount due, the attorney general, upon request of the commissioner, may institute,  
 7.7 or direct the appropriate county attorney to institute, a civil action to recover the amount.

7.8 Sec. 18. Minnesota Statutes 2009 Supplement, section 246B.09, is amended to read:

7.9 **246B.09 CLAIM AGAINST ESTATE OF DECEASED ~~CLIENT~~ CIVILLY**  
 7.10 **COMMITTED SEX OFFENDER.**

7.11 Subdivision 1. ~~Client's Estate of a civilly committed sex offender.~~ Upon the  
 7.12 death of a ~~client~~ civilly committed sex offender, or a former ~~client~~ civilly committed sex  
 7.13 offender, the total cost of care provided to the ~~client~~ individual, less the amount actually  
 7.14 paid toward the cost of care by the ~~client~~ civilly committed sex offender, must be filed by  
 7.15 the commissioner as a claim against the estate of the ~~client~~ civilly committed sex offender  
 7.16 with the court having jurisdiction to probate the estate, and all proceeds collected by the  
 7.17 state in the case must be divided between the state and county in proportion to the cost  
 7.18 of care each has borne.

7.19 Subd. 2. **Preferred status.** An estate claim in subdivision 1 must be considered an  
 7.20 expense of the last illness for purposes of section 524.3-805.

7.21 If the commissioner determines that the property or estate of a ~~client~~ civilly  
 7.22 committed sex offender is not more than needed to care for and maintain the spouse and  
 7.23 minor or dependent children of a deceased ~~client~~ civilly committed sex offender, the  
 7.24 commissioner has the power to compromise the claim of the state in a manner deemed  
 7.25 just and proper.

7.26 Subd. 3. **Exception from statute of limitations.** Any statute of limitations that  
 7.27 limits the commissioner in recovering the cost of care obligation incurred by a ~~client~~  
 7.28 civilly committed sex offender or former ~~client~~ civilly committed sex offender must not  
 7.29 apply to any claim against an estate made under this section to recover cost of care.

7.30 Sec. 19. Minnesota Statutes 2009 Supplement, section 246B.10, is amended to read:

7.31 **246B.10 LIABILITY OF COUNTY; REIMBURSEMENT.**

7.32 The ~~client's~~ civilly committed sex offender's county shall pay to the state a portion  
 7.33 of the cost of care provided in the Minnesota sex offender program to a ~~client~~ civilly  
 7.34 committed sex offender who has legally settled in that county. A county's payment must

8.1 be made from the county's own sources of revenue and payments must equal ten percent of  
8.2 the cost of care, as determined by the commissioner, for each day or portion of a day, that  
8.3 the ~~client~~ civilly committed sex offender spends at the facility. If payments received by  
8.4 the state under this chapter exceed 90 percent of the cost of care, the county is responsible  
8.5 for paying the state the remaining amount. The county is not entitled to reimbursement  
8.6 from the ~~client~~ civilly committed sex offender, the ~~client's~~ civilly committed sex offender's  
8.7 estate, or from the ~~client's~~ civilly committed sex offender's relatives, except as provided  
8.8 in section 246B.07.

8.9 Section 20. Minnesota Statutes 2008, section 253B.05, subdivision 1, is amended to  
8.10 read:

8.11 Subdivision 1. **Emergency hold.** (a) Any person may be admitted or held for  
8.12 emergency care and treatment in a treatment facility, except to a facility operated by the  
8.13 Minnesota sex offender program, with the consent of the head of the treatment facility  
8.14 upon a written statement by an examiner that:

8.15 (1) the examiner has examined the person not more than 15 days prior to admission;

8.16 (2) the examiner is of the opinion, for stated reasons, that the person is mentally ill,  
8.17 developmentally disabled, or chemically dependent, and is in danger of causing injury to  
8.18 self or others if not immediately detained; and

8.19 (3) an order of the court cannot be obtained in time to prevent the anticipated injury.

8.20 (b) If the proposed patient has been brought to the treatment facility by another  
8.21 person, the examiner shall make a good faith effort to obtain a statement of information  
8.22 that is available from that person, which must be taken into consideration in deciding  
8.23 whether to place the proposed patient on an emergency hold. The statement of information  
8.24 must include, to the extent available, direct observations of the proposed patient's  
8.25 behaviors, reliable knowledge of recent and past behavior, and information regarding  
8.26 psychiatric history, past treatment, and current mental health providers. The examiner  
8.27 shall also inquire into the existence of health care directives under chapter 145, and  
8.28 advance psychiatric directives under section 253B.03, subdivision 6d.

8.29 (c) The examiner's statement shall be: (1) sufficient authority for a peace or health  
8.30 officer to transport a patient to a treatment facility, (2) stated in behavioral terms and not in  
8.31 conclusory language, and (3) of sufficient specificity to provide an adequate record for  
8.32 review. If danger to specific individuals is a basis for the emergency hold, the statement  
8.33 must identify those individuals, to the extent practicable. A copy of the examiner's  
8.34 statement shall be personally served on the person immediately upon admission and a  
8.35 copy shall be maintained by the treatment facility."



9.1 Page 2, after line 3, insert:

9.2 "Sec. 22. Minnesota Statutes 2008, section 253B.10, subdivision 5, is amended to read:

9.3 Subd. 5. **Transfer to voluntary status.** At any time prior to the expiration of the  
9.4 initial commitment period, a patient who has not been committed as mentally ill and  
9.5 dangerous to the public or as a sexually dangerous person or as a sexual psychopathic  
9.6 personality may be transferred to voluntary status upon the patient's application in writing  
9.7 with the consent of the head of the facility. Upon transfer, the head of the treatment facility  
9.8 shall immediately notify the court in writing and the court shall terminate the proceedings.

9.9 Sec. 23. Minnesota Statutes 2009 Supplement, section 253B.14, is amended to read:

9.10 **253B.14 TRANSFER OF COMMITTED PERSONS.**

9.11 The commissioner may transfer any committed person, other than a person  
9.12 committed as mentally ill and dangerous to the public, or as a sexually dangerous person  
9.13 or as a sexual psychopathic personality, from one regional treatment center to any other  
9.14 treatment facility under the commissioner's jurisdiction which is capable of providing  
9.15 proper care and treatment. When a committed person is transferred from one treatment  
9.16 facility to another, written notice shall be given to the committing court, the county  
9.17 attorney, the patient's counsel, and to the person's parent, health care agent, or spouse or, if  
9.18 none is known, to an interested person, and the designated agency.

9.19 Sec. 24. Minnesota Statutes 2008, section 253B.15, subdivision 1, is amended to read:

9.20 Subdivision 1. **Provisional discharge.** The head of the treatment facility may  
9.21 provisionally discharge any patient without discharging the commitment, unless the patient  
9.22 was found by the committing court to be a person who is mentally ill and dangerous to the  
9.23 public, or a sexually dangerous person or a sexual psychopathic personality.

9.24 Each patient released on provisional discharge shall have a written aftercare plan  
9.25 developed which specifies the services and treatment to be provided as part of the  
9.26 aftercare plan, the financial resources available to pay for the services specified, the  
9.27 expected period of provisional discharge, the precise goals for the granting of a final  
9.28 discharge, and conditions or restrictions on the patient during the period of the provisional  
9.29 discharge. The aftercare plan shall be provided to the patient, the patient's attorney, and  
9.30 the designated agency.

9.31 The aftercare plan shall be reviewed on a quarterly basis by the patient, designated  
9.32 agency and other appropriate persons. The aftercare plan shall contain the grounds upon  
9.33 which a provisional discharge may be revoked. The provisional discharge shall terminate  
9.34 on the date specified in the plan unless specific action is taken to revoke or extend it.

10.1 Sec. 25. Minnesota Statutes 2008, section 253B.18, subdivision 5a, is amended to read:

10.2 Subd. 5a. **Victim notification of petition and release; right to submit statement.**

10.3 (a) As used in this subdivision:

10.4 (1) "crime" has the meaning given to "violent crime" in section 609.1095, and  
10.5 includes criminal sexual conduct in the fifth degree and offenses within the definition of  
10.6 "crime against the person" in section 253B.02, subdivision 4a, and also includes offenses  
10.7 listed in section 253B.02, subdivision 7a, paragraph (b), regardless of whether they are  
10.8 sexually motivated;

10.9 (2) "victim" means a person who has incurred loss or harm as a result of a crime  
10.10 the behavior for which forms the basis for a commitment under this section or section  
10.11 253B.185; and

10.12 (3) "convicted" and "conviction" have the meanings given in section 609.02,  
10.13 subdivision 5, and also include juvenile court adjudications, findings under Minnesota  
10.14 Rules of Criminal Procedure, rule 20.02, that the elements of a crime have been proved,  
10.15 and findings in commitment cases under this section or section 253B.185 that an act or  
10.16 acts constituting a crime occurred.

10.17 (b) A county attorney who files a petition to commit a person under this section  
10.18 or section 253B.185 shall make a reasonable effort to provide prompt notice of filing  
10.19 the petition to any victim of a crime for which the person was convicted. In addition,  
10.20 the county attorney shall make a reasonable effort to promptly notify the victim of the  
10.21 resolution of the petition.

10.22 (c) Before provisionally discharging, discharging, granting pass-eligible status,  
10.23 approving a pass plan, or otherwise permanently or temporarily releasing a person  
10.24 committed under this section or section 253B.185 from a treatment facility, the head of the  
10.25 treatment facility shall make a reasonable effort to notify any victim of a crime for which  
10.26 the person was convicted that the person may be discharged or released and that the victim  
10.27 has a right to submit a written statement regarding decisions of the medical director,  
10.28 special review board, or commissioner with respect to the person. To the extent possible,  
10.29 the notice must be provided at least 14 days before any special review board hearing or  
10.30 before a determination on a pass plan. Notwithstanding section 611A.06, subdivision 4,  
10.31 the commissioner shall provide the judicial appeal panel with victim information in order  
10.32 to comply with the provisions of this section. The judicial appeal panel shall ensure that  
10.33 the data on victims remains private as provided for in section 611A.06, subdivision 4.

10.34 (d) This subdivision applies only to victims who have requested notification by  
10.35 contacting, in writing, the county attorney in the county where the conviction for the crime

11.1 occurred. A county attorney who receives a request for notification under this paragraph  
11.2 shall promptly forward the request to the commissioner of human services.

11.3 (e) The rights under this subdivision are in addition to rights available to a victim  
11.4 under chapter 611A. This provision does not give a victim all the rights of a "notified  
11.5 person" or a person "entitled to statutory notice" under subdivision 4a, 4b, or 5 or section  
11.6 253B.185, subdivision 10.

11.7 Sec. 26. Minnesota Statutes 2008, section 253B.185, is amended to read:

11.8 **253B.185 SEXUAL PSYCHOPATHIC PERSONALITY; SEXUALLY**  
11.9 **DANGEROUS.**

11.10 Subdivision 1. **Commitment generally.** (a) Except as otherwise provided in this  
11.11 section, the provisions of this chapter pertaining to persons who are mentally ill and  
11.12 dangerous to the public apply with like force and effect to persons who are alleged or  
11.13 found to be sexually dangerous persons or persons with a sexual psychopathic personality.  
11.14 For purposes of this section, "sexual psychopathic personality" includes any individual  
11.15 committed as a "psychopathic personality" under Minnesota Statutes 1992, section 526.10.

11.16 (b) Before commitment proceedings are instituted, the facts shall first be submitted  
11.17 to the county attorney, who, if satisfied that good cause exists, will prepare the petition.  
11.18 The county attorney may request a prepetition screening report. The petition is to be  
11.19 executed by a person having knowledge of the facts and filed with the committing court  
11.20 of the county in which the patient has a settlement or is present. If the patient is in the  
11.21 custody of the commissioner of corrections, the petition may be filed in the county where  
11.22 the conviction for which the person is incarcerated was entered.

11.23 (c) Upon the filing of a petition alleging that a proposed patient is a sexually  
11.24 dangerous person or is a person with a sexual psychopathic personality, the court shall  
11.25 hear the petition as provided in section 253B.18, except that section 253B.18, subdivision  
11.26 2, shall not apply.

11.27 (d) In commitments under this section, the court shall commit the patient to a secure  
11.28 treatment facility unless the patient establishes by clear and convincing evidence that a  
11.29 less restrictive treatment program is available that is consistent with the patient's treatment  
11.30 needs and the requirements of public safety.

11.31 (e) After a determination that a patient is a sexually dangerous person or sexual  
11.32 psychopathic personality, the court shall order commitment for an indeterminate period of  
11.33 time and the patient shall be transferred, provisionally discharged, or discharged, only as  
11.34 provided in this section.

12.1 Subd. 1a. **Temporary confinement.** During any hearing held under this section, or  
12.2 pending emergency revocation of a provisional discharge, the court may order the patient  
12.3 or proposed patient temporarily confined in a jail or lockup but only if:

12.4 (1) there is no other feasible place of confinement for the patient within a reasonable  
12.5 distance;

12.6 (2) the confinement is for less than 24 hours or, if during a hearing, less than 24  
12.7 hours prior to commencement and after conclusion of the hearing; and

12.8 (3) there are protections in place, including segregation of the patient, to ensure  
12.9 the safety of the patient.

12.10 Subd. 1b. **County attorney access to data.** Notwithstanding sections 144.291  
12.11 to 144.298; 245.467, subdivision 6; 245.4876, subdivision 7; 260B.171; 260B.235,  
12.12 subdivision 8; 260C.171; and 609.749, subdivision 6, or any provision of chapter 13  
12.13 or other state law, prior to filing a petition for commitment as a sexual psychopathic  
12.14 personality or as a sexually dangerous person, and upon notice to the proposed patient,  
12.15 the county attorney or the county attorney's designee may move the court for an order  
12.16 granting access to any records or data, to the extent it relates to the proposed patient, for  
12.17 the purpose of determining whether good cause exists to file a petition and, if a petition  
12.18 is filed, to support the allegations set forth in the petition.

12.19 The court may grant the motion if: (1) the Department of Corrections refers the case  
12.20 for commitment as a sexual psychopathic personality or a sexually dangerous person; or  
12.21 (2) upon a showing that the requested category of data or records may be relevant to  
12.22 the determination by the county attorney or designee. The court shall decide a motion  
12.23 under this subdivision within 48 hours after a hearing on the motion. Notice to the  
12.24 proposed patient need not be given upon a showing that such notice may result in harm or  
12.25 harassment of interested persons or potential witnesses.

12.26 Notwithstanding any provision of chapter 13 or other state law, a county attorney  
12.27 considering the civil commitment of a person under this section may obtain records and  
12.28 data from the Department of Corrections or any probation or parole agency in this state  
12.29 upon request, without a court order, for the purpose of determining whether good cause  
12.30 exists to file a petition and, if a petition is filed, to support the allegations set forth in the  
12.31 petition. At the time of the request for the records, the county attorney shall provide notice  
12.32 of the request to the person who is the subject of the records.

12.33 Data collected pursuant to this subdivision shall retain their original status and, if not  
12.34 public, are inadmissible in any court proceeding unrelated to civil commitment, unless  
12.35 otherwise permitted.

13.1           Subd. 2. **Transfer to correctional facility.** (a) If a person has been committed  
13.2 under this section and later is committed to the custody of the commissioner of corrections  
13.3 for any reason, including but not limited to, being sentenced for a crime or revocation of  
13.4 the person's supervised release or conditional release under section 244.05; 609.3455,  
13.5 subdivision 6, 7, or 8; Minnesota Statutes 2004, section 609.108, subdivision 6; or  
13.6 Minnesota Statutes 2004, section 609.109, subdivision 7, the person shall be transferred to  
13.7 a facility designated by the commissioner of corrections without regard to the procedures  
13.8 provided in section 253B.18.

13.9           (b) If a person is committed under this section after a commitment to the  
13.10 commissioner of corrections, the person shall first serve the sentence in a facility  
13.11 designated by the commissioner of corrections. After the person has served the sentence,  
13.12 the person shall be transferred to a treatment program designated by the commissioner  
13.13 of human services.

13.14           Subd. 3. **Not to constitute defense.** The existence in any person of a condition of a  
13.15 sexual psychopathic personality or the fact that a person is a sexually dangerous person  
13.16 shall not in any case constitute a defense to a charge of crime, nor relieve such person  
13.17 from liability to be tried upon a criminal charge.

13.18           Subd. 4. **Statewide judicial panel; commitment proceedings.** (a) The Supreme  
13.19 Court may establish a panel of district judges with statewide authority to preside over  
13.20 commitment proceedings of sexual psychopathic personalities and sexually dangerous  
13.21 persons. Only one judge of the panel is required to preside over a particular commitment  
13.22 proceeding. Panel members shall serve for one-year terms. One of the judges shall be  
13.23 designated as the chief judge of the panel, and is vested with the power to designate the  
13.24 presiding judge in a particular case, to set the proper venue for the proceedings, and to  
13.25 otherwise supervise and direct the operation of the panel. The chief judge shall designate  
13.26 one of the other judges to act as chief judge whenever the chief judge is unable to act.

13.27           (b) If the Supreme Court creates the judicial panel authorized by this section, all  
13.28 petitions for civil commitment brought under subdivision 1 shall be filed with the supreme  
13.29 court instead of with the district court in the county where the proposed patient is present,  
13.30 notwithstanding any provision of subdivision 1 to the contrary. Otherwise, all of the  
13.31 other applicable procedures contained in this chapter apply to commitment proceedings  
13.32 conducted by a judge on the panel.

13.33           Subd. 5. **Financial responsibility.** (a) For purposes of this subdivision, "state  
13.34 facility" has the meaning given in section 246.50 and also includes a Department of  
13.35 Corrections facility when the proposed patient is confined in such a facility pursuant to  
13.36 section 253B.045, subdivision 1a.

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

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

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

14.9 ~~Subd. 6. **Aftercare and case management.** The state, in collaboration with the~~  
14.10 ~~designated agency, is responsible for arranging and funding the aftercare and case~~  
14.11 ~~management services for persons under commitment as sexual psychopathic personalities~~  
14.12 ~~and sexually dangerous persons discharged after July 1, 1999.~~

14.13 **Subd. 7. Rights of patients committed under this section.** (a) The commissioner  
14.14 or the commissioner's designee may limit the statutory rights described in paragraph (b)  
14.15 for patients committed to the Minnesota sex offender program under this section or with  
14.16 the commissioner's consent under section 246B.02. The statutory rights described in  
14.17 paragraph (b) may be limited only as necessary to maintain a therapeutic environment  
14.18 or the security of the facility or to protect the safety and well-being of patients, staff,  
14.19 and the public.

14.20 (b) The statutory rights that may be limited in accordance with paragraph (a) are  
14.21 those set forth in section 144.651, subdivision 19, personal privacy; section 144.651,  
14.22 subdivision 21, private communications; section 144.651, subdivision 22, retain and use  
14.23 of personal property; section 144.651, subdivision 25, manage personal financial affairs;  
14.24 section 144.651, subdivision 26, meet with visitors and participate in groups; section  
14.25 253B.03, subdivision 2, correspond with others; and section 253B.03, subdivision 3,  
14.26 receive visitors and make telephone calls. Other statutory rights enumerated by sections  
14.27 144.651 and 253B.03, or any other law, may be limited as provided in those sections.

14.28 **Subd. 8. Petition and report required.** (a) Within 120 days of receipt of a  
14.29 preliminary determination from a court under section 609.1351, or a referral from the  
14.30 commissioner of corrections pursuant to section 244.05, subdivision 7, a county attorney  
14.31 shall determine whether good cause under this section exists to file a petition, and if good  
14.32 cause exists, the county attorney or designee shall file the petition with the court.

14.33 (b) Failure to meet the requirements of paragraph (a) does not bar filing a petition  
14.34 under subdivision 1 any time the county attorney determines pursuant to subdivision 1  
14.35 that good cause for such a petition exists.

15.1 ~~(c) By February 1 of each year, the commissioner of human services shall annually~~  
15.2 ~~report to the respective chairs of the divisions or committees of the senate and house~~  
15.3 ~~of representatives that oversee human services finance regarding compliance with this~~  
15.4 ~~subdivision.~~

15.5 Subd. 9. **Petition for reduction in custody.** (a) This subdivision applies only  
15.6 to committed persons as defined in paragraph (b). The procedures in ~~section 253B.18,~~  
15.7 ~~subdivision 5a,~~ subdivision 10 for victim notification and right to submit a statement  
15.8 ~~under section 253B.18~~ apply to petitions filed and reductions in custody recommended  
15.9 under this subdivision.

15.10 (b) As used in this subdivision:

15.11 (1) "committed person" means an individual committed under this section, or under  
15.12 this section and under section 253B.18, as mentally ill and dangerous. It does not include  
15.13 persons committed only as mentally ill and dangerous under section 253B.18; and

15.14 (2) "reduction in custody" means transfer out of a secure treatment facility, a  
15.15 provisional discharge, or a discharge from commitment. A reduction in custody is  
15.16 considered to be a commitment proceeding under section 8.01.

15.17 (c) A petition for a reduction in custody or an appeal of a revocation of provisional  
15.18 discharge may be filed by either the committed person or by the head of the treatment  
15.19 facility and must be filed with and considered by a panel of the special review board  
15.20 authorized under section 253B.18, subdivision 4c. A committed person may not petition  
15.21 the special review board any sooner than ~~six~~ 12 months following either:

15.22 (1) the entry of judgment in the district court of the order for commitment issued  
15.23 under section 253B.18, subdivision 3, or upon the exhaustion of all related appeal rights  
15.24 in state court relating to that order, whichever is later; or

15.25 (2) any recommendation of the special review board or order of the judicial appeal  
15.26 panel, or upon the exhaustion of all appeal rights in state court, whichever is later. The  
15.27 ~~medical director~~ head of the treatment facility may petition at any time. The special  
15.28 review board proceedings are not contested cases as defined in chapter 14.

15.29 (d) The special review board shall hold a hearing on each petition before issuing a  
15.30 recommendation under paragraph (f). Fourteen days before the hearing, the committing  
15.31 court, the county attorney of the county of commitment, the designated agency, an  
15.32 interested person, the petitioner and the petitioner's counsel, and the committed person  
15.33 and the committed person's counsel must be given written notice by the commissioner of  
15.34 the time and place of the hearing before the special review board. Only those entitled to  
15.35 statutory notice of the hearing or those administratively required to attend may be present

16.1 at the hearing. The patient may designate interested persons to receive notice by providing  
16.2 the names and addresses to the commissioner at least 21 days before the hearing.

16.3 (e) A person or agency receiving notice that submits documentary evidence to the  
16.4 special review board before the hearing must also provide copies to the committed person,  
16.5 the committed person's counsel, the county attorney of the county of commitment, the case  
16.6 manager, and the commissioner. The special review board must consider any statements  
16.7 received from victims under ~~section 253B.18, subdivision 5a~~ subdivision 10.

16.8 (f) Within 30 days of the hearing, the special review board shall issue written  
16.9 findings of fact and shall recommend denial or approval of the petition to the judicial  
16.10 appeal panel established under section 253B.19. The commissioner shall forward the  
16.11 recommendation of the special review board to the judicial appeal panel and to every  
16.12 person entitled to statutory notice. No reduction in custody or reversal of a revocation  
16.13 of provisional discharge recommended by the special review board is effective until it  
16.14 has been reviewed by the judicial appeal panel and until 15 days after an order from the  
16.15 judicial appeal panel affirming, modifying, or denying the recommendation.

16.16 **Subd. 10. Victim notification of petition and release; right to submit statement.**

16.17 (a) As used in this subdivision:

16.18 (1) "crime" has the meaning given to "violent crime" in section 609.1095, and  
16.19 includes criminal sexual conduct in the fifth degree and offenses within the definition of  
16.20 "crime against the person" in section 253B.02, subdivision 4a, and also includes offenses  
16.21 listed in section 253B.02, subdivision 7a, paragraph (b), regardless of whether they are  
16.22 sexually motivated;

16.23 (2) "victim" means a person who has incurred loss or harm as a result of a crime,  
16.24 the behavior for which forms the basis for a commitment under this section or section  
16.25 253B.18; and

16.26 (3) "convicted" and "conviction" have the meanings given in section 609.02,  
16.27 subdivision 5, and also include juvenile court adjudications, findings under Minnesota  
16.28 Rules of Criminal Procedure, rule 20.02, that the elements of a crime have been proved,  
16.29 and findings in commitment cases under this section or section 253B.18, that an act or  
16.30 acts constituting a crime occurred.

16.31 (b) A county attorney who files a petition to commit a person under this section shall  
16.32 make a reasonable effort to provide prompt notice of filing the petition to any victim of a  
16.33 crime for which the person was convicted. In addition, the county attorney shall make a  
16.34 reasonable effort to promptly notify the victim of the resolution of the petition.

16.35 (c) Before provisionally discharging, discharging, granting pass-eligible status,  
16.36 approving a pass plan, or otherwise permanently or temporarily releasing a person



17.1 committed under this section from a treatment facility, the head of the treatment facility  
17.2 shall make a reasonable effort to notify any victim of a crime for which the person was  
17.3 convicted that the person may be discharged or released and that the victim has a right  
17.4 to submit a written statement regarding decisions of the head of the treatment facility or  
17.5 designee, or special review board, with respect to the person. To the extent possible, the  
17.6 notice must be provided at least 14 days before any special review board hearing or before  
17.7 a determination on a pass plan. Notwithstanding section 611A.06, subdivision 4, the  
17.8 commissioner shall provide the judicial appeal panel with victim information in order to  
17.9 comply with the provisions of this section. The judicial appeal panel shall ensure that the  
17.10 data on victims remains private as provided for in section 611A.06, subdivision 4.

17.11 (d) This subdivision applies only to victims who have requested notification by  
17.12 contacting, in writing, the county attorney in the county where the civil commitment  
17.13 was filed or the head of the treatment facility. A county attorney who receives a request  
17.14 for notification under this paragraph shall promptly forward the request to the head  
17.15 of the treatment facility.

17.16 (e) Rights under this subdivision are in addition to rights available to a victim under  
17.17 chapter 611A. This provision does not give a victim all the rights of a "notified person"  
17.18 or a person "entitled to statutory notice" under subdivision 12 or 13 or section 253B.18,  
17.19 subdivision 4a, 4b, or 5.

17.20 Subd. 11. **Transfer.** (a) A patient who is committed as a sexually dangerous person  
17.21 or sexual psychopathic personality shall not be transferred out of a secure treatment  
17.22 facility unless it appears to the satisfaction of the judicial appeal panel, after a hearing and  
17.23 recommendation by a majority of the special review board, that the transfer is appropriate.  
17.24 Transfer may be to other treatment programs under the commissioner's control.

17.25 (b) The following factors must be considered in determining whether a transfer  
17.26 is appropriate:

17.27 (1) the person's clinical progress and present treatment needs;

17.28 (2) the need for security to accomplish continuing treatment;

17.29 (3) the need for continued institutionalization;

17.30 (4) which facility can best meet the person's needs; and

17.31 (5) whether transfer can be accomplished with a reasonable degree of safety for  
17.32 the public.

17.33 Subd. 12. **Provisional discharge.** A patient who is committed as a sexual  
17.34 psychopathic personality or sexually dangerous person shall not be provisionally  
17.35 discharged unless it appears to the satisfaction of the judicial appeal panel, after a hearing

18.1 and a recommendation by a majority of the special review board, that the patient is capable  
18.2 of making an acceptable adjustment to open society.

18.3 The following factors are to be considered in determining whether a provisional  
18.4 discharge shall be recommended:

18.5 (1) whether the patient's course of treatment and present mental status indicate  
18.6 there is no longer a need for treatment and supervision in the patient's current treatment  
18.7 setting; and

18.8 (2) whether the conditions of the provisional discharge plan will provide a reasonable  
18.9 degree of protection to the public and will enable the patient to adjust successfully to  
18.10 the community.

18.11 Subd. 13. **Provisional discharge plan.** A provisional discharge plan shall be  
18.12 developed, implemented, and monitored by the head of the treatment facility or designee  
18.13 in conjunction with the patient and other appropriate persons. The head of the treatment  
18.14 facility or designee shall, at least quarterly, review the plan with the patient and submit a  
18.15 written report to the designated agency concerning the patient's status and compliance  
18.16 with each term of the plan.

18.17 Subd. 14. **Provisional discharge; review.** A provisional discharge pursuant to this  
18.18 section shall not automatically terminate. A full discharge shall occur only as provided in  
18.19 subdivision 18. The commissioner shall notify the patient that the terms of a provisional  
18.20 discharge continue unless the patient requests and is granted a change in the conditions  
18.21 of provisional discharge or unless the patient petitions the special review board for a full  
18.22 discharge and the discharge is granted by the judicial appeal panel.

18.23 Subd. 15. **Provisional discharge; revocation.** (a) The head of the treatment facility  
18.24 may revoke a provisional discharge if either of the following grounds exist:

18.25 (1) the patient has departed from the conditions of the provisional discharge plan; or

18.26 (2) the patient is exhibiting behavior which may be dangerous to self or others.

18.27 (b) The head of the treatment facility may revoke the provisional discharge and,  
18.28 either orally or in writing, order that the patient be immediately returned to the treatment  
18.29 facility. A report documenting reasons for revocation shall be issued by the head of the  
18.30 treatment facility within seven days after the patient is returned to the treatment facility.  
18.31 Advance notice to the patient of the revocation is not required.

18.32 (c) The patient must be provided a copy of the revocation report and informed, orally  
18.33 and in writing, of the rights of a patient under this section. The revocation report shall be  
18.34 served upon the patient, the patient's counsel, and the designated agency. The report shall  
18.35 outline the specific reasons for the revocation, including but not limited to the specific  
18.36 facts upon which the revocation recommendation is based.

19.1 (d) An individual who is revoked from provisional discharge must successfully  
19.2 re-petition the special review board and judicial appeal panel prior to being placed back  
19.3 on provisional discharge.

19.4 Subd. 16. **Return of absent patient.** If the patient is absent without authorization,  
19.5 the head of the treatment facility or designee may request a peace officer to return  
19.6 the patient to the treatment facility. The head of the treatment facility shall inform the  
19.7 committing court of the revocation or absence, and the court shall direct a peace officer  
19.8 in the county where the patient is located to return the patient to the treatment facility or  
19.9 to another treatment facility. The expense of returning the patient to a treatment facility  
19.10 shall be paid by the commissioner unless paid by the patient or other persons on the  
19.11 patient's behalf.

19.12 Subd. 17. **Appeal.** Any patient aggrieved by a revocation decision or any interested  
19.13 person may petition the special review board within seven days, exclusive of Saturdays,  
19.14 Sundays, and legal holidays, after receipt of the revocation report for a review of the  
19.15 revocation. The matter shall be scheduled within 30 days. The special review board shall  
19.16 review the circumstances leading to the revocation and shall recommend to the judicial  
19.17 appeal panel whether or not the revocation shall be upheld. The special review board may  
19.18 also recommend a new provisional discharge at the time of the revocation hearing.

19.19 Subd. 18. **Discharge.** A patient who is committed as a sexual psychopathic  
19.20 personality or sexually dangerous person shall not be discharged unless it appears to the  
19.21 satisfaction of the judicial appeal panel, after a hearing and recommendation by a majority  
19.22 of the special review board, that the patient is capable of making an acceptable adjustment  
19.23 to open society, is no longer dangerous to the public, and is no longer in need of inpatient  
19.24 treatment and supervision.

19.25 In determining whether a discharge shall be recommended, the special review board  
19.26 and judicial appeal panel shall consider whether specific conditions exist to provide a  
19.27 reasonable degree of protection to the public and to assist the patient in adjusting to the  
19.28 community. If the desired conditions do not exist, the discharge shall not be granted.

19.29 Subd. 19. **Aftercare services.** The Minnesota sex offender program shall provide  
19.30 the supervision, aftercare, and case management services for a person under commitment  
19.31 as sexual psychopathic personalities and sexually dangerous persons discharged after  
19.32 July 1, 1999. The designated agency shall assist with client eligibility for public welfare  
19.33 benefits and will provide those services that are currently available exclusively through  
19.34 county government.

19.35 Prior to the date of discharge or provisional discharge of any patient committed as a  
19.36 sexual psychopathic personality or sexually dangerous person, the head of the treatment

20.1 facility or designee shall establish a continuing plan of aftercare services for the patient,  
20.2 including a plan for medical and behavioral health services, financial sustainability,  
20.3 housing, social supports, or other assistance the patient needs. The Minnesota sex offender  
20.4 program shall provide case management services and shall assist the patient in finding  
20.5 employment, suitable shelter, and adequate medical and behavioral health services and  
20.6 otherwise assist in the patient's readjustment to the community.

20.7 Sec. 27. Minnesota Statutes 2008, section 253B.19, subdivision 2, is amended to read:

20.8 Subd. 2. **Petition; hearing.** (a) A person committed as mentally ill and dangerous  
20.9 to the public under section 253B.18, or the county attorney of the county from which the  
20.10 person was committed or the county of financial responsibility, may petition the judicial  
20.11 appeal panel for a rehearing and reconsideration of a decision by the commissioner under  
20.12 section 253B.18, subdivision 5. The judicial appeal panel must not consider petitions for  
20.13 relief other than those considered by the commissioner from which the appeal is taken.  
20.14 The petition must be filed with the Supreme Court within 30 days after the decision of  
20.15 the commissioner is signed. The hearing must be held within 45 days of the filing of the  
20.16 petition unless an extension is granted for good cause.

20.17 (b) A person committed as a sexual psychopathic personality or as a sexually  
20.18 dangerous person under section 253B.185, or committed as both mentally ill and  
20.19 dangerous to the public under section 253B.18 and as a sexual psychopathic personality or  
20.20 as a sexually dangerous person under section 253B.185; the county attorney of the county  
20.21 from which the person was committed or the county of financial responsibility; or the  
20.22 commissioner may petition the judicial appeal panel for a rehearing and reconsideration  
20.23 of a decision of the special review board under section 253B.185, subdivision 9. The  
20.24 petition must be filed with the Supreme Court within 30 days after the decision is mailed  
20.25 by the commissioner as required in section 253B.185, subdivision 9, paragraph (f). The  
20.26 hearing must be held within 180 days of the filing of the petition unless an extension is  
20.27 granted for good cause. If no party petitions the judicial appeal panel for a rehearing  
20.28 or reconsideration within 30 days, the judicial appeal panel shall either issue an order  
20.29 adopting the recommendations of the special review board or set the matter on for a  
20.30 hearing pursuant to this paragraph.

20.31 (c) For an appeal under paragraph (a) or (b), the Supreme Court shall refer the  
20.32 petition to the chief judge of the judicial appeal panel. The chief judge shall notify the  
20.33 patient, the county attorney of the county of commitment, the designated agency, the  
20.34 commissioner, the head of the treatment facility, any interested person, and other persons

21.1 the chief judge designates, of the time and place of the hearing on the petition. The notice  
21.2 shall be given at least 14 days prior to the date of the hearing.

21.3 (d) Any person may oppose the petition. The patient, the patient's counsel, the  
21.4 county attorney of the committing county or the county of financial responsibility, and the  
21.5 commissioner shall participate as parties to the proceeding pending before the judicial  
21.6 appeal panel and shall, no later than 20 days before the hearing on the petition, inform the  
21.7 judicial appeal panel and the opposing party in writing whether they support or oppose  
21.8 the petition and provide a summary of facts in support of their position. The judicial  
21.9 appeal panel may appoint examiners and may adjourn the hearing from time to time.  
21.10 It shall hear and receive all relevant testimony and evidence and make a record of all  
21.11 proceedings. The patient, the patient's counsel, and the county attorney of the committing  
21.12 county or the county of financial responsibility have the right to be present and may  
21.13 present and cross-examine all witnesses and offer a factual and legal basis in support of  
21.14 their positions. The petitioning party seeking discharge or provisional discharge bears the  
21.15 burden of going forward with the evidence which means presenting a prima facie case  
21.16 with competent evidence on each statutory factor. The party opposing discharge bears  
21.17 the burden of proof by clear and convincing evidence that the respondent is in need of  
21.18 commitment. The burden of persuasion shall be on a party seeking transfer and shall  
21.19 be by a preponderance of the evidence."

21.20 Renumber the sections in sequence and correct the internal references

21.21 Amend the title accordingly