

# House Research Act Summary

**CHAPTER:** 111

**SESSION:** 2009 Regular Session

**TOPIC:** Minnesota Sex Offender Program (MSOP)

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## Overview

This act redefines the Minnesota Sex Offender Program (MSOP). It adds the definitions of “civilly committed sex offender” and “community preparation services.” It adds an advisory panel and client grievance procedure and makes changes to the vocational work program. An ongoing process for program evaluation is established. It permits access to juvenile and criminal history data.

### Section

- 1 Data challenges for individuals in the Minnesota sex offender program.** Amends § 13.04, by adding subd. 4a. Requires challenges regarding data maintained by DHS regarding clients in the MSOP to be directed to the data practices compliance officer at DHS.
- 2 Specific purchases.** Amends § 16C.10, subd. 5. Provides that the state procurement process in chapter 16C is not required for acquisition of goods and services from MSOP facilities.
- 3 Vehicles exempt from tax, fees, or plate display.** Amends § 168.012, subd. 1. Adds unmarked vehicles used in general investigation, surveillance, supervision, and monitoring by the staff of the DHS Office of Special Investigations and the executive director of the MSOP to the list of exempt vehicles.
- 4 Establishment.** Amends § 241.065, subd. 2. Permits the MSOP to have access to adult and juvenile data in the statewide supervision system that is maintained by the Department of Corrections.
- 5 Client.** Amends § 246B.01, by adding subd. 1a. Defines “civilly committed sex offender” as a person who is admitted to the MSOP or subject to a hold order as a sexual psychopathic

personality or sexually dangerous person for assessment, diagnosis, treatment, supervision, or other services provided by MSOP.

- 6 Community preparation services.** Amends § 246B.01, by adding subd. 2a. Defines “community preparation services” as specialized residential programs or services offered by MSOP outside a secure treatment facility. A civilly committed sex offender may only be placed in community preparation services upon an order of the judicial appeal panel.
- 7 Executive director.** Amends § 246B.01, by adding subd. 2b. Defines “executive director” as the person with overall responsibility for the operation of MSOP, or the person’s designee.
- 8 Establishment of Minnesota sex offender program.** Amends § 246B.02. Strikes language that refers to the MSOP as a secure treatment facility. Adds language that describes the program as one that provides specialized sex offender assessment, diagnosis, care, treatment, and supervision to clients. States that services may include specialized services at secure facilities, consultative services, aftercare services, community-based services, transition services, or other services consistent with the mission of DHS.
- 9 Licensure, evaluation, and grievance resolution.** Amends §246B.03. Creates subdivisions 2 and 3.

**Subd. 1. Licensure.** Remains unchanged, requiring the commissioner of health to license secure treatment facilities as supervised living facilities.

**Subd. 2. Minnesota sex offender program evaluation.** Paragraph (a) requires the commissioner to enter into a contract with national sex offender experts to evaluate the sex offender treatment program. Lists the credentials and experience for the four national experts.

Paragraph (b) requires these experts, in consultation with the executive clinical director of the sex offender program, to conduct annual reviews of the program, to review and identify best practices and methodologies, and to provide any requested advice, input, and assistance.

Paragraph (c) requires the commissioner to negotiate a contract for these services.

**Subd. 3. Client grievance resolution process.** Paragraph (a) requires the executive director to develop a grievance policy and procedure to address and attempt to resolve client concerns and complaints.

Paragraph (b) permits any civilly committed sex offender who believes an applicable right under the Health Care Bill of Rights has been violated to file a grievance under this section or by a complaint to the Minnesota Department of Health.

- 10 Annual performance report required.** Creates §246B.035. Requires the MSOP executive director to submit an annual performance report to the legislature every January 15 beginning in 2010. Lists the required areas that must be addressed in the report.
- 11 Access to data.** Amends §246B.04. Allows the MSOP to have access to private data in the statewide supervision system to administer and manage MSOP clients. Requires the commissioner of corrections to conduct audits to determine whether policy is being

followed.

**12 Minnesota sex offender program; vocational work program option.** Amends § 246B.05.

**Subd. 1. Vocational work program option.** Changes the existing “employment option” to the “vocational work program option.” Provides that this program is an extension of therapeutic treatment so clients can learn skills and work habits while contributing to the cost of their care. Requires earning generated from the program to be deposited in the account created in subdivision 2.

**Subd. 2. Minnesota sex offender program; vocational work program account.** Creates the vocational work program account in the state treasury.

**Subd. 3. Money.** Authorizes the commissioner to collect money resulting from the vocational work program for reinvestment within the program.

**13 Vocational work program.** Amends § 246B.06. Strikes “Minnesota State Industries” and substitutes “vocational work program.” Strikes references to patients, and makes references to clients. Additionally, this section:

- gives the commissioner discretion to set the rate of pay and retain up to 50 percent of payments to civilly committed sex offender to offset state MSOP operating costs;
- specifies that participants in the vocational work program are not state employees, not subject to state fair labor standards, workers compensation, the Minnesota Human Rights Act, laws governing state employees, or laws governing labor relations; and
- specifies that the exclusive remedy for claims arising out of injury or death while participating in the program is through application to the legislature as provided in section 3.738.

**14 Acts prohibited.** Amends § 609.485, subd. 2. Clarifies that escape by an MSOP civilly committed sex offender or an individual subject to a court hold as a sexual psychopathic personality or sexually dangerous person may have a sentence imposed under subdivision 4. Escape from MSOP includes absconding from electronic monitoring or after removing an electronic monitoring device. Provides an effective date of August 1, 2009, which applies to crimes committed on or after that date.

**15 Sentence.** Amends § 609.485, subd. 4. Adds the statutory citation for individuals committed as sexual psychopathic personalities or sexually dangerous individuals to the list of individuals who can be sentenced for absconding from electronic monitoring or removing an electronic device. Provides an effective date of August 1, 2009, which applies to crimes committed on or after that date.