

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 489

DATE: April 1, 1999

Version: First Engrossment

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Subject: Civil Commitment of the Mentally Ill and Dangerous

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Overview

The bill makes technical changes in the commitment act and more substantive changes in provisions of the act related to persons committed as mentally ill and dangerous, sexually dangerous persons, or sexual psychopaths.

Section

- 1 Early intervention criteria.** Amends current law on when early intervention treatment must be ordered for a proposed mental health patient. One of the factors that must be found for the court to order such treatment is that the proposed patient received court-ordered inpatient treatment at least twice in the past three years. The bill adds to current law: a patient who was released before commitment under current section 253B.095 and whose release was not revoked is not considered to have received court-ordered inpatient treatment (and thus does not meet one of the necessary criteria for early intervention treatment).
- 2 Petition.** Under current law certain patients may petition the court for an order that they are no longer in need of care or treatment. The bill provides that sexually dangerous persons and persons with a sexual psychopathic personality may not file such a petition.
- 3 Procedure.** Amends the statute on hearings for commitment of mentally ill and dangerous persons. Provides that in these cases, the court must commit the patient to a secure treatment facility unless the patient establishes by clear and convincing evidence that a less restrictive program is available that meets the patient's treatment needs and public safety. After a patient is admitted to a treatment facility, requires treatment to begin regardless of whether a review hearing will be held.
- 4 Review; hearing.** Amends a statute on procedures for a petition regarding a patient alleged to be mentally ill and dangerous to the public. Lets the court, with agreement of the county attorney and the patient's attorney, (1) waive the review hearing in current law and order indeterminate commitment, or (2) delay the review hearing up to one year.

- 5 **Special review board.** Amends the statute on the special review board dealing with persons committed as mentally ill and dangerous. Provides that such persons may be transferred between secure treatment facilities without a special review board hearing.
- 6 **General.** Amends the statute on commitment of sexually dangerous persons and sexual psychopaths the same way as section 3.
- 7 **Commitment proceedings.** Corrects a cross reference. When the provision on procedures for approving use of neuroleptic medication were recoded in 1997, this reference was missed.