

HOUSE RESEARCH

Bill Summary

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Version: As introduced

Authors: Carruthers and others

Subject: Civil Commitment of the Mentally Ill and Dangerous

Analyst: Deborah K. McKnight, 651-296-5056

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Overview

The bill makes changes in the commitment act, especially related to persons committed as mentally ill and dangerous, sexually dangerous persons, or sexual psychopaths, It also includes technical changes affecting the act in general.

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 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 and in cases involving sexually dangerous persons and sexual psychopathic personalities, the court must commit the patient to the least restrictive programs or alternative programs consistent with the patient's treatment needs, public safety, and the patient's right to a written program plan.
- 4 Review; hearing.** Amends a statute on procedures for a petition regarding a patient alleged to be mentally ill and dangerous to the public. Changes deadlines for filing treatment reports and holding a hearing. Allows one year rather than the current 60 days for a treatment facility to file a report with the committing court after commitment or after admission to a secure treatment facility. Provides for holding a hearing on final determination whether to commit the person as

mentally ill and dangerous within 14 days of the end of the first year after commitment. Under current law the hearing is held within 90 days after initial commitment or admission.

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 Appeal. Strikes a redundant provision on the time for filing an appeal under the commitment act.

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.