

HOUSE RESEARCH

Bill Summary

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Subject: Civil Commitment of Sexually Dangerous Persons & Psychopathic Personalities

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Overview

The bill specifies roles of the commissioner of corrections, Attorney General, and county attorney in making a prerelease determination whether a sex offender should be considered for civil commitment after the offender's prison term is completed.

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- 1 Appearance.** Amends Minn. Stat. § 8.01, which requires the Attorney General to represent the state in court. Provides that on request of the governor, the Attorney General must prosecute anyone charged with an indictable offense (felony). Specifies that the attorney general will handle sexual psychopathic personality and sexually dangerous persons civil commitment proceedings when a determination has been made under § 244.05, subd. 7, paragraph (b). Requires the attorney general to assist the county attorney in commitment proceedings when a determination is made under § 244.05, subd. 7, paragraph (d).
- 2 A mends a Data Practices Act provision to reference the Attorney General.** Conforms to sections 1 and 3.
- 3 Prerelease civil commitment determination.** Amends § 244.05, subdivision 7, paragraph (a) as follows. At least 12 months before a sex offender's scheduled release date (or as soon as practicable if the offender is received for incarceration with fewer than 12 months left before release), requires the commissioner of corrections to give the Attorney General (1) all information needed to determine whether to file a commitment petition for the person as a sexual psychopathic personality or sexually dangerous person, and (2) all requested

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documentation maintained by the department.

Proposes a new paragraph (b) to require the commissioner and Attorney General or their designees to meet within 45 days after the information is released to the attorney general, to determine whether the Attorney General should file commitment petition. Requires the attendance of someone from corrections who is experienced in assessing sex offender risk and someone from the Attorney General who specializes in the relevant commitment law. If the commissioner and Attorney General determine that a commitment petition should be filed, the attorney general shall immediately begin the process.

Proposes a new paragraph (c): if the commissioner and Attorney General decide not to file a petition, the commissioner forwards that decision and all the information relied on in reaching it, to the county attorney where the individual was convicted. Allows that county attorney to make an independent decision to pursue commitment.

Proposes a new paragraph (d) covering new information that might support commitment and that becomes available after the commissioner and Attorney General meet. Requires the commissioner to (1) provide the new information to the Attorney General and meet with the Attorney General as soon as practicable to reconsider whether to file a commitment petition, and (2) simultaneously provide the information to the county attorney in the county where the individual is confined. If the commissioner and Attorney General decide the new information warrants filing a petition, the Attorney General must consult with the county attorney in the county of conviction to see whether that office has filed or plans to file a commitment petition. If the county attorney is acting or plans to do so, the Attorney General must assist. If the county attorney does not intend to act, the Attorney General must file a petition.

If the Attorney General and commissioner decide the new information does not warrant filing a commitment petition, the county attorney may still proceed alone.

Proposes a new paragraph (e) requiring the Attorney General to notify the commissioner and the county attorney of the county of conviction if the Attorney General files a commitment petition. Also requires a county attorney who files a commitment petition to notify the Attorney General and commissioner.

Amends paragraph (f) to give the Attorney General and a county attorney who files a commitment petition access to data on the offender that is currently available to the commissioner when making a decision whether to refer an individual for commitment.

This section is effective July 1, 2005.

- 4** **General.** Amends a section of law dealing with commitment of sexually dangerous persons or person with a sexual psychopathic personality. Adds references to the Attorney General to conform to the changes made in sections 1 and 2. Amends the current provision that specifies where the individual would be committed by adding a reference to the Minnesota sexual psychopathic personality treatment center.

This section is effective July 1, 2005.

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5 **Attorney General and county attorney access to data.** Amends current law to insert references to the Attorney General to conform to sections 1 and 2.

This section is effective July 1, 2005.