

HOUSE RESEARCH

Bill Summary

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Article 1. Provisional Discharge

Overview

This article modifies the role of the judicial appeal panel in determining the conditions of provisional discharge.

- 1 **Provisional discharge.** Amends §253B.185, subd. 12. Allows the judicial appeal panel to modify the proposed conditions of a provisional discharge plan when the panel is considering whether to recommend a provisional discharge for a patient who has been committed as sexually dangerous or as a sexual psychopathic personality.
- 2 **Provisional discharge plan conditions.** Amends §253B.185, subd. 13. Provides that a petition for a reduction in custody that includes a provisional discharge must include a list of the proposed conditions for provisional discharge. Requires these conditions to be presented to the special review board which may recommend additional or modified conditions. Allows the judicial appeal panel to modify these conditions.
- 3 **Provisional discharge; review.** Amends § 253B.185, subd. 13. Provides that when the judicial appeal panel grants a provisional discharge, conditions of the discharge may only be changed by order of the judicial appeal panel.
- 4 **Provisional discharge; voluntary readmission.** Amends § 253B.185, subd. 14a. Provides that when a patient on provisional discharge is voluntarily readmitted to the Minnesota sex offender program and the patient's provisional discharge has not been revoked, any changes

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to the terms of the provisional discharge must be approved by the judicial appeal panel. Allows a voluntarily readmitted patient to remain at the sex offender program beyond 60 days when the reason for the stay is based solely on the need for approval of changes to the conditional discharge plan.

- 5** **Decision.** Amends §253B.19, subd. 3. Paragraph (c) clarifies that for individuals who have been committed as mentally ill and dangerous, the judicial appeal panel cannot change the conditions of a provisional discharge.

Paragraph (d) provides that for individuals committed to the Minnesota sex offender program who petition for provisional discharge, the judicial appeal panel must include a list of the specific conditions of discharge. States that these conditions may be based on those proposed by the patient, any party to the proceeding, or the court. Provides that conditions may be changed only by order of the judicial appeal panel and that such a change is effective 15 days after the filing of the order.

- 6** **Effective date; application.** Makes sections 1 to 5 effective the day following enactment. Provides that after the effective date, a judicial appeal panel order granting provisional discharge must specify and include conditions of provisional discharge, and that a provisional discharge granted on or before the effective date continues in full force and effect.

Article 2. Victim Notification

Overview

This article modifies and enhances victim notification requirements.

- 1** **Victim notification of petition and release; right to submit statement.** Amends §253B.18, subd. 5a. Requires the head of the treatment facility to notify any victim of the result of a special review board or judicial appeal panel proceeding on a petition for reduction in custody. Strikes the word “electronic” and inserts “Web-based” in reference to the Department of Corrections victim notification service.
- 2** **Victim notification of petition and release; right to submit statement.** Amends §253B.185, subd. 10. Strikes the word “electronic” and inserts “Web-based” in reference to the Department of Corrections victim notification service.
- 3** **Notice of release required.** Amends §611A.06, subd. 1. Requires that when a victim has requested notification, the good-faith effort to notify the victim must occur within seven days of the date the order for discharge, provisional discharge, or transfer from a secure facility was issued.
- 4** **Contents of notice.** Amends §611A.06, subd. 2. Strikes the word “electronic” and inserts “Web-based” in reference to the Department of Corrections victim notification service.