

Sec. 3. EFFECTIVE DATE.

This act is effective August 1, 2000.

Presented to the governor April 7, 2000

Signed by the governor April 11, 2000, 10:30 a.m.

CHAPTER 359—S.F.No. 2858

An act relating to human services and corrections; transfer to correctional facility; requiring a report; amending Minnesota Statutes 1998, section 253B.185, subdivision 2.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1998, section 253B.185, subdivision 2, is amended to read:

Subd. 2. **TRANSFER TO CORRECTIONAL FACILITY.** (a) If a person has been committed under this section and later is committed to the custody of the commissioner of corrections for any reason, including but not limited to, being sentenced for a crime or revocation of the person's supervised release or conditional release under section 244.05, 609.108, subdivision 6, or 609.109, subdivision 7, the person may shall be transferred from a hospital to another a facility designated by the commissioner of corrections as without regard to the procedures provided in section 253B.18, except that the special review board and the commissioner of human services may consider the following factors in lieu of the factors listed in section 253B.18, subdivision 6, to determine whether a transfer to the commissioner of corrections is appropriate:

- (1) the person's unamenability to treatment;
- (2) the person's unwillingness or failure to follow treatment recommendations;
- (3) the person's lack of progress in treatment at the public or private hospital;
- (4) the danger posed by the person to other patients or staff at the public or private hospital; and
- (5) the degree of security necessary to protect the public.

(b) If a person is committed under this section after a commitment to the commissioner of corrections, the person shall first serve the sentence in a facility designated by the commissioner of corrections. After the person has served the sentence, the person shall be transferred to a regional center treatment program designated by the commissioner of human services.

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Sec. 2. SEX OFFENDER MANAGEMENT REPORT.

Subdivision 1. REPORT REQUIRED. By December 15, 2000, the commissioner of corrections, in consultation with the commissioner of human services, the attorney general, the chief justice of the supreme court, and the sentencing guidelines commission, shall report to the chairs and ranking minority members of the legislative committees and divisions having jurisdiction over criminal justice policy and funding as required by this section. Recommendations requiring legislative action must include draft language and preliminary fiscal notes.

Subd. 2. SEX OFFENDER POLICY AND MANAGEMENT OVERSIGHT. The report must include a plan for the establishment of a sex offender policy and management oversight group to monitor, review, and evaluate all aspects of the state's system of responding to sexual offenses; identify system problems and develop solutions; provide research and analysis for state and local policymakers and criminal justice and corrections agencies; and recommend policies and best practices that will reduce sexual victimization and improve public safety in the most cost-effective manner possible.

The commissioner of corrections shall explore alternative models for the oversight group and recommend a structure that will provide for systemwide collaboration; inclusion of experts in the assessment, sentencing, management, and treatment of sex offenders; adequate staff resources to accomplish long-range oversight of a complex system; and effective support for policy decisions.

Subd. 3. CORRECTIONS AND HUMAN SERVICES COLLABORATIVE WORK GROUP. The report must include the results and future work plan of the joint department of corrections and human services collaborative work group.

Subd. 4. INFORMATION ABOUT CIVILLY COMMITTED SEX OFFENDERS. The report must include an analysis of the cases of: (1) the individuals currently civilly committed under Minnesota Statutes, section 253B.185, as persons with sexual psychopathic personalities or sexually dangerous persons; and (2) those individuals referred by the department of corrections to county attorneys for possible civil commitment, but who were not committed. The analysis must include:

(i) the criminal sentences received by the individuals in both groups and to the extent possible, why individuals did not receive criminal sentences under Minnesota Statutes, sections 609.108 (mandatory increased sentences for certain patterned and predatory sex offenders) and 609.109 (presumptive and mandatory sentences for repeat sex offenders);

(ii) factors accounting for whether persons referred by the department of corrections were or were not civilly committed; and

(iii) the supervision options being used for those individuals referred but not committed and, if possible, their outcomes, including recidivism.

Subd. 5. SEX OFFENDER SENTENCING PRACTICES. The report must include an analysis by the sentencing guidelines commission of sex offender sentencing practices over the last decade; implementation of sentencing authority and sentencing mandates under Minnesota Statutes, sections 609.108 and 609.109,

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including, to the extent possible, the factors involved in cases in which these laws could have been but were not applied; and recommendations, if any, to improve implementation of these laws.

Sec. 3. **EFFECTIVE DATE.**

Sections 1 and 2 are effective the day after final enactment.

Presented to the governor April 7, 2000

Signed by the governor April 11, 2000, 10:32 a.m.

CHAPTER 360—S.F.No. 2789

An act relating to counties; authorizing certain compensation to coroner; deputy coroner; coroner's investigator; or medical examiner; amending Minnesota Statutes 1998, section 382.18.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1998, section 382.18, is amended to read:

382.18 OFFICIALS NOT TO BE INTERESTED IN CONTRACTS.

No county official, or deputy or clerk or employee of such official; and no commissioner for tax-forfeited lands or commissioner's assistants, shall be directly or indirectly interested in any contract, work, labor, or business to which the county is a party or in which it is or may be interested or in the furnishing of any article to, or the purchase or sale of any property, real or personal, by, the county, or of which the consideration, price, or expense is payable from the county treasury. Nothing in this section shall prevent a person from receiving reimbursement from a county for providing licensed or tribally approved family foster care. This section does not prevent a coroner, deputy coroner, coroner's investigator, or medical examiner from receiving compensation for professional services from a professional corporation or medical provider under contract to provide coroner services to a county. Any violation of the provisions of this section shall be a gross misdemeanor.

Presented to the governor April 7, 2000

Signed by the governor April 11, 2000, 10:34 a.m.

CHAPTER 361—S.F.No. 1038

An act relating to health occupations; establishing licensing requirements for occupational therapists and occupational therapy assistants; proposing coding for new law in Minnesota Statutes, chapter 148; repealing Minnesota Rules, parts 4666.0010; 4666.0020; 4666.0030; 4666.0040; 4666.0050; 4666.0060; 4666.0070; 4666.0080; 4666.0090; 4666.0100; 4666.0200;

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