

section 2, that the corporation has been approved by the Corporation for National and Community Service to carry out the National and Community Service Trust Act, and that the commission has delegated duties to administer sections 124D.37 to 124D.45 to the corporation.

**Sec. 4. TRANSITION.**

On the effective date of section 3, all powers and duties of the commissioner of children, families, and learning relating to the commission cease, except for the assistance described in section 124D.385, subdivision 3, clause (1), and the duty to provide pass-through grant funds that are appropriated by law for the benefit of the commission or the nonprofit corporation.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

Presented to the governor April 9, 2002

Signed by the governor April 12, 2002, 1:35 p.m.

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**CHAPTER 335—S.F.No. 2457**

*An act relating to civil commitment; conforming certain standards; authorizing the court to commit certain persons with mental illnesses to community hospitals; requiring the commissioner of human services to provide a report to the legislature on the mental health system; amending Minnesota Statutes 2000, sections 253B.05, subdivision 2; 253B.07, subdivision 2b; Minnesota Statutes 2001 Supplement, section 253B.09, subdivision 1.*

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

Section 1. Minnesota Statutes 2000, section 253B.05, subdivision 2, is amended to read:

Subd. 2. **PEACE OR HEALTH OFFICER AUTHORITY.** (a) A peace or health officer may take a person into custody and transport the person to a licensed physician or treatment facility if the officer has reason to believe, either through direct observation of the person's behavior, or upon reliable information of the person's recent behavior and knowledge of the person's past behavior or psychiatric treatment, that the person is mentally ill or mentally retarded and in ~~imminent~~ danger of injuring self or others if not immediately ~~restrained~~ detained. A peace or health officer or a person working under such officer's supervision, may take a person who is believed to be chemically dependent or is intoxicated in public into custody and transport the person to a treatment facility. If the person is intoxicated in public or is believed to be chemically dependent and is not in danger of causing self-harm or harm to any person or property, the peace or health officer may transport the person home. The peace or health officer shall make written application for admission of the person to the treatment facility. The application shall contain the peace or health officer's statement specifying the reasons for and circumstances under which the person was taken into

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custody. If ~~imminent~~ danger to specific individuals is a basis for the emergency hold, the statement must include identifying information on those individuals, to the extent practicable. A copy of the statement shall be made available to the person taken into custody.

(b) As far as is practicable, a peace officer who provides transportation for a person placed in a facility under this subdivision may not be in uniform and may not use a vehicle visibly marked as a law enforcement vehicle.

(c) A person may be admitted to a treatment facility for emergency care and treatment under this subdivision with the consent of the head of the facility under the following circumstances: (1) a written statement is made by the medical officer on duty at the facility that after preliminary examination the person has symptoms of mental illness or mental retardation and appears to be in ~~imminent~~ danger of harming self or others if not immediately detained; or (2) a written statement is made by the institution program director or the ~~director's~~ designee on duty at the facility after preliminary examination that the person has symptoms of chemical dependency and appears to be in ~~imminent~~ danger of harming self or others if not immediately detained or is intoxicated in public.

Sec. 2. Minnesota Statutes 2000, section 253B.07, subdivision 2b, is amended to read:

Subd. 2b. **APPREHEND AND HOLD ORDERS.** The court may order the treatment facility to hold the person in a treatment facility or direct a health officer, peace officer, or other person to take the proposed patient into custody and transport the proposed patient to a treatment facility for observation, evaluation, diagnosis, care, treatment, and, if necessary, confinement, when:

(1) there has been a particularized showing by the petitioner that serious ~~imminent~~ physical harm to the proposed patient or others is likely unless the proposed patient is immediately apprehended;

(2) the proposed patient has not voluntarily appeared for the examination or the commitment hearing pursuant to the summons; or

(3) a person is held pursuant to section 253B.05 and a request for a petition for commitment has been filed.

The order of the court may be executed on any day and at any time by the use of all necessary means including the imposition of necessary restraint upon the proposed patient. Where possible, a peace officer taking the proposed patient into custody pursuant to this subdivision shall not be in uniform and shall not use a motor vehicle visibly marked as a police vehicle.

Sec. 3. Minnesota Statutes 2001 Supplement, section 253B.09, subdivision 1, is amended to read:

Subdivision 1. **STANDARD OF PROOF.** (a) If the court finds by clear and convincing evidence that the proposed patient is a mentally ill, mentally retarded, or chemically dependent person and after careful consideration of reasonable alternative

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dispositions, including but not limited to, dismissal of petition, voluntary outpatient care, voluntary admission to a treatment facility, appointment of a guardian or conservator, or release before commitment as provided for in subdivision 4, it finds that there is no suitable alternative to judicial commitment, the court shall commit the patient to the least restrictive treatment program or alternative programs which can meet the patient's treatment needs consistent with section 253B.03, subdivision 7.

(b) In deciding on the least restrictive program, the court shall consider a range of treatment alternatives including, but not limited to, community-based nonresidential treatment, community residential treatment, partial hospitalization, acute care hospital, and regional treatment center services. The court shall also consider the proposed patient's treatment preferences and willingness to participate voluntarily in the treatment ordered. The court may not commit a patient to a facility or program that is not capable of meeting the patient's needs.

(c) If the court finds a proposed patient to be a mentally ill person under section 253B.02, subdivision 13, paragraph (a), clause (2) or (4), the court shall commit to a community-based program that meets the proposed patient's needs. For purposes of this paragraph, a community-based program may include inpatient mental health services at a community hospital.

#### Sec. 4. MENTAL HEALTH SYSTEM REPORT.

The commissioner of human services shall, in consultation with consumers of mental health services and their families, counties, and advocates for and providers of mental health services, provide a report to the legislature, which includes an analysis and evaluation of:

- (1) the unmet mental health needs of children, adults, and their families;
- (2) the unmet need for specialized crisis teams trained in cultural competence to work with police to meet crisis mental health needs of immigrants and refugees;
- (3) the barriers to meeting the needs identified in clauses (1) and (2); and
- (4) long-term strategies to overcome the barriers under clause (3).

The report on the mental health system is due to the chairs of the house of representatives and senate committees having jurisdiction over human services issues by January 15, 2003.

Presented to the governor April 12, 2002

Signed by the governor April 16, 2002, 11:59 a.m.

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#### CHAPTER 336—S.F.No. 2592

*An act relating to insurance; authorizing the reorganization of a mutual insurance holding company into a stock company; modifying accounting provisions for certain ceding transactions;*

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