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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 3905

02/27/2020 Authored by Tabke
The bill was read for the first time and referred to the Corrections Division

1.1 A bill for an act
1.2 relating to public safety; authorizing correctional supervision officers to respond
1.3 medically to persons subject to supervision who relapse to substance abuse or have
1.4 a mental health crisis; amending Minnesota Statutes 2018, section 253B.05,
1.5 subdivisions 2, 3.

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

1.7 Section 1. Minnesota Statutes 2018, section 253B.05, subdivision 2, is amended to read:

1.8 Subd. 2. **Peace, correctional supervision, or health officer authority.** (a) A peace,
1.9 correctional supervision, or health officer may take a person into custody and transport the
1.10 person to a licensed physician or treatment facility if the officer has reason to believe, either
1.11 through direct observation of the person's behavior, or upon reliable information of the
1.12 person's recent behavior and knowledge of the person's past behavior or psychiatric treatment,
1.13 that the person is mentally ill or developmentally disabled and in danger of injuring self or
1.14 others if not immediately detained.

1.15 (b) A peace, correctional supervision, or health officer or a person working under such
1.16 officer's supervision, may take a person who is believed to be chemically dependent or is
1.17 intoxicated in public into custody and transport the person to a treatment facility. If the
1.18 person is intoxicated in public or is believed to be chemically dependent and is not in danger
1.19 of causing self-harm or harm to any person or property, the peace, correctional supervision,
1.20 or health officer may transport the person home.

1.21 (c) The peace, correctional supervision, or health officer shall make written application
1.22 for admission of the person under paragraph (a) or (b), to the treatment facility. The
1.23 application shall contain the peace, correctional supervision, or health officer's statement

2.1 specifying the reasons for and circumstances under which the person was taken into custody.
 2.2 If danger to specific individuals is a basis for the emergency hold, the statement must include
 2.3 identifying information on those individuals, to the extent practicable. A copy of the statement
 2.4 shall be made available to the person taken into custody. The peace, correctional supervision,
 2.5 or health officer who makes the application shall provide the officer's name, the agency that
 2.6 employs the officer, and the telephone number or other contact information for purposes of
 2.7 receiving notice under subdivision 3, paragraph (d).

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

2.11 ~~(e)~~ (e) A person may be admitted to a treatment facility for emergency care and treatment
 2.12 under this subdivision with the consent of the head of the facility under the following
 2.13 circumstances: (1) a written statement shall only be made by the following individuals who
 2.14 are knowledgeable, trained, and practicing in the diagnosis and treatment of mental illness
 2.15 or developmental disability; the medical officer, or the officer's designee on duty at the
 2.16 facility, including a licensed physician, a licensed physician assistant, or an advanced practice
 2.17 registered nurse who after preliminary examination has determined that the person has
 2.18 symptoms of mental illness or developmental disability and appears to be in danger of
 2.19 harming self or others if not immediately detained; or (2) a written statement is made by
 2.20 the institution program director or the director's designee on duty at the facility after
 2.21 preliminary examination that the person has symptoms of chemical dependency and appears
 2.22 to be in danger of harming self or others if not immediately detained or is intoxicated in
 2.23 public.

2.24 (f) "Correctional supervision officer" means an employee of the state, a Community
 2.25 Corrections Act county, or county probation office, who provides correctional supervision
 2.26 in accordance with chapter 244, including the roles of probation officer or agent, supervised
 2.27 release agent, or intensive supervised release agent and those employees providing
 2.28 supervisory and managerial oversight.

2.29 Sec. 2. Minnesota Statutes 2018, section 253B.05, subdivision 3, is amended to read:

2.30 Subd. 3. **Duration of hold.** (a) Any person held pursuant to this section may be held up
 2.31 to 72 hours, exclusive of Saturdays, Sundays, and legal holidays after admission. If a petition
 2.32 for the commitment of the person is filed in the district court in the county of financial
 2.33 responsibility or of the county in which the treatment facility is located, the court may issue
 2.34 a judicial hold order pursuant to section 253B.07, subdivision 2b.

3.1 (b) During the 72-hour hold period, a court may not release a person held under this
3.2 section unless the court has received a written petition for release and held a summary
3.3 hearing regarding the release. The petition must include the name of the person being held,
3.4 the basis for and location of the hold, and a statement as to why the hold is improper. The
3.5 petition also must include copies of any written documentation under subdivision 1 or 2 in
3.6 support of the hold, unless the person holding the petitioner refuses to supply the
3.7 documentation. The hearing must be held as soon as practicable and may be conducted by
3.8 means of a telephone conference call or similar method by which the participants are able
3.9 to simultaneously hear each other. If the court decides to release the person, the court shall
3.10 direct the release and shall issue written findings supporting the decision. The release may
3.11 not be delayed pending the written order. Before deciding to release the person, the court
3.12 shall make every reasonable effort to provide notice of the proposed release to:

3.13 (1) any specific individuals identified in a statement under subdivision 1 or 2 or
3.14 individuals identified in the record who might be endangered if the person was not held;

3.15 (2) the examiner whose written statement was a basis for a hold under subdivision 1;
3.16 and

3.17 (3) the peace, correctional supervision, or health officer who applied for a hold under
3.18 subdivision 2, paragraph (c).

3.19 (c) If a person is intoxicated in public and held under this section for detoxification, a
3.20 treatment facility may release the person without providing notice under paragraph (d) as
3.21 soon as the treatment facility determines the person is no longer a danger to themselves or
3.22 others. Notice must be provided to the peace ~~officer~~, correctional supervision, or health
3.23 officer who transported the person, or the appropriate law enforcement agency or correctional
3.24 supervision office, if the officer or agency requests notification.

3.25 (d) Notwithstanding section 144.293, subdivisions 2 and 4, if a treatment facility releases
3.26 or discharges a person during the 72-hour hold period or if the person leaves the facility
3.27 without the consent of the treating health care provider, the head of the treatment facility
3.28 shall immediately notify the agency which employs the peace, correctional supervision, or
3.29 health officer who transported the person to the treatment facility under this section. This
3.30 paragraph does not apply to the extent that the notice would violate federal law governing
3.31 the confidentiality of alcohol and drug abuse patient records under Code of Federal
3.32 Regulations, title 42, part 2.

- 4.1 (e) A person held under a 72-hour emergency hold must be released by the facility within
- 4.2 72 hours unless a court order to hold the person is obtained. A consecutive emergency hold
- 4.3 order under this section may not be issued.