

**SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION**

S.F. No. 3847

(SENATE AUTHORS: ABELER and Hoffman)

DATE
03/02/2020

D-PG
5120

OFFICIAL STATUS
Introduction and first reading
Referred to Human Services Reform Finance and Policy

1.1 A bill for an act
1.2 relating to human services; modifying criteria for discharging civilly committed
1.3 patients; amending Minnesota Statutes 2018, sections 253B.18, subdivision 15;
1.4 253D.31.

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

1.6 Section 1. Minnesota Statutes 2018, section 253B.18, subdivision 15, is amended to read:

1.7 Subd. 15. **Discharge.** A patient who is mentally ill and dangerous shall not be discharged
1.8 unless it appears to the satisfaction of the commissioner, after a hearing and a favorable
1.9 recommendation by a majority of the special review board, that the patient ~~is capable of~~
1.10 ~~making an acceptable adjustment to open society,~~ is no longer dangerous to the public, and
1.11 self or others or is no longer in need of treatment and or supervision as a person who is
1.12 mentally ill.

1.13 In determining whether a discharge shall be recommended, the special review board and
1.14 commissioner shall consider whether specific conditions exist to provide a reasonable degree
1.15 of protection to the public and to assist the patient in adjusting to the community. ~~If the~~
1.16 ~~desired conditions do not exist, the discharge shall not be granted.~~

1.17 EFFECTIVE DATE. This section is effective the day following final enactment for
1.18 any person committed as mentally ill and dangerous, a sexually dangerous person, or a
1.19 person with a sexual psychopathic personality.

2.1 Sec. 2. Minnesota Statutes 2018, section 253D.31, is amended to read:

2.2 **253D.31 DISCHARGE.**

2.3 A person who is committed as a sexually dangerous person or a person with a sexual
2.4 psychopathic personality shall not be discharged unless it appears to the satisfaction of the
2.5 judicial appeal panel, after a hearing and recommendation by a majority of the special review
2.6 board, that the committed person ~~is capable of making an acceptable adjustment to open~~
2.7 ~~society~~, is no longer dangerous to the public, ~~and~~ or is no longer in need of treatment ~~and~~
2.8 or supervision for a condition that impairs the committed person's ability to control sexual
2.9 behavior.

2.10 In determining whether a discharge shall be recommended, the special review board and
2.11 judicial appeal panel shall consider whether specific conditions exist to provide a reasonable
2.12 degree of protection to the public and to assist the committed person in adjusting to the
2.13 community. ~~If the desired conditions do not exist, the discharge shall not be granted.~~

2.14 **EFFECTIVE DATE.** This section is effective the day following final enactment for
2.15 any person committed as mentally ill and dangerous, a sexually dangerous person, or a
2.16 person with a sexual psychopathic personality.