

## CHAPTER 526

## PROBATE GENERAL PROVISIONS

526.10 Laws relating to mentally ill persons dangerous to the public to apply to psychopathic personalities; transfer to corrections.

526.20 Salaries and clerk hire not to be affected by decrease in net tax capacity.

**526.10 LAWS RELATING TO MENTALLY ILL PERSONS DANGEROUS TO THE PUBLIC TO APPLY TO PSYCHOPATHIC PERSONALITIES; TRANSFER TO CORRECTIONS.**

Subdivision 1. **Procedure.** Except as otherwise provided in this section or in chapter 253B, the provisions of chapter 253B, pertaining to persons mentally ill and dangerous to the public shall apply with like force and effect to persons having a psychopathic personality, to persons alleged to have such personality, and to persons found to have such personality, respectively. Before such proceedings are instituted, the facts shall first be submitted to the county attorney, who, if satisfied that good cause exists therefor, shall prepare the petition to be executed by a person having knowledge of the facts and file the same with the judge of the probate court of the county in which the "patient," as defined in such statutes, has a settlement or is present. The judge of probate shall thereupon follow the same procedures set forth in chapter 253B, for judicial commitment. The judge may exclude the general public from attendance at such hearing. If, upon completion of the hearing and consideration of the record, the court finds the proposed patient has a psychopathic personality, the court shall commit such person to a public hospital or a private hospital consenting to receive the person, subject to a mandatory review by the head of the hospital within 60 days from the date of the order as provided for in chapter 253B for persons found to be mentally ill and dangerous to the public. The patient shall thereupon be entitled to all of the rights provided for in chapter 253B, for persons found to be mentally ill and dangerous to the public, and all of the procedures provided for in chapter 253B, for persons found to be mentally ill and dangerous to the public shall apply to such patient except as otherwise provided in subdivision 2.

Subd. 2. **Transfer to correctional facility.** Unless the provisions of section 609.1351 apply, if a person has been committed under this section and also has been committed to the custody of the commissioner of corrections, the person may be transferred from a hospital to another facility designated by the commissioner of corrections as 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.

**History:** 1989 c 290 art 4 s 8

**526.20 SALARIES AND CLERK HIRE NOT TO BE AFFECTED BY DECREASE IN NET TAX CAPACITY.**

Neither the salary nor allowance for clerk hire of any judge of probate shall be decreased during the term for which elected or appointed by reason of any decline in the population of the county or by a decrease in the net tax capacity of the county, but such salary and clerk hire shall be paid during the balance of such term of office in the

amounts authorized prior to such reduction in population, or by a decrease in net tax capacity of the county.

**History:** *1989 c 329 art 13 s 20*