

CHAPTER 526

PROBATE, GENERAL PROVISIONS

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| <p>526.09 Psychopathic personality.</p> <p>526.10 Laws relating to mentally ill persons dangerous to the public to apply to psychopathic personalities; transfer or commitment to corrections.</p> <p>526.11 Not to constitute defense.</p> | <p>526.115 Statewide judicial panel; psychopathic personality commitments.</p> <p>526.20 Salaries and clerk hire not to be affected by decrease in net tax capacity.</p> |
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526.01-526.07 [Repealed, 1959 c 578 s 7]

526.09 PSYCHOPATHIC PERSONALITY.

The term "psychopathic personality," as used in sections 526.09 to 526.11, means the existence in any person of such conditions of emotional instability, or impulsiveness of behavior, or lack of customary standards of good judgment, or failure to appreciate the consequences of personal acts, or a combination of any such conditions, as to render such person irresponsible for personal conduct with respect to sexual matters and thereby dangerous to other persons.

History: (8992-184a) 1939 c 369 s 1; 1986 c 444

526.10 LAWS RELATING TO MENTALLY ILL PERSONS DANGEROUS TO THE PUBLIC TO APPLY TO PSYCHOPATHIC PERSONALITIES; TRANSFER OR COMMITMENT 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. If the patient is in the custody of the commissioner of corrections, the petition may be filed in the county where the conviction for which the person is incarcerated was entered. 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.** (a) If a person has been committed under this section and later is 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.

(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 designated by the commissioner of human services.

History: (8992-184b) 1939 c 369 s 2; 1969 c 431 s 1; 1982 c 581 s 24; 1984 c 623 s 9; 1986 c 444; 1989 c 290 art 4 s 8; 1992 c 571 art 3 s 5

526.11 NOT TO CONSTITUTE DEFENSE.

The existence in any person of a condition of psychopathic personality shall not in any case constitute a defense to a charge of crime, nor relieve such person from liability to be tried upon a criminal charge, unless such person is in a condition of insanity, idiocy, imbecility, or lunacy within the meaning of the laws relating to crimes and criminal procedure.

History: (8992-184c) 1939 c 369 s 3

526.115 STATEWIDE JUDICIAL PANEL; PSYCHOPATHIC PERSONALITY COMMITMENTS.

Subdivision 1. Creation. The supreme court may establish a panel of district judges with statewide authority to preside over commitment proceedings brought under section 526.10. Only one judge of the panel is required to preside over a particular commitment proceeding. Panel members shall serve for one-year terms. One of the judges shall be designated as the chief judge of the panel, and is vested with the power to designate the presiding judge in a particular case, to set the proper venue for the proceedings, and to otherwise supervise and direct the operation of the panel. The chief judge shall designate one of the other judges to act as chief judge whenever the chief judge is unable to act.

Subd. 2. Effect of creation of panel. If the supreme court creates the judicial panel authorized by this section, all petitions for civil commitment brought under section 526.10 shall be filed with the supreme court instead of with the probate court in the county where the proposed patient is present, notwithstanding any provision of section 526.10 to the contrary. Otherwise, all of the other applicable procedures contained in section 526.10 and chapter 253B apply to commitment proceedings conducted by a judge on the panel.

History: 1992 c 571 art 3 s 6

- 526.12** [Repealed, 1967 c 317 s 4]
526.123 [Repealed, 1961 c 596 s 1 subd 6]
526.124 [Repealed, 1961 c 596 s 1 subd 6]
526.125 [Repealed, 1961 c 596 s 1 subd 6]
526.126 [Repealed, 1961 c 596 s 1 subd 6]
526.127 [Repealed, 1951 c 327 s 6]
526.13 [Repealed, 1961 c 596 s 1 subd 6]
526.14 [Repealed, 1961 c 596 s 1 subd 6]
526.15 [Repealed, 1961 c 596 s 1 subd 6]
526.16 [Repealed, 1961 c 596 s 1 subd 6]
526.17 [Repealed, 1961 c 596 s 1 subd 6]

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526.18 [Repealed, 1977 c 35 s 21]

526.181 [Repealed, 1969 c 1139 s 89]

526.19 [Repealed, 1974 c 387 s 3]

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: (8706-2) 1931 c 30; 1986 c 444; 1988 c 719 art 5 s 84; 1989 c 329 art 13 s 20