

HOUSE RESEARCH

Bill Summary

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Overview

This bill responds to *In re Civil Commitment of Giem*, a 2007 Minnesota Supreme Court case interpreting Minnesota Statutes § 253B.08, subd. 1. Giem was a Level III sex offender. Shortly before his scheduled release from prison, Ramsey County petitioned for his civil commitment as a Sexual Psychopathic Personality (SPP) or Sexually Dangerous Person (SDP) or both. Section 253B.08, subd. 1, contains two timing provisions that must be complied with in commitment proceedings. First, a commitment hearing must be held within 14 days of the filing of a commitment petition, or within 90 days if the petition is to have someone committed as an SPP or SDP. For good cause, the court may grant a 30-day extension. Second, proposed patients may demand at any time that a hearing be held immediately, in which case the hearing must be held within five days of the demand, with a ten-day extension available. As currently written, the statute does not make clear whether or not the second provision (the 5/15 day “immediate demand” right) applies to SPP or SDP petitions. The district court found that Giem waived his right to both the 90/120 hearing and the 5/15 hearing. Furthermore, the district court suggested that the legislature did not intend 5/15 day immediate hearing provision to apply to patients whom the government seeks to commit as an SPP or SDP. The supreme court, however, found that the language of 253B.08, subd. 1, offers no such exception. In addition, the supreme court found that Giem did not waive his right to a 5/15 hearing. Consequently, the supreme court held that Giem must be released from custody.

This bill adds a provision clearly stating that the right to demand an immediate hearing within 5/15 days does **not** apply to commitment petitions brought under Minnesota Statutes § 253B.185 (SPPs and SDPs) or § 253B.18 (mentally ill and dangerous people).