

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

S.F. No. 1754

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DATE 03/04/2021 D-PG 690 OFFICIAL STATUS Introduction and first reading Referred to Judiciary and Public Safety Finance and Policy

1.1 A bill for an act
1.2 relating to crime; authorizing the inclusion of a disability impact statement in a
1.3 presentence investigation report; amending Minnesota Statutes 2020, section
1.4 609.115, by adding a subdivision.

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

1.6 Section 1. Minnesota Statutes 2020, section 609.115, is amended by adding a subdivision
1.7 to read:

1.8 Subd. 11. Disability impact statement. (a) When a defendant appears in court and is
1.9 convicted of a crime, the court shall inquire whether the defendant is an individual with a
1.10 disability. For the purposes of this subdivision, "disability" has the meaning given in the
1.11 Americans with Disabilities Act of 1990, as amended by the Americans with Disabilities
1.12 Act Amendment Act of 2008, United States Code, Title 42, section 12102.

1.13 (b) If the defendant is an individual with a disability and may be sentenced to a term of
1.14 imprisonment, the court:

1.15 (1) may order that the presentence investigator preparing the report under subdivision
1.16 1 prepare an impact statement that addresses the impact on a person's disability including
1.17 but not limited to health, housing, family, employment effect of benefits, and potential for
1.18 abuse if the defendant is sentenced to a term of imprisonment, for the purpose of providing
1.19 the court with information regarding sentencing options other than a term of imprisonment;

1.20 (2) must consider the impact statement in imposing a sentence; and

1.21 (3) must consider the least restrictive environment to meet the state's penal objective.