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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 2069

03/04/2019 Authored by Bahner and Zerwas
The bill was read for the first time and referred to the Committee on Health and Human Services Policy
03/27/2019 Adoption of Report: Re-referred to the Committee on Government Operations
04/03/2019 Adoption of Report: Re-referred to the Committee on Ways and Means
Pursuant to Joint Rule 2.03, re-referred to the Committee on Rules and Legislative Administration
05/20/2019 Pursuant to Joint Rule 3.02(b), returned to the Committee on Ways and Means

1.1 A bill for an act
1.2 relating to human services; establishing the Community Competency Restoration
1.3 Task Force; requiring reports; appropriating money.

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

1.5 Section 1. **COMMUNITY COMPETENCY RESTORATION TASK FORCE.**

1.6 Subdivision 1. **Establishment; purpose.** The Community Competency Restoration Task
1.7 Force is established to evaluate and study community competency restoration programs and
1.8 develop recommendations to address the needs of individuals deemed incompetent to stand
1.9 trial.

1.10 Subd. 2. **Membership.** (a) The Community Competency Restoration Task Force consists
1.11 of the following members, appointed as follows:

1.12 (1) a representative appointed by the governor's office;

1.13 (2) the commissioner of human services or designee;

1.14 (3) the commissioner of corrections or designee;

1.15 (4) a representative from direct care and treatment services with experience in competency
1.16 evaluations, appointed by the commissioner of human services;

1.17 (5) a representative appointed by the designated State Protection and Advocacy system;

1.18 (6) the ombudsman for mental health and developmental disabilities;

1.19 (7) a representative appointed by the Minnesota Hospital Association;

1.20 (8) a representative appointed by the Association of Minnesota Counties;

(9) two representatives appointed by the Minnesota Association of County Social Service Administrators: one from the seven-county metropolitan area, as defined under Minnesota Statutes, section 473.121, subdivision 2, and one from outside the seven-county metropolitan area;

(10) a representative appointed by the Board of Public Defense;

(11) a representative appointed by the Minnesota County Attorney Association;

(12) a representative appointed by the Chiefs of Police;

(13) a representative appointed by the Minnesota Psychiatric Society;

(14) a representative appointed by the Minnesota Psychological Association;

(15) a representative appointed by the State Court Administrator;

(16) a representative appointed by the Minnesota Association of Community Mental Health Programs;

(17) a representative appointed by the Minnesota Sheriff's Association;

(18) a representative appointed by the Sentencing Commission;

(19) a jail administrator appointed by the commissioner of corrections;

(20) a representative from an organization providing reentry services appointed by the commissioner of corrections;

(21) a representative from a mental health advocacy organization appointed by the commissioner of human services;

(22) a person with direct experience with competency restoration appointed by the commissioner of human services;

(23) representatives from organizations representing racial and ethnic groups overrepresented in the justice system appointed by the commissioner of corrections; and

(24) a crime victim appointed by the commissioner of corrections.

(b) Appointments to the task force must be made no later than July 15, 2019, and members of the task force may be compensated as provided under Minnesota Statutes, section 15.059, subdivision 3.

Subd. 3. **Duties.** The task force must:

(1) identify current services and resources available for individuals in the criminal justice system who have been found incompetent to stand trial;

(2) analyze current trends of competency referrals by county and the impact of any diversion projects or stepping-up initiatives;

(3) analyze selected case reviews and other data to identify risk levels of those individuals, service usage, housing status, and health insurance status prior to being jailed;

(4) research how other states address this issue, including funding and structure of community competency restoration programs, and jail-based programs; and

(5) develop recommendations to address the growing number of individuals deemed incompetent to stand trial including increasing prevention and diversion efforts, providing a timely process for reducing the amount of time individuals remain in the criminal justice system, determining how to provide and fund competency restoration services in the community, and defining the role of the counties and state in providing competency restoration.

Subd. 4. **Officers; meetings.** (a) The commissioner of human services shall convene the first meeting of the task force no later than August 1, 2019.

(b) The task force must elect a chair and vice-chair from among its members and may elect other officers as necessary.

(c) The task force is subject to the Minnesota Open Meeting Law under Minnesota Statutes, chapter 13D.

Subd. 5. **Staff.** (a) The commissioner of human services must provide staff assistance to support the task force's work.

(b) The task force may utilize the expertise of the Council of State Governments Justice Center.

Subd. 6. **Report required.** (a) By February 1, 2020, the task force shall submit a report on its progress and findings to the chairs and ranking minority members of the legislative committees with jurisdiction over mental health and corrections.

(b) By February 1, 2021, the task force must submit a written report including recommendations to address the growing number of individuals deemed incompetent to stand trial to the chairs and ranking minority members of the legislative committees with jurisdiction over mental health and corrections.

Subd. 7. **Expiration.** The task force expires upon submission of the report in subdivision 6, paragraph (b), or February 1, 2021, whichever is later.

EFFECTIVE DATE. This section is effective the day following final enactment.

4.1

Sec. 2. APPROPRIATION.

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\$..... in fiscal year is appropriated from the general fund to the commissioner of

4.3

human services to implement the duties of the task force under section 1.