

This Document can be made available  
in alternative formats upon request

State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. **2725**

01/31/2022 Authored by Edelson, Albright, Bahner, Urdahl, Bernardy and others  
The bill was read for the first time and referred to the Committee on Judiciary Finance and Civil Law  
02/21/2022 Adoption of Report: Re-referred to the Committee on Public Safety and Criminal Justice Reform Finance and Policy  
03/14/2022 Adoption of Report: Re-referred to the Committee on Human Services Finance and Policy  
03/21/2022 Adoption of Report: Re-referred to the Committee on Judiciary Finance and Civil Law  
04/07/2022 Adoption of Report: Amended and re-referred to the Committee on Ways and Means

1.1 A bill for an act

1.2 relating to judiciary; establishing a statutory procedure to assess the competency

1.3 of a defendant to stand trial; providing for contested hearings; establishing

1.4 continuing supervision for certain defendants found incompetent to stand trial;

1.5 establishing requirements to restore certain defendants to competency; providing

1.6 for administration of medication; establishing forensic navigators; requiring forensic

1.7 navigators to provide services to certain defendants; establishing dismissal plans

1.8 for certain defendants found incompetent to stand trial; providing for jail-based

1.9 competency restoration programs; establishing the State Competency Restoration

1.10 Board and certification advisory committee; requiring a report; appropriating

1.11 money; amending Minnesota Statutes 2020, sections 253B.07, subdivision 2a;

1.12 253B.10, subdivision 1; 480.182; proposing coding for new law in Minnesota

1.13 Statutes, chapter 611.

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

1.15 **ARTICLE 1**

1.16 **COMPETENCY TO STAND TRIAL**

1.17 Section 1. **[611.40] APPLICABILITY.**

1.18 Notwithstanding Rules of Criminal Procedure, rule 20.01, sections 611.40 to 611.59

1.19 shall govern the proceedings for adults when competency to stand trial is at issue. This

1.20 section does not apply to juvenile courts. A competency examination ordered under Rules

1.21 of Criminal Procedure, rule 20.04, must follow the procedure in section 611.43.

1.22 Sec. 2. **[611.41] DEFINITIONS.**

1.23 Subdivision 1. **Definitions.** For the purposes of sections 611.40 to 611.58, the following

1.24 terms have the meanings given.

2.1 Subd. 2. **Alternative program.** "Alternative program" means any mental health or  
2.2 substance use disorder treatment or program that is not a certified competency restoration  
2.3 program but may assist a defendant in attaining competency.

2.4 Subd. 3. **Cognitive impairment.** "Cognitive impairment" means a condition that impairs  
2.5 a person's memory, perception, communication, learning, or other ability to think. Cognitive  
2.6 impairment may be caused by any factor including traumatic, developmental, acquired,  
2.7 infectious, and degenerative processes.

2.8 Subd. 4. **Community-based treatment program.** "Community-based treatment program"  
2.9 means treatment and services provided at the community level, including but not limited  
2.10 to community support services programs as defined in section 245.462, subdivision 6; day  
2.11 treatment services as defined in section 245.462, subdivision 8; mental health crisis services  
2.12 as defined in section 245.462, subdivision 14c; outpatient services as defined in section  
2.13 245.462, subdivision 21; residential treatment services as defined in section 245.462,  
2.14 subdivision 23; assertive community treatment services provided under section 256B.0622;  
2.15 adult rehabilitation mental health services provided under section 256B.0623; home and  
2.16 community-based waivers; and supportive housing. Community-based treatment program  
2.17 does not include services provided by a state-operated treatment program.

2.18 Subd. 5. **Competency restoration program.** "Competency restoration program" means  
2.19 a structured program of clinical and educational services that is certified and designed to  
2.20 identify and address barriers to a defendant's ability to understand the criminal proceedings,  
2.21 consult with counsel, and participate in the defense.

2.22 Subd. 6. **Court examiner.** "Court examiner" means a person appointed to serve the  
2.23 court, and who is a physician or licensed psychologist who has a doctoral degree in  
2.24 psychology.

2.25 Subd. 7. **Defendant with recurring incidents.** "Defendant with recurring incidents"  
2.26 means an individual who has been charged by citation or complaint with ten or more  
2.27 misdemeanor offenses within an eight-month period.

2.28 Subd. 8. **Forensic navigator.** "Forensic navigator" means a person who meets the  
2.29 certification and continuing education requirements under section 611.55, subdivision 4,  
2.30 and provides the services under section 611.55, subdivision 2.

2.31 Subd. 9. **Head of the program.** "Head of the program" means the head of the competency  
2.32 restoration program or the head of the community-based treatment program, treatment  
2.33 facility, or state-operated treatment program.

3.1 Subd. 10. **Jail-based program.** "Jail-based program" means a competency restoration  
3.2 program that operates within a correctional facility that meets the capacity standards  
3.3 governing jail facilities and is licensed by the commissioner of corrections under section  
3.4 241.021.

3.5 Subd. 11. **Locked treatment facility.** "Locked treatment facility" means a  
3.6 community-based treatment program, treatment facility, or state-operated treatment program  
3.7 that is locked and is licensed by the Department of Health or Department of Human Services.

3.8 Subd. 12. **Mental illness.** "Mental illness" means an organic disorder of the brain or a  
3.9 clinically significant disorder of thought, mood, perception, orientation, memory, or behavior  
3.10 that is detailed in a diagnostic codes list published by the commissioner of human services,  
3.11 and that seriously limits a person's capacity to function in primary aspects of daily living  
3.12 such as personal relations, living arrangements, work, and recreation.

3.13 Subd. 13. **State-operated treatment program.** "State-operated treatment program"  
3.14 means any state-operated program, including community behavioral health hospitals, crisis  
3.15 centers, residential facilities, outpatient services, and other community-based services  
3.16 developed and operated by the state and under the control of the commissioner of human  
3.17 services, for a person who has a mental illness, developmental disability, or chemical  
3.18 dependency.

3.19 Subd. 14. **Supervisory agency.** "Supervisory agency" means the entity responsible for  
3.20 supervising adults in a county, including the Department of Corrections, county probation  
3.21 officers, or a community corrections agency in a Community Corrections Act county, or  
3.22 the designee of that entity.

3.23 Subd. 15. **Suspend the criminal proceedings.** "Suspend the criminal proceedings"  
3.24 means nothing can be heard or decided on the merits of the criminal charges except that the  
3.25 court retains jurisdiction in all other matters, including but not limited to bail, conditions  
3.26 of release, probation conditions, no contact orders, and appointment of counsel.

3.27 Subd. 16. **Targeted misdemeanor.** "Targeted misdemeanor" has the meaning given in  
3.28 section 299C.10, subdivision 1, paragraph (e).

3.29 Subd. 17. **Treatment facility.** "Treatment facility" means a non-state-operated hospital,  
3.30 residential treatment provider, crisis residential withdrawal management center, or corporate  
3.31 foster care home qualified to provide care and treatment for persons who have a mental  
3.32 illness, developmental disability, or chemical dependency.

4.1 Sec. 3. **[611.42] COMPETENCY MOTION PROCEDURES.**

4.2 **Subdivision 1. Competency to stand trial.** A defendant is incompetent and shall not  
4.3 plead, be tried, or be sentenced if, due to a mental illness or cognitive impairment, the  
4.4 defendant lacks the ability to:

4.5 (1) rationally consult with counsel;

4.6 (2) understand the proceedings; or

4.7 (3) participate in the defense.

4.8 **Subd. 2. Waiver of counsel in competency proceedings.** (a) A defendant must not be  
4.9 allowed to waive counsel if the defendant lacks ability to:

4.10 (1) knowingly, voluntarily, and intelligently waive the right to counsel;

4.11 (2) appreciate the consequences of proceeding without counsel;

4.12 (3) comprehend the nature of the charge;

4.13 (4) comprehend the nature of the proceedings;

4.14 (5) comprehend the possible punishment; or

4.15 (6) comprehend any other matters essential to understanding the case.

4.16 (b) The court must not proceed under this law before a lawyer consults with the defendant  
4.17 and has an opportunity to be heard.

4.18 **Subd. 3. Competency motion.** (a) At any time, the prosecutor or defense counsel may  
4.19 make a motion challenging the defendant's competency, or the court on its initiative may  
4.20 raise the issue. The defendant's consent is not required to bring a competency motion. The  
4.21 motion shall be supported by specific facts but shall not include communications between  
4.22 the defendant and defense counsel if disclosure would violate attorney-client privilege. By  
4.23 bringing the motion, the defendant does not waive attorney-client privilege.

4.24 (b) If competency is at issue, the court shall appoint a forensic navigator to provide the  
4.25 forensic navigator services described in section 611.55 for the defendant, including  
4.26 development of a specific plan to identify appropriate housing and services if the defendant  
4.27 is released from custody or any charges are dismissed.

4.28 (c) In felony, gross misdemeanor, and targeted misdemeanor cases, if the court determines  
4.29 there is a reasonable basis to doubt the defendant's competence and there is probable cause  
4.30 for the charge, the court must suspend the criminal proceedings and order an examination  
4.31 of the defendant under section 611.43.

5.1 (d) In misdemeanor cases, other than cases involving a targeted misdemeanor, if the  
5.2 court determines there is a reasonable basis to doubt the defendant's competence and there  
5.3 is probable cause for the charge, the court must suspend the criminal proceedings and either  
5.4 order an examination of the defendant under section 611.43 or dismiss the case as provided  
5.5 in paragraph (e). The court shall dismiss a case unless dismissal would be contrary to public  
5.6 interest. For purposes of this paragraph, public interest includes determining whether a  
5.7 defendant has the ability to access housing, food, income, disability verification, medications,  
5.8 and treatment for medical conditions, or otherwise address any basic needs.

5.9 (e) If the court indicates an intent to dismiss a misdemeanor charge, the court shall direct  
5.10 the forensic examiner to complete a dismissal plan as described in section 611.55, subdivision  
5.11 3. The court may dismiss the charge upon receipt of the dismissal plan without holding a  
5.12 hearing unless any party objects. The court must order that the dismissal plan be completed  
5.13 and submitted:

5.14 (1) within 48 hours, excluding weekends and holidays, if the defendant is in custody;

5.15 or

5.16 (2) within ten days if the defendant is not in custody.

5.17 (f) If competency is at issue, the court may appoint advisory counsel under Rules of  
5.18 Criminal Procedure, rule 5, for an unrepresented defendant for the proceedings under this  
5.19 section.

5.20 Subd. 4. **Dismissal, referrals for services, and collaboration.** (a) Except as provided  
5.21 in this subdivision, when the court determines there is a reasonable basis to doubt the  
5.22 defendant's competence and orders an examination of the defendant, a forensic navigator  
5.23 must complete a dismissal plan with the defendant as described in section 611.55, subdivision  
5.24 3, submit the dismissal plan to the court, and provide a written copy to the defendant before  
5.25 the court or prosecutor dismisses any charges based on a belief or finding that the defendant  
5.26 is incompetent.

5.27 (b) If for any reason a forensic navigator has not been appointed, the court must make  
5.28 every reasonable effort to coordinate with any resources available to the court and refer the  
5.29 defendant for possible assessment and social services, including but not limited to services  
5.30 for engagement under section 253B.041, before dismissing any charges based on a finding  
5.31 that the defendant is incompetent.

5.32 (c) If working with the forensic navigator or coordinating a referral to services would  
5.33 cause an unreasonable delay in the release of a defendant being held in custody, the court  
5.34 may dismiss the charges and release the defendant. If a defendant has not been engaged for

6.1 assessment and referral before release, the court may coordinate with the forensic navigator  
6.2 or any resources available to the court to engage the defendant for up to 90 days after release.

6.3 (d) Courts may partner and collaborate with county social services, community-based  
6.4 treatment programs, locked treatment facilities, state-operated treatment programs, treatment  
6.5 facilities, jails, and any other resource available to the court to provide referrals to services  
6.6 when a defendant's competency is at issue or a defendant has been found incompetent to  
6.7 stand trial.

6.8 **Sec. 4. [611.43] COMPETENCY EXAMINATION AND REPORT.**

6.9 Subdivision 1. **Competency examination.** (a) If the court orders an examination pursuant  
6.10 to section 611.42, subdivision 3, the court shall appoint a court examiner to examine the  
6.11 defendant and report to the court on the defendant's competency to stand trial. A court  
6.12 examiner may obtain from court administration and review the report of any prior or  
6.13 subsequent examination under this section or under Rules of Criminal Procedure, rule 20.

6.14 (b) If the defendant is not entitled to release, the court shall order the defendant to  
6.15 participate in an examination where the defendant is being held, or the court may order that  
6.16 the defendant be confined in a treatment facility, locked treatment facility, or a state-operated  
6.17 treatment facility until the examination is completed.

6.18 (c) If the defendant is entitled to release, the court shall order the defendant to appear  
6.19 for an examination. If the defendant fails to appear at an examination, the court may amend  
6.20 the conditions of release.

6.21 (d) A competency examination ordered under Rules of Criminal Procedure, rule 20.04,  
6.22 shall proceed under subdivision 2.

6.23 Subd. 2. **Report of examination.** (a) The court-appointed examiner's written report shall  
6.24 be filed with the court and served on the prosecutor and defense counsel by the court. The  
6.25 report shall be filed no more than 30 days after the order for examination of a defendant in  
6.26 custody. If the defendant is out of custody or confined in a noncorrectional program or  
6.27 treatment facility, the report shall be filed no more than 60 days after the order for  
6.28 examination, unless extended by the court for good cause. The report shall not include  
6.29 opinions concerning the defendant's mental condition at the time of the alleged offense or  
6.30 any statements made by the defendant regarding the alleged criminal conduct, unless  
6.31 necessary to support the examiner's opinion regarding competence or incompetence.

6.32 (b) The report shall include an evaluation of the defendant's mental health, cognition,  
6.33 and the factual basis for opinions about:

- 7.1 (1) any diagnoses made, and the results of any testing conducted with the defendant;
- 7.2 (2) the defendant's competency to stand trial;
- 7.3 (3) the level of care and education required for the defendant to attain, be restored to,
- 7.4 or maintain competency;
- 7.5 (4) a recommendation of the least restrictive setting appropriate to meet the defendant's
- 7.6 needs for restoration and immediate safety;
- 7.7 (5) the impact of any substance use disorder on the defendant, including the defendant's
- 7.8 competency, and any recommendations for treatment;
- 7.9 (6) the likelihood the defendant will attain competency in the reasonably foreseeable
- 7.10 future;
- 7.11 (7) whether the defendant poses a substantial likelihood of physical harm to self or
- 7.12 others; and
- 7.13 (8) whether the defendant poses a substantial risk to public safety.
- 7.14 (c) If the court examiner determines that the defendant presents an imminent risk of
- 7.15 serious danger to another, is imminently suicidal, or otherwise needs emergency intervention,
- 7.16 the examiner must promptly notify the court, prosecutor, defense counsel, and those
- 7.17 responsible for the care and custody of the defendant.
- 7.18 (d) If the court examiner's opinion is that the defendant is incompetent to proceed, the
- 7.19 report must include an opinion as to whether the defendant possesses capacity to make
- 7.20 decisions regarding neuroleptic medication unless the examiner is unable to render an
- 7.21 opinion on capacity. If the examiner is unable to render an opinion on capacity, the report
- 7.22 must document the reasons why the examiner is unable to render that opinion.
- 7.23 (e) If the defendant appears for the examination but does not participate, the court
- 7.24 examiner shall submit a report and, if sufficient information is available, may render an
- 7.25 opinion on competency and an opinion as to whether the unwillingness to participate resulted
- 7.26 from a mental illness, cognitive impairment, or other factors.
- 7.27 (f) If the court examiner determines the defendant would benefit from services for
- 7.28 engagement in mental health treatment under section 253B.041 or any other referral to
- 7.29 social services, the court examiner may recommend referral of the defendant to services
- 7.30 where available.
- 7.31 Subd. 3. **Additional examination.** If either the prosecutor or defense counsel intends
- 7.32 to retain an independent examiner, the party shall provide notice to the court and opposing

8.1 counsel no later than ten days after the date of receipt of the court-appointed examiner's  
8.2 report. If an independent examiner is retained, the independent examiner's report shall be  
8.3 filed no more than 30 days after the date a party files notice of intent to retain an independent  
8.4 examiner, unless extended by the court for good cause.

8.5 Subd. 4. **Admissibility of defendant's statements.** When a defendant is examined under  
8.6 this section, any statement made by the defendant for the purpose of the examination and  
8.7 any evidence derived from the examination is admissible at the competency proceedings,  
8.8 but not in the criminal proceedings.

8.9 **Sec. 5. [611.44] CONTESTED HEARING PROCEDURES.**

8.10 Subdivision 1. **Request for hearing.** (a) The prosecutor or defense counsel may request  
8.11 a hearing on the court-appointed examiner's competency report by filing a written objection  
8.12 no later than ten days after the report is filed.

8.13 (b) A hearing shall be held as soon as possible but no longer than 30 days after the  
8.14 request, unless extended by agreement of the prosecutor and defense counsel, or by the  
8.15 court for good cause.

8.16 (c) If an independent court examiner is retained, the hearing may be continued up to 14  
8.17 days after the date the independent court examiner's report is filed. The court may continue  
8.18 the hearing for good cause.

8.19 Subd. 2. **Competency hearing.** (a) The court may admit all relevant and reliable evidence  
8.20 at the competency hearing. The court-appointed examiner is considered the court's witness  
8.21 and may be called and questioned by the court, prosecutor, or defense counsel. The report  
8.22 of the court-appointed examiner shall be admitted into evidence without further foundation.

8.23 (b) Defense counsel may testify, subject to the prosecutor's cross-examination, but shall  
8.24 not violate attorney-client privilege. Testifying does not automatically disqualify defense  
8.25 counsel from continuing to represent the defendant. The court may inquire of defense counsel  
8.26 regarding the attorney-client relationship and the defendant's ability to communicate with  
8.27 counsel. The court shall not require counsel to divulge communications protected by  
8.28 attorney-client privilege, and the prosecutor shall not cross-examine defense counsel  
8.29 concerning responses to the court's inquiry.

8.30 Subd. 3. **Determination without hearing.** If neither party files an objection, the court  
8.31 shall determine the defendant's competency based on the reports of all examiners.

8.32 Subd. 4. **Burden of proof and decision.** The defendant is presumed incompetent unless  
8.33 the court finds by a preponderance of the evidence that the defendant is competent.



9.1 Sec. 6. **[611.45] COMPETENCY FINDINGS.**

9.2 Subdivision 1. Findings. (a) The court must rule on the defendant's competency to stand  
9.3 trial no more than 14 days after the examiner's report is submitted to the court. If there is a  
9.4 contested hearing, the court must rule no more than 30 days after the date of the hearing.

9.5 (b) If the court finds the defendant competent, the court shall enter an order and the  
9.6 criminal proceedings shall resume.

9.7 (c) If the court finds the defendant incompetent, the court shall enter a written order and  
9.8 suspend the criminal proceedings. The matter shall proceed under section 611.46.

9.9 Subd. 2. Appeal. The defense may appeal a competency determination to the court of  
9.10 appeals. The appeal is governed by Rules of Criminal Procedure, rule 28. A verbatim record  
9.11 shall be made in all competency proceedings.

9.12 Subd. 3. Dismissal of criminal charge. (a) If the court finds the defendant incompetent,  
9.13 and the charge is a misdemeanor other than a targeted misdemeanor, the charge must be  
9.14 dismissed.

9.15 (b) In targeted misdemeanor and gross misdemeanor cases, the charges must be dismissed  
9.16 30 days after the date of the finding of incompetence, unless the prosecutor, before the  
9.17 expiration of the 30-day period, files a written notice of intent to prosecute when the  
9.18 defendant regains competency. If a notice has been filed and the charge is a targeted  
9.19 misdemeanor, charges must be dismissed within 90 days after the finding of incompetency  
9.20 or when the defendant would be entitled to custody credit of 90 days, whichever is earlier.  
9.21 If a notice has been filed and the charge is a gross misdemeanor, charges must be dismissed  
9.22 within two years after the finding of incompetency or when the defendant would be entitled  
9.23 to custody credit of one year, whichever is earlier.

9.24 (c) In felony cases, except as provided in paragraph (d), the charges must be dismissed  
9.25 three years after the date of the finding of incompetency, unless the prosecutor, before the  
9.26 expiration of the three-year period, files a written notice of intent to prosecute when the  
9.27 defendant regains competency. If a notice has been filed, charges must be dismissed within  
9.28 five years after the finding of incompetency or when the defendant would be entitled to  
9.29 custody credit equal to the maximum sentence for the crime with which the defendant is  
9.30 charged, whichever is earlier.

9.31 (d) The requirement that felony charges be dismissed under paragraph (c) does not apply  
9.32 if:

10.1 (1) the court orders continuing supervision pursuant to section 611.49, subdivision 3;

10.2 or

10.3 (2) the defendant is charged with a violation of sections 609.185 (murder in the first  
10.4 degree); 609.19 (murder in the second degree); 609.195 (murder in the third degree); 609.20  
10.5 (manslaughter in the first degree); 609.205 (manslaughter in the second degree); 609.2112  
10.6 (criminal vehicular homicide); 609.2114, subdivision 1 (criminal vehicular operation, death  
10.7 to an unborn child); 609.2661 (murder of an unborn child in the first degree); 609.2662  
10.8 (murder of an unborn child in the second degree); 609.2663 (murder of an unborn child in  
10.9 the third degree); 609.2664 (manslaughter of an unborn child in the first degree); or 609.2665  
10.10 (manslaughter of an unborn child in the second degree).

10.11 **Sec. 7. [611.46] INCOMPETENT TO STAND TRIAL AND CONTINUING**  
10.12 **SUPERVISION.**

10.13 Subdivision 1. **Order to competency restoration.** (a) If the court finds the defendant  
10.14 incompetent and the charges have not been dismissed, the court shall order the defendant  
10.15 to participate in a program to restore the defendant's competence. The court may order  
10.16 participation in a competency restoration program provided outside of a jail, a jail-based  
10.17 competency restoration program, or an alternative program. The court must determine the  
10.18 least-restrictive program appropriate to meet the defendant's needs and public safety. In  
10.19 making this determination, the court must consult with the forensic navigator and consider  
10.20 any recommendations of the court examiner on the level of care and education required for  
10.21 the defendant to attain competency.

10.22 (b) The court shall order the defendant to participate in a competency restoration program  
10.23 that takes place outside of a jail unless such a program is unavailable or inaccessible to the  
10.24 defendant within a reasonable time. If a competency restoration program that takes place  
10.25 outside of a jail is unavailable or inaccessible, the court shall order the defendant to participate  
10.26 in either a jail-based program or an alternative program as provided in subdivisions 4 and  
10.27 5.

10.28 (c) The court may only order the defendant to participate in competency restoration at  
10.29 a community-based treatment program, locked treatment facility, or treatment facility under  
10.30 this section if the head of the program determines that admission is clinically appropriate  
10.31 and consents to the defendant's admission. The court may only order the defendant to  
10.32 participate in competency restoration at a state-operated treatment program under this section  
10.33 if the commissioner of human services or a designee determines that admission of the  
10.34 defendant is clinically appropriate and consents to the defendant's admission.

11.1 (d) If the defendant is confined in jail and has not received competency restoration  
11.2 services within 30 days of the finding of incompetency, the court shall review the case with  
11.3 input from the prosecutor and defense counsel and must:

11.4 (1) dismiss the case;

11.5 (2) order the defendant to participate in an appropriate competency restoration program  
11.6 that takes place outside of a jail;

11.7 (3) conditionally release the defendant, including but not limited to conditions that the  
11.8 defendant participate in a competency restoration program when one becomes available  
11.9 and accessible; or

11.10 (4) find the defendant unlikely to attain competency in the reasonably foreseeable future  
11.11 and proceed under section 611.49.

11.12 (e) Upon the order to a competency restoration program or alternative program, the court  
11.13 may order any hospital, treatment facility, or correctional facility that has provided care or  
11.14 supervision to the defendant in the previous two years to provide copies of the defendant's  
11.15 medical records to the competency restoration program or alternative program. This  
11.16 information shall be provided in a consistent and timely manner and pursuant to all applicable  
11.17 laws.

11.18 (f) If at any time the defendant refuses to participate in a competency restoration program  
11.19 or an alternative program, the head of the program shall notify the court and any entity  
11.20 responsible for supervision of the defendant.

11.21 (g) At any time, the head of the program may discharge the defendant from the program  
11.22 or facility. The head of the program must notify the court, prosecutor, defense counsel, and  
11.23 any entity responsible for the supervision of the defendant prior to any planned discharge.  
11.24 Whenever possible, this notification shall be made five business days prior to the discharge.

11.25 **Subd. 2. Supervision.** (a) Upon a finding of incompetency, if the defendant is entitled  
11.26 to release, the court must determine whether the defendant requires pretrial supervision.  
11.27 The court must weigh public safety risks against the defendant's interests in remaining free  
11.28 from supervision while presumed innocent in the criminal proceedings. The court may use  
11.29 a validated and equitable risk assessment tool to determine whether supervision is necessary.

11.30 (b) If the court determines that the defendant requires pretrial supervision, the court shall  
11.31 appoint a supervisory agency to conduct pretrial supervision and report violations to the  
11.32 court. The supervisory agency shall be responsible for the supervision of the defendant until  
11.33 ordered otherwise by the court.

12.1 (c) Upon application by the prosecutor, the entity or its designee assigned to supervise  
12.2 the defendant, or court services alleging that the defendant violated a condition of release  
12.3 and is a risk to public safety, the court shall follow the procedures under Rules of Criminal  
12.4 Procedure, rule 6. Any hearing on the alleged violation of release conditions shall be held  
12.5 no more than 15 days after the date of issuance of a summons or within 72 hours if the  
12.6 defendant is apprehended on a warrant.

12.7 (d) If the court finds a violation, the court may revise the conditions of release. In addition  
12.8 to the considerations required by the Rules of Criminal Procedure, when determining the  
12.9 conditions of release, the court must consider whether a condition is likely to result in the  
12.10 pretrial detention of the defendant and whether it is more probable than not that the detention  
12.11 will interfere with the defendant attaining competency. The court shall impose the least  
12.12 restrictive conditions of release and bail that will provide ongoing access to a competency  
12.13 restoration program or alternative program under this section.

12.14 (e) The court must review conditions of release and bail on request of any party and may  
12.15 amend the conditions of release or make any other reasonable order upon receipt of  
12.16 information that the pretrial detention of a defendant has interfered with the defendant  
12.17 attaining competency.

12.18 Subd. 3. **Certified competency restoration programs; procedure.** (a) If the court  
12.19 orders a defendant to participate in a competency restoration program that takes place outside  
12.20 of a jail, the court shall specify whether the program is a community-based treatment program  
12.21 or provided in a locked treatment facility.

12.22 (b) If the court finds that the defendant is incompetent at a review hearing held after the  
12.23 initial determination of competency, the court may order the defendant to continue  
12.24 participation in a competency restoration program as follows:

12.25 (1) if the defendant is not being held in a locked treatment facility and:

12.26 (i) the highest underlying charge is a targeted misdemeanor, for up to one year from the  
12.27 date the defendant was ordered to participate in a competency restoration program;

12.28 (ii) the highest underlying charge is a gross misdemeanor, for up to two years from the  
12.29 date the defendant was ordered to participate in a competency restoration program; or

12.30 (iii) the highest underlying charge is a felony, for up to five years from the date the  
12.31 defendant was ordered to participate in a competency restoration program; and

12.32 (2) if the defendant is being held in a locked treatment facility solely due to the order to  
12.33 participate in a certified competency restoration program and:

13.1 (i) the highest underlying charge is a targeted misdemeanor, for a number of days that  
13.2 does not result in the defendant being held for more than 90 days in a locked treatment  
13.3 facility in connection with the underlying criminal charge and competency proceeding;

13.4 (ii) the highest underlying charge is a gross misdemeanor, for up to 180 additional days  
13.5 provided the cumulative number of days does not result in the defendant being held for  
13.6 more than 365 days in a locked treatment facility in connection with the underlying criminal  
13.7 charge and competency proceeding; or

13.8 (iii) the highest underlying charge is a felony, for up to 180 additional days.

13.9 (c) The head of the program may recommend that a court examiner provide an updated  
13.10 competency examination and report to the court at any time.

13.11 (d) If the defendant has not attained competency within the time periods described in  
13.12 paragraph (b), the court shall dismiss the criminal charges or proceed pursuant to section  
13.13 611.49. Nothing in this section prohibits the court from determining that a defendant is  
13.14 unlikely to attain competency at any other time.

13.15 **Subd. 4. Jail-based competency restoration programs; procedure.** (a) A defendant  
13.16 is eligible to participate in a jail-based competency restoration program if the defendant has  
13.17 been found incompetent; the defendant has not met the conditions of release, including  
13.18 posting bail, ordered pursuant to rule 6.02 of the Rules of Criminal Procedure; and a  
13.19 court-appointed examiner has recommended jail-based competency restoration as the least  
13.20 restrictive setting to meet the person's needs.

13.21 (b) A defendant may not be ordered to participate in a jail-based competency restoration  
13.22 program for more than 90 days. If after 90 days of the order to a jail-based program the  
13.23 defendant has not attained competency, the court must proceed under section 611.49 to  
13.24 determine if the defendant is likely to attain competency in the reasonably foreseeable future.  
13.25 If the court finds the defendant is likely to attain competency in the reasonably foreseeable  
13.26 future, the court must determine if a competency restoration program that takes place outside  
13.27 of a jail is available and appropriate to meet the needs of the defendant and public safety,  
13.28 and may order the defendant to participate in the program. If the court does not find an  
13.29 appropriate program, the court must review the case with input from the prosecutor and  
13.30 defense counsel and must dismiss the case or conditionally release the defendant with  
13.31 conditions that include but are not limited to a requirement that the defendant participate  
13.32 in a competency restoration program that takes place outside of a jail when one is available  
13.33 and appropriate.

14.1 (c) Nothing in this section prohibits transitioning a defendant to a competency restoration  
14.2 program that takes place outside of a jail if the transition is appropriate or the defendant  
14.3 satisfies the conditions of release or bail.

14.4 (d) If a defendant is in custody and is ordered to a competency restoration program that  
14.5 takes place outside of a jail, the court may order time-limited placement in a jail-based  
14.6 program until transfer, if a jail-based program is available within a reasonable distance to  
14.7 the county where the defendant is present.

14.8 (e) When the court orders time-limited placement in a jail-based competency restoration  
14.9 program, the court's order must include a period of no more than 30 days by which the  
14.10 defendant must be transferred. If the defendant cannot be transferred to the certified  
14.11 competency restoration program that takes place outside of a jail in the ordered time, the  
14.12 court shall determine whether to continue the defendant in the program or conditionally  
14.13 release the defendant and proceed under subdivision 5. If the defendant is transitioned to a  
14.14 competency restoration program that takes place outside of a jail or an alternative program,  
14.15 the provisions of subdivision 2 shall apply.

14.16 Subd. 5. **Alternative programs; procedure.** (a) A defendant is eligible to participate  
14.17 in an alternative program if the defendant has been found incompetent, the defendant is  
14.18 entitled to release, and a certified competency restoration program outside of a jail is not  
14.19 available.

14.20 (b) As soon as the court has reason to believe that no competency restoration program  
14.21 that takes place outside of a jail will be available within a reasonable time, the court must  
14.22 consult a forensic navigator to determine if there are available alternative programs that are  
14.23 likely to assist the defendant in attaining competency and may order the defendant to  
14.24 participate in appropriate alternative programs.

14.25 (c) If at any time while the defendant is participating in an alternative program the court  
14.26 or the forensic navigator determines that an appropriate competency restoration program  
14.27 that takes place outside of a jail will be available, the court must order the defendant to  
14.28 participate and transfer the defendant as soon as possible unless the court determines that  
14.29 the defendant is receiving appropriate competency restoration services in the alternative  
14.30 program.

14.31 (d) If after 90 days of the order to an alternative program the defendant has not attained  
14.32 competency, the court must proceed under section 611.49 to determine if the defendant is  
14.33 likely to attain competency in the reasonably foreseeable future. If the court finds the  
14.34 defendant is likely to attain competency in the reasonably foreseeable future, the court must

15.1 determine if a competency restoration program is available and appropriate to meet the  
15.2 needs of the defendant and public safety and may order the defendant to the program. If the  
15.3 court does not find an appropriate program, the court must review the case with input from  
15.4 the prosecutor and defense counsel and must dismiss the case or continue the defendant in  
15.5 the alternative program.

15.6 (e) If the defendant has not attained competency within 180 days from the date of the  
15.7 initial order, the court shall dismiss the criminal charges or order the defendant to participate  
15.8 in a competency restoration program pursuant to subdivision 2.

15.9 Subd. 6. **Reporting to the court.** (a) The court examiner must provide an updated report  
15.10 to the court at least once every six months as to the defendant's competency and a description  
15.11 of the efforts made to restore the defendant to competency.

15.12 (b) At any time, the head of the program may notify the court and recommend that a  
15.13 court examiner provide an updated competency examination and report.

15.14 (c) The court shall furnish copies of the report to the prosecutor, defense counsel, and  
15.15 the facility or program where the defendant is being served.

15.16 (d) The report may make recommendations for continued services to ensure continued  
15.17 competency. If the defendant is found guilty, these recommendations may be considered  
15.18 by the court in imposing a sentence, including any conditions of probation.

15.19 Subd. 7. **Contested hearings.** The prosecutor or defense counsel may request a hearing  
15.20 on the court examiner's competency opinion by filing written objections to the competency  
15.21 report no later than ten days after receiving the report. All parties are entitled to notice before  
15.22 the hearing. If the hearing is held, it shall conform with the procedures of section 611.44.

15.23 Subd. 8. **Competency determination.** (a) The court must determine whether the  
15.24 defendant is competent based on the updated report from the court examiner no more than  
15.25 14 days after receiving the report.

15.26 (b) If the court finds the defendant competent, the court must enter an order and the  
15.27 criminal proceedings shall resume.

15.28 (c) If the court finds the defendant incompetent, the court may order the defendant to  
15.29 continue participating in a program as provided in this section or dismiss the criminal  
15.30 charges.

16.1 Sec. 8. [611.47] ADMINISTRATION OF MEDICATION.

16.2 Subdivision 1. **Motion.** When a court finds that a defendant is incompetent or any time  
16.3 thereafter, upon the motion of the prosecutor or treating medical provider, the court shall  
16.4 hear and determine whether the defendant lacks capacity to make decisions regarding the  
16.5 administration of neuroleptic medication.

16.6 Subd. 2. **Certification report.** (a) If the defendant's treating medical practitioner is of  
16.7 the opinion that the defendant lacks capacity to make decisions regarding neuroleptic  
16.8 medication, the treating medical practitioner shall certify in a report that the lack of capacity  
16.9 exists and which conditions under subdivision 3 are applicable. The certification report shall  
16.10 contain an assessment of the current mental status of the defendant and the opinion of the  
16.11 treating medical practitioner that involuntary neuroleptic medication has become medically  
16.12 necessary and appropriate under subdivision 3, paragraph (b), clause (1) or (2), or in the  
16.13 patient's best medical interest under subdivision 3, paragraph (b), clause (3). The certification  
16.14 report shall be filed with the court when a motion for a hearing is made under this section.

16.15 (b) A certification report made pursuant to this section shall include a description of the  
16.16 neuroleptic medication proposed to be administered to the defendant and its likely effects  
16.17 and side effects, including effects on the defendant's condition or behavior that would affect  
16.18 the defendant's ability to understand the nature of the criminal proceedings or to assist  
16.19 counsel in the conduct of a defense in a reasonable manner.

16.20 (c) Any defendant subject to an order under subdivision 3 of this section or the state  
16.21 may request review of that order.

16.22 (d) The court may appoint a court examiner to examine the defendant and report to the  
16.23 court and parties as to whether the defendant lacks capacity to make decisions regarding  
16.24 the administration of neuroleptic medication. If the patient refuses to participate in an  
16.25 examination, the court examiner may rely on the patient's clinically relevant medical records  
16.26 in reaching an opinion.

16.27 (e) The defendant is entitled to a second court examiner under this section, if requested  
16.28 by the defendant.

16.29 Subd. 3. **Determination.** (a) The court shall consider opinions in the reports prepared  
16.30 under subdivision 2 as applicable to the issue of whether the defendant lacks capacity to  
16.31 make decisions regarding the administration of neuroleptic medication and shall proceed  
16.32 under paragraph (b).

16.33 (b) The court shall hear and determine whether any of the following is true:



17.1 (1) the defendant lacks capacity to make decisions regarding neuroleptic medication, as  
17.2 defined in section 253B.092, subdivision 5, the defendant's mental illness requires medical  
17.3 treatment with neuroleptic medication, and, if the defendant's mental illness is not treated  
17.4 with neuroleptic medication, it is probable that serious harm to the physical or mental health  
17.5 of the patient will result. Probability of serious harm to the physical or mental health of the  
17.6 defendant requires evidence that the defendant is presently suffering adverse effects to the  
17.7 defendant's physical or mental health, or the defendant has previously suffered these effects  
17.8 as a result of a mental illness and the defendant's condition is substantially deteriorating or  
17.9 likely to deteriorate without administration of neuroleptic medication. The fact that a  
17.10 defendant has a diagnosis of a mental illness does not alone establish probability of serious  
17.11 harm to the physical or mental health of the defendant;

17.12 (2) the defendant lacks capacity to make decisions regarding neuroleptic medication, as  
17.13 defined in section 253B.092, subdivision 5, neuroleptic medication is medically necessary,  
17.14 and the defendant is a danger to others, in that the defendant has inflicted, attempted to  
17.15 inflict, or made a serious threat of inflicting substantial bodily harm on another while in  
17.16 custody, or the defendant had inflicted, attempted to inflict, or made a serious threat of  
17.17 inflicting substantial bodily harm on another that resulted in being taken into custody, and  
17.18 the defendant presents, as a result of mental illness or cognitive impairment, a demonstrated  
17.19 danger of inflicting substantial bodily harm on others. Demonstrated danger may be based  
17.20 on an assessment of the defendant's present mental condition, including a consideration of  
17.21 past behavior of the defendant and other relevant information; or

17.22 (3) the defendant lacks capacity to make decisions regarding neuroleptic medication, as  
17.23 defined in section 253B.092, subdivision 5, and the state has shown by clear and convincing  
17.24 evidence that:

17.25 (i) the state has charged the defendant with a serious crime against the person or property;

17.26 (ii) involuntary administration of neuroleptic medication is substantially likely to render  
17.27 the defendant competent to stand trial;

17.28 (iii) the medication is unlikely to have side effects that interfere with the defendant's  
17.29 ability to understand the nature of the criminal proceedings or to assist counsel in the conduct  
17.30 of a defense in a reasonable manner;

17.31 (iv) less intrusive treatments are unlikely to have substantially the same results and  
17.32 involuntary medication is necessary; and

17.33 (v) neuroleptic medication is in the patient's best medical interest in light of his or her  
17.34 medical condition.

18.1 (c) In ruling on a petition under this section, the court shall also take into consideration  
18.2 any evidence on:

18.3 (1) what the patient would choose to do in the situation if the patient had capacity,  
18.4 including evidence such as a durable power of attorney for health care under chapter 145C;

18.5 (2) the defendant's family, community, moral, religious, and social values;

18.6 (3) the medical risks, benefits, and alternatives to the proposed treatment;

18.7 (4) past efficacy and any extenuating circumstances of past use of neuroleptic  
18.8 medications; and

18.9 (5) any other relevant factors.

18.10 (d) In determining whether the defendant possesses capacity to consent to neuroleptic  
18.11 medications, the court:

18.12 (1) must presume that a defendant has the capacity to make decisions regarding  
18.13 administration of neuroleptic medication unless that presumption is overcome by sufficient  
18.14 evidence to the contrary;

18.15 (2) must find that a defendant has the capacity to make decisions regarding the  
18.16 administration of neuroleptic medication if the defendant:

18.17 (i) has an awareness of the nature of the defendant's situation and the possible  
18.18 consequences of refusing treatment with neuroleptic medications;

18.19 (ii) has an understanding of treatment with neuroleptic medications and the risks, benefits,  
18.20 and alternatives; and

18.21 (iii) communicates verbally or nonverbally a clear choice regarding treatment with  
18.22 neuroleptic medications that is a reasoned one not based on a symptom of the defendant's  
18.23 mental illness, even though it may not be in the defendant's best interests; and

18.24 (3) must not conclude that a defendant's decision is unreasonable based solely on a  
18.25 disagreement with the medical practitioner's recommendation.

18.26 (e) If consideration of the evidence presented on the factors in paragraph (c) weighs in  
18.27 favor of authorizing involuntary administration of neuroleptic medication, and the court  
18.28 finds any of the conditions described in paragraph (b) to be true, the court shall issue an  
18.29 order authorizing involuntary administration of neuroleptic medication to the defendant  
18.30 when and as prescribed by the defendant's medical practitioner, including administration  
18.31 by a treatment facility or correctional facility. The court order shall specify which medications  
18.32 are authorized and may limit the maximum dosage of neuroleptic medication that may be

19.1 administered. The order shall be valid for no more than one year. An order may be renewed  
19.2 by filing another petition under this section and following the process in this section. The  
19.3 order shall terminate no later than the closure of the criminal case in which it is issued. The  
19.4 court shall not order involuntary administration of neuroleptic medication under paragraph  
19.5 (b), clause (3), unless the court has first found that the defendant does not meet the criteria  
19.6 for involuntary administration of neuroleptic medication under paragraph (b), clause (1),  
19.7 and does not meet the criteria under paragraph (b), clause (2).

19.8 (f) A copy of the order must be given to the defendant, the defendant's attorney, the  
19.9 county attorney, and the treatment facility or correctional facility where the defendant is  
19.10 being served. The treatment facility, correctional facility, or treating medical practitioner  
19.11 may not begin administration of the neuroleptic medication until it notifies the patient of  
19.12 the court's order authorizing the treatment.

19.13 Subd. 4. **Emergency administration.** A treating medical practitioner may administer  
19.14 neuroleptic medication to a defendant who does not have capacity to make a decision  
19.15 regarding administration of the medication if the defendant is in an emergency situation.  
19.16 Medication may be administered for so long as the emergency continues to exist, up to 14  
19.17 days, if the treating medical practitioner determines that the medication is necessary to  
19.18 prevent serious, immediate physical harm to the patient or to others. If a request for  
19.19 authorization to administer medication is made to the court within the 14 days, the treating  
19.20 medical practitioner may continue the medication through the date of the first court hearing,  
19.21 if the emergency continues to exist. The treating medical practitioner shall document the  
19.22 emergency in the defendant's medical record in specific behavioral terms.

19.23 Subd. 5. **Administration without judicial review.** Neuroleptic medications may be  
19.24 administered without judicial review under this subdivision if:

19.25 (1) the defendant has been prescribed neuroleptic medication prior to admission to a  
19.26 facility or program, but lacks the present capacity to consent to the administration of that  
19.27 neuroleptic medication; continued administration of the medication is in the patient's best  
19.28 interest; and the defendant does not refuse administration of the medication. In this situation,  
19.29 the previously prescribed neuroleptic medication may be continued for up to 14 days while  
19.30 the treating medical practitioner is requesting a court order authorizing administering  
19.31 neuroleptic medication or an amendment to a current court order authorizing administration  
19.32 of neuroleptic medication. If the treating medical practitioner requests a court order under  
19.33 this section within 14 days, the treating medical practitioner may continue administering  
19.34 the medication to the patient through the hearing date or until the court otherwise issues an  
19.35 order; or

20.1 (2) the defendant does not have the present capacity to consent to the administration of  
20.2 neuroleptic medication, but prepared a health care power of attorney or a health care directive  
20.3 under chapter 145C requesting treatment or authorizing an agent or proxy to request  
20.4 treatment, and the agent or proxy has requested the treatment.

20.5 Subd. 6. **Defendants with capacity to make informed decision.** If the court finds that  
20.6 the defendant has the capacity to decide whether to take neuroleptic medication, a facility  
20.7 or program may not administer medication without the patient's informed written consent  
20.8 or without the declaration of an emergency, or until further review by the court.

20.9 Subd. 7. **Procedure when patient defendant refuses medication.** If physical force is  
20.10 required to administer the neuroleptic medication, the facility or program may only use  
20.11 injectable medications. If physical force is needed to administer the medication, medication  
20.12 may only be administered in a setting where the person's condition can be reassessed and  
20.13 medical personnel qualified to administer medication are available, including in the  
20.14 community or a correctional facility. The facility or program may not use a nasogastric tube  
20.15 to administer neuroleptic medication involuntarily.

20.16 Sec. 9. **[611.48] REVIEW HEARINGS.**

20.17 The prosecutor or defense counsel may apply to the court for a hearing to review the  
20.18 defendant's competency restoration programming. All parties are entitled to notice before  
20.19 the hearing. The hearing shall be held no later than 30 days after the date of the request,  
20.20 unless extended upon agreement of the prosecutor and defense counsel or by the court for  
20.21 good cause.

20.22 Sec. 10. **[611.49] UNLIKELY TO ATTAIN COMPETENCY.**

20.23 Subdivision 1. **Applicability.** The court may find a defendant unlikely to attain  
20.24 competency in the reasonably foreseeable future when:

20.25 (1) the most recent court examiner's report states that the defendant is not likely to attain  
20.26 competency in the reasonably foreseeable future;

20.27 (2) the defendant has not been restored to competency within one year of the finding of  
20.28 incompetence; or

20.29 (3) the defendant has not received timely competency restoration services under section  
20.30 611.46, subdivision 3 or 4.

21.1 Subd. 2. Procedure. (a) The court must determine whether there is a substantial  
21.2 probability that the defendant will attain competency within the reasonably foreseeable  
21.3 future.

21.4 (b) If the court finds that there is a substantial probability that the defendant will attain  
21.5 competency within the reasonably foreseeable future, the court shall find the defendant  
21.6 incompetent and proceed under section 611.46, subdivision 7.

21.7 (c) If the court finds that there is not a substantial probability the defendant will attain  
21.8 competency within the reasonably foreseeable future, the court must either:

21.9 (1) dismiss the case unless the defendant is charged with a violation of section 609.185  
21.10 (murder in the first degree); 609.19 (murder in the second degree); 609.195 (murder in the  
21.11 third degree); 609.20 (manslaughter in the first degree); 609.205 (manslaughter in the second  
21.12 degree); 609.2112 (criminal vehicular homicide); 609.2114, subdivision 1 (criminal vehicular  
21.13 operation, death to an unborn child); 609.2661 (murder of an unborn child in the first degree);  
21.14 609.2662 (murder of an unborn child in the second degree); 609.2663 (murder of an unborn  
21.15 child in the third degree); 609.2664 (manslaughter of an unborn child in the first degree);  
21.16 or 609.2665 (manslaughter of an unborn child in the second degree);

21.17 (2) dismiss the case and issue an order to the designated agency in the county of financial  
21.18 responsibility or the county where the defendant is present to conduct a prepetition screening  
21.19 pursuant to section 253B.07; or

21.20 (3) order the continued supervision of the defendant under subdivision 3.

21.21 (d) Any party may request a hearing by submitting a written objection to the  
21.22 court-appointed examiner's report no more than ten days after the report is submitted. If a  
21.23 hearing is held under this subdivision, there is a presumption that the defendant will not  
21.24 attain competency within the reasonably foreseeable future. A party attempting to overcome  
21.25 that presumption must prove by a preponderance of the evidence that there is a substantial  
21.26 probability that restoration efforts will be successful within the reasonably foreseeable  
21.27 future.

21.28 Subd. 3. Continued supervision. (a) The court may order continued supervision of a  
21.29 defendant who is a danger to public safety and is charged with a felony violation of section  
21.30 518B.01, subdivision 14; 609.165; 609.185; 609.19; 609.195; 609.20; 609.205; 609.2112;  
21.31 609.2113; 609.2114; 609.221; 609.222; 609.223; 609.2231; 609.224; 609.2242; 609.2247;  
21.32 609.228; 609.229; 609.2325; 609.233; 609.235; 609.24; 609.245; 609.25; 609.255; 609.2661;  
21.33 609.2662; 609.2663; 609.2664; 609.2665; 609.267; 609.2671; 609.268; 609.322; 609.342;  
21.34 609.343; 609.344; 609.345; 609.3451; 609.3458; 609.377; 609.3775; 609.378; 609.487;

22.1 609.498, subdivision 1; 609.561; 609.562; 609.563; 609.582, subdivision 1 or 2; 609.66,  
22.2 subdivision 1e; 609.687; 609.71; 609.713; 609.748, subdivision 6; 609.749; 609.855,  
22.3 subdivision 5; 624.713; or 629.75.

22.4 (b) Any party may request a hearing on the issue of continued supervision by submitting  
22.5 a written objection no more than ten days after the order for continued supervision.

22.6 (c) Any time the court orders the continued supervision of a defendant under this  
22.7 subdivision, the court shall clarify the willing entity or person responsible to the court for  
22.8 the supervision of the defendant, including but not limited to directing an appointed forensic  
22.9 navigator to be responsible for continued supervision.

22.10 (d) The court must determine the most appropriate setting that is not a jail or locked  
22.11 treatment facility to meet the defendant's needs and public safety. The court shall consider  
22.12 the recommendations of the most-recent court examiner's report and consult with any  
22.13 resources available to the court.

22.14 (e) Notwithstanding the reporting requirements of section 611.46, subdivision 5, the  
22.15 court examiner must provide an updated report to the court one year after the initial order  
22.16 for continued supervision as to the defendant's competency and a description of the efforts  
22.17 made to restore the defendant to competency.

22.18 (f) If after one year of continued supervision under this section the court finds that there  
22.19 is a substantial probability that the defendant will attain competency within the reasonably  
22.20 foreseeable future, the court shall rule the defendant incompetent and proceed under section  
22.21 611.46, subdivision 7.

22.22 (g) If after one year of continued supervision under this section the court finds that there  
22.23 is not a substantial probability that the defendant will attain competency within the reasonably  
22.24 foreseeable future, the court must consult the prosecutor and defense counsel and:

22.25 (1) dismiss the case; or

22.26 (2) if the defendant poses a danger to public safety, order continuing supervision.

22.27 (h) If the court orders continuing supervision under paragraph (g), the court must order  
22.28 an annual review of the defendant's status, including ordering that an updated competency  
22.29 examination and report be submitted to the court. At the annual review, the court must  
22.30 determine if the defendant has attained competency, if there is a substantial probability that  
22.31 the defendant will attain competency in the foreseeable future, and if the defendant poses  
22.32 a danger to public safety. If the court finds the defendant competent, the court must enter  
22.33 an order and the criminal proceedings shall resume. If the court finds that the defendant

23.1 poses a danger to public safety, the court may continue the supervision. If the court finds  
23.2 that the defendant does not pose a danger to public safety, the court shall dismiss the charges.  
23.3 The court may not order continued supervision for more than ten years after a finding that  
23.4 a defendant is incompetent.

23.5 (h) At any time, the head of the program may notify the court and recommend that a  
23.6 court examiner provide an updated competency examination and report. At any time, the  
23.7 head of the program may discharge a defendant from the program or facility. The head of  
23.8 the program must notify the court, prosecutor, defense counsel, and the entity responsible  
23.9 for supervision of the defendant five business days prior to any planned discharge.

23.10 (i) The court may provide, partner, or contract for pretrial supervision services or  
23.11 continued supervision if the defendant is found incompetent and unlikely to attain competency  
23.12 in the reasonably foreseeable future.

23.13 **Sec. 11. [611.50] DEFENDANT'S PARTICIPATION AND CONDUCT OF**  
23.14 **HEARINGS.**

23.15 Subdivision 1. **Place of hearing.** Upon request of the prosecutor, defense counsel, or  
23.16 head of the treatment facility or state-operated treatment program, and approval by the court  
23.17 and the treatment facility or state-operated treatment program, a hearing may be held at a  
23.18 treatment facility or state-operated treatment program. A hearing may be conducted by  
23.19 interactive video conference consistent with the Rules of Criminal Procedure.

23.20 Subd. 2. **Absence permitted.** When a medical professional treating the defendant submits  
23.21 a written report stating that participating in a hearing under this statute is not in the best  
23.22 interest of the defendant and would be detrimental to the defendant's mental or physical  
23.23 health, the court shall notify the defense counsel and the defendant and allow the hearing  
23.24 to proceed without the defendant's participation.

23.25 Subd. 3. **Disruption of hearing.** At any hearing required under this section, the court,  
23.26 on its motion or on the motion of any party, may exclude or excuse a defendant who is  
23.27 seriously disruptive, refuses to participate, or who is incapable of comprehending and  
23.28 participating in the proceedings. In such instances, the court shall, with specificity on the  
23.29 record, state the behavior of the defendant or other circumstances which justify proceeding  
23.30 in the absence of the defendant.

23.31 Subd. 4. **Issues not requiring defendant's participation.** The defendant's incompetence  
23.32 does not preclude the defense counsel from making an objection or defense before trial that  
23.33 can be fairly determined without the defendant's participation.

24.1 Sec. 12. [611.51] CREDIT FOR CONFINEMENT.

24.2 If the defendant is convicted, any time spent confined in a secured setting while being  
24.3 assessed and restored to competency must be credited as time served.

24.4 Sec. 13. EFFECTIVE DATE.

24.5 This article is effective July 1, 2023, and applies to competency determinations initiated  
24.6 on or after that date.

24.7 **ARTICLE 2**

24.8 **COMPETENCY RESTORATION SERVICES**

24.9 Section 1. [611.55] FORENSIC NAVIGATOR SERVICES.

24.10 Subdivision 1. Definition. As used in this section, "board" means the State Competency  
24.11 Restoration Board established in section 611.56.

24.12 Subd. 2. Availability of forensic navigator services. The board must provide or contract  
24.13 for enough forensic navigator services to meet the needs of adult defendants in each judicial  
24.14 district who are found incompetent to stand trial.

24.15 Subd. 3. Duties. (a) Forensic navigators shall serve as an impartial party in all legal  
24.16 matters relating to the defendant and the criminal case. Nothing shall be construed to permit  
24.17 the forensic navigator to provide legal counsel as a representative of the court, prosecutor,  
24.18 or defense counsel.

24.19 (b) Forensic navigators shall provide services to assist defendants with mental illnesses  
24.20 and cognitive impairments. Services may include, but are not limited to:

24.21 (1) developing dismissal plans;

24.22 (2) assisting defendants in participating in court-ordered examinations and hearings;

24.23 (3) coordinating timely placement in court-ordered competency restoration programs;

24.24 (4) providing competency restoration education;

24.25 (5) reporting to the court on the progress of defendants found incompetent to stand trial;

24.26 (6) providing coordinating services to help defendants access needed mental health,

24.27 medical, housing, financial, social, transportation, precharge and pretrial diversion, and

24.28 other necessary services provided by other programs and community service providers;

24.29 (7) communicating with and offering supportive resources to defendants and family

24.30 members of defendants; and



25.1 (8) providing consultation and education to court officials on emerging issues and  
25.2 innovations in serving defendants with mental illnesses in the court system.

25.3 (c) If a defendant's charges are dismissed, the appointed forensic navigator may continue  
25.4 assertive outreach with the individual for up to 90 days to assist in attaining stability in the  
25.5 community.

25.6 Subd. 4. **Dismissal plans.** (a) The forensic navigator must prepare dismissal plans with  
25.7 the defendant and submit them to the court. Dismissal plans must be submitted before the  
25.8 time the court makes a competency finding pursuant to section 611.45. The dismissal plan  
25.9 must include:

25.10 (1) a confirmed housing address the defendant will use upon release, including but not  
25.11 limited to emergency shelters;

25.12 (2) if possible, the dates, times, locations, and contact information for any appointments  
25.13 made to further coordinate support and assistance for the defendant in the community,  
25.14 including but not limited to mental health and substance use disorder treatment, or a list of  
25.15 referrals to services; and

25.16 (3) any other referrals, resources, or recommendations the forensic navigator or court  
25.17 deems necessary.

25.18 (b) Dismissal plans and any supporting records or other data submitted with those plans  
25.19 are not accessible to the public.

25.20 **Sec. 2. [611.56] STATE COMPETENCY RESTORATION BOARD.**

25.21 Subdivision 1. **Establishment; membership.** (a) The State Competency Restoration  
25.22 Board is established in the judicial branch. The board is not subject to the administrative  
25.23 control of the judiciary. The board shall consist of seven members, including:

25.24 (1) three members appointed by the supreme court, at least one of whom must be a  
25.25 defense attorney, one a county attorney, and one public member; and

25.26 (2) four members appointed by the governor.

25.27 (b) The appointing authorities may not appoint an active judge to be a member of the  
25.28 board, but may appoint a retired judge.

25.29 (c) All members must demonstrate an interest in maintaining a high quality, independent  
25.30 forensic navigator program and a thorough process for certification of competency restoration  
25.31 programs. Members shall be familiar with the Minnesota Rules of Criminal Procedure,  
25.32 particularly rule 20; chapter 253B; and sections 611.40 to 611.59. Following the initial

26.1 terms of appointment, at least one member appointed by the supreme court must have  
26.2 previous experience working as a forensic navigator. At least three members of the board  
26.3 shall live outside the First, Second, Fourth, and Tenth Judicial Districts. The terms,  
26.4 compensation, and removal of members shall be as provided in section 15.0575. The members  
26.5 shall elect the chair from among the membership for a term of two years.

26.6 Subd. 2. **Duties and responsibilities.** (a) The board shall create and administer a  
26.7 statewide, independent competency restoration system that certifies competency restoration  
26.8 programs and uses forensic navigators to promote prevention and diversion of people with  
26.9 mental illnesses and cognitive impairments from entering the legal system, support defendants  
26.10 with mental illness and cognitive impairments, support defendants in the competency process,  
26.11 and assist courts and partners in coordinating competency restoration services.

26.12 (b) The board shall:

26.13 (1) approve and recommend to the legislature a budget for the board and the forensic  
26.14 navigator program;

26.15 (2) establish procedures for distribution of funding under this section to the forensic  
26.16 navigator program;

26.17 (3) establish forensic navigator standards, administrative policies, procedures, and rules  
26.18 consistent with statute, rules of court, and laws that affect a forensic navigator's work;

26.19 (4) establish certification requirements for competency restoration programs; and

26.20 (5) carry out the programs under sections 611.57, 611.58, and 611.59.

26.21 (c) The board may:

26.22 (1) adopt standards, policies, or procedures necessary to ensure quality assistance for  
26.23 defendants found incompetent to stand trial and charged with a felony, gross misdemeanor,  
26.24 or targeted misdemeanor, or for defendants found incompetent to stand trial who have  
26.25 recurring incidents;

26.26 (2) establish district forensic navigator offices as provided in subdivision 4; and

26.27 (3) propose statutory changes to the legislature and rule changes to the supreme court  
26.28 that would facilitate the effective operation of the forensic navigator program.

26.29 Subd. 3. **Administrator.** The board shall appoint a program administrator who serves  
26.30 at the pleasure of the board. The program administrator shall attend all meetings of the board  
26.31 and the Certification Advisory Committee, but may not vote, and shall:

27.1 (1) carry out all administrative functions necessary for the efficient and effective operation  
27.2 of the board and the program, including but not limited to hiring, supervising, and disciplining  
27.3 program staff and forensic navigators;

27.4 (2) implement, as necessary, resolutions, standards, rules, regulations, and policies of  
27.5 the board;

27.6 (3) keep the board fully advised as to its financial condition, and prepare and submit to  
27.7 the board the annual program and budget and other financial information as requested by  
27.8 the board;

27.9 (4) recommend to the board the adoption of rules and regulations necessary for the  
27.10 efficient operation of the board and the program; and

27.11 (5) perform other duties prescribed by the board.

27.12 Subd. 4. **District offices.** The board may establish district forensic navigator offices in  
27.13 counties, judicial districts, or other areas where the number of defendants receiving  
27.14 competency restoration services requires more than one full-time forensic navigator and  
27.15 establishment of an office is fiscally responsible and in the best interest of defendants found  
27.16 to be incompetent.

27.17 Subd. 5. **Administration.** The board may contract with the Office of State Court  
27.18 Administrator for administrative support services for the fiscal years following fiscal year  
27.19 2022.

27.20 Subd. 6. **Fees and costs; civil actions on contested case.** Sections 15.039 and 15.471  
27.21 to 15.474 apply to the State Competency Restoration Board.

27.22 Sec. 3. **[611.57] CERTIFICATION ADVISORY COMMITTEE.**

27.23 Subdivision 1. **Establishment.** The Certification Advisory Committee is established to  
27.24 provide the State Competency Restoration Board with advice and expertise related to the  
27.25 certification of competency restoration programs, including jail-based programs.

27.26 Subd. 2. **Membership.** (a) The Certification Advisory Committee consists of the  
27.27 following members:

27.28 (1) a mental health professional, as defined in section 245.462, subdivision 18, with  
27.29 community behavioral health experience, appointed by the governor;

27.30 (2) a board-certified forensic psychiatrist with experience in competency evaluations,  
27.31 providing competency restoration services, or both, appointed by the governor;

28.1 (3) a board-certified forensic psychologist with experience in competency evaluations,  
28.2 providing competency restoration services, or both, appointed by the governor;

28.3 (4) a member of a human services board established pursuant to section 402.01, appointed  
28.4 by the governor;

28.5 (5) the direct care and treatment deputy commissioner or a designee;

28.6 (6) the president of the Minnesota Association of County Social Service Administrators  
28.7 or a designee;

28.8 (7) the president of the Minnesota Association of Community Mental Health Providers  
28.9 or a designee;

28.10 (8) the president of the Minnesota Sheriffs' Association or a designee; and

28.11 (9) the executive director of the National Alliance on Mental Illness Minnesota or a  
28.12 designee.

28.13 (b) Members of the advisory committee serve without compensation and at the pleasure  
28.14 of the appointing authority. Vacancies shall be filled by the appointing authority consistent  
28.15 with the qualifications of the vacating member required by this subdivision.

28.16 Subd. 3. **Meetings.** At its first meeting, the advisory committee shall elect a chair and  
28.17 may elect a vice-chair. The advisory committee shall meet at least monthly or upon the call  
28.18 the chair. The advisory committee shall meet sufficiently enough to accomplish the tasks  
28.19 identified in this section. Meetings of the advisory committee are subject to Minnesota  
28.20 Statutes, chapter 13D.

28.21 Subd. 4. **Duties.** The Certification Advisory Committee shall consult with the Department  
28.22 of Human Services, the Department of Health, and the Department of Corrections; make  
28.23 recommendations to the State Competency Restoration Board regarding competency  
28.24 restoration curriculum, certification requirements for competency restoration programs  
28.25 including jail-based programs, and certification of individuals to provide competency  
28.26 restoration services; and provide information and recommendations on other issues relevant  
28.27 to competency restoration as requested by the board.

28.28 Sec. 4. **[611.58] COMPETENCY RESTORATION CURRICULUM AND**  
28.29 **CERTIFICATION.**

28.30 Subdivision 1. **Curriculum.** (a) By January 1, 2023, the board must recommend a  
28.31 competency restoration curriculum to educate and assist defendants found incompetent in  
28.32 attaining the ability to:

29.1 (1) rationally consult with counsel;

29.2 (2) understand the proceedings; and

29.3 (3) participate in the defense.

29.4 (b) The curriculum must be flexible enough to be delivered in community and correctional  
29.5 settings by individuals with various levels of education and qualifications, including but  
29.6 not limited to professionals in criminal justice, health care, mental health care, and social  
29.7 services. The board must review and update the curriculum as needed.

29.8 Subd. 2. **Certification and distribution.** By January 1, 2023, the board must develop  
29.9 a process for certifying individuals to deliver the competency restoration curriculum and  
29.10 make the curriculum available to every certified competency restoration program and forensic  
29.11 navigator in the state. Each competency restoration program in the state must use the  
29.12 competency restoration curriculum under this section as the foundation for delivering  
29.13 competency restoration education and must not substantially alter the content.

29.14 **Sec. 5. [611.59] COMPETENCY RESTORATION PROGRAMS.**

29.15 Subdivision 1. **Certification.** The board, in consultation with the Certification Advisory  
29.16 Committee, shall develop procedures to certify that the standards in this section are met,  
29.17 including procedures for regular recertification of competency restoration programs. The  
29.18 board shall maintain a list of certified competency restoration programs on the board's  
29.19 website to be updated at least once every year.

29.20 Subd. 2. **Competency restoration provider standards.** Except for jail-based programs,  
29.21 a competency restoration provider must:

29.22 (1) be able to provide the appropriate mental health or substance use disorder treatment  
29.23 ordered by the court, including but not limited to treatment in inpatient, residential, and  
29.24 home-based settings;

29.25 (2) ensure that competency restoration education certified by the board is provided to  
29.26 defendants and that regular assessments of defendants' progress in attaining competency  
29.27 are documented;

29.28 (3) designate a head of the program knowledgeable in the processes and requirements  
29.29 of the competency to stand trial procedures; and

29.30 (4) develop staff procedures or designate a person responsible to ensure timely  
29.31 communication with the court system.

30.1 Subd. 3. Jail-based competency restoration standards. Jail-based competency  
30.2 restoration programs must be housed in correctional facilities licensed by the Department  
30.3 of Corrections under section 241.021 and must:

30.4 (1) have a designated program director who meets minimum qualification standards set  
30.5 by the board, including understanding the requirements of competency to stand trial  
30.6 procedures;

30.7 (2) provide minimum mental health services including:

30.8 (i) multidisciplinary staff sufficient to monitor defendants and provide timely assessments,  
30.9 treatment, and referrals as needed, including at least one medical professional licensed to  
30.10 prescribe psychiatric medication;

30.11 (ii) prescribing, dispensing, and administering any medication deemed clinically  
30.12 appropriate by qualified medical professionals; and

30.13 (iii) policies and procedures for the administration of involuntary medication;

30.14 (3) ensure that competency restoration education certified by the board is provided to  
30.15 defendants and regular assessments of defendants' progress in attaining competency to stand  
30.16 trial are documented;

30.17 (4) develop staff procedures or designate a person responsible to ensure timely  
30.18 communication with the court system; and

30.19 (5) designate a space in the correctional facility for the program.

30.20 Subd. 2. Program evaluations. (a) The board shall collect the following data:

30.21 (1) the total number of competency examinations ordered in each judicial district  
30.22 separated by county;

30.23 (2) the age, race, and number of unique defendants and for whom at least one competency  
30.24 examination was ordered in each judicial district separated by county;

30.25 (3) the age, race, and number of unique defendants found incompetent at least once in  
30.26 each judicial district separated by county; and

30.27 (4) all available data on the level of charge and adjudication of cases with a defendant  
30.28 found incompetent and whether a forensic navigator was assigned to the case.

30.29 (b) By February 15 of each year, the board must report to the legislative committees and  
30.30 divisions with jurisdiction over human services, public safety, and the judiciary on the data

31.1 collected under this subdivision and may include recommendations for statutory or funding  
31.2 changes related to competency restoration.

### 31.3 ARTICLE 3

### 31.4 CONFORMING CHANGES AND APPROPRIATIONS

31.5 Section 1. Minnesota Statutes 2020, section 253B.07, subdivision 2a, is amended to read:

31.6 Subd. 2a. **Petition originating from criminal proceedings.** (a) If criminal charges are  
31.7 pending against a defendant, the court shall order simultaneous competency and civil  
31.8 commitment examinations in accordance with Minnesota Rules of Criminal Procedure, rule  
31.9 20.04, when the following conditions are met:

31.10 (1) the prosecutor or defense counsel doubts the defendant's competency and a motion  
31.11 is made challenging competency, or the court on its initiative raises the issue under section  
31.12 611.42 or Rules of Criminal Procedure, rule 20.01; and

31.13 (2) the prosecutor and defense counsel agree simultaneous examinations are appropriate.

31.14 No additional examination under subdivision 3 is required in a subsequent civil commitment  
31.15 proceeding unless a second examination is requested by defense counsel appointed following  
31.16 the filing of any petition for commitment.

31.17 (b) Only a court examiner may conduct an assessment as described in section 611.43 or  
31.18 Minnesota Rules of Criminal Procedure, rules 20.01, subdivision 4, and 20.02, subdivision  
31.19 2.

31.20 (c) Where a county is ordered to consider civil commitment following a determination  
31.21 of incompetency under section 611.45 or Minnesota Rules of Criminal Procedure, rule  
31.22 20.01, the county in which the criminal matter is pending is responsible to conduct prepetition  
31.23 screening and, if statutory conditions for commitment are satisfied, to file the commitment  
31.24 petition in that county. By agreement between county attorneys, prepetition screening and  
31.25 filing the petition may be handled in the county of financial responsibility or the county  
31.26 where the proposed patient is present.

31.27 (d) Following an acquittal of a person of a criminal charge under section 611.026, the  
31.28 petition shall be filed by the county attorney of the county in which the acquittal took place  
31.29 and the petition shall be filed with the court in which the acquittal took place, and that court  
31.30 shall be the committing court for purposes of this chapter. When a petition is filed pursuant  
31.31 to subdivision 2 with the court in which acquittal of a criminal charge took place, the court

32.1 shall assign the judge before whom the acquittal took place to hear the commitment  
32.2 proceedings unless that judge is unavailable.

32.3 Sec. 2. Minnesota Statutes 2020, section 253B.10, subdivision 1, is amended to read:

32.4 Subdivision 1. **Administrative requirements.** (a) When a person is committed, the  
32.5 court shall issue a warrant or an order committing the patient to the custody of the head of  
32.6 the treatment facility, state-operated treatment program, or community-based treatment  
32.7 program. The warrant or order shall state that the patient meets the statutory criteria for  
32.8 civil commitment.

32.9 (b) The commissioner shall prioritize patients being admitted from jail or a correctional  
32.10 institution who are:

32.11 (1) ordered confined in a state-operated treatment program for an examination under  
32.12 section 611.43 or Minnesota Rules of Criminal Procedure, rules 20.01, subdivision 4,  
32.13 paragraph (a), and 20.02, subdivision 2;

32.14 (2) under civil commitment for competency treatment and continuing supervision under  
32.15 section 611.46 or Minnesota Rules of Criminal Procedure, rule 20.01, subdivision 7;

32.16 (3) found not guilty by reason of mental illness under Minnesota Rules of Criminal  
32.17 Procedure, rule 20.02, subdivision 8, and under civil commitment or are ordered to be  
32.18 detained in a state-operated treatment program pending completion of the civil commitment  
32.19 proceedings; or

32.20 (4) committed under this chapter to the commissioner after dismissal of the patient's  
32.21 criminal charges.

32.22 Patients described in this paragraph must be admitted to a state-operated treatment program  
32.23 within 48 hours. The commitment must be ordered by the court as provided in section  
32.24 253B.09, subdivision 1, paragraph (d).

32.25 (c) Upon the arrival of a patient at the designated treatment facility, state-operated  
32.26 treatment program, or community-based treatment program, the head of the facility or  
32.27 program shall retain the duplicate of the warrant and endorse receipt upon the original  
32.28 warrant or acknowledge receipt of the order. The endorsed receipt or acknowledgment must  
32.29 be filed in the court of commitment. After arrival, the patient shall be under the control and  
32.30 custody of the head of the facility or program.

32.31 (d) Copies of the petition for commitment, the court's findings of fact and conclusions  
32.32 of law, the court order committing the patient, the report of the court examiners, and the



33.1 prepetition report, and any medical and behavioral information available shall be provided  
 33.2 at the time of admission of a patient to the designated treatment facility or program to which  
 33.3 the patient is committed. Upon a patient's referral to the commissioner of human services  
 33.4 for admission pursuant to subdivision 1, paragraph (b), any inpatient hospital, treatment  
 33.5 facility, jail, or correctional facility that has provided care or supervision to the patient in  
 33.6 the previous two years shall, when requested by the treatment facility or commissioner,  
 33.7 provide copies of the patient's medical and behavioral records to the Department of Human  
 33.8 Services for purposes of preadmission planning. This information shall be provided by the  
 33.9 head of the treatment facility to treatment facility staff in a consistent and timely manner  
 33.10 and pursuant to all applicable laws.

33.11 Sec. 3. Minnesota Statutes 2020, section 480.182, is amended to read:

33.12 **480.182 STATE ASSUMPTION OF CERTAIN COURT COSTS.**

33.13 Notwithstanding any law to the contrary, the state courts will pay for the following  
 33.14 court-related programs and costs:

33.15 (1) court interpreter program costs, including the costs of hiring court interpreters;

33.16 (2) guardian ad litem program and personnel costs;

33.17 (3) examination costs, not including hospitalization or treatment costs, for mental  
 33.18 commitments and related proceedings under chapter 253B;

33.19 (4) examination costs under chapter 611 or rule 20 of the Rules of Criminal Procedure;

33.20 (5) in forma pauperis costs;

33.21 (6) costs for transcripts mandated by statute, except in appeal cases and postconviction  
 33.22 cases handled by the Board of Public Defense;

33.23 (7) jury program costs; and

33.24 (8) witness fees and mileage fees specified in sections 253B.23, subdivision 1; 260B.152,  
 33.25 subdivision 2; 260B.331, subdivision 3, clause (1); 260C.152, subdivision 2; 260C.331,  
 33.26 subdivision 3, clause (1); 357.24; 357.32; and 627.02.

33.27 Sec. 4. **STATE COMPETENCY RESTORATION BOARD; APPROPRIATIONS.**

33.28 Subdivision 1. Operations. \$..... in fiscal year 2023 is appropriated from the general  
 33.29 fund to the State Competency Restoration Board for staff and establishment of the office.

34.1 Subd. 2. **Forensic navigators.** \$..... in fiscal year 2023 is appropriated from the general  
34.2 fund to the State Competency Restoration Board for the costs associated with providing  
34.3 forensic navigator services in each judicial district.

34.4 Subd. 3. **Competency restoration programs and providers.** \$..... in fiscal year 2023  
34.5 is appropriated from the general fund to the State Competency Restoration Board to establish  
34.6 certification standards for competency restoration programs and providers in each of the  
34.7 ten judicial districts.