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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FOURTH SESSION

H. F. No. 5085

04/27/2026

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The bill was read for the first time and referred to the Committee on Public Safety Finance and Policy

1.1 A bill for an act

1.2 relating to crime; clarifying the Minnesota Competency Attainment Board's role

1.3 as a public employer; making certain policy changes to Minnesota Competency

1.4 Attainment Board processes; providing immunity from civil liability; amending

1.5 Minnesota Statutes 2024, sections 179A.03, subdivision 15; 611.55, subdivision

1.6 2; 611.56, subdivisions 2, 7; Minnesota Statutes 2025 Supplement, section 611.56,

1.7 subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 179A.

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

1.9 Section 1. Minnesota Statutes 2024, section 179A.03, subdivision 15, is amended to read:

1.10 Subd. 15. **Public employer or employer.** (a) "Public employer" or "employer" means:

1.11 (1) the state of Minnesota for employees of the state not otherwise provided for in this

1.12 subdivision or section 179A.10 for executive branch employees;

1.13 (2) the Board of Regents of the University of Minnesota for its employees;

1.14 (3) the state court administrator for court employees;

1.15 (4) the state Board of Public Defense for its employees;

1.16 (5) Hennepin Healthcare System, Inc.; ~~and~~

1.17 (6) the Minnesota Competency Attainment Board for its employees; and

1.18 ~~(6)~~ (7) notwithstanding any other law to the contrary, the governing body of a political

1.19 subdivision or its agency or instrumentality which has final budgetary approval authority

1.20 for its employees. However, the views of elected appointing authorities who have standing

1.21 to initiate interest arbitration, and who are responsible for the selection, direction, discipline,

2.1 and discharge of individual employees shall be considered by the employer in the course  
2.2 of the discharge of rights and duties under sections 179A.01 to 179A.25.

2.3 (b) When two or more units of government subject to sections 179A.01 to 179A.25  
2.4 undertake a project or form a new agency under law authorizing common or joint action,  
2.5 the employer is the governing person or board of the created agency. The governing official  
2.6 or body of the cooperating governmental units shall be bound by an agreement entered into  
2.7 by the created agency according to sections 179A.01 to 179A.25.

2.8 (c) "Public employer" or "employer" does not include a "charitable hospital" as defined  
2.9 in section 179.35, subdivision 2, except that a charitable hospital as defined by section  
2.10 179.35, subdivision 2, is a public employer for purposes of sections 179A.051, 179A.052,  
2.11 and 179A.13.

2.12 (d) Nothing in this subdivision diminishes the authority granted pursuant to law to an  
2.13 appointing authority with respect to the selection, direction, discipline, or discharge of an  
2.14 individual employee if this action is consistent with general procedures and standards relating  
2.15 to selection, direction, discipline, or discharge which are the subject of an agreement entered  
2.16 into under sections 179A.01 to 179A.25.

2.17 Sec. 2. **[179A.105] MINNESOTA COMPETENCY ATTAINMENT BOARD.**

2.18 **Subdivision 1. Employee units.** The Minnesota Competency Attainment Board must  
2.19 meet and negotiate with the exclusive representative of the forensic navigator unit.

2.20 **Subd. 2. Exclusions.** The following employees are excluded from the appropriate  
2.21 statewide unit under subdivision 1:

2.22 (1) the position of program administrator;

2.23 (2) positions of all confidential, managerial, and supervisory employees; and

2.24 (3) positions of all employees in the administrative office.

2.25 Sec. 3. **[179A.227] MINNESOTA COMPETENCY ATTAINMENT BOARD**  
2.26 **EMPLOYEES; NEGOTIATIONS.**

2.27 **Subdivision 1. Program administrator; duties.** In all negotiations between the  
2.28 Minnesota Competency Attainment Board and exclusive representatives, the board must  
2.29 be represented by the program administrator or the program administrator's designee or  
2.30 designees.

3.1 Subd. 2. **Agreements.** The Minnesota Competency Attainment Board is authorized to  
3.2 enter into agreements with exclusive representatives.

3.3 Sec. 4. Minnesota Statutes 2024, section 611.55, subdivision 2, is amended to read:

3.4 Subd. 2. **Availability of forensic navigator services.** Within available resources, the  
3.5 board must provide ~~or contract for~~ enough forensic navigator services to meet the needs of  
3.6 adult defendants in each judicial district who are found incompetent to proceed.

3.7 Sec. 5. Minnesota Statutes 2025 Supplement, section 611.56, subdivision 1, is amended  
3.8 to read:

3.9 Subdivision 1. **Establishment; membership.** (a) The Minnesota Competency Attainment  
3.10 Board is established in the judicial branch. The board is not subject to the administrative  
3.11 control of the judiciary. The board shall consist of seven members, including:

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

3.14 (2) four members appointed by the governor, at least one of whom must be a mental  
3.15 health professional with experience in competency attainment.

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

3.18 (c) All members must demonstrate an interest in maintaining a high quality, independent  
3.19 forensic navigator program and a thorough process for certification of competency attainment  
3.20 programs. Members shall be familiar with the Minnesota Rules of Criminal Procedure,  
3.21 particularly rule 20; chapter 253B; and sections 611.40 to 611.59. ~~At least three members~~  
3.22 ~~of The board shall~~ should include members who live outside the First, Second, Fourth, and  
3.23 ~~Tenth Judicial Districts~~ metropolitan counties as defined in section 473.121, subdivision 4.  
3.24 The terms, compensation, and removal of members shall be as provided in section 15.0575.  
3.25 The members shall elect the chair from among the membership for a term of two years.

3.26 Sec. 6. Minnesota Statutes 2024, section 611.56, subdivision 2, is amended to read:

3.27 Subd. 2. **Duties and responsibilities.** (a) The board shall create and administer a  
3.28 statewide, independent competency attainment system that certifies competency attainment  
3.29 programs and uses forensic navigators to promote prevention and diversion of people with  
3.30 mental illnesses and cognitive impairments from entering the legal system, support defendants

4.1 with mental illness and cognitive impairments, support defendants in the competency process,  
 4.2 and assist courts and partners in coordinating competency attainment services.

4.3 (b) The board shall:

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

4.6 (2) establish procedures for distribution of funding under this section to the forensic  
 4.7 navigator program; and

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

4.10 ~~(4) establish certification requirements for competency attainment programs; and~~

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

4.12 (3) adopt standards, policies, procedures, and rules that determine the operation and  
 4.13 administration of the Minnesota Competency Attainment Board, including:

4.14 (i) section 611.55, forensic navigator services;

4.15 (ii) sections 611.57, certification advisory committee; 611.58, competency attainment  
 4.16 curriculum and certification; and 611.59, competency attainment programs; and

4.17 (iii) access to records.

4.18 (c) The board may:

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

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

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

4.26 Sec. 7. Minnesota Statutes 2024, section 611.56, subdivision 7, is amended to read:

4.27 Subd. 7. **Access to records; immunity.** ~~Access to records of the board is subject to the~~  
 4.28 ~~Rules of Public Access for Records of the Judicial Branch. The board may propose~~  
 4.29 ~~amendments for supreme court consideration~~ Absent willful or malicious conduct, the board

- 5.1 and its employees are immune from civil liability for conduct related to providing access
- 5.2 under this section.