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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 3289

04/27/2023 Authored by Feist, Becker-Finn, Frazier, Hollins, Agbaje and others
The bill was read for the first time and referred to the Committee on Judiciary Finance and Civil Law

1.1 A bill for an act
1.2 relating to judiciary; expanding treatment courts throughout the state to ensure
1.3 statewide access; appropriating money; proposing coding for new law in Minnesota
1.4 Statutes, chapter 484.

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

1.6 Section 1. 484.93 TREATMENT COURTS.

1.7 Subdivision 1. Definitions. As used in this section:

1.8 (1) "serious offense" means a crime of violence as defined in section 624.712, subdivision
1.9 5, except for a violation of chapter 152, or a violation of or an attempt or conspiracy to
1.10 violate section 609.23, 609.231, 609.2325, 609.2661, 609.2662, 609.2663, 609.2664,
1.11 609.2665, 609.267, 609.2671, 609.2672, 609.54, 609.714, 617.23 that is punishable by a
1.12 felony penalty, 617.246, or any similar laws of the United States or any other state; and

1.13 (2) "treatment court" means a multiphased, team-oriented program operated within one
1.14 or more district courts and presided over by a district court judge or designated referee or
1.15 hearing officer acting within that person's official capacity that uses evidence-based practices
1.16 and qualified and trained staff to tailor appropriate services to support individuals in the
1.17 judicial system who have specific mental health challenges, substance use disorders, or
1.18 other health challenges and who need treatment in order to stop the cycle of relapse and
1.19 recidivism by treating substance use and mental health disorders that led to the behaviors
1.20 that brought the individuals to court. Treatment courts promote recovery through a
1.21 coordinated team approach, including judges, prosecutors, defense counsel, probation
1.22 authorities, coordinators, treatment providers, law enforcement, evaluators, and other
1.23 ancillary service providers. Treatment courts include but are not limited to drug courts, DWI

2.1 courts, juvenile drug courts, family dependency courts, mental health courts, veterans courts,  
2.2 and specialty and problem-solving courts for domestic violence, gambling, housing, truancy,  
2.3 prostitution, community, safe babies, and opioid courts.

2.4 Subd. 2. **Participant eligibility.** The following persons are eligible to participate in  
2.5 treatment court:

2.6 (1) offenders charged with or under supervision for a misdemeanor, gross misdemeanor,  
2.7 or felony offense, subject to exclusion for serious offenses, as defined in subdivision 4; or

2.8 (2) respondents in juvenile court or family dependency court, or respondents who are  
2.9 otherwise subject to proceedings related to domestic violence, gambling, housing, truancy,  
2.10 prostitution, community offenses, safe babies, and opioid use.

2.11 Subd. 3. **Exclusion for serious offense.** (a) A person who presents a substantial risk for  
2.12 reoffending or is unlikely to succeed under the traditional supervision as determined through  
2.13 the use of a validated risk tool may participate in treatment court if that person meets other  
2.14 eligibility requirements. A person who does not meet the criteria in this paragraph may be  
2.15 admitted under an alternative track that is separate from high-risk participants and provides  
2.16 services modified to meet the risk and need levels of those participants consistent with  
2.17 evidence-based practices.

2.18 (b) A person charged with a serious offense, or who has been convicted of or adjudicated  
2.19 delinquent for a serious offense, may be excluded from participating if the presiding judge,  
2.20 in consultation with the treatment court team, determines that the person cannot be managed  
2.21 safely or effectively in treatment court.

2.22 Subd. 4. **Statewide requirement for sufficient treatment courts.** By January 15, 2024,  
2.23 the Judicial Council shall ensure that every judicial district has sufficient courts operating  
2.24 within the district or in cooperation with other districts to fill the public safety needs of the  
2.25 community and the behavioral health challenges facing many participants in the justice  
2.26 system.

2.27 Subd. 5. **Annual report to the legislature.** The Judicial Council shall submit a report  
2.28 to the legislature each year on meeting the statewide requirement for sufficient treatment  
2.29 courts in subdivision 4, including but not limited to information on funding sources,  
2.30 expenditures, types and locations of courts, number and categories of participants, and  
2.31 outcome measures designed to assess participant successes and challenges.

3.1 Sec. 2. **APPROPRIATIONS.**

3.2 \$..... in fiscal year 2024 and \$..... in fiscal year 2025 are appropriated from the general  
3.3 fund to the Minnesota Supreme Court for the purposes of section 484.93.

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