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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. **856**

02/08/2021 Authored by Hollins, Reyer, Keeler, Berg, Frederick and others
The bill was read for the first time and referred to the Committee on Public Safety and Criminal Justice Reform Finance and Policy

1.1 A bill for an act
1.2 relating to public safety; authorizing presentence investigation reports to include
1.3 information related to brain injury; amending Minnesota Statutes 2020, section
1.4 609.115, by adding a subdivision.

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

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

1.8 Subd. 11. **Traumatic brain injury.** (a) When a defendant appears in court and is
1.9 convicted of a crime, the court shall inquire whether the defendant has a history of stroke
1.10 or traumatic brain injury.

1.11 (b) If the defendant has a history of stroke or traumatic brain injury and the court believes
1.12 that the offender may have a mental impairment that caused the offender to lack substantial
1.13 capacity for judgment when the offense was committed, the court shall order that the offender
1.14 undergo a neuropsychological examination. The report prepared under subdivision 1 shall
1.15 contain the results of the examination and the officer preparing the report may consult with
1.16 any medical provider, mental health professional, or other agency or person with suitable
1.17 knowledge or experience for the purpose of providing the court with information regarding
1.18 treatment and case management options available to the defendant.

1.19 (c) At sentencing, the court may consider any relevant information including but not
1.20 limited to the information provided pursuant to paragraph (b) and the recommendations of
1.21 any diagnosing or treating medical providers or mental health professionals to determine
1.22 whether the offender, because of mental impairment resulting from a stroke or traumatic
1.23 brain injury, lacked substantial capacity for judgment when the offense was committed.