

SENATE  
STATE OF MINNESOTA  
NINETY-SECOND SESSION

S.F. No. 611

(SENATE AUTHORS: INGEBRIGTSEN, Marty and Anderson)

DATE	D-PG	OFFICIAL STATUS
02/04/2021	242	Introduction and first reading Referred to Judiciary and Public Safety Finance and Policy
02/11/2021	345	Author added Marty
02/18/2021	464	Author added Anderson
03/15/2021	894a	Comm report: To pass as amended and re-refer to Finance

1.1

A bill for an act

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relating to public safety; authorizing presentence investigation reports to include

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information related to brain injury; amending Minnesota Statutes 2020, section

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609.115, by adding a subdivision.

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

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Section 1. Minnesota Statutes 2020, section 609.115, is amended by adding a subdivision

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to read:

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Subd. 11. **Traumatic brain injury.** (a) When a defendant appears in court and is

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convicted of a crime, the court shall inquire whether the defendant has a history of stroke

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or traumatic brain injury.

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(b) If the defendant has a history of stroke or traumatic brain injury and the court believes

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that the offender may have a mental impairment that caused the offender to lack substantial

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capacity for judgment when the offense was committed, the court shall order that the offender

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undergo a neuropsychological examination. The report prepared under subdivision 1 shall

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contain the results of the examination and the officer preparing the report may consult with

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any medical provider, mental health professional, or other agency or person with suitable

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knowledge or experience for the purpose of providing the court with information regarding

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treatment and case management options available to the defendant.

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(c) At sentencing, the court may consider any relevant information including but not

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limited to the information provided pursuant to paragraph (b) and the recommendations of

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any diagnosing or treating medical providers or mental health professionals to determine

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whether the offender, because of mental impairment resulting from a stroke or traumatic

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brain injury, lacked substantial capacity for judgment when the offense was committed.