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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. **3568**

02/19/2020 Authored by Considine, Cantrell, Long, Christensen, Pinto and others
The bill was read for the first time and referred to the Public Safety and Criminal Justice Reform Finance and Policy Division
03/05/2020 Adoption of Report: Re-referred to the Corrections Division without further recommendation
03/16/2020 Adoption of Report: Re-referred to the Committee on Government Operations
05/04/2020 Adoption of Report: Re-referred to the State Government Finance Division
Pursuant to Joint Rule 2.03, re-referred to the Committee on Rules and Legislative Administration
Adoption of Report: Re-referred to the State Government Finance Division
Joint Rule 2.03 has been waived for any subsequent committee action on this bill

1.1 A bill for an act
1.2 relating to criminal justice; providing for a planning group to decriminalize mental
1.3 illness; requiring reports.

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

1.5 Section 1. **PLANNING GROUP TO DECRIMINALIZE MENTAL ILLNESS.**

1.6 Subdivision 1. **Establishment.** A planning group is established to conduct a community
1.7 needs assessment and advise the legislature on the legal and policy issues associated with
1.8 the decriminalization of mental illness. The group shall assess best practices for law
1.9 enforcement, barriers in accessing courts, and disparities in correctional settings when
1.10 responding to persons with mental illness.

1.11 Subd. 2. **Duties.** The planning group shall study and review the barriers, best practices,
1.12 and strategies for addressing disparities in the criminal justice system and barriers to
1.13 accessing the courts for persons with mental illness, including:

1.14 (1) training protocols and technical assistance for law enforcement;

1.15 (2) incarceration rates and alternatives;

1.16 (3) sentencing;

1.17 (4) accessibility barriers and access to correctional programming;

1.18 (5) probation, parole, and reentry;

1.19 (6) competency;

1.20 (7) access to health care;

- 2.1 (8) prosecution and legal representation; and
- 2.2 (9) other identified priorities of planning group members.
- 2.3 Subd. 3. **Members.** The planning group must include the following members:
- 2.4 (1) the commissioner of human services or a designee;
- 2.5 (2) the commissioner of public safety or a designee;
- 2.6 (3) the commissioner of corrections or a designee;
- 2.7 (4) the commissioner of health or a designee;
- 2.8 (5) the attorney general or a designee;
- 2.9 (6) a representative of the judicial branch, appointed by the chief justice of the supreme
- 2.10 court;
- 2.11 (7) one representative appointed by each of the following mental health organizations:
- 2.12 (i) Mental Health Association of Minnesota;
- 2.13 (ii) Minnesota Psychological Association;
- 2.14 (iii) Minnesota Psychiatric Society; and
- 2.15 (iv) National Alliance on Mental Illness (NAMI) Minnesota;
- 2.16 (8) one representative appointed by each of the following:
- 2.17 (i) State Advisory Council on Mental Health;
- 2.18 (ii) the Minnesota Association of Community Mental Health Programs; and
- 2.19 (iii) Minnesota Board of Psychology;
- 2.20 (9) one representative appointed by each of the following:
- 2.21 (i) the Minnesota Sheriffs' Association;
- 2.22 (ii) the Minnesota Police and Peace Officers Association;
- 2.23 (iii) the Minnesota Chiefs of Police Association; and
- 2.24 (iv) the Minnesota County Attorneys Association;
- 2.25 (10) a representative of local jail administrators, appointed by the jail administrators;
- 2.26 (11) two individuals with mental illness who have experience with correctional residential
- 2.27 settings, appointed by the commissioner of corrections;

(12) two individuals with mental illness who have experience in the criminal justice system, appointed by the commissioner of corrections;

(13) two parent advocates, appointed by the commissioner of corrections; and

(14) any other interested stakeholders as identified by advocacy organizations and the commissioner of corrections, with consideration given to statewide and regional representation.

Subd. 4. **Meetings.** The commissioner of administration or a designee shall convene the first meeting of the planning group no later than September 1, 2020. Members of the planning group shall elect a chair from among the group's members at the first meeting, and the commissioner of administration or a designee shall serve as the working group's chair until a chair is elected.

Subd. 5. **Compensation.** Members of the planning group shall serve without compensation or reimbursement for expenses.

Subd. 6. **Administrative support.** The commissioner of administration shall provide three administrative support staff for the working group and arrange meeting space.

Subd. 7. **Reports to legislature.** (a) The planning group shall submit no later than December 1, 2022, a preliminary report identifying critical problems requiring early action and recommending solutions to improve police response to persons with mental illness, access to courts, and disparities in correctional settings for persons with mental illness to the chairs and ranking minority members of the legislative committees with jurisdiction over public safety, corrections, and civil law.

(b) The planning group shall submit no later than December 1, 2025, a final report of the group's findings and recommendations for improving police response to persons with mental illness, increasing access to the courts, and decreasing disparities in correctional settings for persons with mental illness to the chairs and ranking minority members of the legislative committees with jurisdiction over public safety, corrections, and civil law. The final report shall also include an update on any corrective actions taken by the commissioners of public safety and corrections to remedy the critical problems identified in paragraph (a).

Subd. 8. **Corrective Action.** The commissioners of public safety and corrections shall take immediate corrective action to remedy critical problems identified in subdivision 7, paragraph (a). The commissioner shall notify the group in writing if the commissioner refuses to take immediate corrective action to remedy critical problems. If the commissioner

4.1 refuses to take immediate corrective action to remedy critical problems, the commissioner
4.2 shall include the reasons for the refusal in the written notification.

4.3 Subd. 9. **Report to commissioner.** The planning group shall submit to the commissioner
4.4 of corrections no later than December 1, 2025, a report that includes, at a minimum, suggested
4.5 rules correcting critical problems and requesting the commissioner to act within the
4.6 commissioner's existing rulemaking authority under Minnesota Statutes, section 241.021,
4.7 and subject to Minnesota Statutes, section 14.03. The commissioner shall notify the group
4.8 in writing of the department's proposed action to correct any critical problems. If the
4.9 commissioner refuses to take action, the commissioner shall include the reasons for the
4.10 refusal in the written notification.

4.11 Subd. 10. **Expiration.** The planning group expires the earlier of December 2, 2025, or
4.12 the day after the working group submits the final report required under subdivision 7,
4.13 paragraph (b).

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