

SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION

S.F. No. 3105

(SENATE AUTHORS: ANDERSON and Rarick)

DATE
02/14/2022

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OFFICIAL STATUS
Introduction and first reading
Referred to Judiciary and Public Safety Finance and Policy

- 1.1 A bill for an act
- 1.2 relating to public safety; prohibiting dismissal of certain criminal charges before
- 1.3 a competency determination; proposing coding for new law in Minnesota Statutes,
- 1.4 chapter 611.
- 1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.6 Section 1. **[611.0265] COMPETENCY EVALUATION; DETERMINATION**
- 1.7 **REQUIRED.**
- 1.8 (a) As used in this section, "competency evaluation" means an examination of a
- 1.9 defendant's mental condition to determine whether the defendant lacks ability to:
- 1.10 (1) rationally consult with counsel; or
- 1.11 (2) understand the proceeding or participate in the defense.
- 1.12 (b) Except as provided in paragraph (c), when a court orders a competency evaluation
- 1.13 of a defendant charged with a qualified domestic violence-related offense as defined in
- 1.14 section 609.02, subdivision 16, a prosecutor shall not dismiss a complaint or tab charge
- 1.15 without the court's approval until the court determines the defendant's competency and
- 1.16 enters an order finding the defendant competent or incompetent.
- 1.17 (c) Nothing in paragraph (b) prohibits a prosecutor from dismissing a complaint or tab
- 1.18 charge based on evidence that the defendant did not commit the charged crime.
- 1.19 **EFFECTIVE DATE.** This section is effective August 1, 2022.