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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 4109

02/22/2024

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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; amending name of competency attainment board; amending
1.3 Minnesota Statutes 2023 Supplement, sections 611.55, subdivision 1; 611.56,
1.4 subdivisions 1, 6; 611.57, subdivisions 1, 4.

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

1.6 Section 1. Minnesota Statutes 2023 Supplement, section 611.55, subdivision 1, is amended
1.7 to read:

1.8 Subdivision 1. **Definition.** As used in this section, "board" means the ~~State~~ Minnesota
1.9 Competency Attainment Board established in section 611.56.

1.10 Sec. 2. Minnesota Statutes 2023 Supplement, section 611.56, subdivision 1, is amended
1.11 to read:

1.12 Subdivision 1. **Establishment; membership.** (a) The ~~State~~ Minnesota Competency
1.13 Attainment Board is established in the judicial branch. The board is not subject to the
1.14 administrative control of the judiciary. The board shall consist of seven members, including:

1.15 (1) three members appointed by the supreme court, at least one of whom must be a
1.16 defense attorney, one a county attorney, and one public member; and

1.17 (2) four members appointed by the governor, at least one of whom must be a mental
1.18 health professional with experience in competency attainment.

1.19 (b) The appointing authorities may not appoint an active judge to be a member of the
1.20 board, but may appoint a retired judge.

2.1 (c) All members must demonstrate an interest in maintaining a high quality, independent
2.2 forensic navigator program and a thorough process for certification of competency attainment
2.3 programs. Members shall be familiar with the Minnesota Rules of Criminal Procedure,
2.4 particularly rule 20; chapter 253B; and sections 611.40 to 611.59. Following the initial
2.5 terms of appointment, at least one member appointed by the supreme court must have
2.6 previous experience working as a forensic navigator. At least three members of the board
2.7 shall live outside the First, Second, Fourth, and Tenth Judicial Districts. The terms,
2.8 compensation, and removal of members shall be as provided in section 15.0575. The members
2.9 shall elect the chair from among the membership for a term of two years.

2.10 Sec. 3. Minnesota Statutes 2023 Supplement, section 611.56, subdivision 6, is amended
2.11 to read:

2.12 Subd. 6. **Fees and costs; civil actions on contested case.** Sections 15.039 and 15.471
2.13 to 15.474 apply to the ~~State~~ Minnesota Competency Attainment Board.

2.14 Sec. 4. Minnesota Statutes 2023 Supplement, section 611.57, subdivision 1, is amended
2.15 to read:

2.16 Subdivision 1. **Establishment.** The Certification Advisory Committee is established to
2.17 provide the ~~State~~ Minnesota Competency Attainment Board with advice and expertise
2.18 related to the certification of competency attainment programs, including jail-based programs.

2.19 Sec. 5. Minnesota Statutes 2023 Supplement, section 611.57, subdivision 4, is amended
2.20 to read:

2.21 Subd. 4. **Duties.** The Certification Advisory Committee shall consult with the Department
2.22 of Human Services, the Department of Health, and the Department of Corrections; make
2.23 recommendations to the ~~State~~ Minnesota Competency Attainment Board regarding
2.24 competency attainment curriculum, certification requirements for competency attainment
2.25 programs including jail-based programs, and certification of individuals to provide
2.26 competency attainment services; and provide information and recommendations on other
2.27 issues relevant to competency attainment as requested by the board.