

Chapter 14

2023 Regular Session

Subject Competency attainment; technical changes

Bill H.F. 121

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Summary

In the 2022 session, the legislature established a statutory process for addressing situations where a person charged with a crime is found incompetent to proceed because the person lacks the ability to understand the criminal proceedings, the ability to consult with an attorney, or the ability to participate in the person's defense. Most of the provisions that passed have not taken effect.

This bill makes technical changes to the provisions that passed in 2022 to add clarity and consistency to the statutory language. The phrase competency "restoration" has been replaced with competency "attainment" throughout the statutory language because some individuals found incompetent may not have had a prior period of competency, and therefore the term "attainment" is more accurate. Other changes include reorganizing certain sections, replacing undefined terms with defined terms, and removing duplicative language. The statutory language includes references to crimes of violence as defined in section 624.712, subdivision 5, and this bill removes duplicative references to crimes that are included in that statutory definition.

The bill also appropriates \$250,000 in fiscal year 2023 to establish the board and program.