

**SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION**

S.F. No. 3347

(SENATE AUTHORS: ABELER and Hoffman)

DATE	D-PG	OFFICIAL STATUS
02/21/2022	5082	Introduction and first reading
		Referred to Human Services Reform Finance and Policy
04/04/2022		Comm report: To pass as amended and re-refer to Judiciary and Public Safety Finance and Policy

1.1 A bill for an act

1.2 relating to judiciary; establishing forensic navigator services; appropriating money;

1.3 proposing coding for new law in Minnesota Statutes, chapter 611.

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

1.5 Section 1. **[611.41] DEFINITIONS.**

1.6 (a) For the purposes of sections 611.41 to 611.43, the following terms have the meanings

1.7 given.

1.8 (b) "Cognitive impairment" means any deficiency in the ability to think, perceive, reason,

1.9 or remember caused by injury, genetic condition, or brain abnormality.

1.10 (c) "Competency restoration program" means a structured program of clinical and

1.11 educational services that is designed to identify and address barriers to a defendant's ability

1.12 to understand the criminal proceedings, consult with counsel, and participate in the defense.

1.13 (d) "Forensic navigator" means a person who provides the services under section 611.42,

1.14 subdivision 2.

1.15 (e) "Mental illness" means an organic disorder of the brain or a substantial psychiatric

1.16 disorder of thought, mood, perception, orientation, or memory.

1.17 Sec. 2. **[611.42] FORENSIC NAVIGATOR SERVICES.**

1.18 Subdivision 1. Availability of forensic navigator services. Counties must provide or

1.19 contract for enough forensic navigator services to meet the needs of adult defendants in

1.20 each judicial district upon a motion regarding competency pursuant to Minnesota Rule of

1.21 Criminal Procedure 20.01.

2.1 Subd. 2. **Duties.** (a) Forensic navigators shall provide services to assist defendants with
2.2 mental illnesses and cognitive impairments. Services may include, but are not limited to:

2.3 (1) developing bridge plans under subdivision 3 of this section;

2.4 (2) coordinating timely placement in court-ordered competency restoration programs;

2.5 (3) providing competency restoration education;

2.6 (4) reporting to the county on the progress of defendants in a competence restoration
2.7 program;

2.8 (5) providing coordinating services to help defendants access needed mental health,
2.9 medical, housing, financial, social, transportation, precharge and pretrial diversion, and
2.10 other necessary services provided by other programs and community service providers; and

2.11 (6) communicating with and offering supportive resources to defendants and family
2.12 members of defendants.

2.13 (b) As the accountable party over the defendant, forensic navigators must meet at least
2.14 quarterly with the defendant.

2.15 (c) If a defendant's charges are dismissed, the appointed forensic navigator may continue
2.16 assertive outreach with the individual for up to 90 days to assist in attaining stability in the
2.17 community.

2.18 Subd. 3. **Bridge plans.** (a) The forensic navigator must prepare bridge plans with the
2.19 defendant. The bridge plan must include:

2.20 (1) a confirmed housing address the defendant will use, including but not limited to
2.21 emergency shelters;

2.22 (2) if possible, the dates, times, locations, and contact information for any appointments
2.23 made to further coordinate support and assistance for the defendant in the community,
2.24 including but not limited to mental health and substance use disorder treatment, or a list of
2.25 referrals to services; and

2.26 (3) any other referrals, resources, or recommendations the forensic navigator deems
2.27 necessary.

2.28 (b) Bridge plans and any supporting records or other data submitted with those plans
2.29 are not accessible to the public.

2.30 Subd. 4. **Funds.** Each fiscal year, the commissioner of human services must distribute
2.31 the total amount appropriated for forensic navigator services under this section to counties

3.1 based upon their proportional share of persons deemed incompetent to stand trial and using
3.2 the forensic navigator services during the prior fiscal year.

3.3 **Sec. 3. [611.43] COMPETENCY RESTORATION CURRICULUM.**

3.4 (a) By January 1, 2023, counties must choose a competency restoration curriculum to
3.5 educate and assist defendants receiving forensic navigator services to attain the ability to:

3.6 (1) rationally consult with counsel;

3.7 (2) understand the proceedings; and

3.8 (3) participate in the defense.

3.9 (b) The curriculum must be flexible enough to be delivered by individuals with various
3.10 levels of education and qualifications, including but not limited to professionals in criminal
3.11 justice, health care, mental health care, and social services.

3.12 **Sec. 4. APPROPRIATION; FORENSIC NAVIGATORS.**

3.13 \$2,000,000 in fiscal year 2023 is appropriated from the general fund to the commissioner
3.14 of human services for the costs associated with providing forensic navigator services under
3.15 Minnesota Statutes, section 611.42. The general fund base for this appropriation is \$2,000,000
3.16 in fiscal year 2024 and \$2,000,000 in fiscal year 2025.