

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

S.F. No. 5043

(SENATE AUTHORS: MOHAMED)

DATE
03/18/2024

D-PG

Introduction and first reading
Referred to Judiciary and Public Safety

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to public safety; modifying 911 mental health services; providing for civil
1.3 liability; amending Minnesota Statutes 2022, section 403.03, subdivision 1, by
1.4 adding subdivisions.

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

1.6 Section 1. Minnesota Statutes 2022, section 403.03, subdivision 1, is amended to read:

1.7 Subdivision 1. **Emergency response services.** (a) Services available through a 911
1.8 system must include police, firefighting, and emergency medical and ambulance services.
1.9 Other emergency and civil defense services may be incorporated into the 911 system at the
1.10 discretion of the public agency operating the public safety answering point.

1.11 (b) In addition to ensuring an appropriate response under paragraph (a), the 911 system
1.12 shall include a referral to mental health crisis teams as primary responders, where available.
1.13 Mental health crisis teams are as defined in section 256B.0624, subdivision 4.

1.14 Sec. 2. Minnesota Statutes 2022, section 403.03, is amended by adding a subdivision to
1.15 read:

1.16 Subd. 1a. **Recognizing mental health crisis calls.** Every public safety answering point
1.17 must maintain a program for the identification of a person in need of mental health crisis
1.18 services by either:

1.19 (1) providing each 911 telecommunicator with training by an academic institution or a
1.20 nationally recognized instruction in the recognition of mental health crises calls and use of
1.21 an evidence-based protocol or script; or

2.1 (2) employing mental health practitioners as defined in section 245I.04, subdivision 4,
2.2 to screen calls for the need for mental health crisis services.

2.3 Sec. 3. Minnesota Statutes 2022, section 403.03, is amended by adding a subdivision to
2.4 read:

2.5 Subd. 1b. **Monitoring and enforcing mental health crisis response requirements.** The
2.6 Statewide Emergency Communications Board shall adopt protocols to ensure that operators
2.7 of every public safety answering point comply with subdivision 1.

2.8 Sec. 4. Minnesota Statutes 2022, section 403.03, is amended by adding a subdivision to
2.9 read:

2.10 Subd. 5. **Civil remedies.** (a) A government entity responsible for operating a public
2.11 safety answering point and that violates any provision of this section is liable to a person
2.12 or representative of a decedent who suffers any damage as a result of the violation, and the
2.13 person damaged or a representative of a decedent may bring an action against the government
2.14 entity to cover any damages sustained, plus costs and reasonable attorney fees. In the case
2.15 of a willful violation, the government entity shall, in addition, be liable for exemplary
2.16 damages of not less than \$1,000, nor more than \$15,000 for each violation. The state is
2.17 deemed to have waived any immunity to a cause of action brought under this section.

2.18 (b) A government entity that either prevents mental health crisis teams from being
2.19 dispatched as primary responders or that interferes with the ability of the teams to perform
2.20 their duties is liable to a person or representative of a decedent who suffers any damage as
2.21 a result of that action.

2.22 (c) A government entity that violates or proposes to violate this section may be enjoined
2.23 by the district court. The court may make any order or judgment as may be necessary to
2.24 prevent the use or employment by a person of any practices that violate this section.

2.25 (d) An action filed pursuant to this section may be commenced in the county in which
2.26 the individual alleging damage or seeking relief resides, the county where the political
2.27 subdivision exists, or, in the case of the state, any county.

2.28 (e) The court shall award reasonable attorney fees to a prevailing plaintiff who has
2.29 brought an action under this subdivision.

3.1 Sec. 5. Minnesota Statutes 2022, section 403.03, is amended by adding a subdivision to
3.2 read:

3.3 Subd. 6. **Personal liability for failure to comply.** (a) The head of any government entity
3.4 responsible for operating a public safety answering point who intentionally violates this
3.5 section shall be subject to personal liability in the form of a civil penalty in an amount not
3.6 to exceed \$1,000 for a single occurrence that may not be paid by the public body.

3.7 (b) An action to enforce the penalty in paragraph (a) may be brought by a person in any
3.8 court of competent jurisdiction where the administrative office of the governing body is
3.9 located.

3.10 (c) If the person designated in paragraph (a) is an elected official and has been found to
3.11 have intentionally violated this section in three or more actions brought under this section
3.12 involving the same public safety answering point, that person shall forfeit any further right
3.13 to serve in the same elected position or in any other capacity with that public body for a
3.14 period of time equal to the term of office the person was serving.

3.15 (d) The court determining the merits of an action in connection with any alleged third
3.16 violation shall receive competent and relevant evidence in connection with that violation
3.17 and, upon finding as to the occurrence of a separate third violation, unrelated to the previous
3.18 violations, issue its order declaring the position vacant and notify the appointing authority
3.19 or clerk of the governing body. As soon as practicable, the appointing authority or the
3.20 governing body shall fill the position as in the case of any other vacancy.

3.21 (e) In addition to other remedies, the court may award reasonable costs, disbursements,
3.22 and reasonable attorney fees to any party in an action under this subdivision.

3.23 (f) The court may award costs and attorney fees to a defendant only if the court finds
3.24 that the action under this chapter was frivolous and without merit.

3.25 (g) A public body may pay any costs, disbursements, or attorney fees incurred by or
3.26 awarded against any of its members in an action under paragraph (c).