CHAPTER 9--S.F.No. 12

An act relating to health and human services * * *

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

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ARTICLE 6
CHEMICAL AND MENTAL HEALTH

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Sec. 77. COMMUNITY COMPETENCY RESTORATION TASK FORCE.

Subdivision 1. Establishment; purpose. The Community Competency Restoration Task Force is established to evaluate and study community competency restoration programs and develop recommendations to address the needs of individuals deemed incompetent to stand trial.

Subd. 2. Membership. (a) The Community Competency Restoration Task Force consists of the following members, appointed as follows:

(1) a representative appointed by the governor's office;

(2) the commissioner of human services or designee;

(3) the commissioner of corrections or designee;

(4) a representative from direct care and treatment services with experience in competency evaluations, appointed by the commissioner of human services;

(5) a representative appointed by the designated State Protection and Advocacy system;

(6) the ombudsman for mental health and developmental disabilities;

(7) a representative appointed by the Minnesota Hospital Association;

(8) a representative appointed by the Association of Minnesota Counties;

(9) two representatives appointed by the Minnesota Association of County Social Service Administrators: one from the seven-county metropolitan area, as defined under Minnesota Statutes, section 473.121, subdivision 2, and one from outside the seven-county metropolitan area;

(10) a representative appointed by the Minnesota Board of Public Defense;

(11) a representative appointed by the Minnesota County Attorneys Association;
(12) a representative appointed by the Minnesota Chiefs of Police Association;
(13) a representative appointed by the Minnesota Psychiatric Society;
(14) a representative appointed by the Minnesota Psychological Association;
(15) a representative appointed by the State Court Administrator;
(16) a representative appointed by the Minnesota Association of Community Mental Health Programs;
(17) a representative appointed by the Minnesota Sheriffs' Association;
(18) a representative appointed by the Minnesota Sentencing Guidelines Commission;
(19) a jail administrator appointed by the commissioner of corrections;
(20) a representative from an organization providing reentry services appointed by the commissioner of corrections;
(21) a representative from a mental health advocacy organization appointed by the commissioner of human services;
(22) a person with direct experience with competency restoration appointed by the commissioner of human services;
(23) representatives from organizations representing racial and ethnic groups overrepresented in the justice system appointed by the commissioner of corrections; and
(24) a crime victim appointed by the commissioner of corrections.

(b) Appointments to the task force must be made no later than July 15, 2019, and members of the task force may be compensated as provided under Minnesota Statutes, section 15.059, subdivision 3.

Subd. 3. Duties. The task force must:

(1) identify current services and resources available for individuals in the criminal justice system who have been found incompetent to stand trial;

(2) analyze current trends of competency referrals by county and the impact of any diversion projects or stepping-up initiatives;

(3) analyze selected case reviews and other data to identify risk levels of those individuals, service usage, housing status, and health insurance status prior to being jailed;

(4) research how other states address this issue, including funding and structure of community competency restoration programs, and jail-based programs; and

(5) develop recommendations to address the growing number of individuals deemed incompetent to stand trial including increasing prevention and diversion efforts, providing a timely process for reducing the amount of time individuals remain in the criminal justice system, determining how to provide and fund competency restoration services in the community, and defining the role of the counties and state in providing competency restoration.

Subd. 4. Officers; meetings. (a) The commissioner of human services shall convene the first meeting of the task force no later than August 1, 2019.
(b) The task force must elect a chair and vice-chair from among its members and may elect other officers as necessary.

(c) The task force is subject to the Minnesota Open Meeting Law under Minnesota Statutes, chapter 13D.

Subd. 5. Staff. (a) The commissioner of human services must provide staff assistance to support the task force's work.

(b) The task force may utilize the expertise of the Council of State Governments Justice Center.

Subd. 6. Report required. (a) By February 1, 2020, the task force shall submit a report on its progress and findings to the chairs and ranking minority members of the legislative committees with jurisdiction over mental health and corrections.

(b) By February 1, 2021, the task force must submit a written report including recommendations to address the growing number of individuals deemed incompetent to stand trial to the chairs and ranking minority members of the legislative committees with jurisdiction over mental health and corrections.

Subd. 7. Expiration. The task force expires upon submission of the report in subdivision 6, paragraph (b), or February 1, 2021, whichever is later.

EFFECTIVE DATE. This section is effective the day following final enactment.

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ARTICLE 14
APPROPRIATIONS

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Sec. 2. COMMISSIONER OF HUMAN SERVICES

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Subd. 7. Central Office; Community Supports

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(a) Community Competency Restoration Task Force. $125,000 in fiscal year 2020 and $75,000 in fiscal year 2021 are for the Community Competency Restoration Task Force under article 6, section 78. This is a onetime appropriation and is available until June 30, 2023.

* * *
Senator Senjem’s legislation to address competency restoration signed into law

June 11, 2019

Legislation aimed at addressing treatment options for individuals deemed incompetent to stand trial has been signed into law. The bill, authored by Senator David Senjem (R-Rochester), was included as part of the larger health and human services omnibus bill that was ceremonially signed into law on Tuesday by Governor Tim Walz.

“We have a growing number of individuals that are found unfit to stand trial, but very few resources available to treat their illnesses. This is a crisis,” Senator Senjem said. “We have to do a better job of making sure people are able to stand trial – and eventually re-enter society in a productive way. This is about restoring competency, but also about preventative measures to make sure competency restoration is not needed. This task force will allow us to consider all options.”

The legislation directs a task force to consider the cause of the increase in individuals deemed unfit for trial, as well as potential solutions for restoring competency and preventative measures to keep individuals out of the criminal justice system. The task force will consider current services and resources, county data, programs in other states, and other research in developing recommendations for prevention and diversion efforts and competency restoration services. The task force, which will include legislators, law enforcement, mental health experts, and other local officials, will submit its recommendations to the legislature by February 1, 2020.

The bill also has the support of National Alliance on Mental Illness (NAMI) Minnesota.

“In some cases, individuals unfit for trial end up right back in our communities – and then back in jail – because we do not have adequate services to address this problem,” Senator Senjem continued. “We need to prevent people from going to jail in the first place, but we also need to make sure appropriate mental health treatment is available for all.”

Senator David Senjem, of Rochester, represents communities in Dodge and Olmsted counties in the Minnesota Senate. Senator Senjem serves as chairman of the Senate Capital Investment Committee and is a former majority leader and minority leader.
Re: Appointment to Community Competency Restoration Task Force Notification

Dear Community Competency Restoration Task Force Applicant,

The Department of Human Services is pleased to inform you of your direct appointment to the Community Competency Restoration Task Force.

The ENABLING LEGISLATION for this taskforce comes from; 2019 Sp. Sess. Chap. 9, Art. 6, 77, art. 14, 2 sub 7(a) Enabled: 07-15-2019 Expires: 02-01-2021, a link to the statute can be found here. https://www.revisor.mn.gov/laws/2019/1/Session+Law/Chapter/9/

The Community Competency Restoration Task Force Entity has the Following Powers and Duties;

(1) Identify current service and resources available for individuals in the criminal justice system who have been found incompetent to stand trial; and

(2) analyze current trends of competency referrals by county and the impact of any diversion projects or stepping-up initiatives;

Meeting Information

Meetings typically last: 2 hours per month

Meeting Frequency: Once per month

Meetings are held at: Elmer L. Anderson Human Service Building 540 Cedar Street St, Paul, MN 55101

This taskforce will begin meeting on August 1, 2019 and we will send an agenda and information to you soon. Please hold August 1, 2019 from 2:00 p.m. to 4:00 p.m. DHS is in the process of developing a website that you can access for more information about the taskforce as well.
Next Steps
Please affirm your interest by completing, signing and returning the two oath of office documents at your earliest convenience. Forms may be emailed to Michele.Maruska@state.mn.us

We look forward to hearing from you soon.

Congratulations on your appointment,

Michele (Mikki) Maruska, Certified Prevention Professional, MSW, Tobacco Treatment Specialist
Project Planning Director
Clinical Section
Behavioral Health Division
Minnesota Department of Human Services
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