

1.1 A bill for an act

1.2 relating to public safety; requiring screening of certain defendants in criminal
1.3 cases for posttraumatic stress disorder; authorizing mitigated dispositions for
1.4 certain offenders suffering from posttraumatic stress disorder who receive
1.5 treatment; requiring legislative reports and the collection of summary data;
1.6 requiring the preparation and distribution of an informational pamphlet;
1.7 proposing coding for new law in Minnesota Statutes, chapter 609.

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

1.9 Section 1. **[609.093] POSTTRAUMATIC STRESS DISORDER; REQUIRED**
1.10 **SCREENING AND DISPOSITION OPTIONS; COLLECTION OF**
1.11 **INFORMATION; REPORT TO LEGISLATURE.**

1.12 Subdivision 1. **Initial screening.** As early as is practicable in a misdemeanor, gross
1.13 misdemeanor, or felony prosecution, the court shall ensure that the defendant has been
1.14 asked whether the defendant is a military veteran or is currently in the military. If the
1.15 defendant is a veteran or is in the military, the court shall ensure that the defendant has
1.16 been asked if the defendant has served in a stressful military assignment and whether the
1.17 defendant has ever experienced symptoms associated with posttraumatic stress disorder.
1.18 The initial screening may be conducted by the court, the defense attorney, the prosecutor,
1.19 or any other suitable individual within the court system. The screening may occur orally
1.20 or in writing.

1.21 Subd. 2. **In-depth screening.** If the initial screening required in subdivision 1
1.22 indicates that the defendant is a military veteran or is in the military and possibly may
1.23 be suffering from posttraumatic stress disorder, the court, if the defendant agrees, shall
1.24 refer the defendant to the Veterans Administration, the Department of Veterans Affairs,
1.25 or another entity qualified to assess the defendant for posttraumatic stress disorder. The

2.1 entity to which the defendant is referred shall prepare a report to the court that does the
2.2 following: (1) confirms whether the defendant is a military veteran or is in the military; (2)
2.3 reviews the defendant's military record to determine the types of assignments in which the
2.4 defendant served; (3) determines whether the defendant suffers from posttraumatic stress
2.5 disorder that is related to the defendant's military service; and (4) recommends treatment
2.6 options to address the defendant's posttraumatic stress disorder.

2.7 Subd. 3. **Independent evaluations.** The prosecutor and defense attorney each have
2.8 the right to independently evaluate the defendant if they disagree with the findings of
2.9 the report described in subdivision 2. The results of any independent evaluations must
2.10 be reported to the court.

2.11 Subd. 4. **Consideration of report and evaluation; disposition options.** The court
2.12 shall consider the report required in subdivision 2 and any independent evaluations
2.13 conducted under subdivision 3 when determining how to proceed in the defendant's
2.14 criminal case. Following the defendant's plea, if the court determines it is appropriate
2.15 given the report's or evaluation's recommendations and the circumstances and severity of
2.16 the offense, and is consistent with public safety, the court shall consider doing either of the
2.17 following: (1) staying the adjudication of guilt, if the prosecutor consents; or (2) staying
2.18 the imposition or execution of sentence, regardless of whether the prosecutor consents. If
2.19 the court does this, the court, as a condition of the disposition and in addition to any other
2.20 reasonable conditions of the type described in section 609.135, shall require the defendant
2.21 to successfully complete the treatment recommended in the report or evaluation.

2.22 Subd. 5. **Data collecting; report.** (a) The court administrator of each judicial
2.23 district shall report to the state court administrator in a manner and frequency determined
2.24 by the state court administrator summary data on the number of initial screenings, in-depth
2.25 screenings, independent evaluations, and mitigated dispositions occurring under this
2.26 section within the district.

2.27 (b) By February 1 of each year, the state court administrator shall report a summary
2.28 of the data received under paragraph (a) to the chairs and ranking minority members of
2.29 the senate and house of representatives committees having jurisdiction over criminal
2.30 justice policy.

2.31 **EFFECTIVE DATE.** This section is effective August 1, 2008.

2.32 Sec. 2. **INFORMATIONAL PAMPHLET.**

2.33 By September 15, 2008, the commissioner of veterans affairs shall publish a
2.34 pamphlet summarizing the provisions of section 1 and make the pamphlet available to

S.F. No. 3376, as introduced - 2007-2008th Legislative Session (2007-2008)

- 3.1 veterans. Instead of publishing a separate pamphlet, the commissioner may include the
- 3.2 summary in another document relating to veterans' issues.
- 3.3 **EFFECTIVE DATE.** This section is effective August 1, 2008.