

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

**S.F. No. 3105**

(SENATE AUTHORS: ANDERSON and Rarick)

DATE  
02/14/2022

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Introduction and first reading  
Referred to Judiciary and Public Safety Finance and Policy

OFFICIAL STATUS

1.1 A bill for an act  
1.2 relating to public safety; prohibiting dismissal of certain criminal charges before  
1.3 a competency determination; proposing coding for new law in Minnesota Statutes,  
1.4 chapter 611.

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

1.6 Section 1. **[611.0265] COMPETENCY EVALUATION; DETERMINATION**  
1.7 **REQUIRED.**

1.8 (a) As used in this section, "competency evaluation" means an examination of a  
1.9 defendant's mental condition to determine whether the defendant lacks ability to:

1.10 (1) rationally consult with counsel; or

1.11 (2) understand the proceeding or participate in the defense.

1.12 (b) Except as provided in paragraph (c), when a court orders a competency evaluation  
1.13 of a defendant charged with a qualified domestic violence-related offense as defined in  
1.14 section 609.02, subdivision 16, a prosecutor shall not dismiss a complaint or tab charge  
1.15 without the court's approval until the court determines the defendant's competency and  
1.16 enters an order finding the defendant competent or incompetent.

1.17 (c) Nothing in paragraph (b) prohibits a prosecutor from dismissing a complaint or tab  
1.18 charge based on evidence that the defendant did not commit the charged crime.

1.19 **EFFECTIVE DATE.** This section is effective August 1, 2022.