



Minnesota Psychiatric Society

Improving Minnesota's mental health care through education, advocacy and sound psychiatric practice

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SF541 – The Minnesota Psychiatric Society (MPS) strongly opposes SF541 because, as psychiatrists, we believe it will severely impact the patients with mental illness we treat. This law is antithetical to the core value of Minnesotans – i.e. compassion for the mentally ill and will further stigmatize the lives of the vulnerable mentally ill population in the state.

- **MINNESOTA LAW ALREADY COVERS THIS SITUATION:** When a health professional is assaulted by a patient, under current Minnesota Law, the professional already has the a right to press charges against the patient. Under existing law, the seriousness of the charge (Misdemeanor / Gross Misdemeanor / Felony) depends on the severity of the assault. The law is already working to fairly administer acts such as these.
- **UNFAIRLY TARGETS VULNERABLE PATIENTS:** We believe that the proposal to classify any and all assaults on health professionals as Felonies targets patients who are mentally ill, cognitively impaired, demented, or delirious.
- **INCOMPATABLE WITH MINNESOTA CULPABILITY STANDARDS:** Minnesota law has long recognized that mentally ill individuals are not culpable for their acts when their acts are a result of their illness. Even though, theoretically the insanity defense is available to mentally ill persons, Minnesota's legal bar for it to be successful is very high. Studies indicate that the Insanity Defense is employed in less than 1% of criminal cases, and when employed, it is successful in less than one out of four cases. If this law passes, virtually none of our patients who will automatically be charged with felonies will be able to successfully defend themselves with the insanity defense.
- **DETRIMENTAL IMPACT TO THE STATE:** The impact of the proposed bill will be detrimental not only to the individual, but to the ailing state mental healthcare infrastructure at large. For example, such a law would vastly increase the burden of incompetent felony offenders on the state's already over-burdened forensic psychiatric facilities. Additionally, it will also lead to a drastic increase in "GAP" cases under Minnesota Rule 20, i.e. individuals who are incompetent but are not committable because they are no longer dangerous.
- **DISPROPORTIONATE CONSEQUENCES – LIFELONG REPRECUSSIONS:** To make each instance a felony regardless of the clinical situation impedes fairness/justice, is likely to clinically make our patients worse in the short term. Having a felony on one's record also has the potential to interfere with their recovery long term and will be a major obstacle towards improving their lives. People who have a felony on their record have a difficult time finding employment and housing.
- **PSYCHIATRIC UNITS AND INTENSIVE CARE UNITS (ICUs):** The vast majority of assaults in psychiatric units and ICUs are committed by patients with mental illness, cognitive impairment, dementia, or delirium who are acutely symptomatic and don't know what they are doing.