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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 3772

02/26/2020 Authored by Christensen and Tabke
The bill was read for the first time and referred to the Corrections Division

1.1 A bill for an act
1.2 relating to corrections; providing feminine hygiene products to female inmates;
1.3 clarifying authority of fugitive apprehension units to do general law enforcement;
1.4 authorizing medical director of Department of Corrections to make health care
1.5 decisions for certain inmates lacking decision-making capacity and placed in an
1.6 outside facility on conditional medical release; providing cultural programming
1.7 services for American Indian inmates; clarifying Department of Corrections billing
1.8 to counties for juvenile confinements; removing punishment as goal of intensive
1.9 community supervision program; amending Minnesota Statutes 2018, sections
1.10 241.021, by adding a subdivision; 241.025, subdivisions 1, 2, 3; 241.75, subdivision
1.11 2; 241.80; 242.192; 244.14, subdivision 1; repealing Minnesota Statutes 2018,
1.12 section 401.13.

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

1.14 Section 1. Minnesota Statutes 2018, section 241.021, is amended by adding a subdivision
1.15 to read:

1.16 Subd. 4d. **Feminine hygiene.** Feminine hygiene products, including at a minimum
1.17 sanitary napkins and tampons, shall be provided at no cost to individuals housed in state
1.18 correctional facilities used for the general confinement of female inmates. The commissioner
1.19 of corrections shall develop a written policy to implement a process whereby a reasonable
1.20 number of feminine hygiene products are available to female inmates.

1.21 Sec. 2. Minnesota Statutes 2018, section 241.025, subdivision 1, is amended to read:

1.22 Subdivision 1. **Authorization.** The commissioner of corrections may appoint peace
1.23 officers, as defined in section 626.84, subdivision 1, paragraph (c), who shall serve in the
1.24 classified service subject to the provisions of section 43A.01, subdivision 2, and establish
1.25 a law enforcement agency, as defined in section 626.84, subdivision 1, paragraph (f), known
1.26 as the Department of Corrections Fugitive Apprehension Unit, to perform the duties necessary

2.1 to make statewide arrests under sections 629.30 and 629.34. The jurisdiction of the law
 2.2 enforcement agency is ~~limited to~~ primarily the arrest of Department of Corrections'
 2.3 discretionary and statutory released violators and Department of Corrections' escapees. The
 2.4 Department of Corrections Fugitive Apprehension Unit may exercise general law enforcement
 2.5 duties during the course of official duties, including but not limited to carrying out law
 2.6 enforcement activities in coordination with the law enforcement agency of jurisdiction,
 2.7 investigating criminal offenses in agency-operated correctional facilities and surrounding
 2.8 property, and assisting other law enforcement agencies upon request.

2.9 Sec. 3. Minnesota Statutes 2018, section 241.025, subdivision 2, is amended to read:

2.10 Subd. 2. **Limitations.** The initial processing of a person arrested by the fugitive
 2.11 apprehension unit for an offense ~~within the agency's jurisdiction~~ is the responsibility of the
 2.12 fugitive apprehension unit unless otherwise directed by the law enforcement agency with
 2.13 primary jurisdiction. A subsequent investigation is the responsibility of the law enforcement
 2.14 agency of the jurisdiction ~~in which a new crime is committed.~~ unless the law enforcement
 2.15 agency authorizes the fugitive apprehension unit to assume the subsequent investigation.
 2.16 At the request of the primary jurisdiction, the fugitive apprehension unit may assist in
 2.17 subsequent investigations or law enforcement efforts being carried out by the primary
 2.18 jurisdiction. Persons arrested for violations that the fugitive apprehension unit determines
 2.19 are not within the agency's jurisdiction must be referred to the appropriate local law
 2.20 enforcement agency for further investigation or disposition.

2.21 Sec. 4. Minnesota Statutes 2018, section 241.025, subdivision 3, is amended to read:

2.22 Subd. 3. **Policies.** The fugitive apprehension unit must develop and file all policies
 2.23 required under state law for law enforcement agencies. The fugitive apprehension unit also
 2.24 must develop a policy for contacting law enforcement agencies in a city or county before
 2.25 initiating any fugitive surveillance, investigation, or apprehension within the city or county.
 2.26 ~~These policies must be filed with the board of peace officers standards and training by~~
 2.27 ~~November 1, 2000.~~ Revisions of any of these policies must be filed with the board within
 2.28 ten days of the effective date of the revision. The Department of Corrections shall train all
 2.29 of its peace officers regarding the application of these policies.

2.30 Sec. 5. Minnesota Statutes 2018, section 241.75, subdivision 2, is amended to read:

2.31 Subd. 2. **Health care decisions.** The medical director of the Department of Corrections
 2.32 may make a health care decision for an inmate incarcerated in a state correctional facility

3.1 or placed in an outside facility on conditional medical release if the inmate's attending
 3.2 physician determines that the inmate lacks decision-making capacity and:

3.3 (1) there is not a documented health care agent designated by the inmate or the health
 3.4 care agent is not reasonably available to make the health care decision;

3.5 (2) if there is a documented health care directive, the decision is consistent with that
 3.6 directive;

3.7 (3) the decision is consistent with reasonable medical practice and other applicable law;
 3.8 and

3.9 (4) the medical director has made a good faith attempt to consult with the inmate's next
 3.10 of kin or emergency contact person in making the decision, to the extent those persons are
 3.11 reasonably available.

3.12 Sec. 6. Minnesota Statutes 2018, section 241.80, is amended to read:

3.13 **241.80 AMERICAN INDIAN ~~COUNSELING~~ CULTURAL PROGRAM.**

3.14 Subdivision 1. **Authority.** The commissioner of corrections shall develop a policy to
 3.15 provide the ~~counseling~~ cultural programming services listed in subdivision 2 to American
 3.16 Indian inmates of all juvenile and adult state correctional facilities and community-based
 3.17 correctional programs. The commissioner may, within the limits of available money, contract
 3.18 with appropriate American Indian private, nonprofit organizations to provide ~~these counseling~~
 3.19 the cultural programming services.

3.20 Subd. 2. **~~Counseling~~ Cultural programming services.** The policy shall include, but
 3.21 need not be limited to, providing, within the limits of available money, spiritual and cultural
 3.22 ~~counseling~~ programming services having the following purposes:

3.23 (1) the teaching of good work habits and the development of motivation through work;

3.24 (2) the development of cultural pride to improve American Indian self-image;

3.25 (3) the development of an understanding of and an adjustment to the cultural differences
 3.26 between American Indians and other ethnic groups;

3.27 (4) the development of attitudes of mutual trust, respect, and understanding among
 3.28 American Indian family members;

3.29 (5) the fostering of increased availability of medicine men and American Indian spiritual
 3.30 leaders to teach American Indian inmates about American Indian history, cultural sensitivity,
 3.31 and religion;

4.1 (6) the involvement of American Indian inmates in those aspects of the correctional
4.2 system that will aid in their rehabilitation; and

4.3 (7) the provision of services to American Indian inmates that will facilitate their reentry
4.4 into the community.

4.5 Sec. 7. Minnesota Statutes 2018, section 242.192, is amended to read:

4.6 **242.192 CHARGES TO COUNTIES.**

4.7 The commissioner shall charge counties or other appropriate jurisdictions 65 percent of
4.8 the per diem cost of confinement, excluding educational costs and nonbillable service, of
4.9 juveniles at the Minnesota Correctional Facility-Red Wing and of juvenile females committed
4.10 to the commissioner of corrections. This charge applies to juveniles committed to the
4.11 commissioner of corrections and juveniles admitted to the Minnesota Correctional
4.12 Facility-Red Wing under established admissions criteria. This charge applies to both counties
4.13 that participate in the Community Corrections Act and those that do not. The commissioner
4.14 shall determine the per diem cost of confinement based on projected population, pricing
4.15 incentives, and market conditions, ~~and the requirement that expense and revenue balance~~
4.16 ~~out over a period of two years.~~ All money received under this section must be deposited in
4.17 the state treasury and credited to the general fund.

4.18 Sec. 8. Minnesota Statutes 2018, section 244.14, subdivision 1, is amended to read:

4.19 Subdivision 1. **Requirements.** This section governs the intensive community supervision
4.20 programs established under section 244.13. The commissioner shall operate the programs
4.21 in conformance with this section. The commissioner shall administer the programs to further
4.22 the following goals:

4.23 ~~(1) to punish the offender;~~

4.24 ~~(2)~~ (1) to protect the safety of the public;

4.25 ~~(3)~~ (2) to facilitate employment of the offender during the intensive community
4.26 supervision and afterward; and

4.27 ~~(4)~~ (3) to require the payment of restitution ordered by the court to compensate the
4.28 victims of the offender's crime.

4.29 Sec. 9. **REPEALER.**

4.30 Minnesota Statutes 2018, section 401.13, is repealed.

401.13 COSTS OF CONFINEMENT; PAYMENT.

Each participating county will be charged a sum equal to the actual per diem cost of confinement, excluding educational costs, of those juveniles committed to the commissioner and confined in a state correctional facility. The commissioner shall annually determine costs making necessary adjustments to reflect the actual costs of confinement. The commissioner of corrections shall bill the counties and deposit the receipts from the counties in the general fund. All charges shall be a charge upon the county of commitment.