

SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION

S.F. No. 1244

(SENATE AUTHORS: OSMEK and Ingebrigtsen)

DATE	D-PG	OFFICIAL STATUS
03/02/2015	496	Introduction and first reading Referred to Judiciary
04/07/2015	1487a 1490	Comm report: To pass as amended Second reading
04/23/2015		Special Order: Amended Third reading Passed

A bill for an act

relating to public safety; corrections; requiring persons placed on intensive supervised release from prison to be placed on electronic monitoring immediately upon release; amending Minnesota Statutes 2014, sections 244.05, by adding a subdivision; 244.15, subdivision 6; 260B.198, by adding a subdivision; 631.461.

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

Section 1. **TITLE.**

This act shall be known as "Colton's Law."

Sec. 2. Minnesota Statutes 2014, section 244.05, is amended by adding a subdivision to read:

Subd. 1d. **Electronic surveillance.** (a) If the commissioner orders electronic surveillance of an inmate placed on supervised release, the commissioner may require that the inmate be kept in custody, or that the inmate's probation agent, or the agent's designee, directly supervise the offender until electronic surveillance is activated.

(b) It is the responsibility of the inmate placed on electronic surveillance to ensure that the inmate's residence is properly equipped and the inmate's telecommunications system is properly configured to support electronic surveillance prior to being released from custody or the direct supervision of a probation agent. An inmate who fails to comply with this paragraph may be found in violation of the inmate's conditions of release at a revocation hearing.

Sec. 3. Minnesota Statutes 2014, section 244.15, subdivision 6, is amended to read:

Subd. 6. **Electronic surveillance.** (a) During any phase, the offender may be placed on electronic surveillance if the intensive supervision agent so directs. If electronic

2.1 surveillance is directed during phase I, the commissioner must require that the inmate be
 2.2 kept in custody, or that the inmate's intensive supervised release agent, or the agent's
 2.3 designee, directly supervise the offender until electronic surveillance is activated.

2.4 (b) It is the responsibility of the inmate placed on electronic surveillance to ensure
 2.5 that the inmate's residence is properly equipped and the inmate's telecommunications
 2.6 system is properly configured to support electronic surveillance prior to being released
 2.7 from custody or the direct supervision of an intensive supervised release agent. Failure
 2.8 to comply with this paragraph is a violation of the inmate's conditions of release. An
 2.9 inmate who fails to comply with this paragraph may be found in violation of the inmate's
 2.10 conditions of release at a revocation hearing.

2.11 Sec. 4. Minnesota Statutes 2014, section 260B.198, is amended by adding a
 2.12 subdivision to read:

2.13 Subd. 13. **Electronic surveillance.** (a) If a court orders a juvenile adjudicated
 2.14 delinquent to serve any portion of the juvenile's disposition on electronic surveillance,
 2.15 the court may require that the juvenile be kept in custody, or that the juvenile's probation
 2.16 agent directly supervise the juvenile until electronic surveillance is activated.

2.17 (b) It is the responsibility of the parent or guardian of the juvenile placed on electronic
 2.18 surveillance to ensure that the juvenile's residence is properly equipped and the residence's
 2.19 telecommunications system is properly configured to support electronic surveillance prior
 2.20 to being released from custody or the direct supervision of a probation agent.

2.21 Sec. 5. Minnesota Statutes 2014, section 631.461, is amended to read:

2.22 **631.461 IMPRISONMENT; COUNTY JAIL; ALTERNATIVES.**

2.23 (a) When a sentence for an offense includes imprisonment in a county jail, the
 2.24 court may sentence the offender to imprisonment in a workhouse or correctional or work
 2.25 farm if there is one in the county where the offender is tried or where the offense was
 2.26 committed. If not, the court may sentence the offender to imprisonment in a workhouse or
 2.27 correctional or work farm in any county in this state. However, the county board of the
 2.28 county where the offender is tried shall have some agreement for the receipt, maintenance,
 2.29 and confinement of inmates with the county where the offender has been sentenced to
 2.30 imprisonment. The place of imprisonment must be specified in the sentence. Inmates may
 2.31 be removed from one place of confinement to another as provided by statute.

2.32 (b) If a court orders or a sheriff permits an offender to serve any portion of the
 2.33 offender's sentence on electronic surveillance, the court or sheriff may require that the

3.1 offender be kept in custody, or that the offender's probation agent directly supervise the
3.2 offender until electronic surveillance is activated.

3.3 (c) It is the responsibility of the offender placed on electronic surveillance to ensure
3.4 that the offender's residence is properly equipped and the offender's telecommunications
3.5 system is properly configured to support electronic surveillance prior to being released
3.6 from custody or the direct supervision of a probation agent. An inmate who fails to
3.7 comply with this paragraph may be found in violation of the inmate's conditions of release
3.8 at a revocation hearing.