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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 2433

03/25/2021 Authored by Mariani, Frazier, Bernardy and Hornstein
The bill was read for the first time and referred to the Committee on Public Safety and Criminal Justice Reform Finance and Policy
03/03/2022 Adoption of Report: Placed on the General Register
Read for the Second Time

1.1 A bill for an act
1.2 relating to public safety; providing that public safety entities must prioritize public
1.3 safety and human rights; amending Minnesota Statutes 2020, sections 241.01,
1.4 subdivision 3a; 244.09, subdivision 5; 299A.01, subdivision 2; 626.843, subdivision
1.5 1.

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

1.7 Section 1. Minnesota Statutes 2020, section 241.01, subdivision 3a, is amended to read:

1.8 Subd. 3a. Commissioner, powers and duties. The commissioner of corrections has the
1.9 following powers and duties:

1.10 (a) To accept persons committed to the commissioner by the courts of this state for care,
1.11 custody, and rehabilitation.

1.12 (b) To determine the place of confinement of committed persons in a correctional facility
1.13 or other facility of the Department of Corrections and to prescribe reasonable conditions
1.14 and rules for their employment, conduct, instruction, and discipline within or outside the
1.15 facility. Inmates shall not exercise custodial functions or have authority over other inmates.

1.16 (c) To administer the money and property of the department.

1.17 (d) To administer, maintain, and inspect all state correctional facilities.

1.18 (e) To transfer authorized positions and personnel between state correctional facilities
1.19 as necessary to properly staff facilities and programs.

1.20 (f) To utilize state correctional facilities in the manner deemed to be most efficient and
1.21 beneficial to accomplish the purposes of this section, but not to close the Minnesota
1.22 Correctional Facility-Stillwater or the Minnesota Correctional Facility-St. Cloud without

2.1 legislative approval. The commissioner may place juveniles and adults at the same state
 2.2 minimum security correctional facilities, if there is total separation of and no regular contact
 2.3 between juveniles and adults, except contact incidental to admission, classification, and
 2.4 mental and physical health care.

2.5 (g) To organize the department and employ personnel the commissioner deems necessary
 2.6 to discharge the functions of the department, including a chief executive officer for each
 2.7 facility under the commissioner's control who shall serve in the unclassified civil service
 2.8 and may, under the provisions of section 43A.33, be removed only for cause.

2.9 (h) To define the duties of these employees and to delegate to them any of the
 2.10 commissioner's powers, duties and responsibilities, subject to the commissioner's control
 2.11 and the conditions the commissioner prescribes.

2.12 (i) To annually develop a comprehensive set of goals and objectives designed to clearly
 2.13 establish the priorities of the Department of Corrections. This report shall be submitted to
 2.14 the governor commencing January 1, 1976. The commissioner may establish ad hoc advisory
 2.15 committees.

2.16 (j) To perform these duties with the goal of promoting public safety. Promoting public
 2.17 safety includes the promotion of human rights. "Public safety" means reducing or preventing
 2.18 crime while maintaining the basic rights, freedoms, and privileges that belong to every
 2.19 person including the right to dignity, fairness, equality, respect, and freedom from
 2.20 discrimination, and is achieved by diverting people away from the criminal justice system
 2.21 whenever possible, imposing sanctions that are the least restrictive necessary to achieve
 2.22 accountability for the offense, preferring the use of community services to imprisonment
 2.23 or other confinement unless confinement is necessary to protect the public, and promoting
 2.24 the rehabilitation of those convicted through the provision of evidence-based programming
 2.25 and services.

2.26 Sec. 2. Minnesota Statutes 2020, section 244.09, subdivision 5, is amended to read:

2.27 Subd. 5. **Promulgation of Sentencing Guidelines.** The commission shall promulgate
 2.28 Sentencing Guidelines for the district court. The guidelines shall be based on reasonable
 2.29 offense and offender characteristics. The guidelines promulgated by the commission shall
 2.30 be advisory to the district court and shall establish:

2.31 (1) the circumstances under which imprisonment of an offender is proper; and

2.32 (2) a presumptive, fixed sentence for offenders for whom imprisonment is proper, based
 2.33 on each appropriate combination of reasonable offense and offender characteristics. The

3.1 guidelines shall provide for an increase of 20 percent and a decrease of 15 percent in the
3.2 presumptive, fixed sentence.

3.3 The Sentencing Guidelines promulgated by the commission may also establish appropriate
3.4 sanctions for offenders for whom imprisonment is not proper. Any guidelines promulgated
3.5 by the commission establishing sanctions for offenders for whom imprisonment is not proper
3.6 shall make specific reference to noninstitutional sanctions, including but not limited to the
3.7 following: payment of fines, day fines, restitution, community work orders, work release
3.8 programs in local facilities, community based residential and nonresidential programs,
3.9 incarceration in a local correctional facility, and probation and the conditions thereof.

3.10 Although the Sentencing Guidelines are advisory to the district court, the court shall
3.11 follow the procedures of the guidelines when it pronounces sentence in a proceeding to
3.12 which the guidelines apply by operation of statute. Sentencing pursuant to the Sentencing
3.13 Guidelines is not a right that accrues to a person convicted of a felony; it is a procedure
3.14 based on state public policy to maintain uniformity, proportionality, rationality, and
3.15 predictability in sentencing.

3.16 In establishing and modifying the Sentencing Guidelines, the primary consideration of
3.17 the commission shall be public safety. "Public safety" means reducing or preventing crime
3.18 while maintaining the basic rights, freedoms, and privileges that belong to every person
3.19 including the right to dignity, fairness, equality, respect, and freedom from discrimination,
3.20 and is achieved by diverting people away from the criminal justice system whenever possible,
3.21 imposing sanctions that are the least restrictive necessary to achieve accountability for the
3.22 offense, preferring the use of community services to imprisonment or other confinement
3.23 unless confinement is necessary to protect the public, and promoting the rehabilitation of
3.24 those convicted through the provision of evidence-based programming and services.
3.25 Promoting public safety includes the promotion of human rights. The commission shall also
3.26 consider current sentencing and release practices; correctional resources, including but not
3.27 limited to the capacities of local and state correctional facilities; and the long-term negative
3.28 impact of the crime on the community.

3.29 The provisions of sections 14.001 to 14.69 do not apply to the promulgation of the
3.30 Sentencing Guidelines, and the Sentencing Guidelines, including severity levels and criminal
3.31 history scores, are not subject to review by the legislative commission to review
3.32 administrative rules. However, the commission shall adopt rules pursuant to sections 14.001
3.33 to 14.69 which establish procedures for the promulgation of the Sentencing Guidelines,
3.34 including procedures for the promulgation of severity levels and criminal history scores,
3.35 and these rules shall be subject to review by the Legislative Coordinating Commission.

4.1 Sec. 3. Minnesota Statutes 2020, section 299A.01, subdivision 2, is amended to read:

4.2 Subd. 2. **Duties of commissioner.** (a) The duties of the commissioner shall include the
4.3 following:

4.4 (1) the coordination, development and maintenance of services contracts with existing
4.5 state departments and agencies assuring the efficient and economic use of advanced business
4.6 machinery including computers;

4.7 (2) the execution of contracts and agreements with existing state departments for the
4.8 maintenance and servicing of vehicles and communications equipment, and the use of related
4.9 buildings and grounds;

4.10 (3) the development of integrated fiscal services for all divisions, and the preparation
4.11 of an integrated budget for the department;

4.12 (4) the publication and award of grant contracts with state agencies, local units of
4.13 government, and other entities for programs that will benefit the safety of the public; and

4.14 (5) the establishment of a planning bureau within the department.

4.15 (b) The commissioner shall exercise these duties with the goal of promoting public
4.16 safety. Promoting public safety includes the promotion of human rights. "Public safety"
4.17 means reducing or preventing crime by diverting people away from the criminal justice
4.18 system whenever possible, effecting arrest or detention practices that are the least restrictive
4.19 necessary to protect the public, and promoting the rehabilitation of those who engage in
4.20 criminal activity through the provision of evidence-based programming and services, while
4.21 still maintaining the basic rights, freedoms, and privileges that belong to every person
4.22 including the right to dignity, fairness, equality, respect, and freedom from discrimination.

4.23 Sec. 4. Minnesota Statutes 2020, section 626.843, subdivision 1, is amended to read:

4.24 Subdivision 1. **Rules required.** (a) The board shall adopt rules with respect to:

4.25 (1) the certification of postsecondary schools to provide programs of professional peace
4.26 officer education;

4.27 (2) minimum courses of study and equipment and facilities to be required at each certified
4.28 school within the state;

4.29 (3) minimum qualifications for coordinators and instructors at certified schools offering
4.30 a program of professional peace officer education located within this state;

5.1 (4) minimum standards of physical, mental, and educational fitness which shall govern
5.2 the admission to professional peace officer education programs and the licensing of peace
5.3 officers within the state, by any state, county, municipality, or joint or contractual
5.4 combination thereof, including members of the Minnesota State Patrol;

5.5 (5) board-approved continuing education courses that ensure professional competence
5.6 of peace officers and part-time peace officers;

5.7 (6) minimum standards of conduct which would affect the individual's performance of
5.8 duties as a peace officer. These standards shall be established and published. The board
5.9 shall review the minimum standards of conduct described in this clause for possible
5.10 modification in 1998 and every three years after that time;

5.11 (7) a set of educational learning objectives that must be met within a certified school's
5.12 professional peace officer education program. These learning objectives must concentrate
5.13 on the knowledge, skills, and abilities deemed essential for a peace officer. Education in
5.14 these learning objectives shall be deemed satisfactory for the completion of the minimum
5.15 basic training requirement;

5.16 (8) the establishment and use by any political subdivision or state law enforcement
5.17 agency that employs persons licensed by the board of procedures for investigation and
5.18 resolution of allegations of misconduct by persons licensed by the board. The procedures
5.19 shall be in writing and shall be established on or before October 1, 1984;

5.20 (9) the issues that must be considered by each political subdivision and state law
5.21 enforcement agency that employs persons licensed by the board in establishing procedures
5.22 under section 626.5532 to govern the conduct of peace officers who are in pursuit of a
5.23 vehicle being operated in violation of section 609.487, and requirements for the training of
5.24 peace officers in conducting pursuits. The adoption of specific procedures and requirements
5.25 is within the authority of the political subdivision or agency;

5.26 (10) supervision of part-time peace officers and requirements for documentation of hours
5.27 worked by a part-time peace officer who is on active duty. These rules shall be adopted by
5.28 December 31, 1993;

5.29 (11) citizenship requirements for peace officers and part-time peace officers;

5.30 (12) driver's license requirements for peace officers and part-time peace officers; and

5.31 (13) such other matters as may be necessary consistent with sections 626.84 to 626.863.
5.32 Rules promulgated by the attorney general with respect to these matters may be continued

6.1 in force by resolution of the board if the board finds the rules to be consistent with sections
6.2 626.84 to 626.863.

6.3 (b) In adopting and enforcing the rules described under paragraph (a), the board shall
6.4 prioritize the goal of promoting public safety. Promoting public safety includes the promotion
6.5 of human rights. "Public safety" means reducing or preventing crime by diverting people
6.6 away from the criminal justice system whenever possible, effecting arrest or detention
6.7 practices that are the least restrictive necessary to protect the public, and promoting the
6.8 rehabilitation of those who engage in criminal activity through the provision of
6.9 evidence-based programming and services, while still maintaining the basic rights, freedoms,
6.10 and privileges that belong to every person including the right to dignity, fairness, equality,
6.11 respect, and freedom from discrimination.