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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FOURTH SESSION

H. F. No. 2432

03/17/2025 Authored by Novotny and Moller The bill was read for the first time and referred to the Committee on Public Safety Finance and Policy

1.1 A bill for an act

1.2 relating to public safety; extending protection from report of fictitious emergency

1.3 to all state or local correctional employees; clarifying Tribal Nation access and

1.4 use of community supervision services subsidy; codifying certain provisions

1.5 relating to management of individuals on post-incarceration supervision; repealing

1.6 obsolete administrative rules of the hearing and release unit; modifying mental

1.7 health unit pilot program; extending duration of pilot program; prorating cost of

1.8 interstate transfer based on county share of probation population; providing for

1.9 enhanced criminal penalties for theft of public funds; appropriating money for

1.10 judiciary, public safety, and corrections; amending Minnesota Statutes 2024,

1.11 sections 14.03, subdivision 3; 201.014, subdivision 2a; 241.26, subdivisions 1, 3,

1.12 4, 5, by adding a subdivision; 242.10; 242.19, subdivision 3; 242.44; 243.05,

1.13 subdivisions 1, 2, 4; 243.88, subdivisions 2, 5, by adding a subdivision; 244.04,

1.14 subdivisions 1, 2, by adding a subdivision; 244.05, subdivisions 1b, 2; 244.0513,

1.15 subdivisions 1, 7, 8; 244.07, subdivision 1, by adding a subdivision; 244.13,

1.16 subdivision 1; 244.171, subdivision 4; 244.19, subdivision 1c; 244.20; 299A.01,

1.17 by adding a subdivision; 299F.47, subdivision 2; 401.01, subdivision 2; 401.03;

1.18 401.06, by adding a subdivision; 401.10, subdivision 1, by adding a subdivision;

1.19 401.11, subdivision 1; 401.12, subdivision 2; 401.14, subdivision 1; 609.105,

1.20 subdivision 2; 609.495, subdivision 1; 609.78, subdivision 2c; Laws 2023, chapter

1.21 52, article 2, section 6, as amended; article 11, section 31; proposing coding for

1.22 new law in Minnesota Statutes, chapters 243; 401; 609; repealing Minnesota

1.23 Statutes 2024, sections 243.58; 244.065, subdivision 1; Minnesota Rules, parts

1.24 2940.0100, subparts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 16, 17, 18, 19, 20, 21,

1.25 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34; 2940.0200; 2940.0300; 2940.0400;

1.26 2940.0500; 2940.0600; 2940.0700; 2940.0800; 2940.0900; 2940.1000; 2940.1100;

1.27 2940.1200; 2940.1300; 2940.1400; 2940.1500; 2940.1600; 2940.1700; 2940.1800;

1.28 2940.1900; 2940.2000; 2940.2100; 2940.2200; 2940.2300; 2940.2400; 2940.2500;

1.29 2940.2600; 2940.2700; 2940.2800; 2940.2900; 2940.3000; 2940.3100; 2940.3200;

1.30 2940.3300; 2940.3400; 2940.3500; 2940.3600; 2940.3700; 2940.3800; 2940.3900;

1.31 2940.4000; 2940.4100; 2940.4200; 2940.4300; 2940.4400; 2940.4500; 2940.5700.

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

2.2 **ARTICLE 1**

2.3 **JUDICIARY APPROPRIATIONS**

2.4 Section 1. **APPROPRIATIONS.**

2.5 The sums shown in the columns marked "Appropriations" are appropriated to the agencies
 2.6 and for the purposes specified in this article. The appropriations are from the general fund,
 2.7 or another named fund, and are available for the fiscal years indicated for each purpose.

2.8 The figures "2026" and "2027" used in this article mean that the appropriations listed under
 2.9 them are available for the fiscal year ending June 30, 2026, or June 30, 2027, respectively.

2.10 "The first year" is fiscal year 2026. "The second year" is fiscal year 2027. "The biennium"
 2.11 is fiscal years 2026 and 2027.

	<u>APPROPRIATIONS</u>	
	<u>Available for the Year</u>	
	<u>Ending June 30</u>	
	<u>2026</u>	<u>2027</u>

2.16 Sec. 2. **SUPREME COURT**

2.17	<u>Subdivision 1. Total Appropriation</u>	<u>\$ 50,002,000</u>	<u>\$ 50,963,000</u>
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2.18 The amounts that may be spent for each
 2.19 purpose are specified in the following
 2.20 subdivisions.

2.21	<u>Subd. 2. Contingent Account</u>	<u>5,000</u>	<u>5,000</u>
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2.22 \$5,000 each year is for a contingent account
 2.23 for expenses necessary for the normal
 2.24 operation of the court for which no other
 2.25 reimbursement is provided

2.26	<u>Sec. 3. BOARD OF CIVIL LEGAL AID</u>	<u>\$ 35,330,000</u>	<u>\$ 36,522,000</u>
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2.27	<u>Sec. 4. COURT OF APPEALS</u>	<u>\$ 15,593,000</u>	<u>\$ 15,936,000</u>
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2.28	<u>Sec. 5. DISTRICT COURTS</u>	<u>\$ 392,179,000</u>	<u>\$ 400,470,000</u>
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2.29	<u>Sec. 6. GUARDIAN AD LITEM BOARD</u>	<u>\$ 26,169,000</u>	<u>\$ 26,732,000</u>
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2.30	<u>Sec. 7. TAX COURT</u>	<u>\$ 2,312,000</u>	<u>\$ 2,353,000</u>
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2.31	<u>Sec. 8. UNIFORM LAWS COMMISSION</u>	<u>\$ 115,000</u>	<u>\$ 115,000</u>
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2.32	<u>Sec. 9. BOARD ON JUDICIAL STANDARDS</u>	<u>\$ 655,000</u>	<u>\$ 666,000</u>
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3.1 **Availability of Appropriation**

3.2 If the appropriation for either year is
 3.3 insufficient, the appropriation for the other
 3.4 fiscal year is available.

3.5	Sec. 10. <u>BOARD OF PUBLIC DEFENSE</u>	\$	<u>167,733,000</u>	\$	<u>171,189,000</u>
3.6	Sec. 11. <u>HUMAN RIGHTS</u>	\$	<u>9,044,000</u>	\$	<u>9,203,000</u>
3.7	Sec. 12. <u>OFFICE OF APPELLATE COUNSEL</u>				
3.8	<u>AND TRAINING</u>	\$	<u>1,560,000</u>	\$	<u>1,560,000</u>
3.9	Sec. 13. <u>STATE COMPETENCY</u>				
3.10	<u>ATTAINMENT BOARD</u>	\$	<u>11,160,000</u>	\$	<u>11,426,000</u>

3.11 **ARTICLE 2**

3.12 **PUBLIC SAFETY APPROPRIATIONS**

3.13 Section 1. **APPROPRIATIONS.**

3.14 The sums shown in the columns marked "Appropriations" are appropriated to the agencies
 3.15 and for the purposes specified in this article. The appropriations are from the general fund,
 3.16 or another named fund, and are available for the fiscal years indicated for each purpose.
 3.17 The figures "2025," "2026," and "2027" used in this article mean that the appropriations
 3.18 listed under them are available for the fiscal year ending June 30, 2025, June 30, 2026, or
 3.19 June 30, 2027, respectively. "The first year" is fiscal year 2026. "The second year" is fiscal
 3.20 year 2027. "The biennium" is fiscal years 2026 and 2027. Appropriations for the fiscal year
 3.21 ending June 30, 2025, are effective the day following final enactment. Appropriations for
 3.22 the fiscal year ending June 30, 2025, are effective the day following final enactment.

		<u>APPROPRIATIONS</u>			
		<u>Available for the Year</u>			
		<u>Ending June 30</u>			
		<u>2025</u>	<u>2026</u>	<u>2027</u>	
3.27	Sec. 2. <u>SENTENCING GUIDELINES</u>	\$	<u>1,092,000</u>	\$	<u>1,112,000</u>
3.28	Sec. 3. <u>PUBLIC SAFETY</u>				
3.29	<u>Subdivision 1. Total Appropriation</u>	\$	<u>276,247,000</u>	\$	<u>271,664,000</u>

<u>Appropriations by Fund</u>			
	<u>2026</u>	<u>2027</u>	
3.32	<u>General</u>	<u>183,491,000</u>	<u>179,005,000</u>
3.33	<u>Special Revenue</u>	<u>21,497,000</u>	<u>21,397,000</u>
3.34	<u>State Government</u>		
3.35	<u>Special Revenue</u>	<u>103,000</u>	<u>103,000</u>

4.1	<u>Environmental</u>	<u>130,000</u>	<u>133,000</u>
4.2	<u>Trunk Highway</u>	<u>2,429,000</u>	<u>2,429,000</u>
4.3	<u>911 Fund</u>	<u>68,597,000</u>	<u>68,597,000</u>

4.4 The amounts that may be spent for each
 4.5 purpose are specified in the following
 4.6 subdivisions.

4.7 **Subd. 2. Emergency Management** 5,504,000 6,366,000

4.8 Appropriations by Fund

4.9	<u>General</u>	<u>5,374,000</u>	<u>6,233,000</u>
4.10	<u>Environmental</u>	<u>130,000</u>	<u>133,000</u>

4.11 **Lake Superior Chippewa Tribal Emergency**
 4.12 **Management Coordinator**

4.13 \$145,000 each year is for a grant to the Grand
 4.14 Portage Band of Lake Superior Chippewa to
 4.15 establish and maintain a Tribal emergency
 4.16 management coordinator under Minnesota
 4.17 Statutes, section 12.25.

4.18 **Subd. 3. Criminal Apprehension** 114,442,000 114,081,000

4.19 Appropriations by Fund

4.20	<u>General</u>	<u>111,334,000</u>	<u>110,973,000</u>
4.21	<u>State Government</u>		
4.22	<u>Special Revenue</u>	<u>7,000</u>	<u>7,000</u>
4.23	<u>Trunk Highway</u>	<u>2,429,000</u>	<u>2,429,000</u>

4.24 **(a) DWI Lab Analysis; Trunk Highway**
 4.25 **Fund**

4.26 Notwithstanding Minnesota Statutes, sections
 4.27 161.045, subdivision 3, and 161.20,
 4.28 subdivision 3, \$2,429,000 each year is from
 4.29 the trunk highway fund for staff and operating
 4.30 costs for laboratory analysis related to
 4.31 driving-while-impaired cases.

4.32 **(b) Decrease Forensic Evidence Turnaround**

5.1 \$3,504,000 each year is to decrease turnaround
5.2 times for forensic processing of evidence in
5.3 criminal investigations for state and local law
5.4 enforcement partners.

5.5 Additional staff and supplies funded under
5.6 this provision are intended, among other
5.7 purposes, to reduce the backlog in sexual
5.8 assault examination kit testing, to prevent the
5.9 development of any future backlogs in testing
5.10 sexual assault examination kits, and to provide
5.11 survivors access to the status of the testing of
5.12 their exam kits via the relevant exam testing
5.13 tracking systems. By January 1, 2027, and
5.14 each year thereafter, the commissioner must
5.15 submit a report to the chairs and ranking
5.16 minority members of the house of
5.17 representatives and senate committees with
5.18 jurisdiction over public safety finance and
5.19 policy on the use of these funds in the previous
5.20 fiscal year. The report must: (1) include the
5.21 data necessary to understand sexual assault
5.22 examination kit testing times; and (2) identify
5.23 the barriers to testing all sexual assault
5.24 examination kits within 90 days of receipt by
5.25 the laboratory in the preceding year and in the
5.26 upcoming year.

5.27 **(c) Fraud and Financial Crime Unit**

5.28 \$695,000 each year is for additional staff and
5.29 resources for the centralized fraud and
5.30 financial crimes unit.

5.31 **(d) Missing Persons**

5.32 \$1,500,000 the first year is for a system to
5.33 track, maintain, and share data related to

6.1 missing persons. This appropriation is
6.2 available until June 30, 2029.

6.3 **Subd. 4. Fire Marshal** 20,117,000 20,017,000

6.4 Appropriations by Fund

6.5 General 4,190,000 4,190,000

6.6 Special Revenue 15,927,000 15,827,000

6.7 The special revenue fund appropriation is from
6.8 the fire safety account in the special revenue
6.9 fund and is for activities under Minnesota
6.10 Statutes, section 299F.012. The base
6.11 appropriation for this account is \$15,927,000
6.12 in fiscal year 2028 and \$15,827,000 in fiscal
6.13 year 2029.

6.14 **(a) Hazardous Materials and Emergency**
6.15 **Response Teams**

6.16 \$2,170,000 the first year and \$2,070,000 the
6.17 second year are from the fire safety account
6.18 for hazardous materials and emergency
6.19 response teams. The base for these purposes
6.20 is \$2,170,000 in the first year of future
6.21 bienniums and \$2,070,000 in the second year
6.22 of future bienniums.

6.23 **(b) Bomb Squad Reimbursements**

6.24 \$250,000 from the fire safety account and
6.25 \$50,000 from the general fund each year are
6.26 for reimbursements to local governments for
6.27 bomb squad services.

6.28 **(c) Nonresponsible Party Reimbursements**

6.29 \$750,000 each year from the fire safety
6.30 account is for nonresponsible party hazardous
6.31 material, Urban Search and Rescue, Minnesota
6.32 Air Rescue Team, and bomb squad incident

7.1 reimbursements. Money appropriated for this
7.2 purpose is available for one year.

7.3 **(d) Hometown Heroes Assistance Program**

7.4 \$4,000,000 each year from the general fund
7.5 is for grants to the Minnesota Firefighter
7.6 Initiative to fund the hometown heroes
7.7 assistance program established in Minnesota
7.8 Statutes, section 299A.477.

7.9 **(e) Task Force 1**

7.10 \$1,425,000 each year from the fire safety
7.11 account is for the Minnesota Task Force 1.

7.12 **(f) Task Force 2**

7.13 \$300,000 each year from the fire safety
7.14 account is for the Minnesota Task Force 2.

7.15 **(g) Air Rescue**

7.16 \$500,000 each year from the fire safety
7.17 account is for the Minnesota Air Rescue Team.

7.18 **Subd. 5. Firefighter Training and Education**
7.19 **Board**

5,500,000

5,500,000

7.20 Appropriations by Fund

7.21 Special Revenue 5,500,000 5,500,000

7.22 The special revenue fund appropriation is from
7.23 the fire safety account in the special revenue
7.24 fund and is for activities under Minnesota
7.25 Statutes, section 299F.012.

7.26 **(a) Firefighter Training and Education**

7.27 \$5,500,000 each year from the fire safety
7.28 account is for firefighter training and
7.29 education.

7.30 **(b) Unappropriated Revenue**

7.31 Any additional unappropriated money
7.32 collected in fiscal year 2025 is appropriated

8.1 to the commissioner of public safety for the
 8.2 purposes of Minnesota Statutes, section
 8.3 299F.012. The commissioner may transfer
 8.4 appropriations and base amounts between
 8.5 activities in this subdivision.

8.6 **Subd. 6. Alcohol and Gambling**
 8.7 **Enforcement**

4,056,000

4,067,000

8.8 Appropriations by Fund

8.9 General 3,986,000 3,997,000

8.10 Special Revenue 70,000 70,000

8.11 The special revenue fund appropriation is from
 8.12 the lawful gambling regulation account.

8.13 **Subd. 7. Office of Justice Programs**

58,703,000

53,708,000

8.14 Appropriations by Fund

8.15 General 58,607,000 53,612,000

8.16 State Government

8.17 Special Revenue 96,000 96,000

8.18 **(a) Domestic and Sexual Violence Housing**

8.19 \$1,000,000 each year is for the Domestic
 8.20 Violence Housing First grant program to
 8.21 provide resources for survivors of violence to
 8.22 access safe and stable housing and for staff to
 8.23 provide mobile advocacy and expertise in
 8.24 housing resources in their community and a
 8.25 Minnesota Domestic and Sexual Violence
 8.26 Transitional Housing program to develop and
 8.27 support medium to long term transitional
 8.28 housing for survivors of domestic and sexual
 8.29 violence with supportive services.

8.30 **(b) Office for Missing and Murdered Black**

8.31 **Women and Girls**

8.32 \$1,248,000 each year is for the Minnesota
 8.33 Office for Missing and Murdered Black
 8.34 Women and Girls.

9.1 **(c) Office for Missing and Murdered**

9.2 **Indigenous Relatives**

9.3 \$774,000 each year is for staff and operating
9.4 costs of the Office for Missing and Murdered
9.5 Indigenous Relatives, the Missing and
9.6 Murdered Indigenous Relatives Advisory
9.7 Board, and the Gaagige-Mikwendaagoziwag
9.8 reward advisory group.

9.9 **(d) Sexual Assault Exam Costs**

9.10 \$3,771,000 the first year and \$3,776,000 the
9.11 second year are to reimburse qualified health
9.12 care providers for the expenses associated with
9.13 medical examinations administered to victims
9.14 of criminal sexual conduct as required under
9.15 Minnesota Statutes, section 609.35.

9.16 **(e) Direct Assistance to Crime Victim**

9.17 **Survivors**

9.18 \$10,000,000 the first year and \$5,000,000 the
9.19 second year are to provide grants for direct
9.20 services and advocacy for victims of sexual
9.21 assault, general crime, domestic violence, and
9.22 child abuse. Funding must support the direct
9.23 needs of organizations serving victims of
9.24 crime by providing: direct client assistance to
9.25 crime victims; competitive wages for direct
9.26 service staff; hotel stays and other
9.27 housing-related supports and services;
9.28 culturally responsive programming; prevention
9.29 programming, including domestic abuse
9.30 transformation and restorative justice
9.31 programming; and for other needs of
9.32 organizations and crime victim survivors.

9.33 **(f) Intensive Comprehensive Peace Officer**

9.34 **Education and Training Program**

10.1 \$2,000,000 each year is to implement the
 10.2 intensive comprehensive peace officer
 10.3 education and training program described in
 10.4 Minnesota Statutes, section 626.8516. This is
 10.5 a onetime appropriation and is available
 10.6 through June 30, 2029.

10.7 **Subd. 8. Emergency Communication Networks** 68,597,000 68,597,000

10.8 Appropriations by Fund
 10.9 911 Fund 68,597,000 68,597,000

10.10 This appropriation is from the state
 10.11 government special revenue fund for 911
 10.12 emergency telecommunications services unless
 10.13 otherwise indicated.

10.14 **(a) Public Safety Answering Points**

10.15 \$28,011,000 each year shall be distributed as
 10.16 provided under Minnesota Statutes, section
 10.17 403.113, subdivision 2.

10.18 **(b) ARMER State Backbone Operating**

10.19 **Costs**

10.20 \$10,384,000 each year is transferred to the
 10.21 commissioner of transportation for costs of
 10.22 maintaining and operating the statewide radio
 10.23 system backbone.

10.24 **(c) Statewide Emergency Communications**

10.25 **Board**

10.26 \$1,000,000 each year is to the Statewide
 10.27 Emergency Communications Board. Funds
 10.28 may be used for operating costs, to provide
 10.29 competitive grants to local units of
 10.30 government to fund enhancements to a
 10.31 communication system, technology, or support
 10.32 activity that directly provides the ability to
 10.33 deliver the 911 call between the entry point to

11.1 the 911 system and the first responder, and to
 11.2 further the strategic goals set forth by the
 11.3 SECB Statewide Communication
 11.4 Interoperability Plan.

11.5 **Sec. 4. PEACE OFFICER STANDARDS AND**
 11.6 **TRAINING (POST) BOARD**

\$ 6,749,000 \$ 6,797,000

11.7 **Peace Officer Training Reimbursements**

11.8 \$2,949,000 each year is for reimbursements
 11.9 to local governments for peace officer training
 11.10 costs.

11.11 **Sec. 5. PRIVATE DETECTIVE BOARD**

\$ 697,000 \$ 706,000

11.12 **Sec. 6. CORRECTIONS**

11.13 **Subdivision 1. Total**

11.14 **Appropriation \$ 9,091,000 \$ 847,648,000 \$ 871,647,000**

11.15 The amounts that may be spent for each
 11.16 purpose are specified in the following
 11.17 subdivisions.

11.18 **Subd. 2. Incarceration and**

11.19 **Prerelease Services \$ 9,091,000 \$ 583,470,000 \$ 600,689,000**

11.20 **(a) Operating Deficiency**

11.21 \$9,091,000 in fiscal year 2025 is to meet
 11.22 financial obligations in fiscal year 2025.

11.23 Amounts in this appropriation may be
 11.24 transferred to other programs within the
 11.25 Department of Corrections. This is a onetime
 11.26 appropriation.

11.27 **(b) Prison Rape Elimination Act**

11.28 \$500,000 each year is for Prison Rape
 11.29 Elimination Act (PREA) compliance.

11.30 **(c) State Corrections Safety and Security**

11.31 \$2,339,000 each year is for state corrections
 11.32 safety and security investments.

12.1 **(d) Inmate Phone Calls**

12.2 \$3,100,000 each year is to provide voice
12.3 communication services for incarcerated
12.4 persons under Minnesota Statutes, section
12.5 241.252. Any unencumbered balance
12.6 remaining at the end of the first year may be
12.7 carried forward into the second year. If this
12.8 appropriation is greater than the cost of
12.9 providing voice communication services,
12.10 remaining funds must be used to offset the
12.11 cost of other communication services.

12.12 **(e) Medical Assistance Reentry**

12.13 **Demonstration**

12.14 \$1,924,000 the first year and \$2,364,000 the
12.15 second year are for planning and
12.16 implementation of the medical assistance
12.17 reentry demonstration.

12.18 **(f) Incarceration and Prerelease Services**

12.19 **Base Budget**

12.20 The base for incarceration and prerelease
12.21 services is \$600,731,000 in fiscal year 2028
12.22 and \$600,789,000 in fiscal year 2029.

12.23 **Subd. 3. Community**
12.24 **Supervision and Postrelease**
12.25 **Services**

196,362,000

201,690,000

12.26 **(a) Community Supervision Funding**

12.27 \$143,378,000 each year is for community
12.28 supervision services. This appropriation shall
12.29 be distributed according to the community
12.30 supervision formula in Minnesota Statutes,
12.31 section 401.10.

12.32 **(b) Tribal Nation Supervision**

12.33 \$2,750,000 each year is for Tribal Nations to
12.34 provide supervision or supportive services

13.1 pursuant to Minnesota Statutes, section
 13.2 401.10.

13.3 **(c) Housing Initiatives**

13.4 \$1,685,000 each year is for housing initiatives
 13.5 to support stable housing of incarcerated
 13.6 individuals upon release.

13.7 **Subd. 4. Organizational, Regulatory, and**
 13.8 **Administrative Services**

67,816,000 69,268,000

13.9 **Public Safety Data Infrastructure**

13.10 \$4,097,000 each year is for technology
 13.11 modernization and the development of an
 13.12 information-sharing and data-technology
 13.13 infrastructure. Any unspent funds from the
 13.14 current biennium do not cancel and are
 13.15 available in the next biennium.

13.16 **Sec. 7. OMBUDSPERSON FOR**
 13.17 **CORRECTIONS**

\$ 1,118,000 \$ 1,137,000

13.18 **Sec. 8. CANNABIS EXPUNGEMENT BOARD** \$

5,371,000 \$ 5,386,000

13.19 **Sec. 9. CLEMENCY REVIEW COMMISSION** \$

995,000 \$ \$1,005,000

13.20 \$995,000 the first year and \$1,005,000 the
 13.21 second year are for the clemency review
 13.22 commission described in Minnesota Statutes,
 13.23 section 638.09. Of this amount, \$200,000 each
 13.24 year is for grants to support outreach and
 13.25 clemency application assistance.

13.26 Sec. 10. Laws 2023, chapter 52, article 2, section 6, as amended by Laws 2024, chapter
 13.27 123, article 1, section 12, and Laws 2024, chapter 123, article 1, section 13, is amended to
 13.28 read:

13.29 **Sec. 6. CORRECTIONS**

13.30 **Subdivision 1. Total**
 13.31 **Appropriation**

\$ 12,643,000 \$ 797,937,000 \$ 825,675,000

14.1 The amounts that may be spent for each
 14.2 purpose are specified in the following
 14.3 subdivisions.

14.4 **Subd. 2. Incarceration and**

14.5 **Prerelease Services** \$ 12,643,000 \$ 534,412,000 \$ 561,421,000

14.6 **(a) Operating Deficiency**

14.7 \$12,643,000 in fiscal year 2023 is to meet
 14.8 financial obligations in fiscal year 2023. This
 14.9 is a onetime appropriation.

14.10 **(b) Transfer**

14.11 Up to \$4,050,000 may be transferred in fiscal
 14.12 year 2025 to other programs within the
 14.13 Department of Corrections for financial
 14.14 obligations.

14.15 ~~(b)~~ **(c) Body-worn Camera Program**

14.16 \$1,000,000 each year is to create a body-worn
 14.17 camera program for corrections officers and
 14.18 intensive supervised release agents. This
 14.19 appropriation is onetime.

14.20 ~~(c)~~ **(d) ARMER Radio System**

14.21 \$1,500,000 each year is to upgrade and
 14.22 maintain the ARMER radio system within
 14.23 correctional facilities. This is a onetime
 14.24 appropriation.

14.25 ~~(d)~~ **(e) Prison Rape Elimination Act**

14.26 \$500,000 each year is for Prison Rape
 14.27 Elimination Act (PREA) compliance.

14.28 ~~(e)~~ **(f) State Corrections Safety and Security**

14.29 \$1,932,000 ~~each~~ in fiscal year 2024 and
 14.30 \$1,632,000 in fiscal year 2025 is for state
 14.31 corrections safety and security investments.

15.1 The base for this appropriation is \$2,625,000
 15.2 beginning in fiscal year 2026.

15.3 ~~(f)~~ (g) **Health Services**

15.4 \$2,750,000 each year is for increased health
 15.5 care services. The base for this appropriation
 15.6 is \$3,400,000 beginning in fiscal year 2026.

15.7 ~~(g)~~ (h) **Educational Programming and**
 15.8 **Support Services**

15.9 \$5,600,000 the first year and ~~\$4,000,000~~
 15.10 \$1,000,000 the second year are for educational
 15.11 programming and support services. The base
 15.12 for this purpose is \$2,000,000 beginning in
 15.13 fiscal year 2026.

15.14 ~~(h)~~ (i) **Family Support Unit**

15.15 \$480,000 each year is for a family support
 15.16 unit.

15.17 ~~(i)~~ (j) **Inmate Phone Calls**

15.18 \$3,100,000 each year is to provide voice
 15.19 communication services for incarcerated
 15.20 persons under Minnesota Statutes, section
 15.21 241.252. Any unencumbered balance
 15.22 remaining at the end of the first year may be
 15.23 carried forward into the second year. If this
 15.24 appropriation is greater than the cost of
 15.25 providing voice communication services,
 15.26 remaining funds must be used to offset the
 15.27 cost of other communication services.

15.28 ~~(j)~~ (k) **Virtual Court Coordination**

15.29 \$500,000 each year is for virtual court
 15.30 coordination and modernization.

15.31 ~~(k)~~ (l) **Supportive Arts for Incarcerated**
 15.32 **Persons**

16.1 \$425,000 the first year is for supportive arts
 16.2 for incarcerated persons grants as provided
 16.3 for in section 17. Of this amount, up to ten
 16.4 percent is for administration, including facility
 16.5 space, access, liaison, and monitoring. Any
 16.6 unencumbered balance remaining at the end
 16.7 of the first year does not cancel but is available
 16.8 for this purpose in the second year.

16.9 ~~(h)~~ (m) **Successful Re-entry**

16.10 \$375,000 the first year and ~~\$875,000~~ \$375,000
 16.11 the second year are for reentry initiatives,
 16.12 including a culturally specific release program
 16.13 for Native American incarcerated individuals.
 16.14 The base for this appropriation beginning in
 16.15 fiscal year 2026 is \$875,000.

16.16 ~~(m)~~ (n) **Evidence-based Correctional**

16.17 **Practices Unit**

16.18 \$750,000 ~~each~~ in fiscal year 2024 and
 16.19 \$500,000 in fiscal year 2025 is to establish
 16.20 and maintain a unit to direct and oversee the
 16.21 use of evidence-based correctional practices
 16.22 across the department and supervision delivery
 16.23 systems. The base for this appropriation
 16.24 beginning in fiscal year 2026 is \$750,000.

16.25 ~~(n)~~ (o) **Interstate Compact for Adult**

16.26 **Supervision; Transfer Expense**

16.27 **Reimbursement**

16.28 \$250,000 each year is for reimbursements
 16.29 under Minnesota Statutes, section 243.1609.
 16.30 This is a onetime appropriation.

16.31 ~~(o)~~ (p) **Task Force on Aiding and Abetting**

16.32 **Felony Murder**

17.1 \$25,000 the first year is for costs associated
 17.2 with the revival of the task force on aiding and
 17.3 abetting felony murder.

17.4 ~~(p)~~ (q) **Incarceration and Prerelease**

17.5 **Services Base Budget**

17.6 The base for incarceration and prerelease
 17.7 services is \$552,775,000 in fiscal year 2026
 17.8 and \$553,043,000 in fiscal year 2027.

17.9 **Subd. 3. Community**

17.10 **Supervision and Postrelease**

17.11 Services	189,939,000	190,953,000
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17.12 **(a) Community Supervision Funding**

17.13 \$143,378,000 each year is for community
 17.14 supervision services. This appropriation shall
 17.15 be distributed according to the community
 17.16 supervision formula in Minnesota Statutes,
 17.17 section 401.10.

17.18 **(b) Transfer**

17.19 Up to \$5,750,000 may be transferred in fiscal
 17.20 year 2025 to other programs within the
 17.21 Department of Corrections for financial
 17.22 obligations.

17.23 ~~**(b) Tribal Nation Supervision**~~

17.24 ~~\$2,750,000 each year is for Tribal Nations to~~
 17.25 ~~provide supervision or supportive services~~
 17.26 ~~pursuant to Minnesota Statutes, section~~
 17.27 ~~401.10.~~

17.28 **(c) Postrelease Sex Offender Program**

17.29 \$1,915,000 each year is for postrelease sex
 17.30 offender treatment services and initiatives.

17.31 **(d) Community Supervision Advisory**

17.32 **Committee**

18.1 \$75,000 the first year is to fund the community
 18.2 supervision advisory committee under
 18.3 Minnesota Statutes, section 401.17.

18.4 **(e) Regional and County Jails Study and**
 18.5 **Report**

18.6 \$150,000 the first year is to fund the
 18.7 commissioner's study and report on the
 18.8 consolidation or merger of county jails and
 18.9 alternatives to incarceration for persons
 18.10 experiencing mental health disorders.

18.11 **(f) Work Release Programs**

18.12 \$500,000 each year is for work release
 18.13 programs.

18.14 **(g) County Discharge Plans**

18.15 \$80,000 each year is to develop model
 18.16 discharge plans pursuant to Minnesota
 18.17 Statutes, section 641.155. This appropriation
 18.18 is onetime.

18.19 **(h) Housing Initiatives**

18.20 \$2,130,000 ~~each~~ in fiscal year 2024 and
 18.21 \$880,000 in fiscal year 2025 is for housing
 18.22 initiatives to support stable housing of
 18.23 incarcerated individuals upon release. The
 18.24 base for this purpose beginning in fiscal year
 18.25 2026 is \$1,685,000. ~~Of this amount:~~

18.26 ~~(1) \$1,000,000 each year is for housing~~
 18.27 ~~stabilization prerelease services and program~~
 18.28 ~~evaluation. The base for this purpose~~
 18.29 ~~beginning in fiscal year 2026 is \$760,000;~~

18.30 ~~(2) \$500,000 each year is for rental assistance~~
 18.31 ~~for incarcerated individuals approaching~~
 18.32 ~~release, on supervised release, or on probation~~
 18.33 ~~who are at risk of homelessness;~~

19.1 ~~(3) \$405,000 each year is for culturally~~
 19.2 ~~responsive trauma-informed transitional~~
 19.3 ~~housing. The base for this purpose beginning~~
 19.4 ~~in fiscal year 2026 is \$200,000; and~~

19.5 ~~(4) \$225,000 each year is for housing~~
 19.6 ~~coordination activities.~~

19.7 **(i) Community Supervision and Postrelease**
 19.8 **Services Base Budget**

19.9 The base for community supervision and
 19.10 postrelease services is \$189,272,000 in fiscal
 19.11 year 2026 and \$189,172,000 in fiscal year
 19.12 2027.

19.13 **(j) Naloxone**

19.14 \$2,000 each year is to purchase naloxone for
 19.15 supervised release agents to use to respond to
 19.16 overdoses.

19.17 **Subd. 4. Organizational, Regulatory, and**
 19.18 **Administrative Services**

73,586,000

73,301,000

19.19 **(a) Public Safety Data Infrastructure**

19.20 \$22,914,000 the first year and \$22,915,000
 19.21 the second year are for technology
 19.22 modernization and the development of an
 19.23 information-sharing and data-technology
 19.24 infrastructure. The base for this purpose is
 19.25 \$4,097,000 beginning in fiscal year 2026. Any
 19.26 unspent funds from the current biennium do
 19.27 not cancel and are available in the next
 19.28 biennium.

19.29 **(b) Transfer**

19.30 Up to \$200,000 may be transferred in fiscal
 19.31 year 2025 to other programs within the
 19.32 Department of Corrections for financial
 19.33 obligations.

20.1 ~~(b)~~ (c) **Supervised Release Board**

20.2 \$40,000 each year is to establish and operate
20.3 the supervised release board pursuant to
20.4 Minnesota Statutes, section 244.049.

20.5 ~~(e)~~ (d) **Recruitment and Retention**

20.6 \$3,200,000 the first year and \$400,000 the
20.7 second year are for recruitment and retention
20.8 initiatives. Of this amount, \$2,800,000 the first
20.9 year is for staff recruitment, professional
20.10 development, conflict resolution, and staff
20.11 wellness, and to contract with community
20.12 collaborative partners who specialize in trauma
20.13 recovery.

20.14 ~~(d)~~ (e) **Clemency Review Commission**

20.15 \$986,000 the first year is for the clemency
20.16 review commission described in Minnesota
20.17 Statutes, section 638.09. Of this amount,
20.18 \$200,000 each year is for grants to support
20.19 outreach and clemency application assistance.
20.20 Any unencumbered balance remaining in the
20.21 first year does not cancel, but must be
20.22 transferred to the Clemency Review
20.23 Commission by July 30, 2024. Funds
20.24 transferred under this paragraph are available
20.25 until June 30, 2025.

20.26 ~~(e)~~ (f) **Accountability and Transparency**

20.27 \$1,000,000 each in fiscal year 2024 and
20.28 \$800,000 in fiscal year 2025 is for
20.29 accountability and transparency initiatives.
20.30 The base for this appropriation is \$1,480,000
20.31 beginning in fiscal year 2026.

20.32 ~~(f)~~ (g) **Organizational, Regulatory, and**
20.33 **Administrative Services Base Budget**

21.1 The base for organizational, regulatory, and
 21.2 administrative services is \$54,863,000 in fiscal
 21.3 year 2026 and \$54,663,000 in fiscal year 2027.

21.4 **EFFECTIVE DATE.** This section is effective the day following final enactment.

21.5 **ARTICLE 3**
 21.6 **PUBLIC SAFETY POLICY**

21.7 Section 1. Minnesota Statutes 2024, section 299A.01, is amended by adding a subdivision
 21.8 to read:

21.9 Subd. 9. **Grant contracts and programs administrative costs.** Notwithstanding any
 21.10 law to the contrary, unless amounts are otherwise appropriated for administrative costs, the
 21.11 department may retain up to five percent of the amount appropriated to the department for
 21.12 grants enacted by the legislature and single or sole source and formula grants and up to ten
 21.13 percent for competitively awarded grants to be used for staff and related operating costs for
 21.14 grant administration. This subdivision applies to all new and existing grant programs
 21.15 administered by the department. This subdivision does not apply to grants funded with an
 21.16 appropriation of proceeds from the sale of state general obligation bonds.

21.17 Sec. 2. Minnesota Statutes 2024, section 299F.47, subdivision 2, is amended to read:

21.18 Subd. 2. **Charter school inspections; fees.** The state fire marshal shall charge charter
 21.19 schools ~~\$100~~ \$0.014 per square foot for each school building inspected. ~~This rate~~ These
 21.20 rates shall include two follow-up inspections or on-site consultations. If additional follow-up
 21.21 inspections or consultations are needed, the state fire marshal shall charge ~~\$50~~ \$0.005 per
 21.22 square foot for each additional follow-up inspection to each applicable building in which a
 21.23 follow-up inspection is needed.

21.24 Sec. 3. **[609.5523] THEFT OF PUBLIC FUNDS.**

21.25 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have
 21.26 the meanings given.

21.27 (b) "Public funds" means all general, special, permanent, trust, and other funds, regardless
 21.28 of source or purpose, held or administered by a government entity.

21.29 (c) "Government entity" has the meaning provided in section 13.02, subdivision 7a.

21.30 Subd. 2. **Acts constituting theft of public funds.** Whoever does any of the following
 21.31 commits theft of public funds and may be sentenced as provided in subdivision 3:

22.1 (1) intentionally and without claim of right takes, uses, transfers, conceals, or retains
22.2 possession of public funds of a government entity or a third party administering a program
22.3 funded by public vendors without consent and with intent to deprive the government entity
22.4 permanently of possession of public funds;

22.5 (2) obtains for the actor or another the possession or custody of public funds from a
22.6 government entity or third party administering a program funded by public funds by
22.7 intentionally deceiving the government entity or third party with a false representation which
22.8 is known to be false, is made with intent to defraud, and does defraud the government entity
22.9 or third party to whom it is made. False representation includes without limitation:

22.10 (i) a promise made with intent not to perform. Failure to perform is not evidence of
22.11 intent not to perform unless corroborated by other substantial evidence; or

22.12 (ii) the preparation or filing of a claim for reimbursement, a rate application, or a cost
22.13 report which intentionally and falsely states the costs of or actual services provided by a
22.14 vendor; or

22.15 (3) by swindling, whether by artifice, trick, device, or any other means, obtains public
22.16 funds or services funded by public funds from a government entity or a third party
22.17 administering a program funded by public funds.

22.18 Subd. 3. **Sentence.** (a) Whoever commits theft of public funds may be sentenced as
22.19 follows:

22.20 (1) to imprisonment for not more than 24 years or to payment of a fine of not more than
22.21 \$100,000, or both, if the value of property stolen is more than \$35,000;

22.22 (2) to imprisonment for not more than 12 years or to payment of a fine of not more than
22.23 \$20,000, or both, if the value of the property stolen exceeds \$5,000; or

22.24 (3) to imprisonment for not more than six years or to payment of a fine of not more than
22.25 \$10,000, or both, if the value of the property is more than \$1,000 but not more than \$5,000.

22.26 (b) In any prosecution for theft of public funds, the value of the money or property
22.27 received by the defendant in violation of any of these provisions within any six-month
22.28 period may be aggregated and the defendant charged accordingly in applying the provisions
22.29 of this subdivision.

23.1 **ARTICLE 4**

23.2 **CORRECTIONS POLICY**

23.3 Section 1. Minnesota Statutes 2024, section 14.03, subdivision 3, is amended to read:

23.4 Subd. 3. **Rulemaking procedures.** (a) The definition of a rule in section 14.02,
23.5 subdivision 4, does not include:

23.6 (1) rules concerning only the internal management of the agency or other agencies that
23.7 do not directly affect the rights of or procedures available to the public;

23.8 (2) an application deadline on a form; and the remainder of a form and instructions for
23.9 use of the form to the extent that they do not impose substantive requirements other than
23.10 requirements contained in statute or rule;

23.11 (3) the curriculum adopted by an agency to implement a statute or rule permitting or
23.12 mandating minimum educational requirements for persons regulated by an agency, provided
23.13 the topic areas to be covered by the minimum educational requirements are specified in
23.14 statute or rule;

23.15 (4) procedures for sharing data among government agencies, provided these procedures
23.16 are consistent with chapter 13 and other law governing data practices.

23.17 (b) The definition of a rule in section 14.02, subdivision 4, does not include:

23.18 (1) rules of the commissioner of corrections:

23.19 (i) relating to the release, placement, term, revocation, and supervision of inmates on
23.20 work release, on parole, or serving a supervised release or conditional release term;

23.21 (ii) on the internal management of institutions under the commissioner's control, ~~and~~
23.22 ~~rules adopted;~~ and

23.23 (iii) under section 609.105 governing the inmates of these institutions under the
23.24 commissioner's control;

23.25 (2) rules relating to weight limitations on the use of highways when the substance of the
23.26 rules is indicated to the public by means of signs;

23.27 (3) opinions of the attorney general;

23.28 (4) the data element dictionary and the annual data acquisition calendar of the Department
23.29 of Education to the extent provided by section 125B.07;

23.30 (5) the occupational safety and health standards provided in section 182.655;

23.31 (6) revenue notices and tax information bulletins of the commissioner of revenue;

24.1 (7) uniform conveyancing forms adopted by the commissioner of commerce under
24.2 section 507.09;

24.3 (8) standards adopted by the Electronic Real Estate Recording Commission established
24.4 under section 507.0945; or

24.5 (9) the interpretive guidelines developed by the commissioner of human services to the
24.6 extent provided in chapter 245A.

24.7 Sec. 2. Minnesota Statutes 2024, section 201.014, subdivision 2a, is amended to read:

24.8 Subd. 2a. **Felony conviction; restoration of civil right to vote.** An individual who is
24.9 ineligible to vote because of a felony conviction has the civil right to vote restored during
24.10 any period when the individual is not incarcerated for the offense. If the individual is later
24.11 incarcerated for the offense, the individual's civil right to vote is lost only during that period
24.12 of incarceration. For purposes of this subdivision only, an individual on work release under
24.13 section 241.26 or ~~244.065~~ or an individual released under section 631.425 is not deemed
24.14 to be incarcerated.

24.15 Sec. 3. Minnesota Statutes 2024, section 241.26, subdivision 1, is amended to read:

24.16 Subdivision 1. ~~Commissioner~~ **Granting work release.** ~~When consistent with the public~~
24.17 ~~interest and the public safety,~~ (a) The commissioner of corrections may conditionally release
24.18 an inmate ~~who is eligible and being considered for release under section 243.05,~~ to work
24.19 at paid employment, seek employment, or participate in a vocational training or educational
24.20 program.:

24.21 (1) when consistent with the public interest and the public safety; and

24.22 (2) if the inmate has served at least one-half of the term of imprisonment.

24.23 (b) Release under this subdivision is an extension of the limits of confinement, and each
24.24 inmate ~~so~~ released ~~shall~~ must be confined in the correctional facility from which released
24.25 or in some other suitable place of confinement designated by the commissioner of corrections
24.26 during the hours the inmate is not employed, seeking employment, or engaged in a vocational
24.27 training or educational program, or, if employed, seeking employment, or engaged in a
24.28 vocational training or educational program, between the hours of such activity.

24.29 (c) A reasonable allowance for travel time and meals shall be permitted.

25.1 Sec. 4. Minnesota Statutes 2024, section 241.26, subdivision 3, is amended to read:

25.2 Subd. 3. **Rules Policy.** The commissioner of corrections ~~shall establish rules for placement~~
 25.3 ~~and supervision of such~~ must adopt policy for placing and supervising inmates under
 25.4 subdivision 1 and for ~~administration of~~ administrating programs authorized by this section.
 25.5 When consistent with the public interest, the commissioner may grant furloughs to ~~those~~
 25.6 inmates participating in the programs authorized by this section who have spent at least 30
 25.7 days in a residential work release center operated by or under the control of the commissioner
 25.8 for a period ~~of time~~ not to exceed their supervised release date.

25.9 Sec. 5. Minnesota Statutes 2024, section 241.26, subdivision 4, is amended to read:

25.10 Subd. 4. **Revocation Rescinding work release.** The willful failure of an inmate to report
 25.11 to or return from planned employment, seeking employment, educational or vocational
 25.12 training, or furlough as provided in subdivision 3 ~~shall be~~ is considered an escape under
 25.13 section 609.485. If an inmate violates any ~~of the~~ policy rules ~~provided for in~~ under
 25.14 subdivision 3, the inmate's work placement, educational, or vocational training privileges
 25.15 may be withdrawn by the commissioner.

25.16 Sec. 6. Minnesota Statutes 2024, section 241.26, subdivision 5, is amended to read:

25.17 Subd. 5. **Earnings; work release account.** (a) The net earnings of each inmate
 25.18 participating in the work release program provided by this section may be collected by or
 25.19 forwarded to the commissioner of corrections for deposit to the account of the inmate in
 25.20 the work release account in the state treasury, or the inmate may be permitted to collect,
 25.21 retain, and expend the net earnings from the inmate's employment ~~under rules established~~
 25.22 according to policy adopted by the commissioner of corrections. The money collected by
 25.23 or forwarded to the commissioner ~~under the rules shall remain~~ remains under the control
 25.24 of the commissioner for the sole benefit of the inmate. After making deductions for the
 25.25 payment of state and local taxes, if necessary, and for repayment of advances and gate
 25.26 money as provided in section 243.24, wages under the control of the commissioner and
 25.27 wages retained by the inmate may be disbursed by the commissioner or expended by the
 25.28 inmate for the following purposes and in the following order:

25.29 (1) the cost of the inmate's keep as determined by subdivision 7, which money shall be
 25.30 deposited in the general fund of the state treasury if the inmate is housed in a state
 25.31 correctional facility, or shall be paid directly to the place of confinement as designated by
 25.32 the commissioner pursuant to subdivision 1;

- 26.1 (2) necessary travel expense to and from work and other incidental expenses of the
26.2 inmate;
- 26.3 (3) support of inmate's dependents, if any;
- 26.4 (4) court-ordered restitution, if any;
- 26.5 (5) fines, surcharges, or other fees assessed or ordered by the court;
- 26.6 (6) contribution to any programs established by law to aid victims of crime, provided
26.7 that the contribution must not be more than 20 percent of the inmate's gross wages;
- 26.8 (7) restitution to the commissioner of corrections ordered by a prison disciplinary hearing
26.9 officer for damage to property caused by an inmate's conduct;
- 26.10 (8) restitution to staff ordered by a prison disciplinary hearing officer for damage to
26.11 property caused by an inmate's conduct;
- 26.12 (9) restitution to another inmate ordered by a prison disciplinary hearing officer for
26.13 personal injury to another caused by an inmate's conduct;
- 26.14 (10) after the above expenditures, the inmate shall have discretion to direct payment of
26.15 the balance, if any, upon proper proof of personal legal debts; and
- 26.16 (11) the balance, if any, shall be disbursed to the inmate as provided in section 243.24,
26.17 subdivision 1.
- 26.18 (b) The commissioner may authorize the payment of court-ordered restitution from an
26.19 inmate's wages when the restitution was court ordered as a sanction for the conviction of
26.20 an offense which is not the offense of commitment, including offenses which occurred prior
26.21 to the offense for which the inmate was committed to the commissioner. All money in the
26.22 work release account are appropriated annually to the commissioner of corrections for the
26.23 purposes of the work release program.
- 26.24 Sec. 7. Minnesota Statutes 2024, section 241.26, is amended by adding a subdivision to
26.25 read:
- 26.26 Subd. 8. Exempt from rulemaking. A commissioner policy or policy rule under this
26.27 section is not a rule under chapter 14 and is exempt from the rulemaking provisions under
26.28 chapter 14, including section 14.386.

27.1 Sec. 8. Minnesota Statutes 2024, section 242.10, is amended to read:

27.2 **242.10 HEARING OFFICERS, POWERS; PROBATION, COMMITMENT,**
 27.3 **PAROLE.**

27.4 Subdivision 1. Designated hearing officers. The commissioner of corrections may
 27.5 designate from among the members of the commissioner's staff; one or more hearing officers
 27.6 and delegate to them the authority to grant or revoke probation, commit to an institution,
 27.7 grant or revoke parole, or issue final discharge to any person ~~under the control of the~~
 27.8 ~~commissioner pursuant to a commitment~~ committed to the commissioner by a juvenile court
 27.9 of this state.

27.10 Subd. 2. Appealing order of hearing officer. Any person aggrieved by an order issued
 27.11 by a hearing officer may appeal to the commissioner or ~~to a review panel established by~~
 27.12 ~~the commissioner~~ a designee within the department ~~pursuant~~ according to rules policy issued
 27.13 by the commissioner.

27.14 Subd. 3. Exempt from rulemaking. A commissioner policy under this section is not a
 27.15 rule under chapter 14 and is exempt from the rulemaking provisions under chapter 14,
 27.16 including section 14.386.

27.17 Sec. 9. Minnesota Statutes 2024, section 242.19, subdivision 3, is amended to read:

27.18 Subd. 3. Retaking absconding and other person. ~~The written order of the commissioner~~
 27.19 ~~of corrections is authority to any peace officer or parole or probation officer~~ Warrants to
 27.20 take and detain any child committed to the commissioner of corrections by a juvenile court
 27.21 who absconds from field supervision or escapes from confinement, violates furlough
 27.22 conditions, or is released from court while on institution status are governed according to
 27.23 section 243.051. ~~Any person of the age of 18 years or older who is taken into custody under~~
 27.24 ~~the provisions of this subdivision may be detained as provided in section 260B.181,~~
 27.25 ~~subdivision 4.~~

27.26 Sec. 10. Minnesota Statutes 2024, section 242.44, is amended to read:

27.27 **242.44 PUPHS JUVENILES.**

27.28 Subdivision 1. Receiving and housing juveniles. The commissioner of corrections, so
 27.29 far as the accommodations of the correctional facilities and other means at the commissioner's
 27.30 disposal will permit, may receive juvenile delinquents and juvenile offenders serving a
 27.31 juvenile disposition under section 260B.130, subdivision 4. The commissioner's housing
 27.32 of these individuals must be consistent with federal and state law, including established

28.1 admissions criteria for Minnesota Correctional Facility-Red Wing. The commissioner may
28.2 place these youths at employment, may provide education suitable to their years and capacity,
28.3 and may place them in suitable homes.

28.4 Subd. 2. Parole or discharge. (a) Under ~~rules~~ policy prescribed by the commissioner,
28.5 when deemed best for these youths, persons committed to the commissioner's care and
28.6 custody by a juvenile court may be paroled or discharged from the facility by the
28.7 commissioner.

28.8 (b) A commissioner policy under this subdivision is not a rule under chapter 14 and is
28.9 exempt from the rulemaking provisions under chapter 14, including section 14.386.

28.10 Subd. 3. Youth in facility. All ~~pupils~~ youth in the facility ~~shall~~ must be clothed,
28.11 instructed, and maintained by the commissioner of corrections.

28.12 Sec. 11. Minnesota Statutes 2024, section 243.05, subdivision 1, is amended to read:

28.13 Subdivision 1. **Conditional release.** (a) The Supervised Release Board may parole any
28.14 person sentenced to confinement in any state correctional facility for adults under the control
28.15 of the commissioner of corrections, provided that:

28.16 (1) no inmate serving a life sentence for committing murder before May 1, 1980, other
28.17 than murder committed in violation of clause (1) of section 609.185 who has not been
28.18 previously convicted of a felony shall be paroled without having served 20 years, less the
28.19 diminution that would have been allowed for good conduct had the sentence been for 20
28.20 years;

28.21 (2) no inmate serving a life sentence for committing murder before May 1, 1980, who
28.22 has been previously convicted of a felony or though not previously convicted of a felony
28.23 is serving a life sentence for murder in the first degree committed in violation of clause (1)
28.24 of section 609.185 shall be paroled without having served 25 years, less the diminution
28.25 which would have been allowed for good conduct had the sentence been for 25 years;

28.26 (3) any inmate sentenced prior to September 1, 1963, who would be eligible for parole
28.27 had the inmate been sentenced after September 1, 1963, shall be eligible for parole; and

28.28 (4) any new rule or policy or change of rule or policy adopted by the commissioner of
28.29 corrections which has the effect of postponing eligibility for parole has prospective effect
28.30 only and applies only with respect to persons committing offenses after the effective date
28.31 of the new rule or policy or change.

29.1 (b) Upon being paroled and released, an inmate is and remains in the legal custody and
29.2 under the control of the commissioner, subject at any time to be returned to a facility of the
29.3 Department of Corrections established by law for the confinement or treatment of convicted
29.4 persons and the parole rescinded by the commissioner.

29.5 ~~(e) The written order of the commissioner of corrections, is sufficient authority for any~~
29.6 ~~peace officer, state correctional investigator, or state parole and probation agent to retake~~
29.7 ~~and place in actual custody any person on parole or supervised release. In addition, when~~
29.8 ~~it appears necessary in order to prevent escape or enforce discipline, any state parole and~~
29.9 ~~probation agent or state correctional investigator may, without order of warrant, take and~~
29.10 ~~detain a parolee or person on supervised release or work release and bring the person to the~~
29.11 ~~commissioner for action.~~

29.12 ~~(d) The written order of the commissioner of corrections is sufficient authority for any~~
29.13 ~~peace officer, state correctional investigator, or state parole and probation agent to retake~~
29.14 ~~and place in actual custody any person on probation under the supervision of the~~
29.15 ~~commissioner pursuant to section 609.135. Additionally, when it appears necessary in order~~
29.16 ~~to prevent escape or enforce discipline, any state parole and probation agent or state~~
29.17 ~~correctional investigator may, without an order, retake and detain a probationer and bring~~
29.18 ~~the probationer before the court for further proceedings under section 609.14.~~

29.19 ~~(e) The written order of the commissioner of corrections is sufficient authority for any~~
29.20 ~~peace officer, state correctional investigator, or state parole and probation agent to detain~~
29.21 ~~any person on pretrial release who absconds from pretrial release or fails to abide by the~~
29.22 ~~conditions of pretrial release.~~

29.23 ~~(f)~~ (c) Persons conditionally released; and those on probation under the supervision of
29.24 the commissioner of corrections pursuant to section 609.135 may be placed within or outside
29.25 the boundaries of the state at the discretion of the commissioner of corrections or the court,
29.26 and the limits fixed for these persons may be enlarged or reduced according to their conduct.

29.27 ~~(g)~~ (d) Except as otherwise provided in subdivision 1b, in considering applications for
29.28 conditional release or discharge, the commissioner is not required to hear oral argument
29.29 from any attorney or other person not connected with an adult correctional facility of the
29.30 Department of Corrections in favor of or against the parole or release of any inmates. The
29.31 commissioner may institute inquiries by correspondence, taking testimony, or otherwise,
29.32 as to the previous history, physical or mental condition, and character of the inmate and, to
29.33 that end, has the authority to require the attendance of the chief executive officer of any
29.34 state adult correctional facility and the production of the records of these facilities, and to

30.1 compel the attendance of witnesses. The commissioner is authorized to administer oaths to
 30.2 witnesses for these purposes.

30.3 ~~(h)~~ (e) Before revoking a nonviolent controlled substance offender's parole or probation
 30.4 based on a technical violation, when the offender does not present a risk to the public and
 30.5 the offender is amenable to continued supervision in the community, a parole or probation
 30.6 agent must identify community options to address and correct the violation including, but
 30.7 not limited to, inpatient substance use disorder treatment. If a probation or parole agent
 30.8 determines that community options are appropriate and available in the state, the agent must
 30.9 seek to restructure the offender's terms of release to incorporate those options. If an offender
 30.10 on probation stipulates in writing to restructure the terms of release, a probation agent must
 30.11 forward a report to the district court containing:

30.12 (1) the specific nature of the technical violation of probation;

30.13 (2) the recommended restructure to the terms of probation; and

30.14 (3) a copy of the offender's signed stipulation indicating that the offender consents to
 30.15 the restructuring of probation.

30.16 ~~(i)~~ (f) The recommended restructuring of probation becomes effective when confirmed
 30.17 by a judge. The order of the court is proof of confirmation and amends the terms of the
 30.18 sentence imposed by the court under section 609.135.

30.19 ~~(j)~~ (g) If a nonviolent controlled substance offender's parole or probation is revoked, the
 30.20 offender's agent must first attempt to place the offender in a local jail.

30.21 ~~(k)~~ (h) For purposes of paragraphs ~~(h)~~ (e) to ~~(k)~~ (h):

30.22 (1) "nonviolent controlled substance offender" means a person who meets the criteria
 30.23 described under section 244.0513, subdivision 2, clauses (1), (2), and (5); and

30.24 (2) "technical violation" means any violation of a court order of probation or a condition
 30.25 of parole, except an allegation of a subsequent criminal act that is alleged in a formal
 30.26 complaint, citation, or petition.

30.27 Sec. 12. Minnesota Statutes 2024, section 243.05, subdivision 2, is amended to read:

30.28 Subd. 2. **Rules Policy on conditional release.** (a) The commissioner of corrections ~~may~~
 30.29 must adopt ~~rules in accordance with chapter 14, the Administrative Procedure Act, policy~~
 30.30 governing the procedures for granting ~~of~~ conditional release and final discharge. The ~~rules~~
 30.31 policy may provide for the conduct and employment of persons conditionally released; and

31.1 other matters necessary to implement the duties conferred by law upon the commissioner
31.2 with respect to conditional release and discharge of persons.

31.3 (b) A commissioner policy under this subdivision is not a rule under chapter 14 and is
31.4 exempt from the rulemaking provisions under chapter 14, including section 14.386.

31.5 (c) For purposes of this subdivision, "conditional release" means a person on parole,
31.6 work release, or supervised release.

31.7 Sec. 13. Minnesota Statutes 2024, section 243.05, subdivision 4, is amended to read:

31.8 Subd. 4. **Hearing officers; powers; duties.** To carry out the powers and duties conferred
31.9 by this section, the commissioner of corrections may designate from among staff members;
31.10 one or more hearing officers and delegate to them any of the powers and duties conferred
31.11 by this section. ~~In the exercise of their delegated powers and duties the hearing officers~~
31.12 ~~shall be subject to the rules prescribed by the commissioner of corrections.~~

31.13 Sec. 14. **[243.051] WARRANTS AND STOP ORDERS.**

31.14 Subdivision 1. Warrants and stop orders; commissioner policy. (a) For purposes of
31.15 this section, "commissioner" means the commissioner of corrections.

31.16 (b) Consistent with this section, the commissioner must adopt policy governing warrants
31.17 and stop orders.

31.18 (c) A commissioner policy under this section is not a rule under chapter 14 and is exempt
31.19 from the rulemaking provisions under chapter 14, including section 14.386.

31.20 Subd. 2. Warrants; generally. (a) The commissioner may issue warrants, including
31.21 nationwide warrants, for apprehension and detention in any of the following circumstances:

31.22 (1) when a person under the commissioner's supervision, including but not limited to a
31.23 person on parole, supervised release, conditional release, work release, or probation, absconds
31.24 from supervision or fails to abide by the conditions of their release;

31.25 (2) when a person on pretrial release absconds from pretrial release or fails to abide by
31.26 the conditions of pretrial release;

31.27 (3) when an inmate escapes from any state correctional facility under the commissioner's
31.28 control;

31.29 (4) when a convicted defendant fails to report postsentencing to their county authority
31.30 or to a state correctional facility; or

32.1 (5) when a child committed to the commissioner by a juvenile court absconds from field
32.2 supervision, escapes from confinement, violates furlough conditions, or is released from
32.3 court while on institution status.

32.4 (b) For an inmate under paragraph (a), clause (3), the commissioner must use all proper
32.5 means to apprehend and return the inmate, which may include offering a reward of no more
32.6 than \$100 to be paid from the state treasury, for information leading to the arrest and return
32.7 to custody of the inmate.

32.8 (c) Any individual 18 years of age or older who is taken into custody under paragraph
32.9 (a), clause (5), may be detained according to section 260B.181, subdivision 4.

32.10 Subd. 3. **Warrant authority.** A warrant issued by the commissioner is sufficient authority
32.11 for any peace officer, state correctional investigator, or state parole or probation agent to
32.12 retake and place in actual custody any person.

32.13 Subd. 4. **Preventing escape or enforcing discipline.** When it appears necessary to
32.14 prevent escape or enforce discipline, any state parole and probation agent or state correctional
32.15 investigator may, without a warrant:

32.16 (1) take and detain any person on probation, parole, supervised release, conditional
32.17 release, or work release; and

32.18 (2) take one of the following actions:

32.19 (i) for a person on probation, bring them before the court for further proceedings under
32.20 section 609.14; or

32.21 (ii) for a person on parole, supervised release, conditional release, or work release, bring
32.22 them to the commissioner for action.

32.23 Subd. 5. **Stop time.** The commissioner may stop the time from running on sentences of
32.24 persons until they are taken into custody in the following circumstances:

32.25 (1) releasees who have absconded from supervision;

32.26 (2) inmates who have escaped from a state correctional facility; or

32.27 (3) convicted defendants who have failed to report postsentencing.

32.28 Sec. 15. Minnesota Statutes 2024, section 243.88, subdivision 2, is amended to read:

32.29 Subd. 2. **Private industry employment.** (a) Any corporation operating a factory or
32.30 other business or commercial enterprise under this section may employ selected inmates of
32.31 the correctional institution upon whose grounds it operates and persons conditionally released

33.1 subject to the provisions of section 241.26. Persons conditionally released as provided in
 33.2 this subdivision ~~shall be deemed to be~~ are parolees within the purview of United States
 33.3 Code, title 49, section 60.

33.4 (b) Except as prohibited by applicable provisions of the United States Code, inmates of
 33.5 state correctional institutions may be employed in the manufacture and processing of goods,
 33.6 wares and merchandise for introduction into interstate commerce, provided that they are
 33.7 paid no less than the prevailing minimum wages for work of a similar nature performed by
 33.8 employees with similar skills in the locality in which the work is being performed.

33.9 ~~Under rules~~ (c) As prescribed by the commissioner of corrections, a portion of the wages
 33.10 of each inmate employed as authorized by this subdivision, in an amount to be determined
 33.11 by the commissioner, shall be set aside and kept ~~by the chief executive officer of the facility~~
 33.12 in the public welfare fund of the state for the benefit of the inmate and for the purpose of
 33.13 assisting the inmate when leaving the facility on conditional release or by final discharge.
 33.14 Any portion remaining undisbursed at the time of the inmate's final discharge shall be given
 33.15 to the inmate upon final discharge.

33.16 Sec. 16. Minnesota Statutes 2024, section 243.88, subdivision 5, is amended to read:

33.17 Subd. 5. **Deductions.** Notwithstanding any other law to the contrary, any compensation
 33.18 paid to inmates under this section is subject to section 243.23, subdivisions 2 and 3, and
 33.19 ~~rules~~ policy of the commissioner of corrections.

33.20 Sec. 17. Minnesota Statutes 2024, section 243.88, is amended by adding a subdivision to
 33.21 read:

33.22 Subd. 6. **Exempt from rulemaking.** A commissioner prescription or policy under this
 33.23 section is not a rule under chapter 14 and is exempt from the rulemaking provisions under
 33.24 chapter 14, including section 14.386.

33.25 Sec. 18. Minnesota Statutes 2024, section 244.04, subdivision 1, is amended to read:

33.26 Subdivision 1. **Reduction of sentence; inmates sentenced for crimes committed**
 33.27 **before 1993.** (a) Notwithstanding the provisions of section 609.11, subdivision 6, and
 33.28 Minnesota Statutes 2004, section 609.109, subdivision 1, the term of imprisonment of any
 33.29 inmate sentenced to a presumptive fixed sentence after May 1, 1980, and whose crime was
 33.30 committed before August 1, 1993, shall be reduced in duration by one day for each two
 33.31 days during which the inmate violates none of the disciplinary offense rules ~~promulgated~~
 33.32 adopted by the commissioner. The reduction shall accrue to the period of supervised release

34.1 to be served by the inmate, except that the period of supervised release for a sex offender
 34.2 conditionally released by the commissioner under section 609.3455 is governed by that
 34.3 provision.

34.4 (b) Except as otherwise provided in subdivision 2, if an inmate whose crime was
 34.5 committed before August 1, 1993, violates a disciplinary offense rule ~~promulgated by the~~
 34.6 ~~commissioner~~, good time earned prior to the violation may not be taken away, but the inmate
 34.7 may be required to serve an appropriate portion of the term of imprisonment after the
 34.8 violation without earning good time.

34.9 Sec. 19. Minnesota Statutes 2024, section 244.04, subdivision 2, is amended to read:

34.10 Subd. 2. **Loss of good time.** ~~By May 1, 1980,~~ The commissioner shall promulgate rules
 34.11 must adopt policy specifying disciplinary offenses ~~which~~ that may result in the loss of good
 34.12 time and the amount of good time ~~which~~ that may be lost as a result of each disciplinary
 34.13 offense, including provision for restoration of good time. In no case shall an individual
 34.14 disciplinary offense result in the loss of more than 90 days of good time; except that no
 34.15 inmate confined in segregation for violation of a disciplinary rule shall be placed on
 34.16 supervised release until discharged or released from punitive segregation confinement, nor
 34.17 shall an inmate in segregation for violation of a disciplinary rule for which the inmate could
 34.18 also be prosecuted under the criminal laws earn good time while in segregation. The loss
 34.19 of good time shall be considered to be a disciplinary sanction imposed upon an inmate, and
 34.20 the procedure for the loss of good time and the rights of the inmate in the procedure shall
 34.21 be those in effect for the imposition of other disciplinary sanctions at each state correctional
 34.22 institution.

34.23 Sec. 20. Minnesota Statutes 2024, section 244.04, is amended by adding a subdivision to
 34.24 read:

34.25 Subd. 4. **Exempt from rulemaking.** A commissioner policy or disciplinary rule under
 34.26 this section is not a rule under chapter 14 and is exempt from the rulemaking provisions
 34.27 under chapter 14, including section 14.386.

34.28 Sec. 21. Minnesota Statutes 2024, section 244.05, subdivision 1b, is amended to read:

34.29 Subd. 1b. **Supervised release; inmates who commit crimes on or after August 1,**
 34.30 **1993.** (a) Except as provided in subdivisions 4, 4a, and 5, every inmate sentenced to prison
 34.31 for a felony offense committed on or after August 1, 1993, shall serve a supervised release
 34.32 term upon completion of the inmate's term of imprisonment and any disciplinary confinement

35.1 period imposed by the commissioner due to the inmate's violation of any disciplinary rule
 35.2 adopted by the commissioner or refusal to participate in a rehabilitative program required
 35.3 under section 244.03. The amount of time the inmate serves on supervised release is equal
 35.4 to one-third of the inmate's fixed executed sentence, less any disciplinary confinement period
 35.5 imposed by the commissioner and regardless of any earned incentive release credit applied
 35.6 toward the individual's term of imprisonment under section 244.44.

35.7 (b) No inmate who violates a disciplinary rule or refuses to participate in a rehabilitative
 35.8 program as required under section 244.03 shall be placed on supervised release until the
 35.9 inmate has served the disciplinary confinement period for that disciplinary sanction or until
 35.10 the inmate is discharged or released from punitive restrictive-housing confinement, whichever
 35.11 is later. The imposition of a disciplinary confinement period shall be considered to be a
 35.12 disciplinary sanction imposed upon an inmate, and the procedure for imposing the
 35.13 disciplinary confinement period and the rights of the inmate in the procedure shall be those
 35.14 in effect for the imposition of other disciplinary sanctions at each state correctional institution.

35.15 (c) A disciplinary rule under this subdivision is not a rule under chapter 14 and is exempt
 35.16 from the rulemaking provisions under chapter 14, including section 14.386.

35.17 ~~(e)~~ (d) For purposes of this subdivision, "earned incentive release credit" has the meaning
 35.18 given in section 244.41, subdivision 7.

35.19 Sec. 22. Minnesota Statutes 2024, section 244.05, subdivision 2, is amended to read:

35.20 Subd. 2. **Rules Policy.** (a) The commissioner of corrections ~~shall~~ must adopt ~~by rule~~
 35.21 ~~standards and procedures~~ policies for the establishment of:

35.22 (1) establishing conditions of release and the revocation of;

35.23 (2) revoking supervised or conditional release, and shall specify the period of revocation
 35.24 for each violation of release. Procedures for the revocation of release shall provide due
 35.25 process of law for the inmate, including revocation procedures that must provide for due
 35.26 process of law for the offender;

35.27 (3) assigning terms of reimprisonment for release violations; and

35.28 (4) extending terms of reimprisonment due to violations of disciplinary rules or other
 35.29 factors specified in policy relating to community supervision or public safety.

35.30 (b) In no case may a term of reimprisonment exceed 12 months unless:

35.31 (1) the release violation involved a conviction for a felony offense;

35.32 (2) the commissioner finds the releasee to be a risk to the public; or

36.1 (3) the commissioner finds the releasee to be unamenable to supervision due to one or
 36.2 more prior violations of the conditions of release.

36.3 ~~(b)~~ (c) The commissioner may prohibit an inmate placed on parole, supervised release,
 36.4 or conditional release from using adult-use cannabis flower as defined in section 342.01,
 36.5 subdivision 3, or adult-use cannabis products as defined in section 342.01, subdivision 3,
 36.6 hemp-derived consumer products as defined in section 342.01, subdivision 35, or
 36.7 lower-potency hemp edibles as defined in section 342.01, subdivision 48, if the inmate
 36.8 undergoes a chemical use assessment and abstinence is consistent with a recommended
 36.9 level of care for the defendant in accordance with the criteria under section 254B.04,
 36.10 subdivision 4.

36.11 ~~(e)~~ (d) The commissioner of corrections shall not prohibit an inmate placed on parole,
 36.12 supervised release, or conditional release from participating in the registry program as
 36.13 defined in section 342.01, subdivision 61, as a condition of release or revoke a patient's
 36.14 parole, supervised release, or conditional release or otherwise sanction a patient on parole,
 36.15 supervised release, or conditional release solely for participating in the registry program or
 36.16 for a positive drug test for cannabis components or metabolites.

36.17 (e) A commissioner policy or disciplinary rule under this subdivision is not a rule under
 36.18 chapter 14 and is exempt from the rulemaking provisions under chapter 14, including section
 36.19 14.386.

36.20 Sec. 23. Minnesota Statutes 2024, section 244.0513, subdivision 1, is amended to read:

36.21 Subdivision 1. **Conditional release authority.** The commissioner of corrections has
 36.22 the authority to release offenders committed to the commissioner's custody who meet the
 36.23 requirements of this section and of any ~~rules~~ policy adopted by the commissioner. A
 36.24 commissioner policy under this section is not a rule under chapter 14 and is exempt from
 36.25 the rulemaking provisions under chapter 14, including section 14.386.

36.26 Sec. 24. Minnesota Statutes 2024, section 244.0513, subdivision 7, is amended to read:

36.27 Subd. 7. **Release procedures.** The commissioner may deny conditional release to an
 36.28 offender under this section if the commissioner determines that the offender's release may
 36.29 reasonably pose a danger to the public or an individual. In making this determination, the
 36.30 commissioner ~~shall~~ must follow the procedures in section 244.05, subdivision 5, and ~~the~~
 36.31 ~~rules adopted by the commissioner under that subdivision~~ policy thereunder. The
 36.32 commissioner shall consider whether the offender was involved in criminal gang activity
 36.33 during the offender's prison term. The commissioner shall also consider the offender's

37.1 custody classification and level of risk of violence and the availability of appropriate
37.2 community supervision for the offender. Conditional release granted under this section
37.3 continues until the offender's sentence expires, unless release is rescinded under subdivision
37.4 8. The commissioner may not grant conditional release unless a release plan is in place for
37.5 the offender that addresses, at a minimum, plans for aftercare, community-based substance
37.6 use disorder treatment, gaining employment, and securing housing.

37.7 Sec. 25. Minnesota Statutes 2024, section 244.0513, subdivision 8, is amended to read:

37.8 Subd. 8. **Conditional release.** The conditions of release granted under this section are
37.9 governed by the statutes and ~~rules~~ policy governing supervised release under this chapter,
37.10 except that release may be rescinded without hearing by the commissioner if the
37.11 commissioner determines that continuation of the conditional release poses a danger to the
37.12 public or to an individual. If the commissioner rescinds an offender's conditional release,
37.13 the offender shall be returned to prison and shall serve the remaining portion of the offender's
37.14 sentence.

37.15 Sec. 26. Minnesota Statutes 2024, section 244.07, subdivision 1, is amended to read:

37.16 Subdivision 1. **Authority.** If consistent with the public interest, the commissioner may,
37.17 ~~under rules prescribed by the commissioner,~~ furlough any inmate in custody to any point
37.18 within the state for up to five days. A furlough may be granted to assist the inmate with
37.19 family needs, personal health needs, or reintegration into society. No inmate may receive
37.20 more than three furloughs under this section within any 12-month period. ~~The provisions~~
37.21 ~~of This section shall also apply~~ applies to those inmates convicted of offenses prior to before
37.22 May 1, 1980.

37.23 Sec. 27. Minnesota Statutes 2024, section 244.07, is amended by adding a subdivision to
37.24 read:

37.25 Subd. 3. **Exempt from rulemaking.** A commissioner determination under this section
37.26 is not a rule under chapter 14 and is exempt from the rulemaking provisions under chapter
37.27 14, including section 14.386.

37.28 Sec. 28. Minnesota Statutes 2024, section 244.13, subdivision 1, is amended to read:

37.29 Subdivision 1. **Establishment.** The commissioner of corrections shall establish programs
37.30 for those designated by the commissioner to serve all or part of a sentence on intensive
37.31 community supervision or all or part of a supervised release or parole term on intensive

38.1 supervised release. The adoption and modification of policies and procedures to implement
 38.2 sections 244.05, subdivision 6, and 244.12 to ~~244.15~~ and 244.13 are not subject to the
 38.3 rulemaking procedures of chapter 14 ~~because these policies and procedures are excluded~~
 38.4 ~~from the definition of a rule under section 14.03, subdivision 3, paragraph (b), clause (1),~~
 38.5 including section 14.386. The commissioner shall locate the programs so that at least one-half
 38.6 of the money appropriated for the programs in each year is used for programs in Community
 38.7 Corrections Act counties. In awarding contracts for intensive supervision programs in
 38.8 Community Corrections Act counties, the commissioner shall give first priority to programs
 38.9 that utilize county employees as intensive supervision agents and shall give second priority
 38.10 to programs that utilize state employees as intensive supervision agents. The commissioner
 38.11 may award contracts to other providers in Community Corrections Act counties only if
 38.12 doing so will result in a significant cost savings or a significant increase in the quality of
 38.13 services provided, and only after notifying the chairs of the committees in the senate and
 38.14 house of representatives with jurisdiction over criminal justice policy.

38.15 Sec. 29. Minnesota Statutes 2024, section 244.171, subdivision 4, is amended to read:

38.16 Subd. 4. **Sanctions.** (a) The commissioner shall impose severe and meaningful sanctions
 38.17 for violating the conditions of the challenge incarceration program. The commissioner shall
 38.18 remove an offender from the challenge incarceration program if the offender:

38.19 (1) commits a material violation of or repeatedly fails to follow the rules of the program;

38.20 (2) commits any misdemeanor, gross misdemeanor, or felony offense; or

38.21 (3) presents a risk to the public, based on the offender's behavior, attitude, or abuse of
 38.22 alcohol or controlled substances. The removal of an offender from the challenge incarceration
 38.23 program is governed by the procedures in the commissioner's ~~rules adopted~~ policy under
 38.24 section 244.05, subdivision 2.

38.25 (b) An offender who is removed from the challenge incarceration program shall be
 38.26 imprisoned for a time period equal to the offender's term of imprisonment, minus earned
 38.27 good time if any, but in no case for longer than the time remaining in the offender's sentence.
 38.28 "Term of imprisonment" means a time period equal to two-thirds of the sentence originally
 38.29 executed by the sentencing court, minus jail credit, if any.

38.30 (c) Notwithstanding paragraph (b), an offender who has been removed from the challenge
 38.31 incarceration program but who remains otherwise eligible for acceptance into the program
 38.32 may be readmitted at the commissioner's discretion. An offender readmitted to the program

39.1 under this paragraph must participate from the beginning and complete all of the program's
39.2 phases.

39.3 Sec. 30. Minnesota Statutes 2024, section 244.19, subdivision 1c, is amended to read:

39.4 Subd. 1c. **Community supervision funding; eligibility for funding formula.** (a) A
39.5 CPO jurisdiction:

39.6 (1) must collaborate with the commissioner to develop a comprehensive plan under
39.7 section 401.06; and

39.8 (2) is subject to all applicable eligibility provisions under chapter 401 necessary to
39.9 receive a subsidy under section 401.10.

39.10 (b) A non-CPO jurisdiction is eligible to receive a subsidy under section 401.10 but is
39.11 not a Community Corrections Act jurisdiction under chapter 401, ~~and~~ Except as provided
39.12 under section 401.115, the commissioner:

39.13 (1) is appropriated the jurisdiction's share of funding under section 401.10 for providing
39.14 probation services; and

39.15 (2) may seek reimbursement from the jurisdiction according to subdivision 5a.

39.16 Sec. 31. Minnesota Statutes 2024, section 244.20, is amended to read:

39.17 **244.20 PROBATION; FELONY SUPERVISION.**

39.18 (a) Notwithstanding sections 244.19, subdivisions 1 to 1d, and 609.135, subdivision 1,
39.19 the Department of Corrections:

39.20 (1) has exclusive responsibility for providing probation services for adult felons in
39.21 counties and Tribal Nations that do not take part in the Community Corrections Act subsidy
39.22 program under chapter 401; and

39.23 (2) to provide felony supervision, retains the county's or Tribal Nation's funding allotted
39.24 under section 401.10 for providing felony probation services.

39.25 (b) Paragraph (a), clause (2), does not apply to a Tribal Nation's subsidy under section
39.26 401.115.

39.27 Sec. 32. Minnesota Statutes 2024, section 401.01, subdivision 2, is amended to read:

39.28 Subd. 2. **Definitions.** (a) For purposes of this chapter, the terms defined in this subdivision
39.29 have the meanings given them.

40.1 (b) "CCA jurisdiction" means a county or Tribal Nation that participates in the
40.2 Community Corrections Act, the subsidy program under this chapter.

40.3 (c) "Commissioner" means the commissioner of corrections or a designee.

40.4 (d) "Conditional release" means:

40.5 (1) parole, supervised release, or conditional release as authorized by section 609.3455,
40.6 subdivision 6, 7, or 8; Minnesota Statutes 2004, section 609.108, subdivision 6; or Minnesota
40.7 Statutes 2004, section 609.109, subdivision 7;

40.8 (2) work release as authorized by sections 241.26, ~~244.065~~, and 631.425; and

40.9 (3) probation, furlough, and any other authorized temporary release from a correctional
40.10 facility.

40.11 (e) "Detain" means to take into actual custody, including custody within a local
40.12 correctional facility.

40.13 (f) "Joint board" means the board under section 471.59.

40.14 (g) "Local advisory board" means:

40.15 (1) for a CCA jurisdiction, a corrections advisory board as defined in section 401.08;

40.16 (2) for a non-CCA jurisdiction other than a Tribal Nation, a human services advisory
40.17 board as defined in section 402.02, or advisory committee or task force as defined in section
40.18 402.03; or

40.19 (3) for a Tribal Nation that is a non-CCA jurisdiction, a board with membership as
40.20 determined by the Tribal Nation.

40.21 (h) "Non-CCA jurisdiction" means a county or Tribal Nation that is not participating in
40.22 the Community Corrections Act subsidy program and provides or receives probation services
40.23 according to section 244.19.

40.24 (i) "Probation officer" means a county or Tribal probation officer under a CCA or
40.25 non-CCA jurisdiction appointed with the powers under section 244.19.

40.26 (j) "Release" means to release from actual custody.

40.27 (k) "Tribal Nation" means a federally recognized Tribal Nation within the boundaries
40.28 of the state of Minnesota.

41.1 Sec. 33. Minnesota Statutes 2024, section 401.03, is amended to read:

41.2 **401.03 RULEMAKING AUTHORITY; TECHNICAL ASSISTANCE.**

41.3 (a) The commissioner must, as provided in chapter 14, adopt rules to implement this
41.4 chapter and provide consultation and technical assistance to counties and Tribal Nations to
41.5 help them develop comprehensive plans, including abbreviated plans.

41.6 (b) The time limit to adopt rules under section 14.125 does not apply.

41.7 Sec. 34. Minnesota Statutes 2024, section 401.06, is amended by adding a subdivision to
41.8 read:

41.9 Subd. 1a. **Commissioner approval required for allotment.** A Tribal Nation is ineligible
41.10 for its allotment under section 401.10, subdivision 1, paragraph (e), unless an abbreviated
41.11 comprehensive plan has been approved by the commissioner. The abbreviated plan must
41.12 at a minimum describe the community supervision services or reentry services for which
41.13 the funding will be utilized and provide a budget for those services.

41.14 Sec. 35. Minnesota Statutes 2024, section 401.10, subdivision 1, is amended to read:

41.15 Subdivision 1. **Community supervision funding formula.** (a) Beginning July 1, 2023,
41.16 the community supervision subsidy paid to each county, the commissioner for supervision
41.17 of non-CCA jurisdictions served by the Department of Corrections, and each applicable
41.18 Tribal Nation ~~under paragraph (e)~~ providing services as a CCA jurisdiction or CPO
41.19 jurisdiction as defined in section 244.19, subdivision 1a, paragraph (b), equals the sum of:

41.20 (1) a base funding amount equal to \$150,000; and

41.21 (2) a community supervision formula equal to the sum of:

41.22 (i) for each individual with a felony sentence, a felony per diem rate of \$5.62 multiplied
41.23 by the sum of the county's or Tribal Nation's adult felony population, adult supervised
41.24 release and parole populations, and juvenile supervised release and parole populations as
41.25 reported in the most recent probation survey published by the commissioner, multiplied by
41.26 365; and

41.27 (ii) for each individual sentenced for a gross misdemeanor or misdemeanor or under
41.28 juvenile probation, the felony per diem rate of \$5.62 multiplied by 0.5 and then multiplied
41.29 by the sum of the county's or Tribal Nation's gross misdemeanor, misdemeanor, and juvenile
41.30 populations as reported in the most recent probation survey published by the commissioner,
41.31 multiplied by 365.

42.1 (b) For a non-CCA jurisdiction under section 244.19, subdivision 1b, paragraph (b) or
 42.2 (c), the base funding amount must be shared equally between the jurisdiction and the
 42.3 commissioner for the provision of felony supervision under section 244.20.

42.4 (c) If in any year the total amount appropriated for the purpose of this section is more
 42.5 than or less than the total of base funding plus community supervision formula funding for
 42.6 all counties and applicable Tribal Nations, the sum of each county's and applicable Tribal
 42.7 Nation's base funding plus community supervision formula funding is adjusted by the ratio
 42.8 of amounts appropriated for this purpose divided by the total of base funding plus community
 42.9 supervision formula funding for all counties and applicable Tribal Nations.

42.10 (d) If in any year the base funding plus the community supervision formula amount
 42.11 based on what was appropriated in fiscal year 2024 is less than the funding paid to the
 42.12 county in fiscal year 2023, the difference is added to the community supervision formula
 42.13 amount for that county. A county is not eligible for additional funding under this paragraph
 42.14 unless the base funding plus community supervision formula results in an increase in funding
 42.15 for the county based on what was appropriated in the previous fiscal year. This paragraph
 42.16 expires June 30, 2029.

42.17 ~~(e) For each Tribal Nation, a funding amount of \$250,000 is allotted annually to purchase~~
 42.18 ~~probation services or probation-related services, including contracted services, but a Tribal~~
 42.19 ~~Nation that becomes a CCA jurisdiction or a non-CCA jurisdiction under section 244.19,~~
 42.20 ~~subdivision 1b, paragraph (b) or (c), is an applicable Tribal Nation under paragraphs (a) to~~
 42.21 ~~(e) and:~~

42.22 ~~(1) has the Tribal Nation's funding amount of \$250,000 transferred to the total community~~
 42.23 ~~supervision subsidy amount appropriated for the purposes of this section; and~~

42.24 ~~(2) is allotted a base funding amount equal to \$150,000 plus an amount as determined~~
 42.25 ~~according to the community supervision formula under paragraph (a), clause (2).~~

42.26 ~~(f)~~ (e) Minnesota Rehabilitation and Reinvestment Act savings under section 244.50,
 42.27 subdivision 4, clause (2), are appropriated to each CCA jurisdiction and non-CCA jurisdiction
 42.28 served by the Department of Corrections by dividing the three-year average of the number
 42.29 of individuals on supervised release and intensive supervised release within the jurisdiction
 42.30 by the three-year average of the total number of individuals under supervised release and
 42.31 intensive supervised release statewide, using the numbers reported annually in the Probation
 42.32 Survey report.

43.1 Sec. 36. Minnesota Statutes 2024, section 401.10, is amended by adding a subdivision to
43.2 read:

43.3 Subd. 1a. **Interstate Transfer Unit.** Prior to disbursing the community supervision
43.4 subsidy in subdivision 1, the commissioner shall prorate the cost of the Interstate Transfer
43.5 Unit based upon the county's share of the probation population as reported in the most recent
43.6 probation survey and deduct that amount from the county's subsidy.

43.7 Sec. 37. Minnesota Statutes 2024, section 401.11, subdivision 1, is amended to read:

43.8 Subdivision 1. **Policy items.** (a) Except for an abbreviated comprehensive plan submitted
43.9 under section 401.115, a comprehensive plan submitted to the commissioner for approval
43.10 under section 401.06 must include items prescribed by commissioner policy and may include
43.11 the following:

43.12 (1) the manner in which presentence and postsentence investigations and reports for the
43.13 district courts and social history reports for the juvenile courts will be made;

43.14 (2) the manner in which conditional release services to the courts and persons under
43.15 jurisdiction of the commissioner will be provided;

43.16 (3) a program for detaining, supervising, and treating persons under pretrial detention
43.17 or under commitment;

43.18 (4) delivery of other correctional services;

43.19 (5) proposals for new programs, which proposals must demonstrate a need for the
43.20 program, and the program's purpose, objective, administrative structure, staffing pattern,
43.21 staff training, financing, evaluation process, degree of community involvement, client
43.22 participation, and duration;

43.23 (6) descriptions of programs that adhere to best practices for assessing risk and using
43.24 interventions that address an individual's needs while tailoring supervision and interventions
43.25 by using risk, need, and responsivity principles; and

43.26 (7) data on expenditures, costs, and programming results and outcomes for individuals
43.27 under community supervision.

43.28 (b) The commissioner must develop in policy budgetary requirements for comprehensive
43.29 plans to ensure the efficient and accountable expenditure of a county's or Tribal Nation's
43.30 subsidy for correctional services and programming to produce successful community
43.31 supervision outcomes.

44.1 Sec. 38. **[401.115] NONPARTICIPATING TRIBAL NATIONS.**

44.2 **Subdivision 1. Subsidy amount.** A Tribal Nation electing not to provide services as a
44.3 CCA jurisdiction or a CPO jurisdiction under section 244.19, subdivision 1a, paragraph (b),
44.4 is eligible for a subsidy of \$250,000 annually to purchase or provide community supervision
44.5 services or reentry services, including contracted services.

44.6 **Subd. 2. Eligibility for subsidy.** A Tribal Nation is eligible to receive funding under
44.7 subdivision 1 upon submission and approval by the commissioner of an abbreviated
44.8 comprehensive plan. Section 401.08 does not apply. The abbreviated plan must comply
44.9 with commissioner-developed standards, and at minimum:

44.10 (1) describe the community supervision services or reentry services for which the funding
44.11 will be utilized;

44.12 (2) identify a steering committee to oversee the use of funds; and

44.13 (3) provide a budget for those services.

44.14 Once approved, the abbreviated comprehensive plan is valid for two years.

44.15 **Subd. 3. Paying subsidy.** A Tribal Nation receiving the subsidy under subdivision 1
44.16 must be paid according to section 401.14.

44.17 **Subd. 4. Eligibility for community supervision funding formula.** A Tribal Nation
44.18 electing to become a CCA jurisdiction or a non-CCA jurisdiction under section 244.19,
44.19 subdivision 1b, paragraph (b) or (c), is an applicable Tribal Nation under section 401.10,
44.20 subdivision 1, paragraphs (a) to (c), and:

44.21 (1) has the Tribal Nation's funding amount under subdivision 1 transferred to the
44.22 community supervision formula amount appropriated for the purpose of section 401.10;

44.23 (2) is allotted a base funding amount equal to \$150,000 plus an amount as determined
44.24 according to the community supervision formula under section 401.10, subdivision 1,
44.25 paragraph (a), clause (2); and

44.26 (3) is subject to all requirements relating to providing correctional services in section
44.27 244.19 and chapter 401.

44.28 Sec. 39. Minnesota Statutes 2024, section 401.12, subdivision 2, is amended to read:

44.29 **Subd. 2. Not expending full subsidy amount.** If a county or Tribal Nation is unable to
44.30 expend the full amount of the subsidy or allotment to which it would be entitled in the first
44.31 year of a biennium, the commissioner must:

45.1 (1) retain the surplus; and

45.2 (2) disburse the surplus in the second year of the biennium if the county or Tribal Nation
45.3 can demonstrate a need for and ability to expend the surplus.

45.4 Sec. 40. Minnesota Statutes 2024, section 401.14, subdivision 1, is amended to read:

45.5 Subdivision 1. **Payment.** After a county or Tribal Nation becomes compliant with the
45.6 prerequisites for receiving the subsidy or allotment under section 401.10 and the
45.7 commissioner approves the applicable comprehensive plan, the commissioner must determine
45.8 whether funds exist to pay the subsidy or allotment and proceed to pay it in accordance with
45.9 applicable law.

45.10 Sec. 41. Minnesota Statutes 2024, section 609.105, subdivision 2, is amended to read:

45.11 Subd. 2. **Place of confinement.** (a) The commissioner of corrections shall determine
45.12 the place of confinement in a prison, reformatory, or other facility of the Department of
45.13 Corrections established by law for the confinement of convicted persons and prescribe
45.14 reasonable conditions and rules for their employment, conduct, instruction, and discipline
45.15 within or without the facility. When the remaining term of imprisonment for a convicted
45.16 person upon commitment is 90 days or less, the commissioner of corrections may contract
45.17 with a county for placement of the person in a county jail or detention center for the
45.18 remainder of the person's term.

45.19 (b) A commissioner determination, prescription, or policy rule under this section is not
45.20 a rule under chapter 14 and is exempt from the rulemaking provisions under chapter 14,
45.21 including section 14.386.

45.22 Sec. 42. Minnesota Statutes 2024, section 609.495, subdivision 1, is amended to read:

45.23 Subdivision 1. **Definition of crime.** (a) Whoever harbors, conceals, aids, or assists by
45.24 word or acts another whom the actor knows or has reason to know has committed a crime
45.25 under the laws of this or another state or of the United States with intent that such offender
45.26 shall avoid or escape from arrest, trial, conviction, or punishment, may be sentenced to
45.27 imprisonment for not more than three years or to payment of a fine of not more than \$5,000,
45.28 or both if the crime committed or attempted by the other person is a felony.

45.29 (b) Whoever knowingly harbors, conceals, or aids a person who is on probation, parole,
45.30 or supervised release because of a felony level conviction and for whom an arrest and
45.31 detention order has been issued, with intent that the person evade or escape being taken into
45.32 custody under the order, may be sentenced to imprisonment for not more than three years

46.1 or to payment of a fine of not more than \$5,000, or both. As used in this paragraph, "arrest
 46.2 and detention order" means a written order to take and detain a probationer, parolee, or
 46.3 supervised releasee that is issued under section ~~243.05, subdivision 1; 244.195~~ 243.051;
 46.4 244.1951; or 401.025.

46.5 Sec. 43. Minnesota Statutes 2024, section 609.78, subdivision 2c, is amended to read:

46.6 Subd. 2c. **Felony offense; reporting fictitious emergency resulting in response to**
 46.7 **the home of certain officials.** Whoever violates subdivision 2, clause (2), is guilty of a
 46.8 felony and may be sentenced to imprisonment for not more than one year or to payment of
 46.9 a fine of not more than \$5,000, or both, if the person places the call with the intent of
 46.10 prompting an emergency response to the home of:

46.11 (1) an elected official;

46.12 (2) a judge as defined in section 609.221, subdivision 6, clause (5);

46.13 (3) a prosecuting attorney as defined in section 609.221, subdivision 6, clause (4);

46.14 (4) ~~an employee of a correctional facility as defined in section 241.021, subdivision 1;~~
 46.15 a correctional employee of the state or a local political subdivision; or

46.16 (5) a peace officer as defined in section 626.84, subdivision 1, paragraph (c).

46.17 Sec. 44. Laws 2023, chapter 52, article 11, section 31, is amended to read:

46.18 Sec. 31. **MENTAL HEALTH UNIT PILOT PROGRAM.**

46.19 (a) The commissioner of corrections shall establish a pilot program with interested
 46.20 counties to provide mental health care to individuals with serious and persistent mental
 46.21 illness who are incarcerated in county jails. The pilot program must require the participating
 46.22 counties to pay according to Minnesota Statutes, section 243.51, a per diem for
 46.23 reimbursement of the Mental Health Unit at the Minnesota Correctional Facility - Oak Park
 46.24 Heights, and other costs incurred by the Department of Corrections.

46.25 (b) The commissioner in consultation with the Minnesota Sheriffs' Association shall
 46.26 develop program protocols, guidelines, and procedures and qualifications for participating
 46.27 counties and incarcerated individuals to be treated in the Mental Health Unit. The program
 46.28 is limited to a total of five incarcerated individuals from the participating counties at any
 46.29 one time. Incarcerated individuals must ~~volunteer to be treated in the unit and~~ be able to
 46.30 participate in programming with other incarcerated individuals. A licensed mental health

47.1 professional must evaluate the incarcerated individual and recommend the individual to
 47.2 receive treatment in the unit.

47.3 (c) The Minnesota Correctional Facility - Oak Park Heights warden, director of
 47.4 psychology, and associate director of behavioral health, or a designee of each, in consultation
 47.5 with the Minnesota Sheriffs' Association, the Minnesota branch of the National Association
 47.6 on Mental Illness, and the Department of Human Services, shall oversee the pilot program.

47.7 ~~(d) On November 15, 2024, the warden shall submit a report to the chairs and ranking~~
 47.8 ~~minority members of the legislative committees and divisions with jurisdiction over~~
 47.9 ~~corrections describing the protocols, guidelines, and procedures for participation in the pilot~~
 47.10 ~~program by counties and incarcerated individuals, challenges with staffing, cost sharing~~
 47.11 ~~with counties, capacity of the program, services provided to the incarcerated individuals,~~
 47.12 ~~program outcomes, concerns regarding the program, and recommendations for the viability~~
 47.13 ~~of a long-term program.~~

47.14 ~~(e)~~ (d) The pilot program expires ~~November 16, 2024~~ August 1, 2027.

47.15 Sec. 45. **REPEALER.**

47.16 (a) Minnesota Statutes 2024, sections 243.58; and 244.065, subdivision 1, are repealed.

47.17 (b) Minnesota Rules, parts 2940.0100, subparts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14,
 47.18 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, and 34; 2940.0200;
 47.19 2940.0300; 2940.0400; 2940.0500; 2940.0600; 2940.0700; 2940.0800; 2940.0900;
 47.20 2940.1000; 2940.1100; 2940.1200; 2940.1300; 2940.1400; 2940.1500; 2940.1600;
 47.21 2940.1700; 2940.1800; 2940.1900; 2940.2000; 2940.2100; 2940.2200; 2940.2300;
 47.22 2940.2400; 2940.2500; 2940.2600; 2940.2700; 2940.2800; 2940.2900; 2940.3000;
 47.23 2940.3100; 2940.3200; 2940.3300; 2940.3400; 2940.3500; 2940.3600; 2940.3700;
 47.24 2940.3800; 2940.3900; 2940.4000; 2940.4100; 2940.4200; 2940.4300; 2940.4400;
 47.25 2940.4500; and 2940.5700, are repealed.

APPENDIX
Article locations for 25-01993

ARTICLE 1	JUDICIARY APPROPRIATIONS.....	Page.Ln 2.2
ARTICLE 2	PUBLIC SAFETY APPROPRIATIONS.....	Page.Ln 3.11
ARTICLE 3	PUBLIC SAFETY POLICY.....	Page.Ln 21.5
ARTICLE 4	CORRECTIONS POLICY.....	Page.Ln 23.1

243.58 ISSUING WARRANT FOR ESCAPED INMATE OR CONVICTED DEFENDANT.

If an inmate escapes from any state correctional facility under the control of the commissioner of corrections, the commissioner shall issue a warrant directed to any peace officer requiring that the fugitive be taken into immediate custody and returned to any state correctional facility designated by the commissioner. The commissioner may also issue such a warrant when a convicted defendant fails to report postsentencing to their county authority or to a state correctional facility. The chief executive officer of the facility from which the escape occurred shall use all proper means to apprehend and return the escapee, which may include the offer of a reward of not more than \$100 to be paid from the state treasury, for information leading to the arrest and return to custody of the escapee.

244.065 PRIVATE EMPLOYMENT OF INMATES OR SPECIALIZED PROGRAMMING FOR PREGNANT INMATES OF STATE CORRECTIONAL INSTITUTIONS IN COMMUNITY.

Subdivision 1. **Work.** When consistent with the public interest and the public safety, the commissioner of corrections may conditionally release an inmate to work at paid employment, seek employment, or participate in a vocational training or educational program, as provided in section 241.26, if the inmate has served at least one half of the term of imprisonment.

2940.0100 DEFINITIONS.

Subpart 1. **Scope.** As used in this chapter, the following terms have the meanings given them in this part.

Subp. 2. **Availability.** "Availability" means the date on which the offender has made bail, bond, or has been released on personal recognizance or no bail required; or completed any local incarceration time which results from a misdemeanor, gross misdemeanor, or felony stayed sentence.

Subp. 3. **Board of Pardons.** "Board of Pardons" means the Board of Pardons established by Minnesota Statutes, chapter 638.

Subp. 4. **Bookslip.** "Bookslip" means the form issued by the central office records clerk which designates the agent of record.

Subp. 5. **Case management.** "Case management" means the total system employed in the management of an inmate's case, including but not limited to the development of needs assessments and program plans; conducting progress and reentry reviews; and developing recommendations for conditions of release.

Subp. 6. **Commissioner.** "Commissioner" means the commissioner of corrections.

Subp. 7. **District supervisor.** "District supervisor" means a Department of Corrections field supervisor.

Subp. 8. **Executive officer of hearings and release.** "Executive officer of hearings and release" means the person to whom the commissioner of corrections has delegated the authority for granting parole and work release; for revoking parole, work release, and supervised release; and for granting discharge from an indeterminate sentence.

Subp. 9. **Expiration of the determinate sentence.** "Expiration of the determinate sentence" means the date on which the maximum sentence pronounced by the court occurs.

Subp. 10. **Expiration of the indeterminate sentence.** "Expiration of the indeterminate sentence" means the date on which the maximum sentence pronounced by the court less good time reduction occurs.

Subp. 12. **Guidelines.** "Guidelines" mean a sentence under Minnesota sentencing guidelines.

Subp. 13. **Inmate.** "Inmate" means a person committed to the jurisdiction of the commissioner who is imprisoned in a correctional facility or other place designated by the commissioner.

Subp. 14. **Institution caseworker.** "Institution caseworker" means the institution's staff person assigned the responsibility of coordinating the development of needs assessment, program plans, progress review, and reentry reviews for those inmates assigned to their caseloads.

Subp. 16. **Near the site.** "Near the site" means a place not to exceed 50 miles from the site of the alleged violation.

Subp. 17. **Parole.** "Parole" means that portion of an indeterminate sentence served by an inmate in the community under supervision and subject to prescribed rules.

Subp. 18. **Probable cause.** "Probable cause" means a finding by a court in an omnibus hearing or by a hearing officer in a probable cause hearing.

Subp. 19. **Probable cause hearing.** "Probable cause hearing" means a hearing held to determine if there are reasonable grounds for belief that one or more conditions of release may have been violated.

Subp. 20. **Program review team.** "Program review team" means a group of Department of Corrections employees in a correctional facility whose assigned function is to develop

needs assessments and program plans and to conduct progress reviews for those inmates assigned to them.

Subp. 21. **Projected release date.** "Projected release date" means a date in the future at which an inmate will be released providing the inmate's behavior is satisfactory, the release date was based on complete and accurate information, and the inmate is not considered to be a risk to the public at the time of release.

Subp. 22. **Projected release plan.** "Projected release plan" means a proposed plan for an inmate when released to the community, including a place of residence and employment as well as any special or standard conditions which may be imposed at the time of release.

Subp. 23. **Public interest.** "Public interest" means the interest the public has in maintaining the integrity of legal sanctions and the rights of citizens.

Subp. 24. **Public safety.** "Public safety" means the protection of the public from injury, danger, and violence.

Subp. 25. **Reentry review.** "Reentry review" means the review which is held in order to establish conditions of release.

Subp. 26. **Releasee.** "Releasee" means a person on parole, work release, or supervised release status from a correctional facility who is under sentence to the commissioner.

Subp. 27. **Residential community program.** "Residential community program" means a structured residential program in the community such as a halfway house, chemical dependency treatment center, or another treatment program designed to change the behavior of residents and to protect the public.

Subp. 28. **Revocation hearing.** "Revocation hearing" means a hearing held for the purpose of determining whether cause exists for the revocation of parole, work release, or supervised release and for determining whether parole, work release, or supervised release should be revoked and for setting the term of reimprisonment to be served by the violator.

Subp. 29. **Risk to the public.** "Risk to the public" means the degree to which an individual is likely to cause injury, damage, loss, pain, or peril to the public or to engage in unlawful sexual behavior involving a victim.

Subp. 31. **Supervised release.** "Supervised release" means that portion of a determinate sentence served by an inmate in the community under supervision and subject to prescribed rules, adopted in accordance with Minnesota Statutes, section 244.05.

Subp. 32. **Supervising agent.** "Supervising agent" means the parole and probation agent who is assigned to the individual on parole, work release, or supervised release status.

Subp. 33. **Working days.** "Working days" means all working days exclusive of legal holidays and weekends.

Subp. 34. **Work release.** "Work release" means an extension of confinement in which inmates are conditionally released to work at gainful employment, seek employment, or participate in vocational or educational training in the community while serving their sentence in accordance with Minnesota Statutes, section 241.26.

2940.0200 PURPOSE.

The purpose of this chapter is to establish the policies, procedures, rules, regulations, and guidelines which will govern the operation of the hearings and release unit established within the Department of Corrections by the commissioner in order to discharge the responsibilities established by law.

2940.0300 ADMINISTRATION.

For the purpose of coordinating, monitoring, and assuring uniformity and objectivity in the decisions of parole, supervised release, and work release, the commissioner has established the hearings and release unit and appointed an executive officer of hearings and release. The commissioner has delegated to the executive officer of hearings and release the authority to grant parole and work release; to revoke parole, work release, and supervised release; to discharge persons under indeterminate sentences; and to approve the conditions of parole, work release, and supervised release.

The executive officer of hearings and release shall be independent from the administration of the institutions and community services division.

One or more Department of Corrections staff approved by the commissioner may assist the executive officer of hearings and release in carrying out the officer's responsibilities.

2940.0400 EXECUTIVE OFFICER OF HEARINGS AND RELEASE.

The executive officer of hearings and release shall have the authority, under the guidelines prescribed in this chapter, with the exception of those inmates under life sentences, to:

- A. grant parole and work release and discharge inmates with indeterminate sentences;
- B. approve or modify conditions of parole or supervised release as developed by the program review teams;
- C. restructure conditions of parole or supervised release;
- D. revoke parole, supervised release, and work release status;
- E. issue warrants for the apprehension of parolees, supervised releasees, and work releasees;
- F. authorize the extradition of absconders from parole, supervised release, and work release; and
- G. issue revocation orders to stop time on parolees, supervised releasees, and work releasees who have absconded and to start the time running on the inmates' sentences.

2940.0500 PROGRAM REVIEW TEAMS.

In each adult institution there shall be one or more program review teams appointed by the institution superintendent or warden. One member of each team shall be designated as the chair.

2940.0600 TEAM FUNCTIONS.

A program review team shall perform the following functions regarding each inmate:

- A. develop a needs assessment;
- B. develop a program plan;
- C. develop projected release plans;
- D. develop institutional transfer recommendations;
- E. develop recommendations for work release for prerelease purposes;
- F. develop recommendations for work release;
- G. conduct program plan progress reviews at least once every 12 months;
- H. modify needs assessment or program plans as required;

I. develop conditions of parole or supervised release jointly with the inmate's assigned field agent; and

J. conduct reentry reviews.

2940.0700 PLANS.

All needs assessments, program, and projected release plans must be in writing and the central office file copy must be forwarded to the hearings and release unit for informational purposes. All conditions of parole or supervised release shall be imposed by the executive officer of hearings and release.

2940.0800 NEEDS ASSESSMENTS, PROGRAM, AND PROJECTED RELEASE PLANS.

Subpart 1. **60-day limit.** Each inmate shall have a needs assessment, program plan, and projected release plan developed within 60 days of admission.

Subp. 2. **General content.** The needs assessment must specify the inmate's needs as identified by the program review committee regarding chemical dependency, sexual deviancy, psychological disorder, and other.

The projected release plan shall be based on the inmate's needs and shall contain the conditions required to meet the department's objective of public protection.

Subp. 3. **Developed by team.** The needs assessment, program plan, and projected release plan shall be developed by the program review team, and the central office copy shall be forwarded to the hearings and release unit for information purposes.

2940.0900 PROGRESS REVIEWS.

Subpart 1. **Times of review.** The progress of each inmate under the jurisdiction of the commissioner shall be reviewed at least annually by the program review team. Progress reviews may occur in conjunction with custody status changes and as individual program needs require.

Subp. 2. **Application.** The inmate's progress reviews may result in the modification of the inmate's needs assessment, modification of program plan, recommendations for institutional transfer, work release recommendations, and the development of conditions of parole or supervised release.

Subp. 3. **Copies forwarded.** The central office copy of the inmate's progress reviews shall be forwarded to the hearings and release unit for information purposes.

2940.1000 WORK RELEASE FOR PRERELEASE PURPOSES.

Subpart 1. **Housing facility.** Inmates on prerelease status shall be housed at the Minnesota Correctional Facility-Lino Lakes. Requests for this status shall be coordinated through the work release director at least 90 days prior to the inmate's release date. These inmates will be housed in facilities appropriate to provide the necessary services.

Subp. 2. **Recommendations reviewed.** The recommendations of the program review teams shall be reviewed by the executive officer for granting prerelease status. The executive officer of hearings and release shall make the decision to grant or deny work release status for placement in the prerelease program.

2940.1100 WORK RELEASE.

Applications for work release must be forwarded to the director of work release for approval. If approved by the director of work release, the application must be considered by the program review team. If approved by the program review team, the recommendation of the program review team must be reviewed by the executive officer of hearings and release for the granting or denial of work release.

2940.1200 REENTRY REVIEWS.

Subpart 1. **Projected release plan.** The institution caseworker and the inmate must complete the projected release plan 105 to 120 days prior to the inmate's established release date. The projected release plan, current case summary, annual progress reviews, and psychological evaluation must be forwarded to the district supervisor or Community Corrections Act contact person of the county in which the offender intends to reside. A copy of that request shall also be forwarded to the district supervisor or Community Corrections Act contact person of the county of commitment.

Subp. 2. **Supervising agent.** The district supervisor or Community Corrections Act contact person shall assign a supervising agent within 90 days of the offender's release. The name and telephone number of the supervising agent assigned must be sent to the institution caseworker as notification of the supervising agent assignment.

Subp. 3. **Plan concurrence.** The supervising agent shall verify the appropriateness of the release plan. If the supervising agent concurs with the plan, the supervising agent must submit a prerelease report within 65 days of the inmate's release date. If the supervising agent does not concur, he or she must call the institution caseworker. The institution caseworker and the supervising agent shall confer to resolve the difference.

Subp. 4. **Review scheduled.** Within 45 to 60 days of the inmate's release date the institution caseworker or parole unit shall schedule the inmate for a review before the program review team. The program review team shall conduct a reentry review and finalize the projected release plan.

Subp. 5. **Bookslip.** The district supervisor shall request the central office records clerk to issue a bookslip. Upon receipt of a copy of the signed conditions of parole or supervised release by the central office records clerk, a bookslip must be issued.

2940.1300 FINAL PLAN RECOMMENDATIONS.

Subpart 1. **Final review.** The final recommendations regarding release plans which have been developed jointly with the supervising agent, the institution caseworker, and forwarded by the program review team shall be reviewed by the executive officer of the hearings and release unit at least 30 days prior to the inmate's established release date. These reviews shall take place at each Minnesota correctional facility as follows:

A. at least every ten working days at Minnesota Correctional Facility-Stillwater and Minnesota Correctional Facility-St. Cloud; and

B. at least every 15 working days at Minnesota Correctional Facility-Shakopee, Minnesota Correctional Facility-Oak Park Heights, and Minnesota Correctional Facility-Lino Lakes.

Subp. 2. **Final decision.** The executive officer of hearings and release shall make the final decision regarding the conditions of parole, supervised release, or work release, with the exception of those inmates under life sentences.

2940.1400 NOTICE TO INMATES.

At least 30 days prior to the reentry review, the inmate shall receive written notice of the date and time of the review. The notice shall state the purpose of the review, the material to be covered, and the right to review the files, records, and other documents which will be considered at that time. The notice shall also inform the inmate of the right to submit written documentation and to appear and speak on his or her own behalf during the hearing. All inmates shall be notified, in writing, of any decisions which affect their program plans, conditions of release, or release date which occur as a result of program team reviews or through the disciplinary process.

2940.1500 INMATES WITH INDETERMINATE SENTENCES.

Subpart 1. **Concurrent sentences.** When an inmate is under sentence for a pre-May 1, 1980, offense and a guideline sentence concurrently, and the sentence for the pre-May 1, 1980, offense exceeds the guidelines sentence, release shall be considered under Minnesota Statutes 1983 Supplement, section 243.05.

Subp. 2. **Review of release dates.** Incarcerated inmates with indeterminate sentences governing their release dates which were established prior to July 1, 1982, shall be handled as follows in items A to C.

A. All release dates established by the Minnesota Corrections Board will be left in full force and effect by the commissioner.

B. Special reviews for the purpose of modifying release dates established by the Minnesota Corrections Board shall be considered by the executive officer of hearings and release for the following reasons:

- (1) correcting mathematical, data entry, or computational errors; and
- (2) policy changes established by the commissioner which affect the term of imprisonment.

C. The program review team shall determine if the criteria for a special review have been met. If the criteria have been met, the program review team shall forward the information and a recommendation to the executive officer of hearings and release. The executive officer of hearings and release shall make the final decision regarding the requested adjustment in the release date.

Subp. 3. **Application of guidelines.** Minnesota sentencing guidelines policies and procedures must be utilized in determining the term of imprisonment and projected release date of each inmate with an indeterminate sentence whose new admission review occurs after July 1, 1982.

The criminal history score shall be based on the inmate's status on the date the indeterminate offense occurred.

A. To be assigned a juvenile point, the offender must have been under 21 years of age at the time of the offense. If so, standard guidelines policies apply.

B. To be assigned a custody status point, the offender must have been under applicable Minnesota state guidelines policy custody status at the time the indeterminate offense occurred. If so, standard guidelines policies apply.

C. The only misdemeanor, gross misdemeanor, or felony convictions which shall be utilized to compute the criminal history score shall be those for which the offender had received a stayed or imposed sentence prior to the date on which the indeterminate offense occurred.

The program review team shall complete a Minnesota sentencing guidelines worksheet on such inmates and forward the worksheet to the executive officer of hearings and release for approval. If the program review team recommends departure from the guidelines grid, the written reasons for the departure must accompany the worksheet.

2940.1600 GOOD TIME LOST; EXTENSION OF TERM OF IMPRISONMENT.

All inmates shall be subject to the loss of good time or extension of term of imprisonment for institutional disciplinary infractions as follows in items A to E.

A. All inmates with indeterminate sentences and established release dates shall have their release date and expiration date extended by one day for each day of good time lost, not to exceed the maximum sentence imposed by the court.

B. All inmates with indeterminate sentences who have their expiration date as their assigned release date shall have their expiration date extended by one day for each day of good time lost, not to exceed the maximum sentence imposed by the court.

C. All inmates with guidelines sentences shall have their supervised release date extended by one day for each day of good time lost or disciplinary confinement time added.

D. All parole violators shall have their release date extended by one day for each day of good time lost.

E. All violators of supervised release shall have their projected release date extended by one day for each three days of segregation time served.

2940.1700 OFFENDERS ON PAROLE OR SUPERVISED RELEASE STATUS.

Progress reviews shall be completed annually on all offenders on parole or supervised release status by the supervising agent. Unless the expiration date occurs earlier, offenders on parole status shall be considered for discharge when consistent with public safety.

2940.1800 INMATES WITH LIFE SENTENCES.

Subpart 1. **Advisory panel.** The commissioner shall convene an advisory panel of Department of Corrections employees, which shall consist of, but not be limited to, the following:

- A. the deputy commissioner for institutions;
- B. the deputy commissioner for community services;
- C. the superintendent or warden of the institution of the inmate's residence; and
- D. the executive officer of the hearings and release unit.

The commissioner shall serve as the chair of the advisory panel.

Subp. 2. **Duties of panel.** The advisory panel shall review each inmate who is serving a life sentence three years prior to the inmate's parole or supervised release eligibility date in order to establish a projected release date or a future review date. The advisory panel shall assist the commissioner in thoroughly considering the inmate's entire case history, including the facts and circumstances of the offense for which the life sentence is being served; past criminal history, institutional adjustment, program team reports, psychological and psychiatric reports where pertinent; and the results of community investigations.

The program review team of the inmate's residence shall prepare appropriate reports and recommendations as requested by the institution superintendent or warden.

Subp. 3. **Inmate's rights.** The inmate shall be given 60 days notice prior to the date of review; shall be entitled to submit written documentation in support of his or her position; and shall have the choice to be present at the review hearing.

An attorney representing the inmate or an advocate of the inmate's choice shall be allowed at the review hearing.

A representative of the ombudsman's office may be present at the review hearing.

Subp. 4. **Duties of officials.** The commissioner may initiate inquiries and take testimony as authorized by Minnesota Statutes, section 243.05.

The executive officer of hearings and release shall assist the commissioner in interviewing interested parties and prepare a summary of community input for presentation to the advisory panel.

During the deliberative process only members of the advisory panel shall be present unless determined otherwise by the commissioner.

Subp. 5. **Projected release date.** The commissioner shall establish a projected release date for each inmate or continue the case to a future review date. The decision of the commissioner shall be communicated to the inmate in writing within 30 days of the review and shall contain the following:

- A. the factors utilized in arriving at the projected release date or a future review date;
- B. the future review or projected release date; and
- C. actions by the inmate which could cause the projected release or review date to be changed.

The projected release date, once established shall not be modified without a review incorporating the elements of the initial review referred to in subpart 3 with the exception of changes caused by a loss of good time.

2940.1900 OBJECTIVE OF PUBLIC SAFETY.

Conditions of parole or supervised release shall be based on the need for public safety. Surveillance with optional treatment programming shall be utilized when consistent with case planning in order to achieve maximum public safety.

2940.2000 REQUIREMENTS AND PROHIBITIONS OF RELEASE.

Subpart 1. **Compliance.** All offenders on parole or supervised release shall be required to comply with the standard conditions of parole or supervised release in subparts 2 to 10.

Subp. 2. **Report.** Releasees upon leaving the institution shall report immediately at the destination specified by the supervising agent.

Subp. 3. **Inform.** Releasees shall at all times follow the instructions of their supervising agent and keep the supervising agent informed of their residence and activities. Releasees shall advise their supervising agent within 24 hours if they are arrested.

Subp. 4. **Contact.** Releasees shall maintain contact with the supervising agent in the manner prescribed by that supervising agent.

Subp. 5. **Submit reports and respond.** Releasees shall submit reports as required by the supervising agent and shall respond promptly to any communication from their supervising agent.

Subp. 6. **Intoxicants and drugs.** Releasees shall follow the supervising agent's instructions with respect to the use of intoxicants and shall not possess or use narcotics or other drugs, preparations, or substances as defined by Minnesota Statutes, chapter 152, except those prescribed for the releasee by a licensed physician.

Subp. 7. **Firearms.** Releasees shall not purchase or otherwise obtain or have in their possession any type of firearm or dangerous weapon as defined by Minnesota Statutes, section 609.02, subdivision 6.

Subp. 8. **Leaving the state.** Releasees shall not leave the state without the written permission of the supervising agent specifying the terms and conditions under which permission is granted.

Subp. 9. **Subsequent convictions.** Releasees shall not be convicted of any felony, gross misdemeanor, or any misdemeanor punishable by imprisonment as defined in Minnesota Statutes, section 609.02, or of repeated traffic offenses other than parking violations. Acknowledgment in the form of a confession under oath in open court before a judge may be considered a conviction for the purpose of this condition.

Subp. 10. **Probable cause to hold.** A finding of probable cause by a court of competent jurisdiction or grand jury indictment shall be considered grounds to hold a releasee in custody unless and until the releasee is found not guilty.

2940.2100 SPECIAL CONDITIONS OF RELEASE.

Special conditions of release mean any conditions on the release form other than the standard conditions, setting forth individual specified requirements to be followed by a releasee. These special conditions include:

- A. special conditions which set forth limits regarding contact with specified persons, travel from or to specified locations or areas, or increased contact with the supervising agent beyond that which is considered standard;
- B. participation conditions which require the releasee to be involved in nonresidential therapy or counseling programs; and
- C. residential conditions which require the releasee to be involved in a residential program.

2940.2200 DEVELOPMENT OF SPECIAL CONDITIONS OF RELEASE.

Special conditions of parole or supervised release shall be developed jointly by the program review team and the supervising agent.

2940.2300 APPROVAL OF CONDITIONS OF RELEASE.

All conditions of parole or supervised release shall be subject to the approval of the executive officer of hearings and release.

2940.2400 PLACEMENT IN RESIDENTIAL COMMUNITY PROGRAM.

If placement in a residential community program is prescribed as a special condition of supervised release, failure to enter and complete such a program is grounds for revocation of release. If no community program is available at the time of release, the matter shall be referred to the executive officer of the hearings and release unit for approval of an alternative program or plan.

2940.2500 NOTICE OF CONDITIONS OF RELEASE.

At the time of release from a correctional facility each inmate shall have read to him or her the conditions of parole or supervised release, and the inmate shall sign the conditions of parole or supervised release. The inmate's signature shall be witnessed by the staff member who read the conditions of parole or supervised release to the inmate.

2940.2600 COOPERATION OF INMATE REQUIRED.

Refusal to cooperate in determining place of residence, employment plans, or conditions of release shall result in an extension of the inmate's term of imprisonment through the institutional disciplinary process. Inmates serving indeterminate sentences will not be allowed to leave the institution without an approved release plan.

2940.2700 RESTRUCTURE OF CONDITIONS OF PAROLE OR SUPERVISED RELEASE.

Subpart 1. **Request by offender.** Offenders on parole or supervised release may at any time during their term of release request that the standard or special conditions of release be modified. Their request must be made in writing through their supervising agent who shall submit the request and the supervising agent's recommendation to the hearings and release unit within ten days of its receipt. The executive officer of hearings and release shall review the request and respond in writing within 30 days of the receipt of the request for the modification of the standard or special conditions of release.

Subp. 2. **Request by supervising agent.** Supervising agents, after consultation with their supervisor, may request a restructure of a client's standard or special conditions of release.

Subp. 3. **Granting of modification.** The executive officer of hearings and release may authorize the supervising agent to modify the standard or special conditions of release or cause the releasee to be brought before the executive officer of hearings and release for a review of the matter of modification. Any modification of the standard or special conditions of release shall be in writing and executed with the same formality as the original conditions.

2940.2800 WORK RELEASE STATUS.

Subpart 1. **Participation.** Participation in the work release program is voluntary on the part of the inmate. Consideration for work release status shall be given to those offenders who have met the Department of Corrections eligibility requirements, have been accepted by the director of work release and recommended by the program review team. The executive officer of hearings and release shall make the decision for the granting or denial of work release.

Subp. 2. **Violations; revocations.** All violations of work release rules shall be handled according to the approved discipline plan. Revocation of work release status shall be the decision of the executive officer of hearings and release after an appropriate due process hearing.

2940.2900 WORK RELEASE FOR PRERELEASE PURPOSES.

Subpart 1. **Participation.** Participation in the prerelease program is voluntary on the part of the inmate. The procedure for granting work release for placement in the prerelease program shall be for the program review team to make the referral to the executive officer of the hearings and release unit. The executive officer of the hearings and release unit shall make the final decision regarding the granting of work release status for placement in the prerelease program.

Subp. 2. **Violations.** Violations of work release or prerelease shall be handled through the institutional disciplinary process.

2940.3000 GROUNDS FOR WARRANTS.

Warrants may be issued for the apprehension and detention of parolees, supervised releasees, and work releasees who are:

- A. alleged to have violated the conditions of their release;
- B. convicted of a new felony and who represent a risk either by absconding or who have a probability of committing acts which are dangerous to the community; or
- C. the subject of detainers in appropriate cases.

When warrants have been issued as detainers for releasees who are being prosecuted for new charges, including violations which are misdemeanors, gross misdemeanors, or felonies, the revocation process shall not begin until the court process has concluded. The court process will be considered concluded by dismissal of charges, a finding of not guilty, or the completion of any local incarceration time imposed by the court.

2940.3100 WARRANTS; FORMAL RECOMMENDATION REQUIREMENT.

At any time the releasee is prepared to make bail or has been sentenced by the court, the supervising agent shall submit a written formal recommendation to the executive officer of hearings and release regarding whether to:

- A. maintain the warrant or allow the releasee to make bail; or
- B. cancel the warrant and allow the local sentence imposed to satisfy the violation time. If this is done, a notice of release will be filed by the fugitive unit which provides that the supervising agent be notified 30 or 60 days prior to release.

2940.3200 ISSUANCE OF WARRANTS.

The executive officer of hearings and release shall have the authority to issue nationwide or statewide warrants on a case-by-case basis in accordance with the procedures in items A to D.

A. After consultation with his or her supervisor, the supervising agent shall submit a violation report to the executive officer of hearings and release who shall make the final decision regarding the issuance of a warrant.

B. In emergency situations, the supervising agent shall request authorization for the warrant by telephone. The supervising agent shall call the hearings and release unit and provide the necessary information for warrant authorization.

C. Upon approval of the emergency warrant, the hearings and release unit shall provide the fugitive unit with the necessary information, and instruct the fugitive unit to issue the warrant.

D. If an emergency warrant is issued, a written violation report must be received by the hearings and release unit within five working days.

2940.3300 OTHER ORDERS.

The executive officer of hearings and release shall have the authority to issue orders revoking parole, supervised release, or work release; to stop the time from running on the sentences of releasees who have absconded, and to start the running of the time on the inmate's sentence.

2940.3400 HOLD ORDERS.

Apprehension and detention orders may be issued by the executive officer of the hearings and release unit or a district supervisor upon written reasons submitted by a supervising agent under authority of Minnesota Statutes, section 243.05. No releasee shall be detained under an apprehension and detention order for more than 72 hours unless revocation proceedings have been initiated by the supervising agent.

2940.3500 REVOCATION HEARING.

Subpart 1. **Location.** Revocation hearings whenever possible must be held in the community where the conviction of the violation of a standard or condition occurred. Separate probable cause hearings may be held if circumstances warrant.

Subp. 2. **When held.** All revocation or separate probable cause hearings must be held within 12 working days of the releasee's availability to Department of Corrections.

Subp. 3. **Outside metropolitan area.** Outside the metropolitan area, as defined by Minnesota Statutes, section 473.121, revocation or separate probable cause hearings shall be conducted by a Department of Corrections district supervisor other than the supervising agent's supervisor. In cases of special need, the executive officer of hearings and release may conduct the revocation or separate probable cause hearings outside the metropolitan area.

Subp. 4. **Within metropolitan area.** Within the metropolitan area the hearings shall be conducted by the executive officer of hearings and release.

2940.3600 REVOCATION GROUNDS.

Grounds for the revocation of parole, work release, or supervised release are as follows in items A to C.

A. Conviction of a felony, gross misdemeanor, any misdemeanor punishable by imprisonment as defined in Minnesota Statutes, section 609.02, or repeated traffic offenses

other than parking violations. Acknowledgment in the form of a confession under oath in open court before a judge may be considered a conviction for the purpose of revocation.

B. A finding of probable cause by a court of competent jurisdiction or a grand jury indictment shall be considered grounds to hold the offender in custody unless and until the releasee is found not guilty.

C. Violation of any standard or special condition of parole or supervised release.

2940.3700 ACTIONS.

If the executive officer of hearings and release or a district supervisor finds that releasees are in violation of their parole, work release, or supervised release, the following actions may be taken:

A. counsel the releasee and continue parole, work release, supervised release without modification;

B. modify and enlarge the conditions of release; or

C. revoke parole, work release, or supervised release and return the releasee to imprisonment for an appropriate period of time not to exceed the time remaining on the releasee's sentence.

2940.3800 REIMPRISONMENT.

Offenders who have violated the conditions of parole or supervised release and who have been returned to institutional status shall be assigned a release date and a term of reimprisonment, as follows:

A. up to six months inclusive of any time spent in jail in connection with the violation, for violations of conditions of parole or supervised release other than convictions of or involvement in criminal activity;

B. up to six months for convictions of misdemeanors or gross misdemeanors;

C. six months to expiration of sentence for conviction of a felony; and

D. depending on the time remaining to be served on the sentence, the type of violation, and the needs of the offender, up to expiration of the sentence may be assigned as the term of reimprisonment if there is a finding of risk to the public or if repeated violations of the conditions of release occur and the releasee is determined to be unamenable to supervision by the executive officer of hearings and release.

The term of reimprisonment under items A to C may be either concurrent or consecutive to incarceration time imposed by a court of law and served locally.

2940.3900 REVOCATION PROCEDURES; INVESTIGATION AND REPORT.

Supervising agents shall investigate all alleged violations of release and after consultation with their supervisor determine whether grounds exist to begin revocation procedures. If grounds are found to exist justifying the initiation of revocation procedures, a violation report must be submitted to the executive officer of hearings and release together with a recommendation as to the issuance of a warrant directing the apprehension and detention of the releasee pending a hearing.

2940.4000 EMERGENCY SITUATIONS.

In emergency situations supervising agents after consultation with their supervisor, may call the hearings and release unit to request an emergency warrant. The procedure indicated in parts 2940.3000 to 2940.3400 governs the issuance of emergency warrants.

2940.4100 INITIATION OF REVOCATION PROCEEDINGS.

If the executive officer of the hearings and release unit determines that revocation proceedings shall be initiated, the supervising agent shall be notified in writing. The executive officer of the hearings and release unit shall send a copy of the violation report to the State Public Defender's Office at the same time that agent is notified to begin revocation proceedings.

2940.4200 DUTIES OF SUPERVISING AGENT.

Upon receipt of the notice to begin revocation proceedings, the supervising agent shall have the duties in items A to F.

A. The agent shall give the releasee a copy of the violation report.

B. The supervising agent shall advise the releasee of the purpose of the hearing; the right to a hearing; the right to the assistance of counsel of choice or the services of the State Public Defender; the right to present evidence and to confront and cross-examine witnesses; and the right to admit the violations of release.

C. If the releasee signs the admission of violations form, the supervising agent shall notify the fugitive unit to transport the violator to a correctional facility designated by the commissioner.

D. Upon return to the correctional facility, the releasee shall be provided with a dispositional hearing within 15 working days at which the supervising agent is not required to be present.

E. If the releasee requests a revocation hearing, the supervising agent shall call the hearings and release unit to coordinate a date and time for the hearing.

F. Upon receiving the date and time for the hearing, the supervising agent shall prepare a notice of hearing form, make six copies of the rules of release, six copies of any written evidence, and distribute one set of each according to the distribution indicated on the notice of revocation hearing form.

If the releasee is in custody pursuant to a warrant issued by the hearings and release unit, the hearing shall be held within 15 working days immediately after detention, unless good cause is shown for a continuance. At the time notice is given to the releasee, notice shall be sent to the State Public Defender or private counsel.

2940.4300 REVOCATION HEARING.

The revocation hearing shall be held near the site of the alleged violation, and conducted by the executive officer of hearings and release or a district supervisor who does not directly supervise the supervising agent alleging the violation. If parole, supervised release, or work release is revoked, the releasee shall be imprisoned in a place determined by the commissioner. Releasees may admit the alleged violations any time prior to the hearing. The admission must be in writing, and releasees must have been notified of the consequences of their admission, including that they may be returned to a correctional facility for a term of imprisonment specified by the executive officer of hearings and release or a district supervisor.

2940.4400 WARRANTS.

Subpart 1. **General requirement.** Unless taken into custody by a supervising agent under the authority of Minnesota Statutes 1983 Supplement, section 243.05, a releasee shall not be taken into custody unless a warrant is issued by the executive officer of hearings and release.

Subp. 2. **Content.** Requests for hold orders or warrants must allege the specific facts upon which the alleged violation is based, indicate the sources of information, and cite reasons why detention pending the hearing is necessary.

Subp. 3. **Absconding from supervision.** Warrants may be issued in all cases where a releasee has absconded from supervision. Issuance of warrant under these circumstances and the revocation of parole, supervised release, or work release shall stop the time from running on the sentence until the releasee is returned to custody. In all cases where a releasee is returned from out of state, whether by extradition proceedings or waiver of extradition, the hearing shall be held at a location determined by the executive officer of hearings and release.

2940.4500 FAILURE TO APPEAR.

Failure of a releasee to appear at a revocation or probable cause hearing after having been duly notified will result in the issuance of a warrant for their apprehension and detention and return to custody pending a hearing at a place to be determined by the executive officer of hearings and release.

2940.5700 REQUEST FOR INTERSTATE SUPERVISION OF MINNESOTA RELEASEE.

Subpart 1. **Request for transfer.** Transfer requests for interstate supervision of a Minnesota releasee must be submitted to the deputy compact administrator, in the central office, at least 60 days but not more than 90 days prior to the established release date. The request shall be submitted on correction form 245, and must include in specific terms the placement offer and employment, as well as the institution caseworker's evaluation and recommendation.

Subp. 2. **Material to be submitted.** The following material shall be submitted to the compact administrator:

- A. three copies of the transfer request correction form 245 (interstate transfer request);
- B. three copies of correction form 312 (application for compact services);
- C. three copies of correction form 248 (agreement to return form) signed, dated, and witnessed; and
- D. three copies of case management progress reports, fingerprints, and photos.

On cases already under field services supervision the deputy compact administrator will request the photos, fingerprints, and progress reports from the releasing institution.