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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETY-FOURTH SESSION

H. F. No. 3768

02/26/2026 Authored by Curran
The bill was read for the first time and referred to the Committee on Public Safety Finance and Policy
03/09/2026 Adoption of Report: Placed on the General Register as Amended
Read for the Second Time

1.1 A bill for an act
1.2 relating to corrections; clarifying responsibilities of Department of Corrections
1.3 licensed juvenile and adult community-based residential correctional facilities;
1.4 amending Minnesota Statutes 2024, section 241.021, subdivisions 1f, 4a; Minnesota
1.5 Statutes 2025 Supplement, section 241.021, subdivision 1; proposing coding for
1.6 new law in Minnesota Statutes, chapter 241; repealing Minnesota Statutes 2024,
1.7 section 241.021, subdivisions 1g, 1h, 2a, 2b, 3, 6; Minnesota Statutes 2025
1.8 Supplement, section 241.021, subdivision 2.

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

1.10 Section 1. 241.011] LICENSING AND INSPECTING JUVENILE AND ADULT
1.11 COMMUNITY-BASED RESIDENTIAL CORRECTIONAL FACILITIES.

1.12 Subdivision 1. Scope. Except as provided under section 241.021, sections 241.011 to
1.13 241.013 apply to juvenile and adult community-based residential correctional facilities
1.14 licensed by the commissioner of corrections. For the purposes of sections 241.011 to 241.013,
1.15 juvenile and adult community-based residential correctional facilities are defined as local
1.16 correctional facilities.

1.17 Subd. 2. Definitions. (a) For purposes of sections 241.011 to 241.021, the following
1.18 terms have the meanings given.

1.19 (b) "Commissioner" means the commissioner of corrections.

1.20 (c) "Critical incident" has the meaning given in Minnesota Rules, part 2960.0020, subpart
1.21 24.

1.22 (d) "Department" means the Department of Corrections.

1.23 (e) "Emergency or unusual occurrence" means an incident that must be reported to the
1.24 commissioner through the department's detention information system.

2.1 (f) "Facility administrator" means the officer in charge of a local correctional facility.

2.2 (g) "Local correctional facility" includes:

2.3 (1) a facility licensed to house or serve primarily adults under section 241.131; and

2.4 (2) a facility licensed to detain or serve juveniles, including a group home having a
2.5 residential component or foster care facility placements under chapter 260C, for the primary
2.6 purpose of:

2.7 (i) residential care and treatment;

2.8 (ii) detention; or

2.9 (iii) foster care services for children in need of out-of-home placement.

2.10 (h) "State correctional facility" means a correctional facility under the commissioner's
2.11 control.

2.12 **Subd. 3. Local correctional facilities; inspection and licensing.** The commissioner
2.13 must inspect and license all local correctional facilities throughout the state established and
2.14 operated:

2.15 (1) for serving or housing individuals in the facilities; or

2.16 (2) consistent with section 241.013, subdivision 4, paragraph (a), for detaining or serving
2.17 juveniles placed in the facilities by a correctional or noncorrectional agency.

2.18 **Subd. 4. Inspecting facilities for compliance; publishing inspection reports.** (a)
2.19 Unless the commissioner determines otherwise, the commissioner must inspect all local
2.20 correctional facilities at least once every two years to determine compliance with the
2.21 minimum standards established according to sections 241.011 to 241.013 or any other law
2.22 related to minimum standards and conditions of confinement, not including section 241.021,
2.23 subdivisions 1 to 1e.

2.24 (b) The commissioner must have access to a facility's buildings, grounds, books, records,
2.25 and staff and to individuals detained or housed in or served by the facility. The commissioner
2.26 may require facility administrators to furnish all information and statistics that the
2.27 commissioner deems necessary at a time and place designated by the commissioner.

2.28 (c) The commissioner must post each facility inspection report publicly on the
2.29 department's website within 30 days after completing an inspection.

2.30 **Subd. 5. Granting license; expiration.** (a) The commissioner must grant a license for
2.31 up to two years to:

3.1 (1) any facility found to conform to minimum standards; or

3.2 (2) any facility that the commissioner determines is making satisfactory progress toward
3.3 substantial conformity and any minimum standards not being met do not impact the interests
3.4 and well-being of the individuals detained or housed in or served by the facility.

3.5 (b) A limited license may be issued to effectuate a facility closure.

3.6 (c) Unless otherwise provided by law, all licenses issued under sections 241.011 to
3.7 241.013 expire 12:01 a.m. on the day after the expiration date stated on the license.

3.8 **Subd. 6. Providing and accessing facility data.** (a) The commissioner may require that
3.9 any information under sections 241.011 to 241.013 be provided through the department's
3.10 detention information system.

3.11 (b) Notwithstanding chapter 13 or any other state law classifying or restricting access
3.12 to data, a facility administrator must furnish to the commissioner all data available to a
3.13 facility that the commissioner deems necessary for reviewing any critical incident or
3.14 emergency or unusual occurrence at the facility.

3.15 (c) The commissioner may take action against a facility's license according to section
3.16 241.012 if a facility administrator fails to provide or grant access to relevant information
3.17 or statistics requested by the commissioner that are necessary to conduct or complete:

3.18 (1) inspections;

3.19 (2) reviews of emergency or unusual occurrences; or

3.20 (3) reviews of critical incidents.

3.21 **Subd. 7. Reporting; deaths, emergencies or unusual occurrences, and critical**
3.22 **incidents.** (a) A facility administrator must report a death to the commissioner when:

3.23 (1) an individual detained or housed in the facility dies at the facility; or

3.24 (2) an individual dies while receiving medical care stemming from an incident or need
3.25 for medical care at the facility that occurred while the individual was detained or housed in
3.26 the facility.

3.27 (b) Paragraph (a), clause (2), applies regardless of whether the individual was subject
3.28 to the facility's authority while requiring or receiving the medical care.

3.29 (c) A facility administrator must:

3.30 (1) report a death under this subdivision as soon as practicable, but no later than 24 hours
3.31 of receiving knowledge of the death; and

4.1 (2) include any demographic information required by the commissioner.

4.2 (d) Except for deaths under paragraphs (a) to (c), all facility administrators must report
4.3 all critical incidents or emergency or unusual occurrences to the commissioner within ten
4.4 days of the incident or occurrence, including any demographic information required by the
4.5 commissioner.

4.6 Subd. 8. **Death review teams.** (a) If a local correctional facility under subdivision 2,
4.7 paragraph (g), clause (2), receives notice of the death of an individual who died under
4.8 circumstances described in subdivision 7, paragraph (a), within 90 days of the death, the
4.9 following individuals must review the circumstances of the death and assess for preventable
4.10 mortality and morbidity, including but not limited to recommending policy or procedure
4.11 change:

4.12 (1) the facility administrator;

4.13 (2) a medical expert of the facility's choosing who did not provide medical services to
4.14 the individual and who is licensed as a physician or physician assistant by the Board of
4.15 Medical Practice under chapter 147 or 147A; and

4.16 (3) if appropriate, a mental health expert.

4.17 (b) The investigating law enforcement agency may provide documentation for, participate
4.18 in, or provide documentation for and participate in the review if criminal charges are not
4.19 brought. A preliminary autopsy report must be provided as part of the review and any
4.20 subsequent autopsy findings as available.

4.21 (c) The facility administrator must notify the commissioner via the department's detention
4.22 information system that the facility has conducted a review and identify any recommendations
4.23 for changes in policy, procedure, or training that will be implemented.

4.24 (d) Any report or other documentation created for purposes of a facility death review is
4.25 confidential data on individuals under section 13.02, subdivision 3. Nothing in this section
4.26 relieves the facility administrator from complying with the notice of death to the
4.27 commissioner required under subdivision 7.

4.28 Subd. 9. **Rulemaking.** (a) The commissioner must adopt rules establishing minimum
4.29 standards for local correctional facilities for the management, operation, and physical
4.30 condition of the facilities and the security, safety, health, treatment, and discipline of
4.31 individuals detained or housed in or served by the facilities.

4.32 (b) The time limit to adopt rules under section 14.125 does not apply to amendments to
4.33 rule chapters in effect on the effective date of this section.

5.1 Sec. 2. **[241.012] LICENSING ACTIONS AGAINST JUVENILE AND ADULT**
5.2 **COMMUNITY-BASED RESIDENTIAL CORRECTIONAL FACILITIES.**

5.3 Subdivision 1. **Correction order; conditional license.** (a) For any local correctional
5.4 facility under section 241.011, subdivision 2, paragraph (g), the commissioner must:

5.5 (1) promptly notify the facility administrator and the facility's governing board of a
5.6 deficiency if the commissioner finds that:

5.7 (i) the facility does not substantially conform to the minimum standards established by
5.8 the commissioner and is not making satisfactory progress toward substantial conformance;

5.9 and

5.10 (ii) the nonconformance does not present an imminent risk of life-threatening harm or
5.11 serious physical injury to the individuals detained or housed in or served by the facility;

5.12 and

5.13 (2) issue a correction order or a conditional license order requiring that the deficiency
5.14 be remedied within a reasonable and specified period.

5.15 (b) A conditional license order may restrict the use of any facility that does not
5.16 substantially conform to minimum standards, including by:

5.17 (1) imposing conditions limiting operation of the facility or parts of the facility;

5.18 (2) reducing facility capacity;

5.19 (3) limiting intake;

5.20 (4) limiting length of detention or placement for individuals; or

5.21 (5) imposing detention or placement limitations based on the needs of the detained or
5.22 housed individuals or individuals served by the facility.

5.23 (c) A correction order or conditional license order must clearly state:

5.24 (1) the specific minimum standards violated, noting the implicated rule or statute;

5.25 (2) the findings that constitute a violation of minimum standards;

5.26 (3) the corrective action needed;

5.27 (4) the time allowed to correct each violation; and

5.28 (5) if a license is made conditional:

5.29 (i) the length and terms of the conditional license;

5.30 (ii) any conditions limiting operation of the facility or parts of the facility; and

6.1 (iii) the reasons for making the license conditional.

6.2 (d) Nothing in this section prohibits the commissioner from ordering a revocation under
6.3 subdivision 3 before issuing a correction order or conditional license order.

6.4 **Subd. 2. Requesting review of conditional license order.** (a) A facility administrator
6.5 may request that the commissioner review the findings in a conditional license order under
6.6 subdivision 1 on the grounds that satisfactory progress toward substantial compliance with
6.7 minimum standards has been made, supported by evidence of correction. If appropriate, the
6.8 request may include a written schedule for compliance.

6.9 (b) Within ten business days of receiving a request, the commissioner must review the
6.10 evidence of correction and the progress made toward substantial compliance with minimum
6.11 standards.

6.12 (c) When the commissioner has assurance that satisfactory progress toward substantial
6.13 compliance with minimum standards is being made, the commissioner must:

6.14 (1) modify or lift any conditions limiting operation of the facility or parts of the facility;

6.15 or

6.16 (2) remove the conditional license order.

6.17 **Subd. 3. License revocation order.** (a) After due notice to a facility administrator of
6.18 the commissioner's intent to issue a revocation order, the commissioner may issue an order
6.19 revoking a facility's license if the commissioner finds that:

6.20 (1) the facility does not conform to minimum standards or is not making satisfactory
6.21 progress toward substantial compliance with minimum standards; and

6.22 (2) the nonconformance does not present an imminent risk of life-threatening harm or
6.23 serious physical injury to the individuals detained or housed in or served by the facility.

6.24 (b) The notice of intent to issue a revocation order must include:

6.25 (1) the citation to minimum standards that have been violated;

6.26 (2) the nature and severity of each violation;

6.27 (3) whether the violation is recurring or nonrecurring;

6.28 (4) the effect of the violation on individuals detained or housed in or served by the
6.29 facility;

6.30 (5) an evaluation of the risk of harm to individuals detained or housed in or served by
6.31 the facility; and

7.1 (6) relevant facts, conditions, and circumstances related to the facility's operation,
7.2 including, at a minimum:

7.3 (i) specific facility deficiencies that endanger the health or safety of individuals detained
7.4 or housed in or served by the facility;

7.5 (ii) substantiated complaints relating to the facility; or

7.6 (iii) any other evidence that the facility is not in compliance with minimum standards.

7.7 (c) Within 30 days of receiving a notice under paragraph (b), the facility administrator
7.8 must submit a written response with:

7.9 (1) any information related to errors in the notice and the facility's ability to conform to
7.10 minimum standards within a set period, including but not limited to a written schedule for
7.11 compliance and any other information that the facility administrator deems relevant for the
7.12 commissioner's consideration; and

7.13 (2) a written plan:

7.14 (i) indicating how the facility will ensure the transfer of individuals detained or housed
7.15 in or served by the facility and records if the facility closes; and

7.16 (ii) specifying arrangements that the facility will make to transfer individuals detained
7.17 or housed in or served by the facility to another licensed local correctional facility for
7.18 continuation of detention.

7.19 (d) When revoking a license, the commissioner must consider:

7.20 (1) the nature, chronicity, or severity of the statute or rule violation; and

7.21 (2) the effect of the violation on the health, safety, or rights of individuals detained or
7.22 housed in or served by the facility.

7.23 (e) The commissioner must issue a revocation order if the facility administrator does
7.24 not respond within 30 days to the notice or if the commissioner does not have assurance
7.25 that satisfactory progress toward substantial compliance with minimum standards will be
7.26 made. The revocation order must be sent to the facility administrator and the facility's
7.27 governing board, clearly stating:

7.28 (1) the specific minimum standards violated, noting the implicated rule or statute;

7.29 (2) the findings that constitute a violation of minimum standards and the nature,
7.30 chronicity, or severity of the violations;

7.31 (3) the corrective action needed;

8.1 (4) any prior correction order or conditional license order issued to correct a violation;
8.2 and

8.3 (5) the date on which the license revocation will occur.

8.4 (f) A revocation order may authorize facility use until a certain date, not to exceed the
8.5 duration of the active license:

8.6 (1) unless a limited license is issued by the commissioner to effectuate a facility closure;
8.7 and

8.8 (2) if continued operation does not present an imminent risk of life-threatening harm or
8.9 is not likely to result in serious physical injury to the individuals detained or housed in or
8.10 served by the facility.

8.11 (g) After a facility's license is revoked, the facility must not be used until the license is
8.12 reinstated. When the commissioner is assured that satisfactory progress toward substantial
8.13 compliance with minimum standards is being made, the commissioner may, at the request
8.14 of the facility administrator supported by a written schedule for compliance, reinstate the
8.15 license.

8.16 Subd. 4. **Reconsideration orders.** (a) If a facility administrator believes that a correction
8.17 order, conditional license order, or revocation order is in error, the facility administrator
8.18 may ask the commissioner to reconsider the parts of the order or action that are alleged to
8.19 be in error. The request for reconsideration must:

8.20 (1) be made in writing;

8.21 (2) be postmarked and sent to the commissioner within 30 calendar days after receiving
8.22 the order;

8.23 (3) specify the parts of the order or the action that is alleged to be in error;

8.24 (4) explain why the order or action is in error; and

8.25 (5) include documentation to support the allegation of error.

8.26 (b) The commissioner must issue a disposition within 60 days of receiving the facility
8.27 administrator's response under paragraph (a). A request for reconsideration does not stay
8.28 any provisions or requirements of the order.

8.29 Subd. 5. **Temporary immediate license suspension.** (a) The commissioner must act
8.30 immediately to temporarily suspend a license issued under sections 241.011 to 241.013 if:

9.1 (1) the facility's failure to comply with applicable minimum standards or the conditions
9.2 in the facility pose an imminent risk of life-threatening harm or serious physical injury to
9.3 individuals detained or housed in or served by the facility, staff, law enforcement, visitors,
9.4 or the public and:

9.5 (i) if the imminent risk of life-threatening harm or serious physical injury cannot be
9.6 promptly corrected through a different type of order under this section; and

9.7 (ii) the facility cannot or has not corrected the violation giving rise to the imminent risk
9.8 of life-threatening harm or serious physical injury; or

9.9 (2) while the facility continues to operate pending due notice and opportunity for written
9.10 response to the commissioner's notice of intent to issue a revocation order under subdivision
9.11 3, the commissioner identifies one or more subsequent violations of minimum standards
9.12 that may adversely affect the health or safety of individuals detained or housed in or served
9.13 by the facility, staff, law enforcement, visitors, or the public.

9.14 (b) A notice stating the reasons for the temporary immediate suspension must be delivered
9.15 by personal service to the facility administrator and the facility's governing board.

9.16 (c) A facility administrator and the facility's governing board must discontinue operating
9.17 the facility upon receiving the commissioner's order to immediately suspend the license.

9.18 **Subd. 6. Requesting reconsideration of temporary immediate suspension.** (a) A
9.19 facility administrator may request reconsideration of an order immediately suspending a
9.20 license. The request for reconsideration must be made in writing and sent by certified mail
9.21 or personal service as follows:

9.22 (1) if mailed, the request for reconsideration must be postmarked and sent to the
9.23 commissioner within five business days after the facility administrator receives notice that
9.24 the license has been immediately suspended; and

9.25 (2) if a request is made by personal service, the request must be received by the
9.26 commissioner within five business days after the facility administrator received the order.

9.27 (b) The request for reconsideration must:

9.28 (1) specify the parts of the order that are alleged to be in error;

9.29 (2) explain why they are in error; and

9.30 (3) include documentation to support the allegation of error.

9.31 (c) Within five business days of receiving the facility administrator's timely request for
9.32 reconsideration, the commissioner must review the request. For a review under subdivision

10.1 5, paragraph (a), clause (2), the review must be limited solely to whether the temporary
10.2 immediate suspension order should remain in effect pending the written response to the
10.3 commissioner's notice of intent to issue a revocation order.

10.4 Subd. 7. **Appealing commissioner's reconsideration request.** (a) The commissioner's
10.5 disposition of a request for reconsideration of a correction, conditional license, temporary
10.6 immediate suspension, or revocation order is final and subject to appeal. Before a facility
10.7 administrator may request an appeal under paragraph (b), the facility administrator must
10.8 request reconsideration according to this section of any correction, conditional license,
10.9 temporary immediate suspension, or revocation order.

10.10 (b) Within 60 days after the postmark date of the mailed notice of the commissioner's
10.11 decision on a request for reconsideration, the facility administrator may appeal the decision
10.12 by filing for a writ of certiorari with the court of appeals under section 606.01 and Minnesota
10.13 Rules of Civil Appellate Procedure, Rule 115.

10.14 Subd. 8. **Public notice of restriction, revocation, or suspension.** If a facility's license
10.15 is revoked or suspended under this section, a facility's use is restricted for any reason under
10.16 a conditional license order, or a correction order is issued to a facility, the commissioner
10.17 must publicly post the following information on the department's website:

10.18 (1) the facility name;

10.19 (2) the status of the facility's license;

10.20 (3) the reason for the correction order, restriction, revocation, or suspension; and

10.21 (4) any subsequent findings by the commissioner identifying satisfactory progress toward
10.22 substantial compliance with minimum standards.

10.23 Sec. 3. **[241.013] LICENSING AND INSPECTING LOCAL JUVENILE**
10.24 **CORRECTIONAL FACILITIES.**

10.25 Subdivision 1. **Scope.** This section applies to local juvenile correctional facilities under
10.26 section 241.011, subdivision 2, paragraph (g), licensed by the commissioner of corrections
10.27 to detain or serve juveniles, including those providing residential or foster care facility
10.28 placements under chapter 260C.

10.29 Subd. 2. **Facilities for children and youth; inspection and licensing.** (a)
10.30 Notwithstanding any provisions in sections 245A.03; 245A.04; and 256.01, subdivision 2,
10.31 paragraph (a), clause (2); and chapter 245C to the contrary, the commissioner must inspect

11.1 all local juvenile correctional facilities under section 241.011, subdivision 3, except as
11.2 provided under paragraph (c).

11.3 (b) The commissioner must grant a license for up to two years to a county, municipality,
11.4 or facility:

11.5 (1) according to section 241.011, subdivision 5; and

11.6 (2) if the commissioner is satisfied that the interests and well-being of children and youth
11.7 are protected.

11.8 (c) For local juvenile correctional facilities licensed by the commissioner of human
11.9 services, the commissioner of corrections may inspect and certify programs based on
11.10 certification standards under Minnesota Rules. For purposes of this paragraph, "certification"
11.11 has the meaning given in section 245A.02.

11.12 Subd. 3. **Commissioner consultation.** Local juvenile correctional facilities must consult
11.13 with the commissioner as needed to strengthen services to children and youth.

11.14 Subd. 4. **Affected municipality; notice.** (a) The commissioner must not grant a license
11.15 to a local juvenile correctional facility without giving 30 calendar days' written notice to
11.16 any affected municipality or other political subdivision unless the facility:

11.17 (1) has a licensed capacity of six or fewer individuals; and

11.18 (2) is occupied by either the licensee or a group foster home parent.

11.19 (b) The notification must be given before the license is first granted and annually
11.20 thereafter if annual notification is requested in writing by the affected municipality or other
11.21 political subdivision.

11.22 (c) State funds must not be made available to or be spent by an agency or department
11.23 of state, county, or municipal government for payment to a foster care facility licensed under
11.24 this section until the requirements under this subdivision have been met.

11.25 Subd. 5. **Licensing with juveniles from outside state.** The commissioner must not issue
11.26 or renew a license to a facility under this section to operate a local juvenile correctional
11.27 facility if:

11.28 (1) the facility accepts juveniles who reside outside Minnesota; and

11.29 (2) there is no agreement with the entity placing the juvenile at the facility that obligates
11.30 the entity to pay the juvenile's educational expenses.

12.1 Subd. 6. **Licensing actions.** The licensing actions under section 241.012 apply to a
12.2 facility licensed under this section.

12.3 Subd. 7. **Education for juveniles.** Notwithstanding subdivision 1, the education program
12.4 offered in a state or local correctional facility for the placement, confinement, or incarceration
12.5 of juveniles must be approved by the commissioner of education before the commissioner
12.6 of corrections may grant a license to the facility.

12.7 Subd. 8. **Rulemaking.** (a) The commissioner must adopt rules for local juvenile
12.8 correctional facilities according to Laws 1995, chapter 226, article 3, sections 50, 51, and
12.9 60, as amended.

12.10 (b) The time limit to adopt rules under section 14.125 does not apply to amendments to
12.11 Minnesota Rules, chapter 2960, in effect on the effective date of this section.

12.12 Sec. 4. **[241.014] SECURITY AUDITS FOR STATE CORRECTIONAL FACILITIES.**

12.13 Subdivision 1. **Purpose.** This section applies to state correctional facilities.

12.14 Subd. 2. **Definitions.** (a) For purposes of this section, the following terms have the
12.15 meanings given.

12.16 (b) "Audit group" means the state correctional facilities security audit group under
12.17 subdivision 5.

12.18 (c) "Corrections and detention confidential data" has the meaning given in section 13.85,
12.19 subdivision 3.

12.20 (d) "Security information" has the meaning given in section 13.37, subdivision 1.

12.21 Subd. 3. **Biennial report and audit of security practices.** The department's inspection
12.22 unit must conduct biennial security audits of each state correctional facility using the
12.23 standards established by the audit group. The inspection unit must:

12.24 (1) prepare a report for each audit; and

12.25 (2) submit the report to the audit group within 30 days of completing the audit.

12.26 Subd. 4. **Data.** (a) Corrections and detention confidential data and security information
12.27 contained in reports and records of the audit group:

12.28 (1) must maintain that classification, regardless of the data's classification in the hands
12.29 of the person who provided the data; and

12.30 (2) are not subject to discovery or introduction into evidence in a civil or criminal action
12.31 against the state arising out of any matter that the audit group is reviewing.

13.1 (b) Information, documents, and records otherwise available from other sources are not
13.2 immune from discovery or use in a civil or criminal action solely because the information,
13.3 documents, and records were acquired during an audit.

13.4 (c) Nothing in this subdivision limits a person who presented information to the audit
13.5 group or who is an audit group member from testifying about matters within the person's
13.6 knowledge. In a civil or criminal proceeding, a person must not be questioned about the
13.7 person's good faith presentation of information to the audit group or opinions formed by
13.8 the person as a result of an audit.

13.9 **Subd. 5. State correctional facilities security audit group.** (a) The commissioner must
13.10 form a state correctional facilities security audit group. The audit group must consist of the
13.11 following members:

13.12 (1) a department employee who is not assigned to the correctional institutions division,
13.13 appointed by the commissioner;

13.14 (2) the ombudsperson for corrections or a designee;

13.15 (3) an elected sheriff or designee nominated by the Minnesota Sheriffs' Association,
13.16 appointed by the commissioner;

13.17 (4) an individual with expertise in security related to infrastructure and operational
13.18 logistics of correctional facilities who is not required to reside in Minnesota, appointed by
13.19 the governor;

13.20 (5) the commissioner of health or a designee;

13.21 (6) the commissioner of administration or a designee;

13.22 (7) two senators, one appointed by the senate majority leader and one appointed by the
13.23 senate minority leader; and

13.24 (8) two representatives, one appointed by the speaker of the house and one appointed
13.25 by the minority leader of the house of representatives.

13.26 (b) The ombudsperson chairs the audit group. The audit group must establish security
13.27 audit standards for state correctional facilities. In developing the standards, the audit group,
13.28 or individual members of the audit group, may gather information from state correctional
13.29 facilities and state correctional staff and inmates. The audit group must:

13.30 (1) periodically review and modify the standards as needed; and

14.1 (2) report the standards to the chairs and ranking minority members of the house of
14.2 representatives and senate committees with jurisdiction over public safety policy and finance
14.3 when the standards are modified.

14.4 (c) The audit group must meet twice annually to review facility audit reports submitted
14.5 to the audit group by the department's inspection unit. Notwithstanding any law to the
14.6 contrary, the audit group may review the full audit reports, including but not limited to
14.7 corrections and detention confidential data and security information.

14.8 (d) Within 60 days of meeting to review an audit report from the department's inspection
14.9 unit, the audit group must make recommendations to the commissioner. Within 45 days of
14.10 receiving the audit group's recommendations, the commissioner must respond in writing to
14.11 the audit group's findings and recommendations. The commissioner's response must explain:

14.12 (1) whether the commissioner will implement the audit group's recommendations;

14.13 (2) the timeline for implementing the recommendations; and

14.14 (3) if the commissioner will not implement the recommendations, why the commissioner
14.15 will not or cannot implement the recommendations.

14.16 (e) The commissioner must include a written aggregate of the audit group's
14.17 recommendations based on each security audit and assessment of a state correctional facility
14.18 and the commissioner's responses to the recommendations in the biennial report under
14.19 section 241.016, subdivision 1. The commissioner must not include corrections and detention
14.20 confidential data and security information in the commissioner's report.

14.21 (f) The commissioner must provide staffing and administrative support to the audit
14.22 group.

14.23 Subd. 6. **Compensation.** Except as otherwise provided in this subdivision, the terms,
14.24 compensation, and removal of audit group members are governed by section 15.059. Audit
14.25 group members serve without compensation but may receive expense reimbursement.

14.26 Subd. 7. **Expiration.** Notwithstanding section 15.059, subdivision 6, the audit group
14.27 does not expire.

14.28 Subd. 8. **Open meeting law.** The audit group is not subject to chapter 13D.

14.29 Sec. 5. Minnesota Statutes 2025 Supplement, section 241.021, subdivision 1, is amended
14.30 to read:

14.31 Subdivision 1. **Correctional facilities; inspection; licensing.** (a) ~~Except as provided~~
14.32 ~~in paragraph (b),~~ The commissioner of corrections shall inspect and license all ~~correctional~~

15.1 ~~facilities throughout the state~~ jails and lockups under chapters 641 and 642, whether public
15.2 or private, established and operated for the detention and confinement of persons confined
15.3 or incarcerated therein according to law except to the extent that they are inspected or
15.4 licensed by other state regulating agencies. The commissioner shall promulgate pursuant
15.5 to chapter 14, rules establishing minimum standards for these facilities with respect to their
15.6 management, operation, physical condition, and the security, safety, health, treatment, and
15.7 discipline of persons confined or incarcerated therein. These minimum standards shall
15.8 include but are not limited to specific guidance pertaining to:

15.9 (1) screening, appraisal, assessment, and treatment for persons confined or incarcerated
15.10 in correctional facilities with mental illness or substance use disorders;

15.11 (2) a policy on the involuntary administration of medications, including a process for
15.12 determining on intake whether a Jarvis Order is in place and ensuring it will be followed
15.13 during the confinement or incarceration;

15.14 (3) suicide prevention plans and training;

15.15 (4) verification of medications in a timely manner;

15.16 (5) well-being checks;

15.17 (6) discharge planning, including providing prescribed medications to persons confined
15.18 or incarcerated in correctional facilities upon release;

15.19 (7) a policy on referrals or transfers to medical or mental health care in a noncorrectional
15.20 institution;

15.21 (8) use of segregation and mental health checks;

15.22 (9) critical incident debriefings;

15.23 (10) clinical management of substance use disorders and opioid overdose emergency
15.24 procedures;

15.25 (11) a policy regarding identification of persons with special needs confined or
15.26 incarcerated in correctional facilities;

15.27 (12) a policy regarding the use of telehealth;

15.28 (13) self-auditing of compliance with minimum standards;

15.29 (14) information sharing with medical personnel and when medical assessment must be
15.30 facilitated;

15.31 (15) a code of conduct policy for facility staff and annual training;

16.1 (16) a policy on death review of all circumstances surrounding the death of an individual
16.2 committed to the custody of the facility; and

16.3 (17) dissemination of a rights statement made available to persons confined or
16.4 incarcerated in licensed correctional facilities.

16.5 No individual, corporation, partnership, voluntary association, or other private
16.6 organization legally responsible for the operation of a correctional facility may operate the
16.7 facility unless it possesses a current license from the commissioner of corrections. Private
16.8 adult correctional facilities shall have the authority of section 624.714, subdivision 13, if
16.9 the Department of Corrections licenses the facility with the authority and the facility meets
16.10 requirements of section 243.52.

16.11 The commissioner shall review the correctional facilities described in this subdivision
16.12 at least once every two years, except as otherwise provided, to determine compliance with
16.13 the minimum standards established according to this subdivision or other Minnesota statute
16.14 related to minimum standards and conditions of confinement.

16.15 The commissioner shall grant a license to any facility found to conform to minimum
16.16 standards or to any facility which, in the commissioner's judgment, is making satisfactory
16.17 progress toward substantial conformity and the standards not being met do not impact the
16.18 interests and well-being of the persons confined or incarcerated in the facility. A limited
16.19 license under subdivision 1a may be issued for purposes of effectuating a facility closure.
16.20 The commissioner may grant licensure up to two years. Unless otherwise specified by
16.21 statute, all licenses issued under this chapter expire at 12:01 a.m. on the day after the
16.22 expiration date stated on the license.

16.23 The commissioner shall have access to the buildings, grounds, books, records, staff, and
16.24 to persons confined or incarcerated in these facilities. The commissioner may require the
16.25 officers in charge of these facilities to furnish all information and statistics the commissioner
16.26 deems necessary, at a time and place designated by the commissioner. Notwithstanding
16.27 chapter 13 or any other state law classifying or restricting access to data, the officers in
16.28 charge of these facilities must furnish all data available to the facility that the commissioner
16.29 deems necessary to conduct a review of any emergency or unusual occurrence at the facility.
16.30 Failure to provide or grant access to relevant information or statistics necessary to fulfill
16.31 inspection or emergency or unusual occurrence reviews, as requested by the commissioner,
16.32 may be grounds for the commissioner to take action against a correctional facility's license
16.33 under subdivision 1a, 1b, or 1c.

17.1 All facility administrators of correctional facilities are required to report all deaths of
17.2 individuals who died while committed to the custody of the facility, regardless of whether
17.3 the death occurred at the facility or after removal from the facility for medical care stemming
17.4 from an incident or need for medical care at the correctional facility, as soon as practicable,
17.5 but no later than 24 hours of receiving knowledge of the death, including any demographic
17.6 information as required by the commissioner.

17.7 All facility administrators of correctional facilities are required to report all other
17.8 emergency or unusual occurrences as defined by rule, including uses of force by facility
17.9 staff that result in substantial bodily harm or suicide attempts, to the commissioner of
17.10 corrections within ten days from the occurrence, including any demographic information
17.11 as required by the commissioner. The commissioner of corrections shall consult with the
17.12 Minnesota Sheriffs' Association and a representative from the Minnesota Association of
17.13 Community Corrections Act Counties who is responsible for the operations of an adult
17.14 correctional facility to define "use of force" that results in substantial bodily harm for
17.15 reporting purposes.

17.16 The commissioner may require that any or all such information be provided through the
17.17 Department of Corrections detention information system. The commissioner shall post each
17.18 inspection report publicly and on the department's website within 30 days of completing
17.19 the inspection. The education program offered in a correctional facility for the confinement
17.20 or incarceration of juvenile offenders must be approved by the commissioner of education
17.21 before the commissioner of corrections may grant a license to the facility.

17.22 ~~(b) For juvenile facilities licensed by the commissioner of human services, the~~
17.23 ~~commissioner may inspect and certify programs based on certification standards set forth~~
17.24 ~~in Minnesota Rules. For the purpose of this paragraph, "certification" has the meaning given~~
17.25 ~~it in section 245A.02.~~

17.26 ~~(e)~~ (b) Any state agency which regulates, inspects, or licenses certain aspects of
17.27 correctional facilities shall, insofar as is possible, ensure that the minimum standards it
17.28 requires are substantially the same as those required by other state agencies which regulate,
17.29 inspect, or license the same aspects of similar types of correctional facilities, although at
17.30 different correctional facilities.

17.31 ~~(d)~~ (c) Nothing in this section shall be construed to limit the commissioner of corrections'
17.32 authority to promulgate rules establishing standards of eligibility for counties to receive
17.33 funds under chapter 401, or to require counties to comply with operating standards the
17.34 commissioner establishes as a condition precedent for counties to receive that funding.

18.1 (e) (d) The department's inspection unit must report directly to a division head outside
18.2 of the correctional institutions division.

18.3 Sec. 6. Minnesota Statutes 2024, section 241.021, subdivision 1f, is amended to read:

18.4 Subd. 1f. **Report.** By February 15, 2022, and by February 15 each year thereafter, the
18.5 commissioner of corrections shall report to the chairs and ranking minority members of the
18.6 house of representatives and senate committees and divisions with jurisdiction over public
18.7 safety and judiciary on the status of the implementation of the provisions in ~~this section~~
18.8 sections 241.011 to 241.021 over the prior year, particularly the health and safety of
18.9 individuals confined or incarcerated in a local adult correctional facilities under this section,
18.10 local correctional facilities under section 241.011, and state correctional ~~facility and a facility~~
18.11 ~~licensed by the commissioner~~ facilities. This report shall include but not be limited to data
18.12 regarding:

18.13 (1) the number of confined or incarcerated persons who died while committed to the
18.14 custody of the facility, regardless of whether the death occurred at the facility or after
18.15 removal from the facility for medical care stemming from an incident or need for medical
18.16 care at the correctional facility, including aggregated demographic information and the
18.17 correctional facilities' most recent inspection reports and any corrective orders or conditional
18.18 licenses ~~issued,~~ revocations, or temporary immediate suspensions;

18.19 (2) the aggregated results of the death reviews by facility as required by subdivision 8
18.20 or section 241.011, subdivision 8, including any implemented policy changes;

18.21 (3) the number of uses of force by facility staff on persons confined or incarcerated in
18.22 the correctional facility, including but not limited to whether those uses of force were
18.23 determined to be justified by the facility, for which the commissioner of corrections shall
18.24 consult with the Minnesota Sheriffs' Association and a representative from the Minnesota
18.25 Association of Community Corrections Act Counties who is responsible for the operations
18.26 of an adult correctional facility to develop criteria for reporting and define reportable uses
18.27 of force;

18.28 (4) the number of suicide attempts, number of people transported to a medical facility,
18.29 and number of people placed in segregation;

18.30 (5) the number of persons committed to the commissioner of corrections' custody that
18.31 the commissioner is housing in facilities licensed under subdivision 1 and section 241.011,
18.32 including but not limited to:

18.33 (i) aggregated demographic data of those individuals;

- 19.1 (ii) length of time spent housed in a licensed correctional facility; and
- 19.2 (iii) any contracts the Department of Corrections has with correctional facilities to provide
19.3 housing; and
- 19.4 (6) summary data from state correctional facilities regarding complaints involving alleged
19.5 on-duty staff misconduct, including but not limited to the:
- 19.6 (i) total number of misconduct complaints and investigations;
- 19.7 (ii) total number of complaints by each category of misconduct, as defined by the
19.8 commissioner of corrections;
- 19.9 (iii) number of allegations dismissed as unfounded;
- 19.10 (iv) number of allegations dismissed on grounds that the allegation was unsubstantiated;
19.11 and
- 19.12 (v) number of allegations substantiated, any resulting disciplinary action, and the nature
19.13 of the discipline.

19.14 Sec. 7. Minnesota Statutes 2024, section 241.021, subdivision 4a, is amended to read:

19.15 Subd. 4a. **Substance use disorder treatment programs.** All ~~residential~~ substance use
19.16 disorder treatment programs operated by the commissioner of corrections to treat ~~adults~~
19.17 individuals committed to the commissioner's custody shall or to treat juveniles in
19.18 state-operated juvenile correctional facilities that have a correctional program services
19.19 certification per Minnesota Rules, chapter 2960, must comply with the standards mandated
19.20 in chapter 245G for treatment programs operated by community-based treatment facilities.
19.21 When the commissioners of corrections and human services agree that these established
19.22 standards for community-based programs cannot reasonably apply to correctional facilities,
19.23 alternative equivalent standards shall be developed by the commissioners and established
19.24 through an interagency agreement.

19.25 Sec. 8. **RULEMAKING; DEPARTMENT OF CORRECTIONS; LICENSED**
19.26 **JUVENILE FACILITIES.**

19.27 Subdivision 1. Administrative and medical separation. (a) The notification
19.28 requirements in this subdivision apply to juvenile facilities licensed by the commissioner
19.29 of corrections under Minnesota Statutes, sections 241.011 to 241.013.

20.1 (b) A facility's chief administrator must notify the commissioner according to Minnesota
 20.2 Rules, part 2960.0270, subpart 12, if a resident is expected to be, or has been, in
 20.3 administrative or medical separation for more than seven days.

20.4 (c) The notification under paragraph (b) must be within ten days of the resident's
 20.5 placement, or expected placement, in administrative separation or medical separation for
 20.6 more than seven days.

20.7 (d) This subdivision expires when the rules adopted under subdivision 2 are effective.

20.8 Subd. 2. **Rulemaking.** (a) The commissioner of corrections must amend Minnesota
 20.9 Rules, parts 2960.0740, subpart 3, and 2960.0750, subpart 3, to require notification according
 20.10 to subdivision 1, paragraphs (b) and (c).

20.11 (b) The commissioner may use the good cause exemption under Minnesota Statutes,
 20.12 section 14.388, subdivision 1, clause (3), to adopt rules under this subdivision.

20.13 (c) Notwithstanding Minnesota Laws 1995, chapter 226, article 3, sections 50, 51, and
 20.14 60, or any other law to the contrary, the joint rulemaking authority with the commissioners
 20.15 of the Department of Human Services and other state agencies does not apply to rules
 20.16 adopted under this subdivision.

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

20.18 Sec. 9. **REVISOR INSTRUCTION.**

20.19 (a) The revisor of statutes must renumber each section of Minnesota Statutes listed in
 20.20 column A with the number listed in column B.

<u>Column A</u>	<u>Column B</u>
<u>241.021, subdivision 4</u>	<u>241.74, subdivision 1</u>
<u>241.021, subdivision 4a</u>	<u>241.39</u>
<u>241.021, subdivision 4b</u>	<u>241.74, subdivision 2, paragraph (a)</u>
<u>241.021, subdivision 4c</u>	<u>241.74, subdivision 2, paragraph (b)</u>
<u>241.021, subdivision 4d</u>	<u>241.74, subdivision 3</u>
<u>241.021, subdivision 4e</u>	<u>241.254</u>

20.28 (b) As a result of amendments to Minnesota Statutes, sections 241.011 to 241.021, the
 20.29 revisor of statutes must work with the Department of Corrections to correct cross-references
 20.30 in Minnesota Statutes and Minnesota Rules and make other necessary grammatical and
 20.31 technical changes.

21.1 Sec. 10. **REPEALER.**

21.2 (a) Minnesota Statutes 2024, section 241.021, subdivisions 1g, 1h, 2a, 2b, 3, and 6, are
21.3 repealed.

21.4 (b) Minnesota Statutes 2025 Supplement, section 241.021, subdivision 2, is repealed.

241.021 LICENSING AND SUPERVISION OF FACILITIES.

Subd. 1g. **Biennial assessment and audit of security practices; state correctional facilities.** (a) Beginning in 2022, the commissioner shall have the department's inspection unit conduct biennial security audits of each state correctional facility using the standards promulgated by the state correctional facilities security audit group. The unit must prepare a report for each assessment and audit and submit the report to the state correctional facilities security audit group within 30 days of completion of the audit.

(b) Corrections and detention confidential data, as defined in section 13.85, subdivision 3, and nonpublic security information, as defined in section 13.37, subdivision 1, that is contained in reports and records of the group maintain that classification, regardless of the data's classification in the hands of the person who provided the data, and are not subject to discovery or introduction into evidence in a civil or criminal action against the state arising out of the matters the group is reviewing. Information, documents, and records otherwise available from other sources are not immune from discovery or use in a civil or criminal action solely because they were acquired during the group's audit. This section does not limit a person who presented information to the group or who is a member of the group from testifying about matters within the person's knowledge. However, in a civil or criminal proceeding, a person may not be questioned about the person's good faith presentation of information to the group or opinions formed by the person as a result of the group's audits.

Subd. 1h. **State correctional facilities security audit group.** (a) Beginning in fiscal year 2022, the commissioner shall form a state correctional facilities security audit group. The group must consist of the following members:

(1) a Department of Corrections employee who is not assigned to the correctional institutions division, appointed by the commissioner;

(2) the ombudsperson for corrections or a designee;

(3) an elected sheriff or designee nominated by the Minnesota Sheriffs' Association and appointed by the commissioner;

(4) an individual with expertise in security related to infrastructure and operational logistics of correctional facilities who is not required to reside in Minnesota, appointed by the governor;

(5) the commissioner of health or a designee;

(6) the commissioner of administration or a designee;

(7) two senators, one appointed by the senate majority leader and one appointed by the minority leader; and

(8) two representatives, one appointed by the speaker of the house and one appointed by the minority leader of the house of representatives.

(b) The ombudsperson or a designee shall chair the group. The group shall establish security audit standards for state correctional facilities. In developing the standards, the group, or individual members of the group, may gather information from state correctional facilities and state correctional staff and inmates. The security audit group must periodically review the standards and modify them as needed. The group must report the standards to the chairs and ranking minority members of the house of representatives and senate committees with jurisdiction over public safety policy and finance whenever the standards are updated.

(c) The group shall meet twice a year to review facility audit reports submitted to the group by the agency's inspection unit. Notwithstanding any law to the contrary, the group is entitled to review the full audit reports including nonpublic security information and corrections and detention confidential data. Within 60 days of meeting to review audit reports from the department's inspection unit, the group must make recommendations to the commissioner. Within 45 days of receiving the group's recommendations, the commissioner must reply in writing to the group's findings and recommendations. The commissioner's response must explain whether the agency will implement the group's recommendations, the timeline for implementation of the changes, and, if not, why the commissioner will not or cannot implement the group's recommendations.

(d) Beginning in 2023, the commissioner must include a written aggregate of the group's recommendations based on each security audit and assessment of a state correctional facility and the commissioner's responses to the recommendations in the biennial report required under section 241.016, subdivision 1. The commissioner shall not include corrections and detention confidential

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data, as defined in section 13.85, subdivision 3, and nonpublic security information, as defined in section 13.37, subdivision 1, in the commissioner's report to the legislature.

(e) The commissioner shall provide staffing and administrative support to the group.

(f) The state correctional facilities security audit group is not subject to chapter 13D.

(g) Except as otherwise provided in this paragraph, the terms, compensation, and removal of members of the group are governed by section 15.059. Members of the group serve without compensation but shall receive expense reimbursement. Notwithstanding section 15.059, subdivision 6, the group does not expire.

Subd. 2. **Facilities for delinquent children and youth; licenses; supervision.** Notwithstanding any provisions in sections 142B.05; 142B.10; 245A.03; 245A.04; and 256.01, subdivision 2, paragraph (a), clause (2), and chapter 245C to the contrary, but subject to the municipality notification requirements of subdivision 2a, the commissioner of corrections shall review all county, municipal, or other publicly established and operated facilities for the detention, care and training of delinquent children and youth at least once every biennium, and if such facility conforms to reasonable standards established by the commissioner or in the commissioner's judgment is making satisfactory progress toward substantial conformity therewith, and the commissioner is satisfied that the interests and well-being of children and youth received therein are protected, the commissioner shall grant a license to the county, municipality or agency thereof operating such facility. The commissioner may grant licensure up to two years. Each such facility shall cooperate with the commissioner to make available all facts regarding its operation and services as the commissioner requires to determine its conformance to standards and its competence to give the services needed and which it purports to give. Every such facility as herein described is subject to visitation and supervision by the commissioner and shall receive from the commissioner consultation as needed to strengthen services to the children and youth received therein.

Subd. 2a. **Affected municipality; notice.** The commissioner must not grant a license without giving 30 calendar days' written notice to any affected municipality or other political subdivision unless the facility has a licensed capacity of six or fewer persons and is occupied by either the licensee or the group foster home parents. The notification must be given before the license is first granted and annually after that time if annual notification is requested in writing by any affected municipality or other political subdivision. State funds must not be made available to or be spent by an agency or department of state, county, or municipal government for payment to a foster care facility licensed under subdivision 2 until the provisions of this subdivision have been complied with in full.

Subd. 2b. **Licensing; facilities; juveniles from outside state.** The commissioner may not:

(1) grant a license under this section to operate a correctional facility for the detention or confinement of juvenile offenders if the facility accepts juveniles who reside outside of Minnesota without an agreement with the entity placing the juvenile at the facility that obligates the entity to pay the educational expenses of the juvenile; or

(2) renew a license under this section to operate a correctional facility for the detention or confinement of juvenile offenders if the facility accepts juveniles who reside outside of Minnesota without an agreement with the entity placing the juvenile at the facility that obligates the entity to pay the educational expenses of the juvenile.

Subd. 3. **Revocation of license.** When after due notice and hearing the commissioner of corrections determines that any facility described in subdivision 2 does not substantially conform to the reasonable standards therein provided or is not making satisfactory progress toward substantial compliance therewith, the commissioner may, with the consent of the judge of the district court, issue an order revoking the license of that facility. After revocation of its license, that facility shall not be used for the care and training of delinquent children, or for their detention until its license is renewed.

Subd. 6. **Background studies.** (a) The commissioner of corrections is authorized to do background studies on personnel employed by any facility serving children or youth that is licensed under this section. The commissioner of corrections shall contract with the commissioner of human services to conduct background studies of individuals providing services in secure and nonsecure residential facilities and detention facilities who have direct contact, as defined under section 245C.02, subdivision 11, with persons served in the facilities. A disqualification of an individual in this section shall disqualify the individual as provided in chapter 245C.

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(b) A clerk or administrator of any court, the Bureau of Criminal Apprehension, a prosecuting attorney, a county sheriff, or a chief of a local police department, shall assist in these studies by providing to the commissioner of human services, or the commissioner's representative, all criminal conviction data available from local, state, and national criminal history record repositories, including the criminal justice data communications network, pertaining to the following individuals: applicants, operators, all persons living in the household, and all staff of any facility subject to background studies under this subdivision.

(c) The Department of Human Services shall conduct the background studies required by paragraph (a) in compliance with the provisions of chapter 245C. For the purpose of this subdivision, the term "secure and nonsecure residential facility and detention facility" shall include programs licensed or certified under subdivision 2. The Department of Human Services shall provide necessary forms and instructions, shall conduct the necessary background studies of individuals, and shall provide notification of the results of the studies to the facilities, individuals, and the commissioner of corrections. Individuals shall be disqualified under the provisions of chapter 245C.

If an individual is disqualified, the Department of Human Services shall notify the facility and the individual and shall inform the individual of the right to request a reconsideration of the disqualification by submitting the request to the Department of Corrections.

(d) The commissioner of corrections shall review and decide reconsideration requests, including the granting of variances, in accordance with the procedures and criteria contained in chapter 245C. The commissioner's decision shall be provided to the individual and to the Department of Human Services. The commissioner's decision to grant or deny a reconsideration of disqualification is the final administrative agency action.

(e) Facilities described in paragraph (a) shall be responsible for cooperating with the departments in implementing the provisions of this subdivision. The responsibilities imposed on applicants and licensees under chapters 245A and 245C shall apply to these facilities.