

HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 3546

03/23/2016 Authored by Johnson, B., and Lueck

The bill was read for the first time and referred to the Committee on Public Safety and Crime Prevention Policy and Finance

03/31/2016 Adoption of Report: Placed on the General Register as Amended
Read Second Time

1.1 A bill for an act
1.2 relating to corrections; authorizing county probation officers to supervise adult
1.3 felons; amending Minnesota Statutes 2014, sections 244.19, subdivision 1;
1.4 244.20.

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

1.6 Section 1. Minnesota Statutes 2014, section 244.19, subdivision 1, is amended to read:

1.7 Subdivision 1. **Appointment; joint services; state services.** (a) If a county or
1.8 group of counties has established a human services board pursuant to chapter 402, the
1.9 district court may appoint one or more county probation officers as necessary to perform
1.10 court services, and the human services board shall appoint persons as necessary to
1.11 provide correctional services within the authority granted in chapter 402. In all counties
1.12 of more than 200,000 population, which have not organized pursuant to chapter 402, the
1.13 district court shall appoint one or more persons of good character to serve as county
1.14 probation officers during the pleasure of the court. All other counties shall provide adult
1.15 misdemeanor and juvenile probation services, and may provide adult felon probation
1.16 services, to district courts in one of the following ways:

1.17 (1) the court, with the approval of the county boards, may appoint one or more
1.18 salaried county probation officers to serve during the pleasure of the court;

1.19 (2) when two or more counties offer probation services the district court through
1.20 the county boards may appoint common salaried county probation officers to serve
1.21 in the several counties;

1.22 (3) a county or a district court may request the commissioner of corrections to
1.23 furnish probation services in accordance with the provisions of this section, and the

2.1 commissioner of corrections shall furnish such services to any county or court that fails to
2.2 provide its own probation officer by one of the two procedures listed above;

2.3 (4) if a county or district court providing probation services under clause (1) or (2)
2.4 asks the commissioner of corrections or the legislative body for the state of Minnesota
2.5 mandates the commissioner of corrections to furnish probation services to the district
2.6 court, the probation officers and other employees displaced by the changeover shall be
2.7 employed by the commissioner of corrections. Years of service in the county probation
2.8 department are to be given full credit for future sick leave and vacation accrual purposes;

2.9 (5) all probation officers serving the juvenile courts on July 1, 1972, shall continue
2.10 to serve in the county or counties they are now serving.

2.11 (b) The commissioner of management and budget shall place employees transferred
2.12 to state service under paragraph (a), clause (4), in the proper classifications in the
2.13 classified service. Each employee is appointed without examination at no loss in salary
2.14 or accrued vacation or sick leave benefits, but no additional accrual of vacation or
2.15 sick leave benefits may occur until the employee's total accrued vacation or sick leave
2.16 benefits fall below the maximum permitted by the state for the employee's position. An
2.17 employee appointed under paragraph (a), clause (4), shall serve a probationary period of
2.18 six months. After exhausting labor contract remedies, a noncertified employee may appeal
2.19 for a hearing within ten days to the commissioner of management and budget, who may
2.20 uphold the decision, extend the probation period, or certify the employee. The decision of
2.21 the commissioner of management and budget is final. The state shall negotiate with the
2.22 exclusive representative for the bargaining unit to which the employees are transferred
2.23 regarding their seniority. For purposes of computing seniority among those employees
2.24 transferring from one county unit only, a transferred employee retains the same seniority
2.25 position as the employee had within that county's probation office.

2.26 (c) State employees displaced by a county's election to provide probation services
2.27 under paragraph (a), clause (1) or (2), are on layoff status and, if not hired by a participating
2.28 county as provided herein, may exercise their rights under layoff procedures established
2.29 by law or union agreement, whichever is applicable, or elect to remain a state employee.

2.30 (d) State employees displaced by a county's election to provide probation services
2.31 under paragraph (a), clause (1) or (2), and hired by the participating county shall retain all
2.32 fringe benefits and recall from layoff benefits accrued by seniority and enjoyed by them
2.33 while in the service of the state.

2.34 Sec. 2. Minnesota Statutes 2014, section 244.20, is amended to read:

2.35 **244.20 PROBATION SUPERVISION.**

3.1 ~~Notwithstanding~~ Except as provided in sections 244.19, subdivision 1, and 609.135,
3.2 subdivision 1, the Department of Corrections shall have exclusive responsibility for
3.3 providing probation services for adult felons in counties that do not take part in the
3.4 Community Corrections Act. In counties that do not take part in the Community
3.5 Corrections Act, the responsibility for providing probation services for individuals
3.6 convicted of gross misdemeanor offenses shall be discharged according to local judicial
3.7 policy.