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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 4455

02/29/2024 Authored by Feist
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; modifying the law addressing release of certain inmates;
1.3 amending Minnesota Statutes 2023 Supplement, section 244.05, subdivision 5.

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

1.5 Section 1. Minnesota Statutes 2023 Supplement, section 244.05, subdivision 5, is amended
1.6 to read:

1.7 Subd. 5. Supervised release, life and indeterminate sentences. (a) The board may,
1.8 under rules adopted by the commissioner, grant supervised release or parole as follows:

1.9 (1) to an inmate serving a mandatory life sentence after the inmate has served the
1.10 minimum term of imprisonment specified in subdivision 4 or section 243.05, subdivision
1.11 1, paragraph (a);

1.12 (2) at any time for an inmate serving a nonlife indeterminate sentence for a crime
1.13 committed on or before April 30, 1980; or

1.14 (3) to an inmate eligible for early supervised release under subdivision 4a after the inmate
1.15 has served the minimum term of imprisonment.

1.16 (b) For cases involving where an inmate is serving multiple sentences, the board must
1.17 grant or deny supervised release as follows:

1.18 (1) if an inmate is serving multiple sentences that are concurrent to one another, the
1.19 board must grant or deny supervised release on all unexpired sentences; and.

1.20 (2) Notwithstanding any other law to the contrary, if an inmate who was under the age
1.21 of 18 at the time of the commission of the relevant offenses and has served the minimum

2.1 term of imprisonment specified in subdivision 4b is serving multiple sentences that are
2.2 consecutive to one another, the board ~~may~~ must grant or deny supervised release on ~~one or~~
2.3 ~~more~~ all unexpired sentences.

2.4 (c) No less than three years before an inmate has served the applicable minimum term
2.5 of imprisonment, the board must assess the inmate's status and make programming
2.6 recommendations relevant to the inmate's release review. The commissioner must ensure
2.7 that any board programming recommendations are followed and implemented.

2.8 (d) The board must conduct a supervised release review hearing as soon as practicable
2.9 before an inmate has served the applicable minimum term of imprisonment.

2.10 (e) The board shall require the preparation of a community investigation report. The
2.11 report shall:

2.12 (1) reflect the sentiment of the various elements of the community toward the inmate,
2.13 both at the time of the offense and at the present time;

2.14 (2) include the views of the sentencing judge, the prosecutor, any law enforcement
2.15 personnel who may have been involved in the case, and any successors to these individuals
2.16 who may have information relevant to the supervised release decision; and

2.17 (3) include the views of the victim and the victim's family unless the victim or the victim's
2.18 family chooses not to participate.

2.19 (f) The board shall require the preparation of a development report when making a
2.20 supervised release decision regarding an inmate who was under 18 years of age at the time
2.21 of the commission of the offense. The report must be prepared by a mental health professional
2.22 qualified to provide services to a client under section 245I.04, subdivision 2, clause (1) to
2.23 (4) or (6), and must address the inmate's cognitive, emotional, and social maturity. The
2.24 board may use a previous report that was prepared within 12 months immediately preceding
2.25 the hearing.

2.26 (g) The board shall make reasonable efforts to notify the victim, in advance, of the time
2.27 and place of the inmate's release review hearing. The victim has a right to submit an oral
2.28 or written statement at the review hearing. The statement may summarize the harm suffered
2.29 by the victim as a result of the crime and give the victim's recommendation on whether the
2.30 inmate should be given supervised release at this time.

2.31 (h) The board shall permit a prosecutor from the office that prosecuted the case to submit
2.32 a written statement in advance of the review hearing.

3.1 (i) When considering whether to grant supervised release or parole to an inmate serving
3.2 a life sentence or indeterminate sentence, the board shall consider, at a minimum, the
3.3 following:

3.4 (1) the report prepared pursuant to paragraph (e);

3.5 (2) the report prepared pursuant to paragraph (f), if applicable;

3.6 (3) a victim statement under paragraph (g), if submitted;

3.7 (4) the statement of a prosecutor under paragraph (h), if submitted;

3.8 (5) the risk the inmate poses to the community if released;

3.9 (6) the inmate's progress in treatment, if applicable;

3.10 (7) the inmate's behavior while incarcerated;

3.11 (8) psychological or other diagnostic evaluations of the inmate;

3.12 (9) information on the inmate's rehabilitation while incarcerated;

3.13 (10) the inmate's criminal history;

3.14 (11) if the inmate was under 18 years of age at the time of the commission of the offense,
3.15 relevant science on the neurological development of juveniles and information on the inmate's
3.16 maturity and development while incarcerated; and

3.17 (12) any other relevant conduct of the inmate while incarcerated or before incarceration.

3.18 (j) The board may not grant supervised release or parole to an inmate unless:

3.19 (1) while in prison:

3.20 (i) the inmate has successfully completed appropriate sex offender treatment, if applicable;

3.21 (ii) the inmate has been assessed for substance use disorder needs and, if appropriate,
3.22 has successfully completed substance use disorder treatment; and

3.23 (iii) the inmate has been assessed for mental health needs and, if appropriate, has
3.24 successfully completed mental health treatment; and

3.25 (2) a comprehensive individual release plan is in place for the inmate that:

3.26 (i) ensures that, after release, the inmate will have suitable housing and receive appropriate
3.27 aftercare and community-based treatment; and

3.28 (ii) includes a postprison employment or education plan for the inmate.

4.1 (k) Supervised release or parole must be granted with a majority vote of the quorum
4.2 required under section 244.049, subdivision 3. If there is a tie vote, supervised release or
4.3 parole is granted only if the commissioner votes in favor of granting supervised release or
4.4 parole.

4.5 (l) Within 30 days after a supervised release review hearing, the board must issue a
4.6 decision on granting release, including an explanation for the decision. If an inmate is serving
4.7 multiple sentences that are concurrent to one another, the board must grant or deny supervised
4.8 release on all sentences.

4.9 (m) If the board does not grant supervised release, the board shall conduct a subsequent
4.10 supervised release hearing within three years of the initial hearing. If release is denied at
4.11 the subsequent hearing, the board shall continue to hold hearings at least once every three
4.12 years. If the board denies an inmate's release under this paragraph, the explanation of that
4.13 decision must identify specific steps that the inmate can take to increase the likelihood that
4.14 release will be granted at a future hearing.

4.15 (n) When granting supervised release under this subdivision, the board must set prerelease
4.16 conditions to be followed by the inmate, if time permits, before their actual release or before
4.17 constructive parole becomes effective. If the inmate violates any of the prerelease conditions,
4.18 the commissioner may rescind the grant of supervised release without a hearing at any time
4.19 before the inmate's release or before constructive parole becomes effective. A grant of
4.20 constructive parole becomes effective once the inmate begins serving the consecutive
4.21 sentence.

4.22 (o) If the commissioner rescinds a grant of supervised release or parole, the board:

4.23 (1) must set a release review date that occurs within 90 days of the commissioner's
4.24 rescission; and

4.25 (2) by majority vote, may set a new supervised release date or set another review date.

4.26 (p) If the commissioner revokes supervised release or parole for an inmate serving a life
4.27 sentence, the revocation is not subject to the limitations under section 244.30 and the board:

4.28 (1) must set a release review date that occurs within one year of the commissioner's final
4.29 revocation decision; and

4.30 (2) by majority vote, may set a new supervised release date or set another review date.

4.31 (q) The board may, by a majority vote, grant a person on supervised release or parole
4.32 for a life or indeterminate sentence a final discharge from their sentence in accordance with
4.33 section 243.05, subdivision 3. In no case, however, may a person subject to a mandatory

5.1 lifetime conditional release term under section 609.3455, subdivision 7, be discharged from
5.2 that term.

5.3 (r) For purposes of this subdivision:

5.4 (1) "board" means the Indeterminate Sentence Release Board under section 244.049;

5.5 (2) "constructive parole" means the status of an inmate who has been paroled from an
5.6 indeterminate sentence to begin serving a consecutive sentence in prison; and

5.7 (3) "victim" has the meaning given in section 611A.01, paragraph (b).

5.8 **EFFECTIVE DATE.** This section is effective July 1, 2024, and applies to inmates
5.9 released on or after that date and retroactively to inmates eligible for early supervised release
5.10 under Minnesota Statutes, section 244.05, subdivision 4a, who had supervised release review
5.11 hearings conducted between July 1, 2023, and June 30, 2024.