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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 3109

02/11/2020 Authored by Edelson, Richardson, Howard, Hassan, Becker-Finn and others

The bill was read for the first time and referred to the Corrections Division

03/05/2020 Adoption of Report: Re-referred to the Public Safety and Criminal Justice Reform Finance and Policy Division without further recommendation

1.1 A bill for an act
1.2 relating to public safety; requiring a report on statistics for individuals convicted
1.3 as an extended jurisdiction juvenile; amending Minnesota Statutes 2018, sections
1.4 241.016; 244.19, subdivision 3; 401.06.

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

1.6 Section 1. Minnesota Statutes 2018, section 241.016, is amended to read:

1.7 241.016 ANNUAL PERFORMANCE REPORT REQUIRED.

1.8 Subdivision 1. Biennial report. (a) The Department of Corrections shall submit a
1.9 performance report to the chairs and ranking minority members of the senate and house of
1.10 representatives committees and divisions having jurisdiction over criminal justice funding
1.11 by January 15 of each odd-numbered year. The issuance and content of the report must
1.12 include the following:

- 1.13 (1) department strategic mission, goals, and objectives;
1.14 (2) the department-wide per diem, adult facility-specific per diems, and an average per
1.15 diem, reported in a standard calculated method as outlined in the departmental policies and
1.16 procedures;
1.17 (3) department annual statistics as outlined in the departmental policies and procedures;
1.18 and
1.19 (4) information about prison-based mental health programs, including, but not limited
1.20 to, the availability of these programs, participation rates, and completion rates.

1.21 (b) The department shall maintain recidivism rates for adult facilities on an annual basis.
1.22 In addition, each year the department shall, on an alternating basis, complete a recidivism

2.1 analysis of adult facilities, juvenile services, and the community services divisions and
 2.2 include a three-year recidivism analysis in the report described in paragraph (a). The
 2.3 recidivism analysis must: (1) assess education programs, vocational programs, treatment
 2.4 programs, including mental health programs, industry, and employment; and (2) assess
 2.5 statewide re-entry policies and funding, including postrelease treatment, education, training,
 2.6 and supervision. In addition, when reporting recidivism for the department's adult and
 2.7 juvenile facilities, the department shall report on the extent to which offenders it has assessed
 2.8 as chemically dependent commit new offenses, with separate recidivism rates reported for
 2.9 persons completing and not completing the department's treatment programs.

2.10 (c) The department shall maintain annual statistics related to the supervision of extended
 2.11 jurisdiction juveniles and include those statistics in the report described in paragraph (a).

2.12 The statistics must include:

2.13 (1) the total number and population demographics of individuals under supervision in
 2.14 adult facilities, juvenile facilities, and the community who were convicted as an extended
 2.15 jurisdiction juvenile;

2.16 (2) the number of individuals convicted as an extended jurisdiction juvenile who
 2.17 successfully completed probation in the previous year;

2.18 (3) the number of individuals identified in clause (2) for whom the court terminated
 2.19 jurisdiction before the person became 21 years of age pursuant to section 260B.193,
 2.20 subdivision 5;

2.21 (4) the number of individuals convicted as an extended jurisdiction juvenile whose
 2.22 sentences were executed; and

2.23 (5) the average length of time individuals convicted as an extended jurisdiction juvenile
 2.24 spend on probation.

2.25 Sec. 2. Minnesota Statutes 2018, section 244.19, subdivision 3, is amended to read:

2.26 Subd. 3. **Powers and duties.** All county probation officers serving a district court shall
 2.27 act under the orders of the court in reference to any person committed to their care by the
 2.28 court, and in the performance of their duties shall have the general powers of a peace officer;
 2.29 and it shall be their duty to make such investigations with regard to any person as may be
 2.30 required by the court before, during, or after the trial or hearing, and to furnish to the court
 2.31 such information and assistance as may be required; to take charge of any person before,
 2.32 during or after trial or hearing when so directed by the court, and to keep such records and
 2.33 to make such reports to the court as the court may order.

3.1 All county probation officers serving a district court shall, in addition, provide probation
3.2 and parole services to wards of the commissioner of corrections resident in the counties
3.3 they serve, and shall act under the orders of said commissioner of corrections in reference
3.4 to any ward committed to their care by the commissioner of corrections.

3.5 All probation officers serving a district court shall, under the direction of the authority
3.6 having power to appoint them, initiate programs for the welfare of persons coming within
3.7 the jurisdiction of the court to prevent delinquency and crime and to rehabilitate within the
3.8 community persons who come within the jurisdiction of the court and are properly subject
3.9 to efforts to accomplish prevention and rehabilitation. They shall, under the direction of the
3.10 court, cooperate with all law enforcement agencies, schools, child welfare agencies of a
3.11 public or private character, and other groups concerned with the prevention of crime and
3.12 delinquency and the rehabilitation of persons convicted of crime and delinquency.

3.13 All probation officers serving a district court shall make monthly and annual reports to
3.14 the commissioner of corrections, on forms furnished by the commissioner, containing such
3.15 information on number of cases cited to the juvenile division of district court, offenses,
3.16 adjudications, dispositions, and related matters as may be required by the commissioner of
3.17 corrections. The reports shall include the information on individuals convicted as an extended
3.18 jurisdiction juvenile identified in section 241.016, subdivision 1, paragraph (c).

3.19 Sec. 3. Minnesota Statutes 2018, section 401.06, is amended to read:

3.20 **401.06 COMPREHENSIVE PLAN; STANDARDS OF ELIGIBILITY;**
3.21 **COMPLIANCE.**

3.22 No county or group of counties electing to provide correctional services pursuant to
3.23 sections 401.01 to 401.16 shall be eligible for the subsidy herein provided unless and until
3.24 its comprehensive plan shall have been approved by the commissioner. The commissioner
3.25 shall, pursuant to the Administrative Procedure Act, promulgate rules establishing standards
3.26 of eligibility for counties to receive funds under sections 401.01 to 401.16. To remain eligible
3.27 for subsidy counties shall maintain substantial compliance with the minimum standards
3.28 established pursuant to sections 401.01 to 401.16 and the policies and procedures governing
3.29 the services described in section 401.025 as prescribed by the commissioner. Counties shall
3.30 also be in substantial compliance with other correctional operating standards permitted by
3.31 law and established by the commissioner and shall report statistics required by the
3.32 commissioner including but not limited to information on individuals convicted as an
3.33 extended jurisdiction juvenile identified in section 241.016, subdivision 1, paragraph (c).
3.34 The commissioner shall review annually the comprehensive plans submitted by participating

4.1 counties, including the facilities and programs operated under the plans. The commissioner
4.2 is hereby authorized to enter upon any facility operated under the plan, and inspect books
4.3 and records, for purposes of recommending needed changes or improvements.

4.4 When the commissioner shall determine that there are reasonable grounds to believe
4.5 that a county or group of counties is not in substantial compliance with minimum standards,
4.6 at least 30 days' notice shall be given the county or counties and a hearing conducted by
4.7 the commissioner to ascertain whether there is substantial compliance or satisfactory progress
4.8 being made toward compliance. The commissioner may suspend all or a portion of any
4.9 subsidy until the required standard of operation has been met.