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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 3223

03/16/2016 Authored by Miller, Cornish, Daudt, Baker, Swedzinski and others

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

03/23/2016 Adoption of Report: Re-referred to the Committee on Ways and Means

1.1 A bill for an act
1.2 relating to public safety; authorizing the commissioner of corrections to house
1.3 offenders in nonpublicly owned facilities; amending Minnesota Statutes 2014,
1.4 section 241.01, subdivision 3a.

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

1.6 Section 1. Minnesota Statutes 2014, section 241.01, subdivision 3a, is amended to read:

1.7 Subd. 3a. **Commissioner, powers and duties.** The commissioner of corrections has
1.8 the following powers and duties:

1.9 (a) To accept persons committed to the commissioner by the courts of this state for
1.10 care, custody, and rehabilitation.

1.11 (b) To determine the place of confinement of committed persons in a correctional
1.12 facility or other facility of the Department of Corrections, or a nonpublicly owned
1.13 facility, and to prescribe reasonable conditions and rules for their employment, conduct,
1.14 instruction, and discipline within or outside the facility. Inmates shall not exercise
1.15 custodial functions or have authority over other inmates.

1.16 (c) To administer the money and property of the department.

1.17 (d) To administer, maintain, and inspect all state correctional facilities.

1.18 (e) To transfer authorized positions and personnel between state correctional
1.19 facilities as necessary to properly staff facilities and programs.

1.20 (f) To utilize state correctional facilities in the manner deemed to be most efficient
1.21 and beneficial to accomplish the purposes of this section, but not to close the Minnesota
1.22 Correctional Facility-Stillwater or the Minnesota Correctional Facility-St. Cloud without
1.23 legislative approval. The commissioner may place juveniles and adults at the same
1.24 state minimum security correctional facilities, if there is total separation of and no

2.1 regular contact between juveniles and adults, except contact incidental to admission,
2.2 classification, and mental and physical health care.

2.3 (g) To organize the department and employ personnel the commissioner deems
2.4 necessary to discharge the functions of the department, including a chief executive officer
2.5 for each facility under the commissioner's control who shall serve in the unclassified civil
2.6 service and may, under the provisions of section 43A.33, be removed only for cause.

2.7 (h) To define the duties of these employees and to delegate to them any of the
2.8 commissioner's powers, duties and responsibilities, subject to the commissioner's control
2.9 and the conditions the commissioner prescribes.

2.10 (i) To annually develop a comprehensive set of goals and objectives designed to
2.11 clearly establish the priorities of the Department of Corrections. This report shall be
2.12 submitted to the governor commencing January 1, 1976. The commissioner may establish
2.13 ad hoc advisory committees.

2.14 (j) The commissioner, in order to address bed capacity shortfalls, shall enter into a
2.15 contract to lease and operate an existing prison facility with a capacity of at least 1,500
2.16 beds located in Appleton, Minnesota.