

SENATE

STATE OF MINNESOTA

NINETY-SECOND SESSION

S.F. No. 1124

(SENATE AUTHORS: LIMMER)		
DATE	D-PG	OFFICIAL STATUS
02/17/2021	435	Introduction and first reading
		Referred to Judiciary and Public Safety Finance and Policy
03/24/2021	1140a	Comm report: To pass as amended
	1152	Second reading
	4795	Rule 47, returned to Judiciary and Public Safety Finance and Policy

1.1

A bill for an act

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relating to public safety; expanding the authority of the Department of Corrections

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Fugitive Apprehension Unit; requiring a report on statistics for individuals convicted

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as an extended jurisdiction juvenile; establishing guidelines for the use of restraints

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on juveniles; providing alternatives to arrest for juveniles; amending Minnesota

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Statutes 2020, sections 241.016; 241.025, subdivisions 1, 2, 3; 244.19, subdivision

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3; 401.06; proposing coding for new law in Minnesota Statutes, chapter 260B.

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

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Section 1. Minnesota Statutes 2020, section 241.016, is amended to read:

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**241.016 ANNUAL PERFORMANCE REPORT REQUIRED.**

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Subdivision 1. ~~Biennial~~ Annual report. (a) The Department of Corrections shall submit

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a performance report to the chairs and ranking minority members of the senate and house

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of representatives committees and divisions having jurisdiction over criminal justice funding

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by January 15 of each ~~odd-numbered~~ year. The issuance and content of the report must

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include the following:

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(1) department strategic mission, goals, and objectives;

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(2) the department-wide per diem, adult facility-specific per diems, and an average per

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diem, reported in a standard calculated method as outlined in the departmental policies and

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procedures;

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(3) department annual statistics as outlined in the departmental policies and procedures;

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and

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(4) information about prison-based mental health programs, including, but not limited

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to, the availability of these programs, participation rates, and completion rates.

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

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

The statistics must include:

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

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

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

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

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

Sec. 2. Minnesota Statutes 2020, section 241.025, subdivision 1, is amended to read:

Subdivision 1. **Authorization.** The commissioner of corrections may appoint peace officers, as defined in section 626.84, subdivision 1, paragraph (c), who shall serve in the classified service subject to the provisions of section 43A.01, subdivision 2, and establish a law enforcement agency, as defined in section 626.84, subdivision 1, paragraph (f), known as the Department of Corrections Fugitive Apprehension Unit, to perform the duties necessary to make statewide arrests under sections 629.30 and 629.34. The jurisdiction of the law

enforcement agency is ~~limited to~~ primarily the arrest of Department of Corrections' discretionary and statutory released violators and Department of Corrections' escapees and this must be its primary focus. The Department of Corrections Fugitive Apprehension Unit may respond to a law enforcement agency's request to exercise general law enforcement duties during the course of official duties by carrying out law enforcement activities at the direction of the law enforcement agency of jurisdiction. In addition, the unit may investigate criminal offenses in agency-operated correctional facilities and surrounding property.

Sec. 3. Minnesota Statutes 2020, section 241.025, subdivision 2, is amended to read:

Subd. 2. **Limitations.** The initial processing of a person arrested by the fugitive apprehension unit for an offense ~~within the agency's jurisdiction~~ is the responsibility of the fugitive apprehension unit unless otherwise directed by the law enforcement agency with primary jurisdiction. A subsequent investigation is the responsibility of the law enforcement agency of the jurisdiction ~~in which a new crime is committed~~ unless the law enforcement agency authorizes the fugitive apprehension unit to assume the subsequent investigation. At the request of the primary jurisdiction, the fugitive apprehension unit may assist in subsequent investigations or law enforcement efforts being carried out by the primary jurisdiction. Persons arrested for violations that the fugitive apprehension unit determines are not within the agency's jurisdiction must be referred to the appropriate local law enforcement agency for further investigation or disposition.

Sec. 4. Minnesota Statutes 2020, section 241.025, subdivision 3, is amended to read:

Subd. 3. **Policies.** The fugitive apprehension unit must develop and file all policies required under state law for law enforcement agencies. The fugitive apprehension unit also must develop a policy for contacting law enforcement agencies in a city or county before initiating any fugitive surveillance, investigation, or apprehension within the city or county. ~~These policies must be filed with the board of peace officers standards and training by November 1, 2000.~~ Revisions of any of these policies must be filed with the board within ten days of the effective date of the revision. The Department of Corrections shall train all of its peace officers regarding the application of these policies.

Sec. 5. Minnesota Statutes 2020, section 244.19, subdivision 3, is amended to read:

Subd. 3. **Powers and duties.** All county probation officers serving a district court shall act under the orders of the court in reference to any person committed to their care by the court, and in the performance of their duties shall have the general powers of a peace officer; and it shall be their duty to make such investigations with regard to any person as may be

required by the court before, during, or after the trial or hearing, and to furnish to the court such information and assistance as may be required; to take charge of any person before, during or after trial or hearing when so directed by the court, and to keep such records and to make such reports to the court as the court may order.

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

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

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

Sec. 6. **[260B.008] USE OF RESTRAINTS.**

(a) As used in this section, "restraints" means a mechanical or other device that constrains the movement of a person's body or limbs.

(b) Restraints may not be used on a child appearing in court in a proceeding under this chapter unless the court finds that:

(1) the use of restraints is necessary:

(i) to prevent physical harm to the child or another; or

(ii) to prevent the child from fleeing in situations in which the child presents a substantial risk of flight from the courtroom; and

(2) there are no less restrictive alternatives to restraints that will prevent flight or physical harm to the child or another, including but not limited to the presence of court personnel, law enforcement officers, or bailiffs.

The finding in clause (1), item (i), may be based, among other things, on the child having a history of disruptive courtroom behavior or behavior while in custody for any current or prior offense that has placed others in potentially harmful situations, or presenting a substantial risk of inflicting physical harm on the child or others as evidenced by past behavior. The court may take into account the physical structure of the courthouse in assessing the applicability of the above factors to the individual child.

(c) The court shall be provided the child's behavior history and shall provide the child an opportunity to be heard in person or through counsel before ordering the use of restraints. If restraints are ordered, the court shall make findings of fact in support of the order.

(d) By April 1, 2022, each judicial district shall develop a protocol to address how to implement and comply with this section. In developing the protocol, a district shall consult with law enforcement agencies, prosecutors, public defenders within the district, and any other entity deemed necessary by the district's chief judge.

**EFFECTIVE DATE.** Paragraphs (a), (b), and (c) are effective April 15, 2022. Paragraph (d) is effective the day following final enactment.

**Sec. 7. [260B.1755] ALTERNATIVE TO ARREST OF CERTAIN JUVENILE OFFENDERS AUTHORIZED.**

(a) A peace officer who has probable cause to believe that a child is a petty offender or delinquent child may refer the child to a program that the law enforcement agency with jurisdiction over the child deems appropriate.

(b) If a peace officer or law enforcement agency refers a child to a program under paragraph (a), the peace officer or law enforcement agency may defer issuing a citation or a notice to the child to appear in juvenile court, transmitting a report to the prosecuting authority, or otherwise initiating a proceeding in juvenile court.

(c) After receiving notice that a child who was referred to a program under paragraph (a) successfully completed that program, a peace officer or law enforcement agency shall not issue a citation or a notice to the child to appear in juvenile court, transmit a report to the prosecuting authority, or otherwise initiate a proceeding in juvenile court for the conduct that formed the basis of the referral.

(d) This section does not apply to peace officers acting pursuant to an order or warrant described in section 260B.175, subdivision 1, paragraph (a), or other court order to take a child into custody.

Sec. 8. Minnesota Statutes 2020, section 401.06, is amended to read:

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

No county or group of counties electing to provide correctional services pursuant to sections 401.01 to 401.16 shall be eligible for the subsidy herein provided unless and until its comprehensive plan shall have been approved by the commissioner. The commissioner shall, pursuant to the Administrative Procedure Act, promulgate rules establishing standards of eligibility for counties to receive funds under sections 401.01 to 401.16. To remain eligible for subsidy counties shall maintain substantial compliance with the minimum standards established pursuant to sections 401.01 to 401.16 and the policies and procedures governing the services described in section 401.025 as prescribed by the commissioner. Counties shall also be in substantial compliance with other correctional operating standards permitted by law and established by the commissioner and shall report statistics required by the commissioner including but not limited to information on individuals convicted as an extended jurisdiction juvenile identified in section 241.016, subdivision 1, paragraph (c). The commissioner shall review annually the comprehensive plans submitted by participating counties, including the facilities and programs operated under the plans. The commissioner is hereby authorized to enter upon any facility operated under the plan, and inspect books and records, for purposes of recommending needed changes or improvements.

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