

1.1 A bill for an act

1.2 relating to public safety; providing earned release dates for imprisoned offenders
1.3 and requiring that offenders who qualify be placed on supervised release with
1.4 enhanced reentry services; repealing the law requiring that short-term offenders
1.5 be incarcerated in local correctional facilities; appropriating money; amending
1.6 Minnesota Statutes 2008, sections 244.01, by adding subdivisions; 244.101,
1.7 subdivisions 1, 2, 3; 609.105, subdivision 1; proposing coding for new law in
1.8 Minnesota Statutes, chapter 244; repealing Minnesota Statutes 2008, section
1.9 609.105, subdivisions 1a, 1b.

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

1.11 Section 1. Minnesota Statutes 2008, section 244.01, is amended by adding a
1.12 subdivision to read:

1.13 Subd. 10. **Earned release date.** "Earned release date" means the date on which an
1.14 inmate who has served at least one year in a state correctional facility, who has not been
1.15 subject to any disciplinary sanctions while in a state correctional facility, and who has
1.16 agreed to a release plan must be placed on supervised release with enhanced reentry
1.17 services under section 244.0511. The earned release date for an inmate is 45 days before
1.18 the end of the inmate's term of imprisonment.

1.19 Sec. 2. Minnesota Statutes 2008, section 244.01, is amended by adding a subdivision
1.20 to read:

1.21 Subd. 11. **Supervised release with enhanced reentry services.** "Supervised
1.22 release with enhanced reentry services" means supervised release with services of the
1.23 type described in section 244.0511. Except as provided in section 244.0511, supervised
1.24 release with enhanced reentry services is governed by provisions related to supervised
1.25 release. The duration of supervised release with enhanced reentry services includes the

2.1 period beginning with an inmate's earned release date and continuing until the end of the
2.2 inmate's original term of imprisonment.

2.3 Sec. 3. [244.0511] SUPERVISED RELEASE WITH ENHANCED REENTRY
2.4 SERVICES.

2.5 (a) The commissioner shall place an inmate who has served at least one year in a
2.6 state correctional facility, who has not been subject to any disciplinary sanctions while in a
2.7 state correctional facility, and who has agreed to a release plan on supervised release with
2.8 enhanced reentry services when the inmate reaches the inmate's earned release date.

2.9 (b) To be eligible for release under this section, an inmate must have agreed to a
2.10 release plan that has been approved by the inmate's future supervising agent and the
2.11 caseworker from the inmate's correctional facility. The release plan must, at a minimum,
2.12 require the inmate to participate in enhanced reentry programming that may include, but
2.13 is not limited to, chemical dependency treatment and aftercare, vocational counseling,
2.14 employment skills training, GED classes or postsecondary education, life skills training,
2.15 anger management training, financial skills classes, or other programming deemed
2.16 appropriate as part of reentry programming by the supervising agent. When there is a
2.17 specific reentry curriculum available, that program must be indicated in the release plan
2.18 and a description of that program attached to the release plan.

2.19 (c) An inmate who has not served at least one year in a state correctional facility,
2.20 who has been subject to any disciplinary sanction while in a state correctional facility,
2.21 or who has not agreed to a release plan described in this section may not be placed on
2.22 supervised release with enhanced reentry services and instead may only be placed on
2.23 supervised release, under the timetable and criteria provided in section 244.05. This
2.24 section does not apply to inmates subject to section 244.05, subdivision 4 or 5.

2.25 (d) At the conclusion of the inmate's supervised release with enhanced reentry
2.26 services term, the inmate shall be placed on supervised release.

2.27 Sec. 4. Minnesota Statutes 2008, section 244.101, subdivision 1, is amended to read:

2.28 Subdivision 1. **Executed sentences.** When a felony offender is sentenced to a fixed
2.29 executed sentence for an offense committed on or after August 1, 1993, the executed
2.30 sentence consists of two parts: (1) a specified minimum term of imprisonment that is
2.31 equal to two-thirds of the executed sentence; and (2) a specified maximum supervised
2.32 release term that is equal to one-third of the executed sentence. The amount of time the
2.33 inmate actually serves in prison and on supervised release is subject to the provisions of
2.34 ~~section~~ sections 244.05, subdivision 1b; and 244.0511.

S.F. No. 1211, 1st Engrossment - 86th Legislative Session (2009-2010) [s1211-1]

3.1 Sec. 5. Minnesota Statutes 2008, section 244.101, subdivision 2, is amended to read:

3.2 Subd. 2. **Explanation of sentence.** When a court pronounces an executed sentence
3.3 under this section, it shall explain: (1) the total length of the executed sentence; (2) the
3.4 amount of time the defendant will serve in prison; and (3) the amount of time the defendant
3.5 will serve on supervised release, assuming the defendant commits no disciplinary offense
3.6 in prison that results in the imposition of a disciplinary confinement period. The court
3.7 shall also explain that the amount of time the defendant actually serves in prison may be
3.8 extended by the commissioner if the defendant commits any disciplinary offenses in prison
3.9 and that this extension could result in the defendant's serving the entire executed sentence
3.10 in prison. The court shall also explain the ability of the defendant to earn supervised
3.11 release with enhanced reentry services under section 244.0511. The court's explanation
3.12 shall be included in a written summary of the sentence.

3.13 Sec. 6. Minnesota Statutes 2008, section 244.101, subdivision 3, is amended to read:

3.14 Subd. 3. **No right to supervised release.** Notwithstanding the court's explanation
3.15 of the potential length of a defendant's supervised release term, the court's explanation
3.16 creates no right of a defendant to any specific, minimum length of a supervised release or
3.17 supervised release with enhanced reentry services term.

3.18 Sec. 7. Minnesota Statutes 2008, section 609.105, subdivision 1, is amended to read:

3.19 Subdivision 1. **Sentence to ~~less than 180 days~~ more than one year.** ~~In~~ A felony
3.20 sentence to imprisonment, ~~when the remaining term of imprisonment is for 180 days~~
3.21 ~~or less, the defendant~~ more than one year shall be committed commit the defendant to
3.22 the custody of the commissioner of corrections and must serve the remaining term of
3.23 imprisonment at a workhouse, work farm, county jail, or other place authorized by law.

3.24 Sec. 8. **APPROPRIATION.**

3.25 \$1,607,000 for the fiscal year ending June 30, 2010, and \$1,607,000 for the fiscal
3.26 year ending June 30, 2011, are appropriated from the general fund to the commissioner
3.27 of corrections to provide enhanced reentry supervision services for inmates released
3.28 from prisons under Minnesota Statutes, section 244.0511. At the end of each fiscal year,
3.29 the commissioner shall distribute this appropriation among state and local probation
3.30 offices proportionately based on the number of inmates released under Minnesota Statutes,
3.31 section 244.0511, that the office supervised for any amount of time during the preceding
3.32 fiscal year.

4.1 Sec. 9. **REPEALER.**

4.2 Minnesota Statutes 2008, section 609.105, subdivisions 1a and 1b, are repealed.