

**SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION**

S.F. No. 2398

(SENATE AUTHORS: PAPPAS)

DATE
04/12/2021

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OFFICIAL STATUS
Introduction and first reading
Referred to Judiciary and Public Safety Finance and Policy

1.1 A bill for an act
1.2 relating to public safety; specifying the advice that the commissioner of corrections
1.3 must provide counties considering repairing or replacing a jail; amending Minnesota
1.4 Statutes 2020, section 641.21.

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

1.6 Section 1. Minnesota Statutes 2020, section 641.21, is amended to read:

1.7 **641.21 JAIL; ADVICE ON CONSTRUCTION.**

1.8 (a) When any county board determines to purchase, lease or erect a new jail, or to repair
1.9 an existing one at an expense of more than \$15,000, it shall pass a resolution to that effect,
1.10 and transmit a copy thereof to the commissioner of corrections, who, within 30 days
1.11 thereafter, shall transmit to that county board the advice and suggestions in reference to the
1.12 purchase, lease or construction thereof as the commissioner deems proper. The
1.13 commissioner's advice must include specific comments that evaluate and assess the need
1.14 for the county's proposal.

1.15 (b) In formulating the required advice and suggestions under this section, the
1.16 commissioner must assess and consider the following factors:

1.17 (1) the average daily number of offenders incarcerated in the county's current facility:

1.18 (i) who are in pretrial detention;

1.19 (ii) who cannot afford to pay bail;

1.20 (iii) for failure to pay fines and fees;

1.21 (iv) for offenses that stem from controlled substance addiction or mental health disorders;

2.1 (v) for nonfelony offenses;

2.2 (vi) who are detained pursuant to contracts with other authorities; and

2.3 (vii) for supervised release and probation violations; and

2.4 (2) the actual cost of building a new facility, purchasing another facility, or repairing
2.5 the county's current facility.

2.6 (c) Prior to providing advice and suggestions under this section, the commissioner must
2.7 consult with the following persons:

2.8 (1) the county sheriff or sheriffs that operate or detain offenders in the county's current
2.9 facility;

2.10 (2) the administrators of the county's current facility;

2.11 (3) the county and city attorneys that prosecute offenders who are incarcerated in the
2.12 county's current facility;

2.13 (4) the chief law enforcement officers of agencies that detain offenders in the county's
2.14 current facility; and

2.15 (5) the district court administrator for the judicial district where the county's current
2.16 facility is located.

2.17 Each party receiving a request for information from the commissioner under this section
2.18 shall provide the requested information in a timely manner.

2.19 (d) The commissioner must engage and solicit feedback from citizens who live in the
2.20 communities served by the project submitted to the commissioner prior to providing advice
2.21 and suggestions under this section.

2.22 (e) A county that receives advice and suggestions from the commissioner under this
2.23 section must:

2.24 (1) promptly post the commissioner's advice and suggestions on the county's website in
2.25 a prominent location that is easily accessible to citizens; and

2.26 (2) hold a public hearing on the commissioner's advice and suggestions no sooner than
2.27 ten days and no later than 30 days after receipt. The county must provide public notice of
2.28 the hearing in a manner that complies with section 13D.04, subdivision 2.