
CHAPTER 102—H.F.No.969

An act relating to corrections; institutions under the control of the commissioner of corrections; designating them as correctional facilities according to geographical location; prescribing the title for the chief executive officer of each institution; authorizing the temporary detention of persons who trespass upon institution grounds; prescribing penalties; amending Minnesota Statutes 1978, Sections 242.41; 242.51; 243.21; 243.40; 243.48; 243.55; 243.56; 243.59; 243.75; and 243.90; repealing Minnesota Statutes 1978, Sections 243.54 and 243.92.

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

Section 1. Minnesota Statutes 1978, Section 242.41, is amended to read:

242.41 **THE MINNESOTA CORRECTIONAL FACILITY-RED WING.** The state training school shall be continued at its present site at Red Wing in the county of Goodhue and be under the general management of the commissioner of corrections. There is established the Minnesota correctional facility-Red Wing at Red Wing, Minnesota, in which may be placed persons committed to the commissioner of corrections by the courts of this state who, in the opinion of the commissioner, may benefit from the programs available thereat. The general control and management of the facility shall be under the commissioner of corrections.

Sec. 2. Minnesota Statutes 1978, Section 242.51, is amended to read:

242.51 **THE MINNESOTA CORRECTIONAL FACILITY-SAUK CENTRE.** There is hereby created and established a separate school for the care, training, and education of girls and certain selected boys to be known as the "Minnesota Home School". The provisions of this chapter and other applicable laws providing for the commitment of children to the corrections board shall govern and regulate the commitment of girls and such selected boys to the school hereby established. All girls committed under any law relating to the commitment of girls to the state training schools shall be committed to the "Minnesota Home School" hereby created and established. There is established the Minnesota correctional facility-Sauk Centre at Sauk Centre, Minnesota, in which may be placed persons committed to the commissioner of corrections by the courts of this state who, in the opinion of the commissioner, may benefit from the programs available thereat. The general control and management of the facility shall be under the commissioner of corrections.

Sec. 3. Minnesota Statutes 1978, Section 243.21, is amended to read:

243.21 **TRESPASSING UPON INSTITUTION GROUNDS; DETENTION.** Subdivision 1. No person shall trespass or loiter upon the grounds of the state prison; the state reformatory for men; the Minnesota correctional institution for women any state correctional facility; upon any farm or camp or other establishments belonging to the prison or reformatory a state correctional facility; or upon the grounds of any other

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institution or facility under the control of the commissioner of corrections without the consent of the ~~warden or superintendent~~ chief executive officer thereof; nor shall any person communicate or in any way assist in establishing communication with any inmate of the ~~state prison or reformatory~~ a state correctional facility or other institution or facility except as permitted by law or authorized by the ~~warden or superintendent~~ chief executive officer thereof. Whoever violates any of the provisions hereof shall be guilty of a misdemeanor:

Subd. 2. Any person found to be trespassing or loitering upon the grounds of a state correctional facility in violation of subdivision 1 or who, being lawfully upon the grounds, introduces or attempts to introduce contraband prohibited by section 243.55 or anything usable in making an escape, or assaults or attempts to assault an officer or employee of the facility, may be taken into custody by the chief executive officer or his designated agent and detained for no more than two hours, pending surrender to any peace officer having the power of arrest.

Sec. 4. Minnesota Statutes 1978, Section 243.40, is amended to read:

243.40 **THE MINNESOTA CORRECTIONAL FACILITY-STILLWATER.** ~~The state prison shall be continued at its present site in Stillwater for the confinement and reformation of convicts and be under the general management of the commissioner of corrections. There is established the Minnesota correctional facility-Stillwater at Stillwater, Minnesota, in which may be placed persons committed to the commissioner of corrections by the courts of this state who, in the opinion of the commissioner, may benefit from the programs available thereat. The general control and management of the facility shall be under the commissioner of corrections.~~

Sec. 5. Minnesota Statutes 1978, Section 243.48, is amended to read:

243.48 **VISITORS; STATE CORRECTIONAL FACILITIES. Subdivision 1. GENERAL SEARCHES.** The commissioner of corrections, the governor, lieutenant governor, members of the legislature, state officers, ~~and regularly authorized ministers of the gospel and the corrections ombudsman,~~ may visit the ~~prisoners~~ inmates at pleasure, but no other persons without ~~special~~ special permission of the ~~warden~~ chief executive officer of the facility, under rules prescribed by the commissioner. A moderate fee may be required of visitors, other than those allowed to visit at pleasure. All fees so collected shall be reported and remitted to the state treasurer under ~~such rules and regulations~~ such rules as the commissioner may deem proper, and when so remitted shall be placed to the credit of the current expense fund of the ~~institution~~ facility.

Subd. 2. **LEGAL ASSISTANCE.** Duly licensed attorneys may visit at pleasure and have reasonable access to offender clients. Law students, paralegals and other agents working under the supervision of duly licensed attorneys, shall have reasonable access to offenders during normal business hours for the purpose of providing legal services, provided they are properly identified as representing or being the agent of a duly licensed attorney.

Sec. 6. Minnesota Statutes 1978, Section 243.55, is amended to read:

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243.55 CONTRABAND ARTICLES; EXCEPTIONS; PENALTY. Subdivision 1. Any person who brings, sends, or in any manner causes to be introduced into ~~the state prison or the state reformatory or any other state institution~~ any state correctional facility, or within or upon the grounds belonging to or land or controlled by any such ~~institution~~ facility, any controlled substance as defined in section 152.01, subdivision 4, or any intoxicating, spirited or fermented liquor of any kind whatever, or any firearms, weapons or explosives of any kind, without the consent of the ~~warden or superintendent~~ chief executive officer thereof, shall be guilty of a felony; and, upon conviction thereof, punished by imprisonment in the ~~state prison~~ for a term of not less than three, nor more than five, years; provided, that the provisions of this section shall not apply to physicians carrying drugs or introducing any of the above described liquors into such ~~institutions~~ facilities for use in the practice of their profession; nor to sheriffs or other peace officers carrying revolvers or firearms as such officers in the discharge of duties.

Subd. 2. PREVENTION; SEARCHES. The chief executive officer of any state correctional facility may, under rules prescribed by the commissioner of corrections, provide for the search of all persons admitted into the facility or upon the grounds thereof. Any contraband as described in subdivision 1 is subject to confiscation by the chief executive officer of the facility.

Sec. 7. Minnesota Statutes 1978, Section 243.56, is amended to read:

243.56 COMMUNICATION WITH CHIEF EXECUTIVE OFFICER AND COMMISSIONER. Every ~~convict~~ inmate of a state correctional facility may communicate, in writing, with the ~~warden~~ chief executive officer of the facility and the commissioner of corrections, under ~~regulations~~ rules prescribed by the commissioner for that purpose.

Sec. 8. Minnesota Statutes 1978, Section 243.59, is amended to read:

243.59 COMMUNICATION WITH INMATES. No person, without the consent of the ~~warden~~ chief executive officer, shall bring into or carry out of the ~~state prison~~ any state correctional facility any writing or any information to or from any ~~convict~~ inmate thereof. Every violation of this provision shall be a misdemeanor, and punished accordingly. On discovery, such person may be arrested by any prison officer without warrant.

Sec. 9. Minnesota Statutes 1978, Section 243.75, is amended to read:

243.75 THE MINNESOTA CORRECTIONAL FACILITY-ST. CLOUD. ~~The state reformatory shall be continued at its present site, in Sherburne county, and be under the general management of the commissioner of corrections. There is established the Minnesota correctional facility-St. Cloud at St. Cloud, Minnesota, in which may be placed persons committed to the commissioner of corrections by the courts of this state who, in the opinion of the commissioner, may benefit from the programs available thereat. The general control and management of the facility shall be under the commissioner of corrections.~~

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Sec. 10. Minnesota Statutes 1978, Section 243.90, is amended to read:

243.90 **THE MINNESOTA CORRECTIONAL FACILITY-SHAKOPEE.** There is hereby created and established a separate institution for the care, training, and education of women who have been convicted of crime; to be known as the "Minnesota correctional institution for women". Any woman over the age of 18 years, convicted of a felony, may be sentenced and committed to the institution hereby created and established as provided in section 609.105, subdivision 1 and 2 and other applicable laws, and shall be subject to parole or discharge as provided in section 243.05. The commitment and accompanying papers shall be the same as upon a sentence to the state reformatory for males. Such imprisonment shall not exceed the maximum term fixed by law or by the court. No female shall be sentenced to imprisonment in the state prison facility-Shakopee at Shakopee, Minnesota, in which may be placed persons committed to the commissioner of corrections by the courts of this state who, in the opinion of the commissioner, may benefit from the programs thereat. The general control and management of the facility shall be under the commissioner.

Sec. 11. [241.023] **REFERENCES; FUTURE DESIGNATION.** Subdivision 1. All references in the Minnesota Statutes to the state training school, the Minnesota home school, the state prison, the state reformatory, and the Minnesota correctional institution for women shall, after the effective date of this act, be deemed to refer to a Minnesota correctional facility designated by its geographical location.

Subd. 2. Any state correctional facility now or hereafter established shall be designated as a Minnesota correctional facility according to the geographical area in which located.

Sec. 12. [241.024] **CHIEF EXECUTIVE OFFICER; HOW DESIGNATED.** The warden or superintendent of each Minnesota correctional facility, now or hereafter established shall, after the effective date of this act, be designated as the chief executive officer of the facility.

Sec. 13. **REVISOR OF STATUTES; DUTIES.** In the next and subsequent editions of the Minnesota Statutes, the revisor of statutes shall make such changes in terminology as may be necessary to effect the changes in designation of state correctional institutions and the chief executive officers thereof as required by this act.

Sec. 14. **REPEALER.** Minnesota Statutes 1978, Sections 243.54; and 243.92 are repealed.

Approved May '17, 1979.

CHAPTER 103—H.F.No.1519

An act relating to transportation; appropriating money for highway development.

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