

Before adopting any division or regulation under this section the board shall hold a public hearing on the matter with notice in the manner provided in section 366.15.

Sec. 5. Minnesota Statutes 1978, Section 366.15, is amended to read:

366.15 DISTRICTS OR ZONES, AMENDMENT. The board of supervisors of any such town where a majority of the legal voters voting thereon have voted "Yes" at such election may, from time to time, amend the number, shape, boundary, or area of any district or zone, or any regulation of area within such zone, or any provision of the zoning resolution. Before finally adopting any such amendment the board of supervisors shall hold a public hearing thereon, after giving at least ~~30~~ ten days notice of the time and place of the hearing, which notice shall be given by at least one publication in a newspaper of general circulation in the county in which such town is located; provided, that no such change shall be made in the boundary line of zones or districts unless at least 50 percent of the owners of the lands proposed to be changed shall file a petition for such change.

Sec. 6. **EFFECTIVE DATE.** This act is effective the day after final enactment.

Approved March 31, 1980

CHAPTER 417—S.F.No. 1709

An act relating to corrections; providing for licensing of correctional facilities; regulating inmate earnings; providing for the investment of money in the correctional industries revolving account; authorizing the commissioner of corrections to amend 11 MCAR, sections 2.402 to 2.403; clarifying provisions relating to work release and temporary parole; amending provision concerning good time; limiting the powers of the Minnesota corrections board; amending Minnesota Statutes 1978, Sections 241.021, Subdivision 1; 241.26, Subdivisions 1, 2 and 4; 243.05; 243.18; 243.24, Subdivision 1; 243.88, Subdivision 2; 244.01, Subdivisions 1 and 2; 244.04, Subdivision 2; 244.08; Chapter 244, by adding a section; and Minnesota Statutes, 1979 Supplement, Section 241.27, Subdivision 2; and Laws 1978, Chapter 723, Article 1, Section 19.

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

Section 1. Minnesota Statutes 1978, Section 241.021, Subdivision 1, is amended to read:

241.021 LICENSING AND SUPERVISION OF INSTITUTIONS AND FACILITIES. Subdivision 1. **SUPERVISION OVER CORRECTIONAL INSTITUTIONS; ADVISORY TASK FORCES.** (1) The commissioner of corrections shall inspect and license all correctional facilities throughout the state, whether public or private, established and operated for the detention and confinement of

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persons detained or confined therein according to law except to the extent that they are inspected or licensed by other state regulating agencies. He shall promulgate pursuant to chapter 15, rules establishing minimum standards for these facilities with respect to their management, operation, physical condition, and the security, safety, health, treatment and discipline of persons detained or confined therein. Commencing September 1, 1980, no individual, corporation, partnership, voluntary association or other private organization legally responsible for the operation of a correctional facility may operate the facility unless licensed by the commissioner of corrections. ~~The commissioner may provide by rule for provisional licenses which authorize the operation of a correctional facility on a temporary basis where the operator is temporarily unable to comply with all of the requirements for a license~~ The commissioner shall annually review the correctional facilities described in this subdivision, except as otherwise provided herein, to determine compliance with the minimum standards established pursuant to this subdivision. The commissioner shall grant a license to any facility found to conform to minimum standards or to any facility which, in his judgment, is making satisfactory progress toward substantial conformity and the interests and well-being of the persons detained or confined therein are protected. Notwithstanding the provisions of sections 15.0412 and 15.0413, rules setting standards for group homes established under the direction of the juvenile courts shall not take effect until September 1, 1979. The commissioner shall have access to the buildings, grounds, books, records, staff and to persons detained or confined in these facilities. He may require the officers in charge of these facilities to furnish all information and statistics he deems necessary, upon forms furnished by him.

(2) Any state agency which regulates, inspects, or licenses certain aspects of correctional facilities shall, insofar as is possible, ensure that the minimum standards it requires are substantially the same as those required by other state agencies which regulate, inspect, or license the same aspects of similar types of correctional facilities, although at different correctional facilities.

(3) Nothing in this section shall be construed to limit the commissioner of corrections' authority to promulgate rules establishing standards of eligibility for counties to receive funds under sections 401.01 to 401.16; or to require counties to comply with operating standards the commissioner establishes as a condition precedent for counties to receive that funding.

(4) When the commissioner finds that any facility described in clause (1) of this subdivision, except foster care facilities for delinquent children and youth as provided in subdivision 2, does not substantially conform to the minimum standards established by law ~~or by the commissioner~~ and is not making satisfactory progress toward substantial conformance, he shall promptly notify the chief executive officer and the governing board of the facility of the deficiencies and order that they be remedied within a reasonable period of time. The commissioner may by written order restrict the use of any facility which does not substantially conform to minimum standards to prohibit the detention of any person therein for more than 72 hours at one time. When, after due notice and hearing, the commissioner finds that any facility described in this subdivision, except county jails and lockups as provided in sections 641.26, 642.10, and 642.11, does not conform to

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minimum standards, or is not making satisfactory progress toward substantial compliance therewith, he may issue his order revoking the license of that facility. After revocation of its license, that facility shall not be used until its license is renewed. When the commissioner is satisfied that satisfactory progress towards substantial compliance with minimum standard is being made, he may, at the request of the appropriate officials of the affected facility supported by a written schedule for compliance, grant an extension of time for a period not to exceed one year.

(5) As used in this subdivision, "correctional facility" means any facility, including a group home, having a residential component, the primary purpose of which is to serve persons placed therein by a court, court services department, parole authority, or other correctional agency having dispositional power over persons charged with, convicted or adjudicated to be guilty or delinquent.

Sec. 2. Minnesota Statutes, 1979 Supplement, Section 241.27, Subdivision 2, is amended to read:

Subd. 2. **REVOLVING FUND; USE OF FUND.** There is established in the department of corrections under the control of the commissioner of corrections the Minnesota correctional industries revolving fund to which shall be transferred the revolving funds established by sections 243.41, 243.85, clause (f), and any other industrial revolving funds heretofore established at any state correctional facility under the control of the commissioner of corrections. The revolving fund established shall be used for the conduct of the industrial and commercial activities now or hereafter established at any state correctional facility, including but not limited to the purchase of equipment, raw materials, the payment of salaries, wages and other expenses necessary and incident thereto. Additionally, the expenses of inmate vocational training and the inmate release fund may be financed from the correctional industries revolving fund in an amount to be determined by the commissioner. The proceeds and income from all industrial and commercial activities conducted at state correctional facilities shall be deposited in the correctional industries revolving fund subject to disbursement as hereinabove provided. The commissioner of corrections may request that money in the fund be invested pursuant to section 11.10; the proceeds from the investment not currently needed shall be accounted for separately and credited to the fund.

Sec. 3. Minnesota Statutes 1978, Section 243.24, Subdivision 1, is amended to read:

243.24 **MONEYS, HOW USED; FORFEITURE.** Subdivision 1. **SOLE BENEFIT OF INMATE.** Any money arising under section 243.23 shall be and remain under the control of the commissioner of corrections and shall be for the sole benefit of the ~~prisoner inmate~~, unless by special order of the commissioner of corrections it shall be used for rendering assistance to his family or dependent relatives, under such regulations as to time, manner and amount of disbursements as the commissioner of corrections may prescribe. Unless ordered disbursed as hereinbefore prescribed or for an urgency determined, in each case, by the ~~warden or superintendent~~, at least one half chief executive officer of the facility, a portion of such earnings, but not to exceed a maximum in an amount to be deter-

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mined by the commissioner, shall be set aside and kept by the ~~institution facility~~ in the public welfare fund of the state for the benefit of the ~~prisoner inmate~~ and for the purpose of assisting him when he leaves the ~~institution facility~~ and if released on parole said sum to be disbursed to the ~~prisoner inmate~~ in such amounts and at such times as the commissioner of corrections may authorize and on final discharge, if any portion remains undisbursed, it shall be transmitted to the ~~prisoner inmate~~.

Sec. 4. Minnesota Statutes 1978, Section 243.88, Subdivision 2, is amended to read:

Subd. 2. Any corporation operating a factory or other business or commercial enterprise under this section may employ selected inmates of the correctional institution upon whose grounds it operates and persons conditionally released subject to the provisions of section 241.26. Persons conditionally released as provided in this subdivision shall be deemed to be parolees within the purview of 49 United States Code, Section 60.

Except as prohibited by applicable provisions of the United States Code, inmates of state correctional institutions may be employed in the manufacture and processing of goods, wares and merchandise for introduction into interstate commerce, provided that they are paid no less than the prevailing minimum wages for work of a similar nature performed by employees with similar skills in the locality in which the work is being performed.

Under rules prescribed by the commissioner of corrections a portion of the wages of each inmate employed as authorized by this subdivision, in an amount to be determined by the commissioner, shall be set aside and kept by the chief executive officer of the facility in the public welfare fund of the state for the benefit of the inmate and for the purpose of assisting him when he leaves the facility on conditional release or by final discharge. Any portion remaining undisbursed at the time of the inmate's final discharge shall be given to him upon final discharge.

Sec. 5. **TEMPORARY PROVISION.** Pursuant to section 15.0412, subdivision 5, the commissioner of corrections may amend existing rules 11 MCAR, sections 2.401 to 2.440 to comply with the amendments contained in sections 1 to 4.

Sec. 6. Minnesota Statutes 1978, Section 241.26, Subdivision 1, is amended to read:

241.26 PRIVATE EMPLOYMENT OF INMATES OF STATE CORRECTIONAL INSTITUTIONS IN COMMUNITY. Subdivision 1. **BOARD.** When consistent with the public interest and the public safety, the board may, with the recommendation of the commissioner, conditionally release an inmate who is eligible and being considered for parole under section 243.05, to work at paid employment, seek employment, or participate in a vocational training or educational program ~~if the inmate has served at least one-half of his term of imprisonment as reduced by good time earned by the inmate.~~ Release under this subdivision constitutes an extension of the limits of confinement and each inmate

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so released shall be confined in the institution from which released or in some other suitable place of confinement designated by the commissioner of corrections during the hours he is not employed, seeking employment, or engaged in a vocational training or educational program, or, if employed, seeking employment, or engaged in a vocational training or educational program, between the hours of such activity. A reasonable allowance for travel time and meals shall be permitted.

Sec. 7. Minnesota Statutes 1978, Section 241.26, Subdivision 2, is amended to read:

Subd. 2. **USE OF LOCAL DETENTION FACILITIES.** The commissioner of corrections shall designate state correctional institutions for participation in the program authorized in subdivision 1 and shall adapt facilities of such institutions to provide housing and supervision of inmates participating in such program. He may also enter into contractual agreements with appropriate city and county authorities for the confinement of and provision of other correctional services to such inmates whose employment, educational or vocational training programs so require, and such city and county authorities are hereby authorized to make and enter such contracts and agreements. When determined by the commissioner that the circumstances of a participant in the program authorized by subdivision 1 do not require the security of a public detention facility, he may contract with public and private agencies for the custody and separate care of such participant or house him in a community correction center.

Sec. 8. Minnesota Statutes 1978, Section 241.26, Subdivision 4, is amended to read:

Subd. 4. **REVOCAATION.** The willful failure of an inmate to report to or return from planned employment, the seeking of employment, educational or vocational training, or furlough as provided in subdivision 3 shall be considered an escape under section 609.485. If an inmate violates any of the rules as provided for in subdivision 3, his work placement, educational or vocational training privileges may be withdrawn by the board granting such conditional release.

Sec. 9. Minnesota Statutes 1978, Section 243.05, is amended to read:

243.05 **BOARD; POWERS, LIMITATIONS.** The corrections board may parole any person sentenced to confinement in the state prison, the state reformatory, or the Minnesota correctional institution for women, provided that no convict serving a life sentence for murder other than murder committed in violation of clause (1) of section 609.185 who has not been previously convicted of a felony shall be paroled until he has served 20 years, less the diminution which he would have been allowed for good conduct had his sentence been for 20 years; and provided further that no convict serving a life sentence for murder who has been previously convicted of a felony or though not previously convicted of a felony is serving a life sentence for murder in the first degree committed in violation of clause (1) of section 609.185 shall be paroled until he has served 25 years, less the diminution which would have been allowed for good conduct had his

sentence been for 25 years; provided further that any convict sentenced prior to September 1, 1963 who would be eligible for parole had he been sentenced after September 1, 1963, shall be eligible for parole; provided further, in all cases where a convict is serving a life sentence for murder, unanimous consent of the corrections board shall be required for parole of such convict. Any new rule or policy or change thereof adopted by the board which has the effect of postponing eligibility for parole shall have prospective effect only and shall apply only with respect to persons committing offenses after the effective date of the new rule or policy or change thereof. Upon being paroled and released, such convicts shall be and remain in the legal custody and under the control of the corrections board, subject at any time to be returned to the state prison, the state reformatory, the Minnesota correctional institution for women, or other facility of the department of corrections established by law for the confinement or treatment of convicted persons and the parole rescinded by such board, when the legal custody of such convict shall revert to the commissioner of corrections. The written order of the corrections board, certified by the chairman of the board, shall be sufficient to any peace officer or state parole and probation agent to retake and place in actual custody any person on parole to the corrections board, but any state parole and probation agent may, without order of warrant, when it appears to him necessary in order to prevent escape or enforce discipline, take and detain a parolee to the corrections board for its action. The written order of the commissioner of corrections shall be sufficient to any peace officer or state parole and probation agent to retake and place in actual custody any person on probation under the supervision of the commissioner pursuant to section 609.135, but any state parole and probation agent may, without such order, when it appears to him necessary in order to prevent escape or enforce discipline, retake and detain such probationer and bring him before the court for further proceedings under section 609.14. Paroled persons, and those on probation under the supervision of the commissioner of corrections pursuant to section 609.135 may be placed within or without the boundaries of the state at the discretion of the board or of the commissioner of corrections, and the limits fixed for such persons may be enlarged or reduced according to their conduct.

In considering applications for parole or final release, the board shall not be required to hear oral argument from any attorney or other person not connected with the prison or the reformatory in favor of or against the parole or release of any prisoners, but it may institute inquiries by correspondence, taking testimony or otherwise, as to the previous history, physical or mental condition, and character of such prisoner, and to that end shall have authority to require the attendance of the warden of the state prison or the superintendent of the state reformatory or the Minnesota correctional institution for women and the production of the records of these institutions, and to compel the attendance of witnesses, and each member of the board is hereby authorized to administer oaths to witnesses for every such purpose.

Sec. 10. Minnesota Statutes 1978, Section 243.18, is amended to read:

243.18 **DIMINUTION OF SENTENCE.** Every convict inmate sentenced for any term other than life, ~~whether confined in the state prison, the state~~

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~~reformatory, or the Minnesota correctional institution for women, a state adult correctional facility~~ or on parole therefrom, may diminish the term of his sentence as follows:

(1) ~~For each month, commencing on the day of his arrival, one day for each two days~~ during which he has not violated any prison rule or discipline, ~~and has labored with diligence and fidelity, five days;~~

(2) ~~After one year of such conduct, seven days for each month;~~

(3) ~~After two years of such conduct, nine days for each month;~~

(4) ~~After three years, ten days for each month for the entire time thereafter.~~

The commissioner of corrections, in view of the aggravated nature and frequency of offenses, may take away any or all of the good time previously gained, and, in consideration of mitigating circumstances or ignorance on the part of the ~~convict inmate~~, may afterwards restore him, in whole or in part, to the standing he possessed before such good time was taken away.

Sec. 11. Minnesota Statutes 1978, Chapter 244, is amended by adding a section to read:

[244.065] PRIVATE EMPLOYMENT OF INMATES OF STATE CORRECTIONAL INSTITUTIONS IN COMMUNITY. When consistent with the public interest and the public safety, the Minnesota corrections board may, with the recommendation of the commissioner, conditionally release an inmate to work at paid employment, seek employment, or participate in a vocational training or educational program, as provided in section 241.26, if the inmate has served at least one half of his term of imprisonment as reduced by good time earned by the inmate.

Sec. 12. Minnesota Statutes 1978, Section 244.01, Subdivision 1, is amended to read:

244.01 **DEFINITIONS.** Subdivision 1. For purposes of sections 244.01 to 244.11, and section 11, the following terms shall have the meanings given them.

Sec. 13. Minnesota Statutes 1978, Section 244.01, Subdivision 2, is amended as follows:

Subd. 2. "Inmate" means any person who is convicted of a felony, is committed to the custody of the commissioner of corrections and is confined in a state correctional institution or released from a state correctional institution pursuant to sections ~~241.26, subdivision 4 11~~, 244.05, and 244.07.

Sec. 14. Minnesota Statutes 1978, Section 244.04, Subdivision 2, is amended to read:

Subd. 2. By May 1, 1980, the commissioner shall promulgate rules specifying disciplinary offenses which may result in the loss of good time and the amount of good time which may be lost as a result of each disciplinary offense,

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including provision for restoration of good time. In no case shall an individual disciplinary offense result in the loss of more than 90 days of good time; except that no inmate confined in segregation for violation of a disciplinary rule shall be placed on supervised release until discharged or released therefrom, nor shall an inmate in segregation for violation of a disciplinary rule for which he could also be prosecuted under the criminal laws earn good time while in segregation. The loss of good time shall be considered to be a disciplinary sanction imposed upon an inmate, and the procedure for the loss of good time and the rights of the inmate in the procedure shall be those in effect for the imposition of other disciplinary sanctions at each state correctional institution.

Sec. 15. Minnesota Statutes 1978, Section 244.08, is amended to read:

244.08 MINNESOTA CORRECTIONS BOARD; COMMISSIONER.

Subdivision 1. Effective May 1, 1980, the Minnesota corrections board shall have only those powers and duties vested in and imposed upon it in sections ~~241.26, subdivision 1~~ 11, 244.01 to 244.11, 609.10, 609.145, subdivision 1, 609.165, subdivision 2, and 609.346, subdivision 1, with relation to persons sentenced for crimes committed on or after May 1, 1980.

The Minnesota corrections board shall retain all powers and duties presently vested in and imposed upon it with relation to persons sentenced for crimes committed on or before April 30, 1980.

The Minnesota corrections board shall take into consideration, but not be bound by, the sentence terms embodied in the sentencing guidelines promulgated by the Minnesota sentencing guidelines commission and the penal philosophy embodied in sections ~~241.26, subdivision 1~~ 11, 244.01 to 244.11, 609.10, 609.145, subdivision 1, 609.165, subdivision 2, and 609.346, subdivision 1, in its deliberations relative to parole, probation, release, or other disposition of inmates who commit the crimes giving rise to their sentences on or before April 30, 1980.

Subd. 2. Nothing in sections ~~241.26, subdivision 1~~ 11, 244.01 to 244.11, 609.10, 609.145, subdivision 1, 609.165, subdivision 2, and 609.346, subdivision 1, shall be deemed to limit the powers and duties otherwise provided by law to the commissioner of corrections with regard to the management of correctional institutions or the disposition of inmates unless those powers and duties are inconsistent with the provisions of sections ~~241.26, subdivision 1~~ 11, 244.01 to 244.11, 609.10, 609.145, subdivision 1, 609.165, subdivision 2, and 609.346, subdivision 1, in which case those powers and duties shall be superseded by sections ~~241.26, subdivision 1~~ 11, 244.01 to 244.11, 609.10, 609.145, subdivision 1, 609.165, subdivision 2, and 609.346, subdivision 1.

Sec. 16. Laws 1978, Chapter 723, Article 1, Section 19, is amended to read:

Sec. 19. **REPEALER.** Minnesota Statutes 1976, Sections ~~243.14; 243.18; 246.43~~, as amended by Laws 1977; Chapter 130, Section 1; and 609.16 are repealed. *

Sec. 17. Sections 1 to 5 are effective the day following final enactment. Sections 6 to 8 and 10 to 15 are effective May 1, 1980. Sections 9 and 16 are effective the day following final enactment.

Approved March 31, 1980

* See the amendment to section 16 in Laws 1980, Chapter 618, Section 19.

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