

CHAPTER 318—S.F.No. 2709

An act relating to corrections; authorizing agreements to house offenders from other states in county and regional detention facilities; modifying inmate payment of room and board to include any time credited for time served; amending Minnesota Statutes 2008, section 641.12, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 641.

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

Section 1. **[641.035] OUT-OF-STATE PRISONERS.**

(a) A county or regional jail board may authorize the sheriff or regional jail superintendent to enter into agreements to house offenders from other states.

(b) The extradition requirements of chapter 629 do not apply to offenders accepted from another state under this section. The sheriff or regional jail superintendent responsible for housing an out-of-state offender has the express authority to return the offender to the offender's state of origin upon request from the appropriate authority in the offender's state of origin.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 2. Minnesota Statutes 2008, section 641.12, subdivision 3, is amended to read:

Subd. 3. **Inmate payment of room and board.** (a) A county board may require that ~~an offender~~ a person convicted of a crime and confined in the county jail, workhouse, or correctional or work farm pay the cost of the ~~offender's~~ person's room, board, clothing, medical, dental, and other correctional services. The board shall establish a schedule to charge ~~offenders~~ persons under this subdivision. The charges may be assessed for any time for which the person receives credit for time served against the sentence imposed as a result of the conviction. The costs may be collected at any time while the ~~offender~~ person is under sentence or after the sentence has been discharged. During the period of confinement, the costs may be deducted from any money possessed by the ~~offender~~ person or any money deposited with the local correctional or law enforcement agency on the ~~offender's~~ person's behalf. The board, or local correctional agency or sheriff with authority over the jail, workhouse, or farm, may use any available civil means of debt collection in collecting costs under this subdivision.

(b) The chief executive officer of the local correctional agency or sheriff ~~may~~ shall waive payment of the costs under this subdivision if the officer or sheriff determines that the ~~offender~~ person does not have the ability to pay the costs, payment of the costs would create undue hardship for the ~~offender~~ person or the ~~offender's~~ person's immediate family, the prospects for payment are poor, or there are extenuating circumstances justifying waiver of the costs.

(c) If ~~an offender~~ a person has been ordered by a court to pay restitution, the ~~offender~~ person shall be obligated to pay the restitution ordered before paying the costs under this subdivision. However, if the ~~offender~~ person is making reasonable payments to satisfy the restitution obligation, the local correctional agency or sheriff may also collect costs under this section.

Presented to the governor May 10, 2010

Signed by the governor May 13, 2010, 9:20 a.m.