CHAPTER 84--H.F.No. 3769

An act relating to corrections; clarifying in law the multiple levels of substance abuse care provided by the commissioner of corrections; expanding access to mental health unit beds for incarcerated persons; amending Minnesota Statutes 2024, sections 241.021, subdivision 4a; 241.69, subdivisions 1, 3, 4, 5, 6.

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

Section 1. Minnesota Statutes 2024, section 241.021, subdivision 4a, is amended to read:

Subd. 4a. **Substance use disorder treatment programs.** All ~~residential~~ substance use disorder treatment programs operated by the commissioner of corrections to treat ~~adults~~ individuals committed to the commissioner's custody ~~shall~~ or to treat juveniles in state-operated juvenile correctional facilities that have a correctional program services certification per Minnesota Rules, chapter 2960, must comply with the standards mandated in chapter 245G for treatment programs operated by community-based treatment facilities. When the commissioners of corrections and human services agree that these established standards for community-based programs cannot reasonably apply to correctional facilities, alternative equivalent standards shall be developed by the commissioners and established through an interagency agreement.

Sec. 2. Minnesota Statutes 2024, section 241.69, subdivision 1, is amended to read:

Subdivision 1. **Authority; rules.** The commissioner of corrections shall, in accordance with applicable rules and standards prescribed by the Department of Human Services, establish, staff, equip, maintain, and operate in at least one of the adult correctional institutions under the commissioner's control a mental health unit for the care and treatment of those inmates of state correctional institutions who become mentally ill.

Sec. 3. Minnesota Statutes 2024, section 241.69, subdivision 3, is amended to read:

Subd. 3. **Transfer.** If the licensed mental health professional finds the person to be a person who is mentally ill and in need of short-term care, assessment, evaluation, or stabilization, the licensed mental health professional may recommend transfer by the commissioner of corrections to ~~the~~ a mental health unit established pursuant to subdivision 1.

Sec. 4. Minnesota Statutes 2024, section 241.69, subdivision 4, is amended to read:

Subd. 4. **Commitment.** If the licensed mental health professional finds the person to be a person who is mentally ill and in need of long-term care in a hospital, ~~or if an inmate transferred pursuant to subdivision 3 refuses to voluntarily participate in the treatment program at the mental health unit,~~ the director of psychological services of the institution or the mental health professional shall initiate proceedings for judicial commitment as provided in section 253B.07. Upon the recommendation of the licensed mental health professional and upon completion of the hearing and consideration of the record, the court may commit the person to ~~the~~ a mental health unit established in subdivision 1 or to another hospital. A person confined in a state correctional institution for adults who has been adjudicated to be a person who is mentally ill and in need of treatment may be committed to the commissioner of corrections and placed in ~~the~~ a mental health unit established in subdivision 1.

Sec. 5. Minnesota Statutes 2024, section 241.69, subdivision 5, is amended to read:

Subd. 5. **Discharge.** The director of psychological services of ~~the~~ a mental health unit established under this section may, subject to the provisions of chapter 253B, provisionally discharge any inmate patient admitted as a person who is mentally ill without discharging the commitment and order the inmate patient's release into the general population of the institution from which admitted, subject to return to the facility for further treatment.

When the director of psychological services of the facility certifies that a patient is no longer in need of institutional care for mental illness the director of psychological services shall discharge the patient to the institution from which committed, and the discharge shall also discharge the mental illness commitment.

A copy of the certification that the inmate is no longer in need of care for mental illness shall be transmitted to the commissioner of corrections. The commissioner of corrections shall give serious consideration to the aforementioned certification for purposes of their supervision over the inmate upon the inmate's release.

Sec. 6. Minnesota Statutes 2024, section 241.69, subdivision 6, is amended to read:

Subd. 6. **Transfer upon expiration of sentence.** If the sentence of a person who has been adjudicated to be mentally ill and committed to ~~the~~ a mental health unit established under this section should expire before the person recovers and is discharged therefrom, and, in the judgment of the director of psychological services of the unit, the person requires further hospitalization for mental illness, the person shall be transferred by the commissioner of corrections to a state hospital designated by the Direct Care and Treatment executive board, there to be detained as in the case of other mentally ill persons under judicial commitment.

Presented to the governor May 11, 2026