

SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION

S.F. No. 2488

(SENATE AUTHORS: LATZ)

DATE
05/03/2021

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4077

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

1.1A bill for an act

1.2relating to public safety; providing for policy and appropriating money for

1.3Sentencing Guidelines Commission, public safety, Peace Officers Standards and

1.4Training Board, Private Detective Board, corrections, and ombudsperson for

1.5corrections; establishing the Minnesota Rehabilitation and Reinvestment Act;

1.6providing for earned incentive release and supervision abatement status; requiring

1.7reports; appropriating money; amending Minnesota Statutes 2020, sections 241.021,

1.8subdivision 1, by adding subdivisions; 243.52; 244.03; 244.05, subdivisions 1b,

1.95; 244.065; 299A.52, subdivision 2; 299A.55; 340A.504, subdivision 7; 403.11,

1.10subdivision 1; Laws 2020, Seventh Special Session chapter 2, article 2, section 4;

1.11proposing coding for new law in Minnesota Statutes, chapters 244; 299A; 626.

1.12BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.13ARTICLE 1

1.14APPROPRIATIONS

1.15Section 1. APPROPRIATIONS.

1.16The sums shown in the columns marked "Appropriations" are appropriated to the agencies

1.17and for the purposes specified in this article. The appropriations are from the general fund,

1.18or another named fund, and are available for the fiscal years indicated for each purpose.

1.19The figures "2022" and "2023" used in this article mean that the appropriations listed under

1.20them are available for the fiscal year ending June 30, 2022, or June 30, 2023, respectively.

1.21"The first year" is fiscal year 2022. "The second year" is fiscal year 2023. "The biennium"

1.22is fiscal years 2022 and 2023.

1.23

APPROPRIATIONS

Available for the Year

Ending June 30

20222023

1.24

1.25

1.26

1.27Sec. 2. SENTENCING GUIDELINES

\$740,000\$765,000

2.1 **Sec. 3. PUBLIC SAFETY**2.2 **Subdivision 1. Total Appropriation** \$ **234,002,000** \$ **215,459,000**2.3 Appropriations by Fund

	<u>2022</u>	<u>2023</u>
2.4 <u>General</u>	<u>147,521,000</u>	<u>129,631,000</u>
2.5 <u>Special Revenue</u>	<u>14,436,000</u>	<u>14,502,000</u>
2.6 <u>State Government</u>		
2.7 <u>Special Revenue</u>	<u>103,000</u>	<u>103,000</u>
2.8 <u>Environmental</u>	<u>73,000</u>	<u>73,000</u>
2.9 <u>Trunk Highway</u>	<u>3,981,000</u>	<u>3,262,000</u>
2.10 <u>911 Fund</u>	<u>67,888,000</u>	<u>67,888,000</u>

2.11 The amounts that may be spent for each2.12 purpose are specified in the following2.13 subdivisions.2.14 **Subd. 2. Emergency Management** 3,000,000 3,156,0002.15 Appropriations by Fund

2.16 <u>General</u>	<u>2,927,000</u>	<u>3,083,000</u>
2.17 <u>Environmental</u>	<u>73,000</u>	<u>73,000</u>

2.18 **Supplemental Nonprofit Security Grants**2.19 \$225,000 each year is for supplemental
2.20 nonprofit security grants under this paragraph.

2.21 Nonprofit organizations whose applications
2.22 for funding through the Federal Emergency
2.23 Management Agency's nonprofit security grant
2.24 program have been approved by the Division
2.25 of Homeland Security and Emergency
2.26 Management are eligible for grants under this
2.27 paragraph. No additional application shall be
2.28 required for grants under this paragraph, and
2.29 an application for a grant from the federal
2.30 program is also an application for funding
2.31 from the state supplemental program.

2.32 Eligible organizations may receive grants of
2.33 up to \$75,000, except that the total received

3.1 by any individual from both the federal
 3.2 nonprofit security grant program and the state
 3.3 supplemental nonprofit security grant program
 3.4 shall not exceed \$75,000. Grants shall be
 3.5 awarded in an order consistent with the
 3.6 ranking given to applicants for the federal
 3.7 nonprofit security grant program. No grants
 3.8 under the state supplemental nonprofit security
 3.9 grant program shall be awarded until the
 3.10 announcement of the recipients and the
 3.11 amount of the grants awarded under the federal
 3.12 nonprofit security grant program.

3.13 The commissioner may use up to one percent
 3.14 of the appropriation received under this
 3.15 paragraph to pay costs incurred by the
 3.16 department in administering the supplemental
 3.17 nonprofit security grant program. These
 3.18 appropriations are onetime.

3.19 Subd. 3. **Criminal Apprehension** 82,180,000 78,845,000

3.20 Appropriations by Fund

3.21 <u>General</u>	<u>78,192,000</u>	<u>75,576,000</u>
3.22 <u>State Government</u>		
3.23 <u>Special Revenue</u>	<u>7,000</u>	<u>7,000</u>
3.24 <u>Trunk Highway</u>	<u>3,981,000</u>	<u>3,262,000</u>

3.25 (a) **DWI Lab Analysis; Trunk Highway**

3.26 **Fund**

3.27 Notwithstanding Minnesota Statutes, section
 3.28 161.20, subdivision 3, \$3,981,000 in the first
 3.29 year and \$3,262,000 in the second year is from
 3.30 the trunk highway fund for staff and operating
 3.31 costs for laboratory analysis related to
 3.32 driving-while-impaired cases.

3.33 (b) **Cybersecurity**

4.1 \$3,455,000 in fiscal year 2022 and \$3,105,000
4.2 in fiscal year 2023 is from the general fund
4.3 for staff, hardware, and software to upgrade
4.4 critical network infrastructure and support
4.5 cybersecurity compliance with standards set
4.6 by the Federal Bureau of Investigation. The
4.7 base for this is \$1,550,000 in fiscal years 2024
4.8 and 2025.

4.9 **(c) Rapid DNA Program**

4.10 \$285,000 each year is from the general fund
4.11 for the Rapid DNA Program.

4.12 **(d) Criminal Information Operations**

4.13 **Section 24/7 Operation and Build Out**

4.14 \$4,037,000 in fiscal year 2022 and \$2,273,000
4.15 in fiscal year 2023 is from the general fund
4.16 for staff and operating costs to address threat
4.17 reporting and response and to build out
4.18 unfinished space in the Bureau of Criminal
4.19 Apprehension headquarters building in St.
4.20 Paul.

4.21 \$539,000 in fiscal year 2022 is from the
4.22 general fund for costs related to responding
4.23 to civil unrest. This is a onetime appropriation.

4.24	<u>Subd. 4. Fire Marshal</u>	<u>8,752,000</u>	<u>8,818,000</u>
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4.25 **Appropriations by Fund**

4.26	<u>General</u>	<u>178,000</u>	<u>178,000</u>
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4.27	<u>Special Revenue</u>	<u>8,574,000</u>	<u>8,640,000</u>
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4.28 The special revenue fund appropriation is from
4.29 the fire safety account in the special revenue
4.30 fund and is for activities under Minnesota
4.31 Statutes, section 299F.012. The base
4.32 appropriation from this account is \$8,740,000
4.33 in fiscal year 2024 and \$8,640,000 in fiscal
4.34 year 2025.

5.1 **(a) Inspections**

5.2 \$350,000 each year is for inspection of nursing
 5.3 homes and boarding care facilities.

5.4 **(b) Hazmat and Chemical Assessment**

5.5 **Teams**

5.6 \$950,000 the first year and \$850,000 the
 5.7 second year is from the fire safety account in
 5.8 the special revenue fund. These amounts must
 5.9 be used to fund the hazardous materials and
 5.10 chemical assessment teams. Of this amount,
 5.11 \$100,000 the first year is for cases for which
 5.12 there is no identified responsible party. The
 5.13 base appropriation is \$950,000 in fiscal year
 5.14 2024 and \$850,000 in fiscal year 2025.

5.15 **(c) Bomb Squad Reimbursements**

5.16 \$50,000 each year is from the general fund for
 5.17 reimbursements to local governments for
 5.18 bomb squad services.

5.19 **(d) Emergency Response Teams**

5.20 \$675,000 each year is from the fire safety
 5.21 account in the special revenue fund to maintain
 5.22 four emergency response teams: one under the
 5.23 jurisdiction of the St. Cloud Fire Department
 5.24 or a similarly located fire department if
 5.25 necessary; one under the jurisdiction of the
 5.26 Duluth Fire Department; one under the
 5.27 jurisdiction of the St. Paul Fire Department;
 5.28 and one under the jurisdiction of the Moorhead
 5.29 Fire Department.

5.30 **Subd. 5. Firefighter Training and Education**
 5.31 **Board**

5,792,000

5,792,000

5.32 Appropriations by Fund

5.33 Special Revenue 5,792,000 5,792,000

6.1 The special revenue fund appropriation is from
 6.2 the fire safety account in the special revenue
 6.3 fund and is for activities under Minnesota
 6.4 Statutes, section 299F.012.

6.5 **(a) Firefighter Training and Education**

6.6 \$4,500,000 each year is for firefighter training
 6.7 and education.

6.8 **(b) Task Force 1**

6.9 \$975,000 each year is for the Minnesota Task
 6.10 Force 1.

6.11 **(c) Air Rescue**

6.12 \$317,000 each year is for the Minnesota Air
 6.13 Rescue Team.

6.14 **(d) Unappropriated Revenue**

6.15 Any additional unappropriated money
 6.16 collected in fiscal year 2021 is appropriated
 6.17 to the commissioner of public safety for the
 6.18 purposes of Minnesota Statutes, section
 6.19 299F.012. The commissioner may transfer
 6.20 appropriations and base amounts between
 6.21 activities in this subdivision.

6.22	<u>Subd. 6. Alcohol and Gambling Enforcement</u>	<u>2,533,000</u>	<u>2,554,000</u>
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6.23 **Appropriations by Fund**

6.24	<u>General</u>	<u>2,463,000</u>	<u>2,484,000</u>
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6.25	<u>Special Revenue</u>	<u>70,000</u>	<u>70,000</u>
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6.26 \$70,000 each year is from the lawful gambling
 6.27 regulation account in the special revenue fund.

6.28 **Legal Costs**

6.29 \$93,000 in fiscal year 2022 is for legal costs
 6.30 associated with Alexis Bailly Vineyard, Inc.
 6.31 v. Harrington. This is a onetime appropriation.

7.1 \$71,000 in fiscal year 2022 is from the general
7.2 fund for costs related to responding to civil
7.3 unrest. This is a onetime appropriation.

7.4 **Subd. 7. Office of Justice Programs** 63,786,000 48,406,000

7.5 Appropriations by Fund
7.6 General 63,690,000 48,310,000
7.7 State Government
7.8 Special Revenue 96,000 96,000

7.9 **(a) Combatting Sex Trafficking Grants**

7.10 \$2,500,000 in the first year is to implement
7.11 new or expand existing strategies to combat
7.12 sex trafficking. This is a onetime
7.13 appropriation.

7.14 **(b) Survivor Support and Prevention**
7.15 **Grants**

7.16 \$10,000,000 in the first year is to fund
7.17 emerging or unmet needs impacting victims
7.18 of crime, particularly in underserved
7.19 populations. This may include but is not
7.20 limited to support for immediate and emerging
7.21 needs for victims of crime or domestic abuse
7.22 transformative justice programs. This is a
7.23 onetime appropriation.

7.24 **(c) Juvenile Justice Unit**

7.25 \$1,100,000 each year is to establish and
7.26 maintain a Juvenile Justice Unit to strengthen
7.27 administration of the Juvenile Justice and
7.28 Delinquency Prevention Act and to administer
7.29 grants to improve outcomes for youth and to
7.30 reduce ethnic and racial disparities in the
7.31 juvenile justice system.

7.32 **(d) Missing and Murdered Indigenous**
7.33 **Women Implementation Office**

8.1 \$500,000 each year is to establish and
8.2 maintain an office dedicated to preventing and
8.3 ending the targeting of Indigenous women,
8.4 children, and two-spirit people through
8.5 coordination with Tribal nations, executive
8.6 branch agencies and commissions, and
8.7 community organizations and impacted
8.8 communities.

8.9 **(e) Minnesota Heals Program**

8.10 \$4,200,000 each year is to establish and
8.11 maintain the Minnesota Heals program. Of
8.12 this amount, \$1,400,000 each year is for a
8.13 statewide critical incident stress management
8.14 service for first responders; \$1,400,000 each
8.15 year is for grants for establishing and
8.16 maintaining a community healing network;
8.17 and \$1,400,000 each year is for reimbursement
8.18 for burial costs, cultural ceremonies, and
8.19 mental health and trauma healing services for
8.20 families following an officer-involved death.

8.21 **(f) Innovation in Community Safety Grants**

8.22 \$5,000,000 in the first year and \$2,000,000 in
8.23 the second year is for innovation in community
8.24 safety grants. The base appropriation is
8.25 \$2,000,000 in fiscal year 2024 and \$2,000,000
8.26 in fiscal year 2025.

8.27 **(g) Youth Intervention Program Grants**

8.28 \$500,000 in the first year and \$500,000 in the
8.29 second year is for youth intervention program
8.30 grants. The base appropriation is \$500,000 in
8.31 fiscal year 2024 and \$500,000 in fiscal year
8.32 2025.

8.33 **(h) Administration Costs**

9.1 Up to 2.5 percent of the grant funds
 9.2 appropriated in this subdivision may be used
 9.3 by the commissioner to administer the grant
 9.4 program.

9.5	<u>Subd. 8. Emergency Communication Networks</u>	<u>67,888,000</u>	<u>67,888,000</u>
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9.6 This appropriation is from the state
 9.7 government special revenue fund for 911
 9.8 emergency telecommunications services.

9.9 This appropriation includes funds for
 9.10 information technology project services and
 9.11 support subject to the provisions of Minnesota
 9.12 Statutes, section 16E.0466. Any ongoing
 9.13 information technology costs shall be
 9.14 incorporated into the service level agreement
 9.15 and shall be paid to the Office of MN.IT
 9.16 Services by the Department of Public Safety
 9.17 under the rates and mechanism specified in
 9.18 that agreement.

9.19 **(a) Public Safety Answering Points**
 9.20 \$27,328,000 in the first year and \$28,011,000
 9.21 in the second year shall be distributed as
 9.22 provided in Minnesota Statutes, section
 9.23 403.113, subdivision 2. The base appropriation
 9.24 is \$28,011,000 in fiscal year 2024 and
 9.25 \$28,011,000 in fiscal year 2025.

9.26 **(b) Medical Resource Communication Centers**
 9.27 \$683,000 in the first year is for grants to the
 9.28 Minnesota Emergency Medical Services
 9.29 Regulatory Board for the Metro East and
 9.30 Metro West Medical Resource
 9.31 Communication Centers that were in operation
 9.32 before January 1, 2000. This is a onetime
 9.33 appropriation.

10.1 **(c) ARMER State Backbone Operating**

10.2 **Costs**

10.3 \$9,675,000 each year is transferred to the
 10.4 commissioner of transportation for costs of
 10.5 maintaining and operating the statewide radio
 10.6 system backbone.

10.7 **(d) ARMER Improvements**

10.8 \$1,000,000 each year is to the Statewide
 10.9 Emergency Communications Board for
 10.10 improvements to those elements of the
 10.11 statewide public safety radio and
 10.12 communication system that support mutual
 10.13 aid communications and emergency medical
 10.14 services or provide interim enhancement of
 10.15 public safety communication interoperability
 10.16 in those areas of the state where the statewide
 10.17 public safety radio and communication system
 10.18 is not yet implemented, and grants to local
 10.19 units of government to further the strategic
 10.20 goals set forth by the Statewide Emergency
 10.21 Communications Board strategic plan.

10.22 **Sec. 4. PEACE OFFICER STANDARDS AND**
 10.23 **TRAINING (POST) BOARD**

10.24 Subdivision 1. Total Appropriation \$ 12,046,000 \$ 11,946,000

10.25 The amounts that may be spent for each
 10.26 purpose are specified in the following
 10.27 subdivisions.

10.28 **Subd. 2. Peace Officer Training Reimbursements**

10.29 \$2,949,000 each year is for reimbursements
 10.30 to local governments for peace officer training
 10.31 costs.

11.1 Subd. 3. **Peace Officer Training Assistance**

11.2 \$6,000,000 each year is to support and
11.3 strengthen law enforcement training and
11.4 implement best practices. This funding shall
11.5 be named the "Philando Castile Memorial
11.6 Training Fund."

11.7 Each sponsor of a training course is required
11.8 to include the following in the sponsor's
11.9 application for approval submitted to the
11.10 board: course goals and objectives; a course
11.11 outline including at a minimum a timeline and
11.12 teaching hours for all courses; instructor
11.13 qualifications, including skills and concepts
11.14 such as crisis intervention, de-escalation, and
11.15 cultural competency that are relevant to the
11.16 course provided; and a plan for learning
11.17 assessments of the course and documenting
11.18 the assessments to the board during review.

11.19 Upon completion of each course, instructors
11.20 must submit student evaluations of the
11.21 instructor's teaching to the sponsor.

11.22 The board shall keep records of the
11.23 applications of all approved and denied
11.24 courses. All continuing education courses shall
11.25 be reviewed after the first year. The board
11.26 must set a timetable for recurring review after
11.27 the first year. For each review, the sponsor
11.28 must submit its learning assessments to the
11.29 board to show that the course is teaching the
11.30 learning outcomes that were approved by the
11.31 board.

11.32 A list of licensees who successfully complete
11.33 the course shall be maintained by the sponsor
11.34 and transmitted to the board following the
11.35 presentation of the course and the completed

12.1 student evaluations of the instructors.

12.2 Evaluations are available to chief law

12.3 enforcement officers. The board shall establish

12.4 a data retention schedule for the information

12.5 collected in this section.

12.6	Sec. 5. <u>PRIVATE DETECTIVE BOARD</u>	\$	<u>282,000</u>	\$	<u>288,000</u>
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12.7 **Sec. 6. CORRECTIONS**

12.8	<u>Subdivision 1. Total Appropriation</u>	<u>\$ 631,537,000</u>	<u>\$ 639,094,000</u>
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12.9 The amounts that may be spent for each
12.10 purpose are specified in the following
12.11 subdivisions.

12.12	<u>Subd. 2. Correctional Institutions</u>	<u>461,254,000</u>	<u>469,086,000</u>
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12.13 \$200,000 in each fiscal year is to implement
12.14 the healthy start act that shall create a release
12.15 program for pregnant women and new mothers
12.16 who are committed to the commissioner of
12.17 corrections, providing alternatives to
12.18 incarceration and improving parenting skills.

12.19	Subd. 3. Community Services	<u>139,672,000</u>	<u>138,999,000</u>
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12.20 (a) Oversight

12.21 \$992,000 in fiscal year 2022 and \$492,000 in
12.22 fiscal year 2023 are to expand and improve
12.23 oversight of jails and other state and local
12.24 correctional facilities, including the addition
12.25 of four full-time corrections detention facilities
12.26 inspectors and funds for county sheriffs who
12.27 inspect municipal lockups.

12.28 (b) **Juvenile Justice**

12.29 \$1,660,000 in fiscal year 2022 and \$660,000
12.30 in fiscal year 2023 are appropriated from the
12.31 general fund to the commissioner of
12.32 corrections to develop and implement a
12.33 juvenile justice data repository and modernize

- 13.1 the current juvenile management system
13.2 including but not limited to technology and
13.3 staffing costs. \$285,000 is added to the base
13.4 in each of fiscal years 2024 and 2025.
- 13.5 **(c) Community Corrections Act**
- 13.6 \$1,220,000 each year is added to the
13.7 Community Corrections Act subsidy, as
13.8 described in Minnesota Statutes, section
13.9 401.14. This is a onetime increase for the
13.10 biennium and requires the submission of a
13.11 report to the legislature no later than December
13.12 15, 2021, with recommendations from a
13.13 working group established to study
13.14 supervision services and funding across the
13.15 state and develop recommendations. The base
13.16 for this appropriation increase is \$0 in fiscal
13.17 year 2024 and \$0 in fiscal year 2025.
- 13.18 The commissioner of corrections shall convene
13.19 a working group to study and report to the
13.20 legislature on the attributes and requirements
13.21 of an effective supervision system. The report
13.22 shall describe how the state and counties can
13.23 achieve an effective supervision system
13.24 together, balancing local control with state
13.25 support and collaboration. The report shall
13.26 include: a proposal for sustainable funding of
13.27 the state's community supervision delivery
13.28 systems; a plan for the potential of future
13.29 Tribal government supervision of probationers
13.30 and supervised releasees; a definition of core
13.31 or base-level supervision standards in
13.32 accordance with the state's obligation to fund
13.33 or provide supervision services which are
13.34 geographically equitable and reflect the
13.35 principles of modern correctional practice; a

- 14.1 recommended funding model and the
14.2 associated costs as compared to the state's
14.3 current investment in those services;
14.4 alternative funding and delivery models and
14.5 the alternative models' associated costs when
14.6 compared with the state's current investment
14.7 in those services; and mechanisms to ensure
14.8 balanced application of increases in the cost
14.9 of community supervision services.
- 14.10 The working group shall at a minimum include
14.11 the following members: the commissioner of
14.12 corrections or the commissioner's designee
14.13 and four other representatives from the
14.14 Department of Corrections, five directors of
14.15 the Minnesota Association of Community
14.16 Corrections Act Counties, five directors of the
14.17 Minnesota Association of County Probation
14.18 Offices, three county commissioner
14.19 representatives from the Association of
14.20 Minnesota Counties with one from each
14.21 delivery system, three representatives of the
14.22 Minnesota Indian Affairs Council Tribal
14.23 government members, and two district court
14.24 judge representatives designated by the State
14.25 Court Administrator. The working group may
14.26 include other members and the use of a
14.27 third-party organization to provide process
14.28 facilitation, statewide stakeholder engagement,
14.29 data analysis, programming and supervision
14.30 assessments, and technical assistance through
14.31 implementation of the adopted report
14.32 recommendations.
- 14.33 The report shall be submitted to the chairs and
14.34 ranking minority members of the House Public
14.35 Safety Committee and the Senate Judiciary

15.1 and Finance Committee no later than

15.2 December 15, 2021.

15.3 **(d) County Probation Officer**

15.4 **Reimbursement**

15.5 \$101,000 each year is for county probation

15.6 officers reimbursement, as described in

15.7 Minnesota Statutes, section 244.19,

15.8 subdivision 6. This is a onetime increase for

15.9 the biennium and requires the submission of

15.10 a report to the legislature no later than

15.11 December 15, 2021, with recommendations

15.12 from a working group established to study

15.13 supervision services and funding across the

15.14 state and develop recommendations. The base

15.15 for this appropriations increase is \$0 in fiscal

15.16 year 2024 and \$0 in fiscal year 2025.

15.17 **(e) Probation Supervision Services**

15.18 \$1,170,000 each year is for probation

15.19 supervision services provided by the

15.20 Department of Corrections in Meeker, Mille

15.21 Lacs, and Renville Counties as described in

15.22 Minnesota Statutes, section 244.19,

15.23 subdivision 1. The commissioner of

15.24 corrections shall bill Meeker, Mille Lacs, and

15.25 Renville Counties for the total cost of and

15.26 expenses incurred for probation services on

15.27 behalf of each county, as described in

15.28 Minnesota Statutes, section 244.19,

15.29 subdivision 5, and all such reimbursements

15.30 shall be deposited in the general fund.

15.31 **Subd. 4. Operations Support**

30,611,000

31,009,000

15.32 \$1,566,000 in fiscal year 2022 and \$1,621,000

15.33 in fiscal year 2023 are to increase support for

15.34 ongoing technology needs.

16.1 \$40,000 in each fiscal year is to establish the
 16.2 Indeterminate Sentence Release Board (ISRB)
 16.3 to review eligible cases and make decisions
 16.4 for persons serving indeterminate sentences
 16.5 under the authority of the commissioner of
 16.6 corrections. The ISRB shall consist of five
 16.7 members including four persons appointed by
 16.8 the governor from two recommendations of
 16.9 each of the majority and minority leaders of
 16.10 the house of representatives and the senate,
 16.11 and the commissioner of corrections who shall
 16.12 serve as chair.

16.13 **Sec. 7. OMBUDSPERSON FOR**
 16.14 **CORRECTIONS**

\$ 659,000 \$ 663,000

16.15 **Sec. 8. DISASTER CONTINGENCY**
 16.16 **ACCOUNT**

16.17 \$25,000,000 in fiscal year 2022 is appropriated
 16.18 to the commissioner of public safety from the
 16.19 general fund for transfer to the disaster
 16.20 assistance contingency account established
 16.21 under Minnesota Statutes, section 12.221,
 16.22 subdivision 6. This is a onetime appropriation.

16.23 **Sec. 9. APPROPRIATION CANCELLATION.**

16.24 (a) The commissioner of public safety must
 16.25 cancel to the general fund \$213,000 from the
 16.26 fiscal year 2021 general fund appropriations
 16.27 for Office of Justice Programs on the day
 16.28 following final enactment.

16.29 (b) The commissioner of public safety must
 16.30 cancel to the general fund \$132,000 from the
 16.31 fiscal year 2021 general fund appropriations
 16.32 for Alcohol and Gambling Enforcement on
 16.33 the day following final enactment.

ARTICLE 2**PUBLIC SAFETY**

Section 1. Minnesota Statutes 2020, section 299A.52, subdivision 2, is amended to read:

Subd. 2. **Expense recovery.** The commissioner shall assess the responsible person for the regional hazardous materials response team costs of response. The commissioner may bring an action for recovery of unpaid costs, reasonable attorney fees, and any additional court costs. Any funds received by the commissioner under this subdivision are appropriated to the commissioner to pay for costs for which the funds were received. Any remaining funds at the end of the biennium shall be transferred to the Fire Safety Account.

Sec. 2. Minnesota Statutes 2020, section 299A.55, is amended to read:

299A.55 RAILROAD AND PIPELINE SAFETY; OIL AND OTHER HAZARDOUS MATERIALS.

Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have the meanings given them.

(b) "Applicable rail carrier" means a railroad company that is subject to an assessment under section 219.015, subdivision 2.

(c) "Hazardous substance" has the meaning given in section 115B.02, subdivision 8.

(d) "Oil" has the meaning given in section 115E.01, subdivision 8.

(e) "Pipeline company" means any individual, partnership, association, or public or private corporation who owns and operates pipeline facilities and is required to show specific preparedness under section 115E.03, subdivision 2.

Subd. 2. **Railroad and pipeline safety account.** (a) A railroad and pipeline safety account is created in the special revenue fund. The account consists of funds collected under subdivision 4 and funds donated, allotted, transferred, or otherwise provided to the account.

~~(b) \$104,000 is annually appropriated from the railroad and pipeline safety account to the commissioner of the Pollution Control Agency for environmental protection activities related to railroad discharge preparedness under chapter 115E.~~

~~(c) \$600,000 in fiscal year 2018 and \$600,000 in fiscal year 2019 are appropriated from the railroad and pipeline safety account to the commissioner of transportation for improving safety at railroad grade crossings.~~

~~(d) Following the appropriation in paragraphs (b) and (c), the remaining money in the account is~~ (b) Funds are annually appropriated to the commissioner of public safety for the purposes specified in subdivision 3.

Subd. 3. **Allocation of funds.** (a) Subject to funding appropriated for this subdivision, the commissioner shall provide funds for training and response preparedness related to (1) derailments, discharge incidents, or spills involving trains carrying oil or other hazardous substances, and (2) pipeline discharge incidents or spills involving oil or other hazardous substances.

(b) The commissioner shall allocate available funds as follows:

~~(1) \$100,000 annually for emergency response teams; and~~

~~(2) the remaining amount to the Board of Firefighter Training and Education under section 299N.02 and the Division of Homeland Security and Emergency Management.~~

(1) \$225,000 for existing full-time equivalent and on-call funding at the Department of Public Safety, State Fire Marshal Division;

(2) \$122,000 for program operating expenses;

(3) \$128,000 transferred to the Minnesota Pollution Control Agency for program operating expenses;

(4) \$125,000 for Minnesota Board of Firefighter Training and Education training programs for fire departments;

(5) \$200,000 to facilitate and support trainings and exercises for State Emergency Response Teams;

(6) \$200,000 to support local planning;

(7) \$200,000 to replace state hazmat response team equipment;

(8) \$700,000 for capital equipment and vehicle replacement; and

(9) \$600,000 transferred to the Department of Transportation for statewide rail crossing improvements.

(c) Prior to making allocations under paragraph (b), the commissioner shall consult with the Fire Service Advisory Committee under section 299F.012, subdivision 2.

(d) The commissioner and the entities identified in paragraph (b), clause (2), shall prioritize uses of funds based on:

(1) firefighter training needs;

19.1 (2) community risk from discharge incidents or spills;

19.2 (3) geographic balance; and

19.3 (4) recommendations of the Fire Service Advisory Committee.

19.4 (e) The following are permissible uses of funds provided under this subdivision:

19.5 (1) training costs, which may include, but are not limited to, training curriculum, trainers,
19.6 trainee overtime salary, other personnel overtime salary, and tuition;

19.7 (2) costs of gear and equipment related to hazardous materials readiness, response, and
19.8 management, which may include, but are not limited to, original purchase, maintenance,
19.9 and replacement;

19.10 (3) supplies related to the uses under clauses (1) and (2); and

19.11 (4) emergency preparedness planning and coordination.

19.12 (f) Notwithstanding paragraph (b), clause (2), from funds in the railroad and pipeline
19.13 safety account provided for the purposes under this subdivision, the commissioner may
19.14 retain a balance in the account for budgeting in subsequent fiscal years.

19.15 Subd. 4. **Assessments.** (a) The commissioner of public safety shall annually assess
19.16 \$2,500,000 to railroad and pipeline companies based on the formula specified in paragraph
19.17 (b). The commissioner shall deposit funds collected under this subdivision in the railroad
19.18 and pipeline safety account under subdivision 2.

19.19 (b) The assessment for each railroad is 50 percent of the total annual assessment amount,
19.20 divided in equal proportion between applicable rail carriers based on route miles operated
19.21 in Minnesota. The assessment for each pipeline company is 50 percent of the total annual
19.22 assessment amount, divided in equal proportion between companies based on the yearly
19.23 aggregate gallons of oil and hazardous substance transported by pipeline in Minnesota.

19.24 ~~(c) The assessments under this subdivision expire July 1, 2017.~~

19.25 Sec. 3. **[299A.85] MISSING AND MURDERED INDIGENOUS WOMEN**
19.26 **IMPLEMENTATION OFFICE.**

19.27 The commissioner of public safety shall establish and maintain an office dedicated to
19.28 preventing and ending the targeting of Indigenous women, children, and two-spirited people
19.29 with the Minnesota Office of Justice Programs. The office shall work with Tribal nations;
19.30 community organizations; criminal justice partners; federal, state, and local units of
19.31 government; and impacted communities to review, develop, enact, and evaluate strategies

20.1 to change law, policy, practice, and education that perpetuates the targeting of Indigenous
20.2 communities.

20.3 Sec. 4. **[299A.86] MINNESOTA HEALS.**

20.4 (a) The Minnesota Heals Initiative is established in the Department of Public Safety to
20.5 provide:

20.6 (1) grants to community healing networks;

20.7 (2) resources for families after an officer-involved death; and

20.8 (3) a statewide critical incident stress management service.

20.9 (b) The commissioner of public safety shall establish and maintain a Statewide Critical
20.10 Incident Stress Management Service Office for first responders. The office shall manage a
20.11 mental health and wellness program for first responders including but not limited to regular
20.12 trainings and education videos, self-assessment tools, and professional guidance and
20.13 coaching. The office shall establish response teams across the state; provide support and
20.14 technical assistance in establishing mutual aid requests; and develop and implement new
20.15 trainings, services, online resources, and meetings. The office shall also maintain a referral
20.16 program.

20.17 (c) The Office of Justice Programs shall administer a grant program to fund community
20.18 healing networks to sustain trauma-informed responses to promote healing after critical
20.19 events and natural disasters. Grants are for culturally, trauma-informed training and for
20.20 coordinating a statewide response network of trainers and responders in collaboration with
20.21 local or Tribal governments, or both governments in impacted areas.

20.22 The Office of Justice Programs shall establish and maintain a fund to reimburse costs
20.23 related to funeral and burial expenses, cultural healing ceremonies, and mental health and
20.24 trauma healing services for family members impacted by officer-involved deaths.

20.25 Sec. 5. **[299A.87] INNOVATION IN COMMUNITY SAFETY GRANTS.**

20.26 The Office of Justice Programs may administer and award innovation in community
20.27 safety grants. Local units of government, state agencies, Tribal governments, and community
20.28 organizations may receive grants to implement transformative strategies to prevent and
20.29 reduce officer-involved deadly force encounters. Grants shall be used for but are not limited
20.30 to:

20.31 (1) community-based mental health and social service centers;

21.1 (2) establishing alternative responses to 911 calls; and

21.2 (3) additional training on reducing use of force.

21.3 Sec. 6. Minnesota Statutes 2020, section 340A.504, subdivision 7, is amended to read:

21.4 Subd. 7. **Sales after 1:00 a.m.; permit fee.** (a) No licensee may sell intoxicating liquor
21.5 or 3.2 percent malt liquor on-sale between the hours of 1:00 a.m. and 2:00 a.m. unless the
21.6 licensee has obtained a permit from the commissioner. Application for the permit must be
21.7 on a form the commissioner prescribes. Permits are effective for one year from date of
21.8 issuance. For retailers of intoxicating liquor, the fee for the permit is based on the licensee's
21.9 gross receipts from on-sales of alcoholic beverages in the 12 months prior to the month in
21.10 which the permit is issued, and is at the following rates:

21.11 (1) up to \$100,000 in gross receipts, \$300;

21.12 (2) over \$100,000 but not over \$500,000 in gross receipts, \$750; and

21.13 (3) over \$500,000 in gross receipts, \$1,000.

21.14 For a licensed retailer of intoxicating liquor who did not sell intoxicating liquor at on-sale
21.15 for a full 12 months prior to the month in which the permit is issued, the fee is \$200. For a
21.16 retailer of 3.2 percent malt liquor, the fee is \$200.

21.17 (b) The commissioner shall deposit all permit fees received under this subdivision in
21.18 the alcohol enforcement account in the ~~special revenue~~ general fund.

21.19 (c) Notwithstanding any law to the contrary, the commissioner of revenue may furnish
21.20 to the commissioner the information necessary to administer and enforce this subdivision.

21.21 Sec. 7. Minnesota Statutes 2020, section 403.11, subdivision 1, is amended to read:

21.22 Subdivision 1. **Emergency telecommunications service fee; account.** (a) Each customer
21.23 of a wireless or wire-line switched or packet-based telecommunications service provider
21.24 connected to the public switched telephone network that furnishes service capable of
21.25 originating a 911 emergency telephone call is assessed a fee based upon the number of
21.26 wired or wireless telephone lines, or their equivalent, to cover the costs of ongoing
21.27 maintenance and related improvements for trunking and central office switching equipment
21.28 for 911 emergency telecommunications service, to offset administrative and staffing costs
21.29 of the commissioner related to managing the 911 emergency telecommunications service
21.30 program, to make distributions provided for in section 403.113, and to offset the costs,

including administrative and staffing costs, incurred by the State Patrol Division of the Department of Public Safety in handling 911 emergency calls made from wireless phones.

(b) Money remaining in the 911 emergency telecommunications service account after all other obligations are paid must not cancel and is carried forward to subsequent years and may be appropriated from time to time to the commissioner to provide financial assistance to counties for the improvement of local emergency telecommunications services.

(c) The fee may not be ~~less than eight cents nor more than 65 cents a month until June 30, 2008, not less than eight cents nor more than 75 cents a month until June 30, 2009, not less than eight cents nor more than 85 cents a month until June 30, 2010, and not less than eight cents nor more than 95 cents a month on or after July 1, 2010,~~ for each customer access line or other basic access service, including trunk equivalents as designated by the Public Utilities Commission for access charge purposes and including wireless telecommunications services. With the approval of the commissioner of management and budget, the commissioner of public safety shall establish the amount of the fee within the limits specified and inform the companies and carriers of the amount to be collected. When the revenue bonds authorized under section 403.27, subdivision 1, have been fully paid or defeased, the commissioner shall reduce the fee to reflect that debt service on the bonds is no longer needed. The commissioner shall provide companies and carriers a minimum of 45 days' notice of each fee change. The fee must be the same for all customers, except that the fee imposed under this subdivision does not apply to prepaid wireless telecommunications service, which is instead subject to the fee imposed under section 403.161, subdivision 1, paragraph (a).

(d) The fee must be collected by each wireless or wire-line telecommunications service provider subject to the fee. Fees are payable to and must be submitted to the commissioner monthly before the 25th of each month following the month of collection, except that fees may be submitted quarterly if less than \$250 a month is due, or annually if less than \$25 a month is due. Receipts must be deposited in the state treasury and credited to a 911 emergency telecommunications service account in the special revenue fund. The money in the account may only be used for 911 telecommunications services.

(e) Competitive local exchanges carriers holding certificates of authority from the Public Utilities Commission are eligible to receive payment for recurring 911 services.

Sec. 8. [626.888] POLICE MISCONDUCT; PATTERNS AND TRENDS.

(a) For purposes of identifying potential patterns and trends in police misconduct and determining training needs, the board shall adopt rules:

23.1 (1) creating detailed classifications of peace officer complaints and discipline by conduct
23.2 type and severity for both formal signed and informal complaints;

23.3 (2) establishing definitions for the following terms, including but not limited to formal
23.4 complaint, informal complaint, discipline action, coaching, and retraining;

23.5 (3) directing annual reporting by each chief law enforcement officer of the number and
23.6 types of complaints:

23.7 (i) received by the law enforcement agency, including but not limited to complaints
23.8 involving chief law enforcement officers;

23.9 (ii) initiated by action of the agency and resulting in investigation;

23.10 (iii) resulting in formal discipline, including but not limited to verbal and written
23.11 reprimand, suspension, or demotion, excluding termination;

23.12 (iv) resulting in termination;

23.13 (v) that are formal and result in coaching or retraining; and

23.14 (vi) for each officer in the agency's employ, and whether the complaint and investigation
23.15 resulted in final discipline.

23.16 (b) The reporting of data under paragraph (a), clause (3), must not include the name of
23.17 any peace officer or any other identifier of an individual peace officer licensee.

23.18 Sec. 9. Laws 2020, Seventh Special Session chapter 2, article 2, section 4, is amended to
23.19 read:

23.20 **Sec. 4. TRANSFER; ALCOHOL ENFORCEMENT ACCOUNT.**

23.21 ~~(a) By July 15, 2021, the commissioner of public safety must certify to the commissioner~~
23.22 ~~of management and budget the amount of permit fees waived under section 3, clause (2),~~
23.23 ~~during the period from January 1, 2021, to June 30, 2021, and the commissioner of~~
23.24 ~~management and budget must transfer the certified amount from the general fund to the~~
23.25 ~~alcohol enforcement account in the special revenue fund established under Minnesota~~
23.26 ~~Statutes, section 299A.706.~~

23.27 ~~(b) By January 15, 2022, the commissioner of public safety must certify to the~~
23.28 ~~commissioner of management and budget the amount of permit fees waived under section~~
23.29 ~~3, clause (2), during the period from July 1, 2021, to December 31, 2021, and the~~
23.30 ~~commissioner of management and budget must transfer the certified amount from the general~~

24.1 ~~fund to the alcohol enforcement account in the special revenue fund established under~~
24.2 ~~Minnesota Statutes, section 299A.706.~~

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

24.4 **ARTICLE 3**

24.5 **CORRECTIONS**

24.6 Section 1. Minnesota Statutes 2020, section 241.021, subdivision 1, is amended to read:

24.7 Subdivision 1. **Correctional facilities; inspection; licensing.** (a) Except as provided
24.8 in paragraph (b), the commissioner of corrections shall inspect and license all correctional
24.9 facilities throughout the state, whether public or private, established and operated for the
24.10 detention and confinement of persons ~~detained or confined~~ or incarcerated therein according
24.11 to law except to the extent that they are inspected or licensed by other state regulating
24.12 agencies. The commissioner shall promulgate pursuant to chapter 14, rules establishing
24.13 minimum standards for these facilities with respect to their management, operation, physical
24.14 condition, and the security, safety, health, treatment, and discipline of persons ~~detained or~~
24.15 ~~confined or incarcerated~~ therein. Commencing September 1, 1980, These minimum standards
24.16 shall include but are not limited to specific guidance pertaining to:

24.17 (1) mental health, including but not limited to assessment following admission, medication
24.18 administration, and requirements for discharge planning;

24.19 (2) self-auditing of compliance with minimum standards;

24.20 (3) information sharing with medical personnel and when medical assessment must be
24.21 facilitated;

24.22 (4) a code of conduct policy for facility staff and annual training;

24.23 (5) a policy on death review of all circumstances surrounding the death of an individual
24.24 committed to the custody of the facility; and

24.25 (6) dissemination of a rights statement made available to persons confined or incarcerated
24.26 in licensed correctional facilities.

24.27 No individual, corporation, partnership, voluntary association, or other private
24.28 organization legally responsible for the operation of a correctional facility may operate the
24.29 facility unless ~~licensed by it~~ it possesses a current license from the commissioner of corrections.
24.30 Private adult correctional facilities shall have the authority of section 624.714, subdivision
24.31 13, if the Department of Corrections licenses the facility with ~~such~~ the authority and the
24.32 facility meets requirements of section 243.52.

25.1 The commissioner shall review the correctional facilities described in this subdivision
25.2 at least once every ~~biennium~~ two years, except as otherwise provided ~~herein~~, to determine
25.3 compliance with the minimum standards established ~~pursuant~~ according to this subdivision
25.4 or other law related to minimum standards and conditions of confinement.

25.5 The commissioner shall grant a license to any facility found to conform to minimum
25.6 standards or to any facility which, in the commissioner's judgment, is making satisfactory
25.7 progress toward substantial conformity and the interests and well-being of the persons
25.8 ~~detained or confined therein~~ or incarcerated in the facility are protected. The commissioner
25.9 may grant licensure up to two years. Unless otherwise specified by statute, all licenses issued
25.10 under this chapter expire at 12:01 a.m. on the day after the expiration date stated on the
25.11 license.

25.12 The commissioner shall have access to the buildings, grounds, books, records, staff, and
25.13 to persons ~~detained or confined~~ or incarcerated in these facilities. The commissioner may
25.14 require the officers in charge of these facilities to furnish all information and statistics the
25.15 commissioner deems necessary, at a time and place designated by the commissioner.

25.16 All facility administrators of correctional facilities defined under subdivision 1f are
25.17 required to report all deaths of individuals who died while committed to the custody of the
25.18 facility, regardless of whether the death occurred at the facility or after removal from the
25.19 facility for medical care stemming from an incident or need for medical care at the
25.20 correctional facility, within 24 hours of receiving knowledge of the death, including any
25.21 demographic information as required by the commissioner.

25.22 All facility administrators of correctional facilities defined under subdivision 1f are
25.23 required to report all other emergency or unusual occurrences as defined by rule, including
25.24 uses of force by facility staff that result in substantial bodily harm, to the commissioner of
25.25 corrections within ten days from the occurrence, including any demographic information
25.26 as required by the commissioner. The commissioner of corrections shall consult with the
25.27 Minnesota Sheriffs' Association to define "use of force" that results in substantial bodily
25.28 harm for reporting purposes.

25.29 The commissioner may require that any or all such information be provided through the
25.30 Department of Corrections detention information system. The commissioner shall post each
25.31 inspection report publicly within 30 days of completing the inspection. The education
25.32 program offered in a correctional facility for the ~~detention or confinement~~ or incarceration
25.33 of juvenile offenders must be approved by the commissioner of education before the
25.34 commissioner of corrections may grant a license to the facility.

(b) For juvenile facilities licensed by the commissioner of human services, the commissioner may inspect and certify programs based on certification standards set forth in Minnesota Rules. For the purpose of this paragraph, "certification" has the meaning given it in section 245A.02.

(c) 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.

(d) 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.

~~(e) When the commissioner finds that any facility described in paragraph (a), except foster care facilities for delinquent children and youth as provided in subdivision 2, does not substantially conform to the minimum standards established by the commissioner and is not making satisfactory progress toward substantial conformance, the commissioner 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 minimum standards, or is not making satisfactory progress toward substantial compliance therewith, the commissioner may issue an 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, the commissioner 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.~~

(f) 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

27.1 ~~correctional agency having dispositional power over persons charged with, convicted, or~~
27.2 ~~adjudicated to be guilty or delinquent.~~

27.3 Sec. 2. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision to
27.4 read:

27.5 Subd. 1a. **Correction order; conditional license.** (a) When the commissioner finds that
27.6 any facility described in subdivision 1, except foster care facilities for delinquent children
27.7 and youth as provided in subdivision 2, does not substantially conform to the minimum
27.8 standards established by the commissioner and is not making satisfactory progress toward
27.9 substantial conformance and the nonconformance does not present an imminent risk of
27.10 life-threatening harm or serious physical injury to the persons confined or incarcerated in
27.11 the facility, the commissioner shall promptly notify the facility administrator and the
27.12 governing board of the facility of the deficiencies and may issue a correction order or a
27.13 conditional license order that they be remedied within a reasonable and specified period of
27.14 time.

27.15 The conditional license order may restrict the use of any facility which does not
27.16 substantially conform to minimum standards, including imposition of conditions limiting
27.17 operation of the facility or parts of the facility, reducing facility capacity, limiting intake,
27.18 limiting length of detention for individuals, or imposing detention limitations based on the
27.19 needs of the individuals being confined or incarcerated therein.

27.20 The correction order or conditional license order must clearly state the following:

27.21 (1) the specific minimum standards violated, noting the implicated rule or law;

27.22 (2) the findings that constitute a violation of minimum standards;

27.23 (3) the corrective action needed;

27.24 (4) time allowed to correct each violation; and

27.25 (5) if a license is made conditional, the length and terms of the conditional license, any
27.26 conditions limiting operation of the facility, and the reasons for making the license
27.27 conditional.

27.28 (b) The facility administrator may request review of the findings noted in the conditional
27.29 license order after satisfactory progress toward substantial compliance with minimum
27.30 standards has been made, supported by evidence of correction, and, if appropriate, may
27.31 include a written schedule for compliance. The commissioner shall review the evidence of
27.32 correction and the progress made toward substantial compliance with minimum standards

within a reasonable period of time, not to exceed ten business days. When the commissioner has assurance that satisfactory progress toward substantial compliance with minimum standards is being made, the commissioner shall lift any conditions limiting operation of the facility or parts of the facility or remove the conditional license order.

(c) Nothing in this section prohibits the commissioner from ordering a revocation under subdivision 1b prior to issuing a correction order or conditional license order.

Sec. 3. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision to read:

Subd. 1b. **License revocation order.** (a) When, after due notice to the facility administrator of the commissioner's intent to issue a revocation order, the commissioner finds that any facility described in this subdivision, except county jails and lockups subject to active condemnation proceedings or orders as provided in sections 641.26, 642.10, and 642.11, does not conform to minimum standards, or is not making satisfactory progress toward substantial compliance with minimum standards, the commissioner may issue an order revoking the license of that facility.

The notice of intent to issue a revocation order shall include:

(1) the citation to minimum standards that have been violated;

(2) the nature and severity of each violation;

(3) whether the violation is recurring or nonrecurring;

(4) the effect of the violation on persons confined or incarcerated by the correctional facility;

(5) an evaluation of the risk of harm to persons confined or incarcerated in the correctional facility;

(6) relevant facts, conditions, and circumstances concerning the operation of the licensed facility, including at a minimum:

(i) specific facility deficiencies that endanger the health or safety of persons confined or incarcerated in the correctional facility;

(ii) substantiated complaints relating to the correctional facility; or

(iii) any other evidence that the correctional facility is not in compliance with minimum standards.

(b) The facility administrator must submit a written response within 60 days of receipt of the notice of intent to issue a revocation order with any information related to errors in the notice, ability to conform to minimum standards within a set period of time including but not limited to a written schedule for compliance, and any other information the facility administrator deems relevant for consideration in revocation. The written response must also include a written plan indicating how the correctional facility will ensure the transfer of confined or incarcerated individuals and records if the correctional facility closes. Plans must specify arrangements the correctional facility will make to transfer confined or incarcerated individuals to another licensed correctional facility for continuation of detention.

(c) When revoking a license, the commissioner shall consider the nature, chronicity, or severity of the violation of law or rule and the effect of the violation on the health, safety, or rights of persons confined or incarcerated in the correctional facility.

(d) If the facility administrator does not respond within 60 days to the notice of intent to issue a revocation order or if the commissioner does not have assurance that satisfactory progress toward substantial compliance with minimum standards will be made, the commissioner shall issue a revocation order. The revocation order must be sent to the facility administrator and the governing board of the facility, clearly stating:

(1) the specific minimum standards violated, noting the implicated rule or law;

(2) the findings that constitute a violation of minimum standards and the nature, chronicity, or severity of those violations;

(3) the corrective action needed;

(4) any prior correction or conditional license orders issued to correct violations; and

(5) the date at which the license revocation shall take place.

A revocation order may authorize use until a certain date, not to exceed the duration of the current license, unless a new license is issued by the commissioner for purposes of effectuating a facility closure and continued operation does not present an imminent risk of life-threatening harm or is not likely to result in serious physical injury to the persons confined or incarcerated in the facility.

(e) After revocation of the facility's licensure, that facility shall not be used until the license is renewed. When the commissioner is satisfied that satisfactory progress toward substantial compliance with minimum standards is being made, the commissioner may, at the request of the appropriate officials of the affected facility supported by a written schedule for compliance, reinstate the license for a period not to exceed one year.

Sec. 4. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision to read:

Subd. 1c. **Temporary license suspension.** The commissioner shall act immediately to temporarily suspend a license issued under this chapter if:

(1) the correctional facility's failure to comply with applicable minimum standards or the conditions in the correctional facility pose an imminent risk of life-threatening harm or serious physical injury to persons confined or incarcerated in the facility, staff, law enforcement, visitors, or the public; and

(i) if the imminent risk of life-threatening harm or serious physical injury cannot be promptly corrected through a different type of order under this section; and

(ii) the correctional facility cannot or has not corrected the violation giving rise to the imminent risk of life-threatening harm or serious physical injury; or

(2) while the correctional facility continues to operate pending due notice and opportunity for written response to the commissioner's notice of intent to issue an order of revocation, the commissioner identifies one or more subsequent violations of minimum standards which may adversely affect the health or safety of persons confined or incarcerated in the facility, staff, law enforcement, visitors, or the public.

A notice stating the reasons for the immediate suspension informing the facility administrator must be delivered by personal service to the correctional facility administrator and the governing board of the facility.

Sec. 5. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision to read:

Subd. 1d. **Reconsideration of orders; appeals.** (a) If the facility administrator believes the correction order, conditional license order, or revocation order is in error, the facility administrator may ask the Department of Corrections to reconsider the parts of the order or action that are alleged to be in error. The request for reconsideration must:

(1) be made in writing;

(2) be postmarked and sent to the commissioner no later than 30 calendar days after receipt of the correction order, conditional license order, or revocation order;

(3) specify the parts of the order that are alleged to be in error;

(4) explain why the correction order, conditional license order, or revocation order is in error; and

31.1 (5) include documentation to support the allegation of error.

31.2 The commissioner shall issue a disposition within 60 days of receipt of the facility
31.3 administrator's response to correction, conditional license, or revocation order violations.

31.4 A request for reconsideration does not stay any provisions or requirements of the order.

31.5 (b) The facility administrator may request reconsideration of an order immediately
31.6 suspending a license. The request for reconsideration of an order immediately suspending
31.7 a license must be made in writing and sent by certified mail, personal service, or other means
31.8 expressly stated in the commissioner's order. If mailed, the request for reconsideration must
31.9 be postmarked and sent to the commissioner no later than five business days after the facility
31.10 administrator receives notice that the license has been immediately suspended. If a request
31.11 is made by personal service, it must be received by the commissioner no later than five
31.12 business days after the facility administrator received the order. The request for
31.13 reconsideration must:

31.14 (1) specify the parts of the order that are alleged to be in error;

31.15 (2) explain why they are in error; and

31.16 (3) include documentation to support the allegation of error.

31.17 A facility administrator and any controlling board or individual shall discontinue operation
31.18 of the correctional facility upon receipt of the commissioner's order to immediately suspend
31.19 the license.

31.20 (c) Within five business days of receipt of the facility administrator's timely request for
31.21 reconsideration of a temporary immediate suspension, the commissioner shall review the
31.22 request for reconsideration. The scope of the review shall be limited solely to the issue of
31.23 whether the temporary immediate suspension should remain in effect pending the written
31.24 response to commissioner's notice of intent to issue a revocation order.

31.25 The commissioner's disposition of a request for reconsideration of correction, conditional
31.26 license, temporary immediate suspension, or revocation order is final and subject to appeal.
31.27 The facility administrator must request reconsideration as required by this section of any
31.28 correction, conditional license, temporary immediate suspension, or revocation order prior
31.29 to appeal.

31.30 No later than 60 days after the postmark date of the mailed notice of the commissioner's
31.31 decision, the facility administrator may appeal the decision by filing a writ of certiorari with
31.32 the court of appeals under section 606.01 and Minnesota Rules of Civil Appellate Procedure,
31.33 Rule 115. Failure by the facility administrator to appeal to the court of appeals no later than

32.1 the 60-day period precludes the person from later raising, in any subsequent administrative
32.2 hearing or court proceeding, those substantive and procedural issues that reasonably should
32.3 have been raised upon a timely appeal.

32.4 Sec. 6. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision to
32.5 read:

32.6 Subd. 1e. **Report.** By February 15, 2022, and by February 15 each year thereafter, the
32.7 commissioner of corrections shall report to the chairs and ranking minority members of the
32.8 house of representatives and senate committees and divisions with jurisdiction over public
32.9 safety and judiciary on the status of the implementation of the provisions in this section
32.10 over the prior year, particularly the health and safety of individuals confined or incarcerated
32.11 in a state correctional facility and a facility licensed by the commissioner. This report shall
32.12 include but not be limited to data regarding:

32.13 (1) the number of confined or incarcerated persons who died while committed to the
32.14 custody of the facility, regardless of whether the death occurred at the facility or after
32.15 removal from the facility for medical care stemming from an incident or need for medical
32.16 care at the correctional facility, including aggregated demographic information and the
32.17 correctional facilities' most recent inspection reports and any corrective orders or conditional
32.18 licenses issued;

32.19 (2) the aggregated results of the death reviews by facility as required by subdivision 8,
32.20 including any implemented policy changes;

32.21 (3) the number of uses of force by facility staff on persons confined or incarcerated in
32.22 the correctional facility, including but not limited to whether those uses of force were
32.23 determined to be justified by the facility, for which the commissioner of corrections shall
32.24 consult with the Minnesota Sheriffs' Association to develop criteria for reporting and define
32.25 reportable uses of force;

32.26 (4) the number of persons committed to the commissioner of corrections' authority that
32.27 the commissioner is housing in facilities licensed under subdivision 1f, including but not
32.28 limited to:

32.29 (i) aggregated demographic data of those individuals;

32.30 (ii) length of time spent housed in a licensed correctional facility; and

32.31 (iii) any contracts the Department of Corrections has with correctional facilities to provide
32.32 housing; and

33.1 (5) summary data from state correctional facilities regarding complaints involving alleged
33.2 on-duty staff misconduct, including but not limited to the:

33.3 (i) total number of misconduct complaints and investigations;

33.4 (ii) total number of complaints by each category of misconduct, as defined by the
33.5 commissioner of corrections;

33.6 (iii) number of allegations dismissed as unfounded;

33.7 (iv) number of allegations dismissed on grounds that the allegation was unsubstantiated;
33.8 and

33.9 (v) number of allegations substantiated, any resulting disciplinary action, and the nature
33.10 of the discipline.

33.11 Sec. 7. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision to
33.12 read:

33.13 Subd. 1f. **Definition.** As used in this section, "correctional facility" means any facility,
33.14 including a group home, having a residential component, the primary purpose of which is
33.15 to serve persons placed therein by a court, court services department, parole authority, or
33.16 other correctional agency having dispositional power over persons charged with, convicted,
33.17 or adjudicated guilty or delinquent.

33.18 Sec. 8. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision to
33.19 read:

33.20 Subd. 7. **Intake release of information.** All correctional facilities that confine or
33.21 incarcerate adults are required at intake to provide every person an authorization form to
33.22 release information related to their health condition and when that information should be
33.23 shared. This release form shall allow the individual to select if they want to require the
33.24 correctional facility to make attempts to contact the designated person to facilitate the sharing
33.25 of health condition information upon incapacitation or if the individual becomes unable to
33.26 communicate or direct the sharing of this information, so long as contact information was
33.27 provided and the incapacitated person or individual who is unable to communicate or direct
33.28 the sharing of this information is not subject to a court order prohibiting contact with the
33.29 designated person.

34.1 Sec. 9. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision to
34.2 read:

34.3 Subd. 8. **Death review teams.** In the event a correctional facility as defined in subdivision
34.4 1f receives information of the death of an individual while committed to the custody of the
34.5 facility, regardless of whether the death occurred at the facility or after removal from the
34.6 facility for medical care stemming from an incident or need for medical care at the
34.7 correctional facility, the administrator of the facility, minimally including a medical expert
34.8 of the facility's choosing who did not provide medical services to the individual, and, if
34.9 appropriate, a mental health expert, shall review the circumstances of the death and assess
34.10 for preventable mortality and morbidity, including recommendations for policy or procedure
34.11 change, within 90 days of death. The investigating law enforcement agency may provide
34.12 documentation, participate in, or provide documentation and participate in the review in
34.13 instances where criminal charges were not brought. A preliminary autopsy report must be
34.14 provided as part of the review and any subsequent autopsy findings as available. The facility
34.15 administrator shall provide notice to the commissioner of corrections via the Department
34.16 of Corrections detention information system that the correctional facility has conducted a
34.17 review and identify any recommendations for changes in policy, procedure, or training that
34.18 will be implemented. Any report or other documentation created for purposes of a facility
34.19 death review is confidential as defined in section 13.02, subdivision 3. Nothing in this
34.20 section relieves the facility administrator from complying with the notice of death to the
34.21 commissioner as required by subdivision 1, paragraph (a).

34.22 Sec. 10. Minnesota Statutes 2020, section 243.52, is amended to read:

34.23 **243.52 DISCIPLINE; PREVENTION OF ESCAPE; DUTY TO REPORT.**

34.24 Subdivision 1. **Discipline and prevention of escape** If any inmate of person confined
34.25 or incarcerated in any adult correctional facility either under the control of the commissioner
34.26 of corrections or licensed by the commissioner of corrections under section 241.021 assaults
34.27 any correctional officer or any other person or inmate, the assaulted person may use force
34.28 in defense of the assault, except as limited in this section. If any inmate confined or
34.29 incarcerated person attempts to damage the buildings or appurtenances, resists the lawful
34.30 authority of any correctional officer, refuses to obey the correctional officer's reasonable
34.31 demands, or attempts to escape, the correctional officer may enforce obedience and discipline
34.32 or prevent escape by the use of force. If any inmate confined or incarcerated person resisting
34.33 lawful authority is wounded or killed by the use of force by the correctional officer or
34.34 assistants, that conduct is authorized under this section.

35.1 Subd. 2. Use of force. (a) Unless the use of deadly force is justified in this section, a
35.2 correctional officer may not use any of the following restraints:

35.3 (1) a choke hold;

35.4 (2) tying all of a person's limbs together behind the person's back to render the person
35.5 immobile; or

35.6 (3) securing a person in any way that results in transporting the person face down in a
35.7 vehicle, except as directed by a medical professional.

35.8 (b) For the purposes of this subdivision, the following terms have the meanings given
35.9 them:

35.10 (1) "choke hold" has the meaning given in section 609.06, subdivision 3, paragraph (b);
35.11 and

35.12 ~~As used in this section,~~ (2) "use of force" means conduct which is defined by sections
35.13 609.06 to 609.066.

35.14 (c) Use of deadly force is justified only if an objectively reasonable correctional officer
35.15 would believe, based on the totality of the circumstances known to the officer at the time
35.16 and without the benefit of hindsight, that deadly force is necessary:

35.17 (1) to protect the correctional officer or another from death or great bodily harm, provided
35.18 that the threat:

35.19 (i) can be articulated with specificity by the correctional officer;

35.20 (ii) is reasonably likely to occur absent action by the correctional officer; and

35.21 (iii) must be addressed through the use of deadly force without unreasonable delay; or

35.22 (2) to effect the capture, or prevent the escape, of a person whom the correctional officer
35.23 knows or has reasonable grounds to believe has committed or attempted to commit a felony
35.24 and the officer reasonably believes that the person will cause death or great bodily harm to
35.25 another person under the threat criteria in clause (1), unless immediately apprehended.

35.26 Subd. 3. Duty to report. (a) Regardless of tenure or rank, staff who observe another
35.27 employee engage in neglect or use force that exceeds the degree of force permitted by law
35.28 must report the incident in writing within 24 hours to the administrator of the correctional
35.29 facility that employs the reporting staff member.

35.30 (b) A staff member who fails to report neglect or excessive use of force within 24 hours
35.31 is subject to disciplinary action or sanction by the correctional facility that employs them.

36.1 Staff members shall suffer no reprisal for reporting another staff member engaged in
36.2 excessive use of force or neglect.

36.3 (c) For the purposes of this subdivision, neglect means:

36.4 (1) the knowing failure or omission to supply a person confined or incarcerated in the
36.5 facility with care or services, including but not limited to food, clothing, health care, or
36.6 supervision that is reasonable and necessary to obtain or maintain the person's physical or
36.7 mental health or safety; or

36.8 (2) the absence or likelihood of absence of care or services, including but not limited to
36.9 food, clothing, health care, or supervision necessary to maintain the physical and mental
36.10 health of the person that a reasonable person would deem essential for health, safety, or
36.11 comfort.

36.12 **EFFECTIVE DATE.** This section is effective March 1, 2021.

36.13 Sec. 11. **[244.049] INDETERMINATE SENTENCE RELEASE BOARD.**

36.14 Subdivision 1. **Establishment; membership.** (a) The Indeterminate Sentence Release
36.15 Board is established to review eligible cases and make release decisions for inmates serving
36.16 indeterminate sentences under the authority of the commissioner.

36.17 (b) The board shall consist of five members as follows:

36.18 (1) four persons appointed by the governor from two recommendations of each of the
36.19 majority leaders and minority leaders of the house of representatives and the senate; and

36.20 (2) the commissioner of corrections who shall serve as chair.

36.21 (c) The members appointed from the legislative recommendations must meet the
36.22 following qualifications at a minimum:

36.23 (1) a bachelor's degree in criminology, corrections, or a related social science, or a law
36.24 degree;

36.25 (2) five years of experience in corrections, a criminal justice or community corrections
36.26 field, rehabilitation programming, behavioral health, or criminal law; and

36.27 (3) demonstrated knowledge of victim issues and correctional processes.

36.28 Subd. 2. **Terms; compensation.** (a) Members of the board shall serve four-year staggered
36.29 terms except that the terms of the initial members of the board must be as follows:

36.30 (1) two members must be appointed for terms that expire January 1, 2024; and

37.1 (2) two members must be appointed for terms that expire January 1, 2026.

37.2 (b) A member is eligible for reappointment.

37.3 (c) Vacancies on the board shall be filled in the same manner as the initial appointments
37.4 under subdivision 1.

37.5 (d) Member compensation and removal of members on the board shall be as provided
37.6 in section 15.0575.

37.7 Subd. 3. **Quorum; administrative duties.** (a) The majority of members constitutes a
37.8 quorum.

37.9 (b) The commissioner of corrections shall provide the board with personnel, supplies,
37.10 equipment, office space, and other administrative services necessary and incident to the
37.11 discharge of the functions of the board.

37.12 Subd. 4. **Limitation.** Nothing in this section supersedes the commissioner's authority
37.13 to revoke an inmate's release for a violation of the inmate's terms of release or impairs the
37.14 power of the Board of Pardons to grant a pardon or commutation in any case.

37.15 Subd. 5. **Report.** On or before February 15 each year, the board shall submit to the
37.16 legislative committees with jurisdiction over criminal justice policy a written report detailing
37.17 the number of inmates reviewed and identifying persons granted release in the preceding
37.18 year. The report shall also include the board's recommendations for policy modifications
37.19 that influence the board's duties.

37.20 Sec. 12. Minnesota Statutes 2020, section 244.05, subdivision 5, is amended to read:

37.21 Subd. 5. **Supervised release, life sentence.** (a) The ~~commissioner of corrections~~ board
37.22 may, under rules ~~promulgated~~ adopted by the commissioner and upon majority vote of the
37.23 board members, give supervised release to an inmate serving a mandatory life sentence
37.24 under section 609.185, paragraph (a), clause (3), (5), or (6); 609.3455, subdivision 3 or 4;
37.25 609.385; or Minnesota Statutes 2004, section 609.109, subdivision 3, after the inmate has
37.26 served the minimum term of imprisonment specified in subdivision 4.

37.27 (b) The ~~commissioner~~ board shall require the preparation of a community investigation
37.28 report and shall consider the findings of the report when making a supervised release decision
37.29 under this subdivision. The report shall reflect the sentiment of the various elements of the
37.30 community toward the inmate, both at the time of the offense and at the present time. The
37.31 report shall include the views of the sentencing judge, the prosecutor, any law enforcement
37.32 personnel who may have been involved in the case, and any successors to these individuals

who may have information relevant to the supervised release decision. The report shall also include the views of the victim and the victim's family unless the victim or the victim's family chooses not to participate.

(c) The commissioner shall make reasonable efforts to notify the victim, in advance, of the time and place of the inmate's supervised release review hearing. The victim has a right to submit an oral or written statement at the review hearing. The statement may summarize the harm suffered by the victim as a result of the crime and give the victim's recommendation on whether the inmate should be given supervised release at this time. The ~~commissioner~~ board must consider the victim's statement when making the supervised release decision.

(d) When considering whether to give supervised release to an inmate serving a life sentence under section 609.3455, subdivision 3 or 4, the ~~commissioner~~ board shall consider, at a minimum, the following: the risk the inmate poses to the community if released, the inmate's progress in treatment, the inmate's behavior while incarcerated, psychological or other diagnostic evaluations of the inmate, the inmate's criminal history, and any other relevant conduct of the inmate while incarcerated or before incarceration. The ~~commissioner~~ board may not give supervised release to the inmate unless:

(1) while in prison:

(i) the inmate has successfully completed appropriate sex offender treatment;

(ii) the inmate has been assessed for chemical dependency needs and, if appropriate, has successfully completed chemical dependency treatment; and

(iii) the inmate has been assessed for mental health needs and, if appropriate, has successfully completed mental health treatment; and

(2) a comprehensive individual release plan is in place for the inmate that ensures that, after release, the inmate will have suitable housing and receive appropriate aftercare and community-based treatment. The comprehensive plan also must include a postprison employment or education plan for the inmate.

(e) As used in this subdivision:

(1) "board" means the Indeterminate Sentence Release Board under section 244.049;
and

(2) "victim" means the individual who suffered harm as a result of the inmate's crime
or, if the individual is deceased, the deceased's surviving spouse or next of kin.

39.1 Sec. 13. Minnesota Statutes 2020, section 244.065, is amended to read:

39.2 **244.065 PRIVATE EMPLOYMENT OF INMATES OR SPECIALIZED**
39.3 **PROGRAMMING FOR PREGNANT INMATES OF STATE CORRECTIONAL**
39.4 **INSTITUTIONS IN COMMUNITY.**

39.5 Subdivision 1. **Work.** When consistent with the public interest and the public safety,
39.6 the commissioner of corrections may conditionally release an inmate to work at paid
39.7 employment, seek employment, or participate in a vocational training or educational program,
39.8 as provided in section 241.26, if the inmate has served at least one half of the term of
39.9 imprisonment.

39.10 Subd. 2. **Pregnancy.** (a) In the furtherance of public interest and community safety, the
39.11 commissioner of corrections may conditionally release:

39.12 (1) for up to one year, an inmate who is postpartum and gave birth within eight months
39.13 of the date of commitment; and

39.14 (2) for the duration of the pregnancy and up to one year postpartum, an inmate who is
39.15 pregnant.

39.16 (b) The commissioner may conditionally release an inmate under paragraph (a) to
39.17 community-based programming for the purpose of participation in prenatal or postnatal
39.18 care programming and to promote mother-child bonding in addition to other programming
39.19 requirements as established by the commissioner, including evidence-based parenting skills
39.20 programming; working at paid employment; seeking employment; or participating in
39.21 vocational training, an educational program, or chemical dependency or mental health
39.22 treatment services.

39.23 (c) The commissioner shall develop policy and criteria to implement this subdivision
39.24 according to public safety and generally accepted correctional practice.

39.25 (d) By April 1 of each year, the commissioner shall report to the chairs and ranking
39.26 minority members of the house of representatives and senate committees with jurisdiction
39.27 over corrections on the number of inmates released and the duration of the release under
39.28 this subdivision for the prior calendar year.

ARTICLE 4

MINNESOTA REHABILITATION AND REINVESTMENT ACT

Section 1. Minnesota Statutes 2020, section 244.03, is amended to read:

244.03 REHABILITATIVE PROGRAMS.

The commissioner shall ~~provide appropriate mental health programs and vocational and educational programs with employment-related goals for inmates. The selection, design and implementation of programs under this section shall be the sole responsibility of the commissioner, acting within the limitations imposed by the funds appropriated for such programs~~ develop, implement, and provide appropriate substance abuse treatment programs; sexual offender treatment programming; medical and mental health services; and vocational, employment and career, educational, and other rehabilitative programs for persons committed to the authority of the commissioner.

While evidence-based programs shall be prioritized, the selection, design, and implementation of programs under this section shall be the sole responsibility of the commissioner, acting within the limitations imposed by the funds appropriated for the programs under this section.

No action challenging the level of expenditures for programs authorized under this section, nor any action challenging the selection, design or implementation of these programs, including employee assignments, may be maintained by an ~~inmate~~ incarcerated person in any court in this state.

The commissioner may impose disciplinary sanctions upon any ~~inmate~~ incarcerated person who refuses to participate in rehabilitative programs.

Sec. 2. [244.031] REHABILITATIVE NEED ASSESSMENT AND INDIVIDUALIZED PROGRAM PLAN REQUIRED.

(a) The commissioner shall develop a comprehensive need assessment process for each person who is serving a fixed term of imprisonment in a state correctional facility on or after August 1, 2021, and has 365 days or more remaining until the person's scheduled supervised release date.

(b) Upon completion of the assessment process, the commissioner shall ensure the development of an individualized program plan, along with identified goals for every person committed to the authority of the Department of Corrections. The individualized program plan shall be holistic in nature in that it identifies intended outcomes for addressing the incarcerated person's needs and risk factors, the individual's identified strengths, and available

and needed community supports, including victim safety considerations as required in section 244.0552, if applicable.

(c) When an individual is committed to the custody of the commissioner for a crime resulting in harm against a person or persons, the commissioner shall provide opportunity for input during the assessment and program plan process. Victim input may include a summary of victim concerns relative to release, concerns related to victim safety during the committed person's term of imprisonment, and requests for imposition of victim safety protocols as additional conditions of imprisonment or supervised release.

(d) The commissioner shall consider victim input statements in program planning and establishing conditions governing confinement or release.

(e) For an individual with less than 365 days remaining until the individual's supervised release date, the commissioner, in consultation with the incarcerated individual, shall develop a transition and release plan.

Sec. 3. **[244.032] EARNED INCENTIVE RELEASE.**

(a) For the purposes of this section, "earned incentive release" means release credit that is earned and subtracted from the term of imprisonment for completion of objectives established by an incarcerated person's individualized program plan.

(b) To encourage and support rehabilitation when consistent with public interest and public safety, the commissioner of corrections, in consultation with the Minnesota County Attorney's Association, Minnesota Board of Public Defense, Minnesota Association of Community Corrections Act Counties, Minnesota Indian Women's Sexual Assault Coalition, Violence Free Minnesota, Minnesota Coalition Against Sexual Assault, Minnesota Alliance on Crime, the Minnesota Sheriff's Association, Minnesota Chiefs of Police Association, and the Minnesota Police and Peace Officers Association, shall establish policy providing for earned incentive release credit and forfeiture of the credit as part of the term of imprisonment. The policy shall:

(1) provide circumstances upon which an incarcerated person may earn incentive release credits, including participation in rehabilitative programming as required under section 244.031; and

(2) address those circumstances where (i) the capacity to provide treatment programming in the correctional facility is diminished but the services are available to the community, and (ii) the conditions under which the incarcerated person could be released to the

42.1 community-based resource but remain subject to commitment to the commissioner and
42.2 considered for earned incentive release credit.

42.3 (c) The commissioner shall also develop a policy establishing a process for assessing
42.4 and addressing any systemic and programmatic gender and racial disparities that may be
42.5 identified in the award of earned incentive release credits.

42.6 **Sec. 4. [244.033] APPLICATION OF EARNED INCENTIVE RELEASE CREDIT.**

42.7 (a) Earned incentive release credits shall be subtracted from the term of imprisonment
42.8 but shall not be added the person's supervised release term. The maximum amount of earned
42.9 incentive release credit that can be earned and subtracted from the term of imprisonment is
42.10 17 percent of the term of imprisonment, but in no case shall the credit reduce the term of
42.11 imprisonment to less than one-half of the incarcerated person's executed sentence.

42.12 (b) The earned incentive release program is separate and distinct from other legislatively
42.13 authorized release programs, including the challenge incarceration program, work release,
42.14 conditional medical release, or Conditional Release of Nonviolent Controlled Substance
42.15 Offenders program, which may have unique statutory requirements and obligations.

42.16 **Sec. 5. [244.034] CERTAIN OFFENSES INELIGIBLE FOR EARNED INCENTIVE**
42.17 **RELEASE CREDIT.**

42.18 (a) A person committed to the commissioner for any of the following offenses shall be
42.19 ineligible for earned incentive release credit under sections 244.031 to 244.033:

42.20 (1) section 609.185, first degree murder, or 609.19, murder in the second degree;

42.21 (2) section 609.195, murder in the third degree, or 609.221, assault in the first degree;

42.22 (3) section 609.342, first degree criminal sexual conduct, 609.343, second degree criminal
42.23 sexual conduct, or 609.344, third degree criminal sexual conduct, if the offense was
42.24 committed with force or violence;

42.25 (4) section 609.3455, subdivision 5, dangerous sex offenders, where the court shall
42.26 specify a minimum term of imprisonment, based on the sentencing guidelines or any
42.27 applicable mandatory minimum sentence, that must be served before the offender may be
42.28 considered for supervised release;

42.29 (5) section 609.229, subdivision 4, paragraph (b), crimes committed for the benefit of
42.30 a gang where any person convicted and sentenced as required by section 609.229, subdivision

4, paragraph (a), is not eligible for probation, parole, discharge, work release, or supervised release until that person has served the full term of imprisonment as provided by law;

(6) section 152.026 where a person with a mandatory minimum sentence imposed for a first or second degree controlled substance crime is not eligible for probation, parole, discharge, or supervised release until that person has served the full term of imprisonment as provided by law;

(7) a person who was convicted in any other jurisdiction of a crime and the person's supervision was transferred to this state;

(8) section 243.166, subdivision 5, paragraph (e), predatory offender registration;

(9) section 609.11, subdivision 6, use of firearm or dangerous weapon during the commission of certain offenses;

(10) section 609.221, subdivision 2, paragraph (b), use of deadly force against a peace officer, prosecutor, judge, or correctional employee;

(11) section 609.2231, subdivision 3a, paragraph (d), assault against secure treatment personnel; and

(12) a person subject to a conditional release term under section 609.3455, subdivisions 6 and 7, whether on the present offense or previous offense for which a term of conditional release remains.

(b) Persons serving life sentences, persons given indeterminate sentences for crimes committed on or before April 30, 1980, or persons subject to good time under section 244.04, or similar laws are ineligible for earned incentive release credit.

Sec. 6. Minnesota Statutes 2020, section 244.05, subdivision 1b, is amended to read:

Subd. 1b. **Supervised release; offenders who commit crimes on or after August 1, 1993.** (a) Except as provided in subdivisions 4 and 5, every inmate sentenced to prison for a felony offense committed on or after August 1, 1993, shall serve a supervised release term upon completion of the inmate's term of imprisonment and any disciplinary confinement period imposed by the commissioner due to the inmate's violation of any disciplinary rule adopted by the commissioner or refusal to participate in a rehabilitative program required under section 244.03. The amount of time the inmate serves on supervised release shall be equal in length to the amount of time remaining in the inmate's executed sentence after the inmate has served the term of imprisonment reduced by any earned incentive release credit and any disciplinary confinement period imposed by the commissioner.

(b) No inmate who violates a disciplinary rule or refuses to participate in a rehabilitative program as required under section 244.03 shall be placed on supervised release until the inmate has served the disciplinary confinement period for that disciplinary sanction or until the inmate is discharged or released from punitive ~~segregation~~ restrictive housing confinement, whichever is later. The imposition of a disciplinary confinement period shall be considered to be a disciplinary sanction imposed upon an inmate, and the procedure for imposing the disciplinary confinement period 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. 7. **[244.0551] EARNED COMPLIANCE CREDIT AND SUPERVISION ABATEMENT STATUS.**

(a) For the purposes of this section, the following terms have the meanings given them:

(1) "supervision abatement status" means an end to active correctional supervision of a supervised individual without effect on the legal expiration date of the executed sentence less any earned incentive release credit; and

(2) "earned compliance credit" means a one-month reduction from the period of active supervision of the supervised release term for every two months that a supervised individual exhibits compliance with the conditions and goals of the individual's supervision plan.

(b) The commissioner of corrections shall adopt policy providing for earned compliance credit and forfeiture of the credit. The commissioner shall adjust the period of an individual's supervised release term for earned compliance credits accrued under a program created under this section. Once a combination of time served, earned incentive credit, along with a term of supervision and earned compliance credits equal the supervised release term, the commissioner shall place the individual on supervision abatement status.

(c) A person whose period of active supervision has been completely reduced as a result of earned compliance credits shall remain on supervision abatement status until the expiration of the executed sentence, less any earned incentive release credit. If an individual is on supervision abatement status and is charged with a new presumptive commit felony-level crime against a person, the commissioner may return the individual to active supervision and impose any additional sanctions, up to and including revocation from supervised release and return to the custody of the commissioner.

(d) A person who is placed on supervision abatement status under this section may not be required to regularly report to a supervised release agent or pay a supervision fee but

45.1 must continue to obey all laws, report any new criminal charges, and abide by section
45.2 243.1605 before seeking written authorization to relocate to another state.

45.3 (e) This section does not apply to persons serving life sentences, persons given
45.4 indeterminate sentences for crimes committed on or before April 30, 1980, or persons subject
45.5 to good time under section 244.04, or similar laws.

45.6 **Sec. 8. [244.0552] VICTIM INPUT.**

45.7 When an individual is committed to the custody of the commissioner for a crime of
45.8 violence and is eligible for earned incentive release credit under section 244.032, the
45.9 commissioner shall make reasonable efforts to notify the victim of the committed person's
45.10 eligibility for earned incentive release. Victim input may include a summary of victim
45.11 concerns relative to earned incentive release eligibility, concerns related to victim safety
45.12 during the committed person's term of imprisonment, and requests for imposition of victim
45.13 safety protocols as additional conditions of imprisonment or supervised release.

45.14 The commissioner shall consider victim input statements in establishing requirements
45.15 governing conditions of release. The commissioner shall provide the name and telephone
45.16 number of the local victim agency serving the jurisdiction of release to any victim providing
45.17 input on earned incentive release.

45.18 **Sec. 9. [244.0553] VICTIM NOTIFICATION.**

45.19 Nothing in sections 244.031 to 244.033 or 244.0551 to 244.0554 limits any victim
45.20 notification obligations of the commissioner of corrections required by statute related to a
45.21 change in custody status, committing offense, end of confinement review, or notification
45.22 registration.

45.23 **Sec. 10. [244.0554] INTERSTATE COMPACT.**

45.24 As may be allowed by compact requirements established in section 243.1605, a person
45.25 subject to supervision on a Minnesota sentence in another state under the Interstate Compact
45.26 for Adult Offender Supervision may be eligible for supervision abatement status pursuant
45.27 to this chapter only if they meet eligibility criteria as established in this section and certified
45.28 by a supervising entity in another state.

46.1 Sec. 11. **[244.0555] REALLOCATION OF EARNED INCENTIVE RELEASE**

46.2 **SAVINGS.**

46.3 **Subdivision 1. Definitions.** (a) For the purposes of this section the terms in this
46.4 subdivision have the meanings given them.

46.5 (b) "Commissioner" means the commissioner of corrections.

46.6 (c) "Offender daily cost" means the actual nonsalary expenditures, including
46.7 encumbrances as of July 31 following the end of the fiscal year, from the Department of
46.8 Corrections expense budgets for case management, food preparation, food provisions,
46.9 offender personal support including clothing, linen and other personal supplies, transportation,
46.10 dental care, nursing services, and professional technical contracted health care services.

46.11 (d) "Incarcerated days saved" means the number of days of an incarcerated person's
46.12 original sentence minus the number of actual days served, excluding days not served due
46.13 to death or as a result of time earned in the Challenge Incarceration Program under sections
46.14 244.17 to 244.173.

46.15 (e) "Earned incentive release per day cost savings" means the calculation of the total
46.16 actual expenses identified in paragraph (c) divided by the average daily population, divided
46.17 by 365 days, which reflects the daily cost per person.

46.18 (f) "Earned incentive release savings" means the calculation of the offender daily cost
46.19 multiplied by the number of incarcerated days saved for the period of one fiscal year.

46.20 **Subd. 2. Establishment of reallocation revenue account.** The reallocation of earned
46.21 incentive release savings account is established in the special revenue fund in the state
46.22 treasury. Funds in the account are appropriated to the commissioner and shall be expended
46.23 in accordance with the allocation established in subdivision 5, once the requirements of
46.24 subdivision 3 are met. Funds in the account are available until expended.

46.25 **Subd. 3. Certification of earned incentive release savings.** On or before the final
46.26 closeout date of each fiscal year, the commissioner shall certify to Minnesota Management
46.27 and Budget the earned incentive release savings from the previous fiscal year. The
46.28 commissioner shall provide the detailed calculation substantiating the savings amount,
46.29 including accounting system-generated data where possible, supporting the offender daily
46.30 cost and the incarcerated days saved.

46.31 **Subd. 4. Savings to be transferred to the reallocation revenue account.** After the
46.32 certification in subdivision 3 is completed, the commissioner shall transfer funds from the

appropriation from which the savings occurred to the reallocation revenue account according to the allocation in subdivision 5. Transfers shall occur before the final closeout each year.

Subd. 5. **Distribution of reallocation funds.** The commissioner shall distribute funds as follows:

(1) 25 percent shall be transferred to the Office of Justice Programs in the Department of Public Safety for crime victim services;

(2) 25 percent shall be transferred to the Community Corrections Act subsidy appropriation and to the Department of Corrections for supervised release and intensive supervision services, based upon a three-year average of the release jurisdiction of supervised releasees and intensive supervised releasees across the state;

(3) 25 percent shall be transferred to the Department of Corrections for grants to develop and invest in community-based services that support the identified needs of correctionally involved individuals or individuals at risk of criminal justice system involvement, and for sustaining the operation of evidence-based programming in state and local correctional facilities; and

(4) 25 percent shall be transferred to the general fund.

Sec. 12. [244.0556] REPORTING REQUIRED.

(a) Beginning January 15, 2022, and by January 15 each year thereafter for a period of ten years, the commissioner of corrections shall provide a report to the chairs and ranking minority members of the house of representatives and senate committees and divisions with jurisdiction over public safety and judiciary on the status of the requirements in this section for the previous fiscal year. The report shall also be provided to the; sitting president of the Minnesota Association of Community Corrections Act Counties and the executive directors of the Minnesota Sentencing Guidelines Commission, the Minnesota Indian Women's Sexual Assault Coalition, the Minnesota Alliance on Crime, Violence Free Minnesota, the Minnesota Coalition Against Sexual Assault, and the Minnesota County Attorney Association. The report shall include but not be limited to:

(1) a qualitative description of program development; implementation status; identified implementation or operational challenges; strategies identified to mitigate and ensure that the program does not create or exacerbate gender, racial, and ethnic disparities; the number, reason, and background of those in the prison population deemed ineligible for participation in the program; and proposed mechanisms for projecting future program savings and reallocation of savings;

(2) the number of persons granted earned incentive release, the total number of days of incentive release earned, a summary of committing offenses for those individuals who earned incentive release, the most recent calculated per diem, and the demographic data for all persons eligible for earned incentive release and the reasons and demographic data of those eligible individuals for whom earned incentive release was unearned or denied;

(3) the number of persons who earned supervision abatement status, the total number of days of supervision abatement earned, the committing offenses for those individuals granted supervision abatement status, the number of revocations for reoffense while on supervision abatement status, and the demographic data for all persons eligible for, considered for, granted, or denied supervision abatement status and the reasons supervision abatement status was unearned or denied; and

(4) the number of victims who submitted input, the number of referrals to local victim-serving agencies, and a summary of the kinds of victim services requested.

(b) The commissioner shall solicit feedback on victim-related operational concerns as it relates to the application earned incentive release and supervision abatement status options from the Minnesota Indian Women's Sexual Assault Coalition, Minnesota Alliance on Crime, Minnesota Coalition Against Sexual Assault, and Violence Free Minnesota. A summary of the feedback from these organizations shall be included in the annual report under paragraph (a).

(c) The commissioner shall direct the Department of Corrections' research unit to perform regular evaluation of the earned incentive release program and publish findings on the Department of Corrections' website and in the annual report under paragraph (a).

Sec. 13. EFFECTIVE DATE.

Sections 1 to 12 are effective August 1, 2021, and apply to persons sentenced to a fixed executed sentence or to persons serving a fixed term of imprisonment in a state correctional facility on or after that date.