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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 726

02/20/2013 Authored by Hilstrom, Cornish, Huntley, Abeler, Ward, J.E., and others
The bill was read for the first time and referred to the Committee on Public Safety Finance and Policy

1.1 A bill for an act
1.2 relating to public safety; requiring patients in the Minnesota sex offender
1.3 program who commit felony offenses to be committed to the commissioner
1.4 of corrections at the time of sentencing and to be incarcerated for the length
1.5 of the imposed sentence; amending Minnesota Statutes 2012, sections 244.05,
1.6 subdivisions 1, 1b; 244.101, by adding a subdivision; 253B.185, subdivision 2.

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

1.8 Section 1. Minnesota Statutes 2012, section 244.05, subdivision 1, is amended to read:

1.9 Subdivision 1. **Supervised release required.** Except as provided in subdivisions
1.10 1b, 4, and 5, and section 253B.185, subdivision 2, every inmate shall serve a supervised
1.11 release term upon completion of the inmate's term of imprisonment as reduced by any
1.12 good time earned by the inmate or extended by confinement in punitive segregation
1.13 pursuant to section 244.04, subdivision 2. Except for a sex offender conditionally released
1.14 under Minnesota Statutes 2004, section 609.108, subdivision 5, the supervised release
1.15 term shall be equal to the period of good time the inmate has earned, and shall not exceed
1.16 the length of time remaining in the inmate's sentence.

1.17 Sec. 2. Minnesota Statutes 2012, section 244.05, subdivision 1b, is amended to read:

1.18 Subd. 1b. **Supervised release; offenders who commit crimes on or after August**
1.19 **1, 1993.** (a) Except as provided in subdivisions 4 and 5, and section 253B.185, subdivision
1.20 2, every inmate sentenced to prison for a felony offense committed on or after August
1.21 1, 1993, shall serve a supervised release term upon completion of the inmate's term of
1.22 imprisonment and any disciplinary confinement period imposed by the commissioner due
1.23 to the inmate's violation of any disciplinary rule adopted by the commissioner or refusal
1.24 to participate in a rehabilitative program required under section 244.03. The amount of

2.1 time the inmate serves on supervised release shall be equal in length to the amount of
2.2 time remaining in the inmate's executed sentence after the inmate has served the term of
2.3 imprisonment and any disciplinary confinement period imposed by the commissioner.

2.4 (b) No inmate who violates a disciplinary rule or refuses to participate in a
2.5 rehabilitative program as required under section 244.03 shall be placed on supervised
2.6 release until the inmate has served the disciplinary confinement period for that disciplinary
2.7 sanction or until the inmate is discharged or released from punitive segregation
2.8 confinement, whichever is later. The imposition of a disciplinary confinement period shall
2.9 be considered to be a disciplinary sanction imposed upon an inmate, and the procedure for
2.10 imposing the disciplinary confinement period and the rights of the inmate in the procedure
2.11 shall be those in effect for the imposition of other disciplinary sanctions at each state
2.12 correctional institution.

2.13 Sec. 3. Minnesota Statutes 2012, section 244.101, is amended by adding a subdivision
2.14 to read:

2.15 Subd. 5. **Exception.** As required by section 253B.185, subdivision 2, paragraph (c),
2.16 this section does not apply to an offender who is sentenced for a felony level offense while
2.17 committed to the commissioner of human services under section 253B.185.

2.18 Sec. 4. Minnesota Statutes 2012, section 253B.185, subdivision 2, is amended to read:

2.19 Subd. 2. **Transfer to correctional facility.** (a) If a person has been committed
2.20 under this section and later is committed to the custody of the commissioner of corrections
2.21 for any reason, including but not limited to, being sentenced for a crime or revocation of
2.22 the person's supervised release or conditional release under section 244.05; 609.3455,
2.23 subdivision 6, 7, or 8; Minnesota Statutes 2004, section 609.108, subdivision 6; or
2.24 Minnesota Statutes 2004, section 609.109, subdivision 7, the person shall be transferred to
2.25 a facility designated by the commissioner of corrections without regard to the procedures
2.26 provided in subdivision 11.

2.27 (b) If a person is committed under this section after a commitment to the
2.28 commissioner of corrections, the person shall first serve the sentence in a facility
2.29 designated by the commissioner of corrections. After the person has served the sentence,
2.30 the person shall be transferred to a treatment program designated by the commissioner
2.31 of human services.

2.32 (c) A court may not stay adjudication of a felony charge against a person committed
2.33 under this section.

3.1 (d) When a person committed under this section is found guilty of a felony offense,
3.2 the court must commit the person to the custody of the commissioner of corrections at
3.3 the time of sentencing. The court may not stay the imposition or execution of a felony
3.4 sentence against a person committed under this section. Notwithstanding section 244.101
3.5 or any other law to the contrary, a person committed to the commissioner of corrections
3.6 under this paragraph must serve the entire imposed sentence in a state correctional facility
3.7 prior to being returned to the custody of the commissioner of human services pursuant to
3.8 paragraph (b).