

SENATE

STATE OF MINNESOTA

EIGHTY-NINTH SESSION

S.F. No. 2109

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DATE	D-PG	OFFICIAL STATUS
04/22/2015	2142	Introduction and first reading Referred to Judiciary
04/27/2015	2908	Author added Latz

A bill for an act  
relating to corrections; establishing a program for the release from correctional  
institutions individuals who are judged to be ready to live successfully in the  
community and without danger to the public; appropriating money.  
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **RELEASE OF INMATES.**

Subdivision 1. **Establishment.** A program for release of inmates under the custody  
of the commissioner of corrections is established. The program shall operate for the  
period from July 1, 2015, to June 30, 2017, on the terms established by this section. A  
goal of the program is to reduce the population of correctional institutions sufficiently to  
reduce the cost of operating those institutions by not less than \$6,000,000 during the  
biennium in which the program is in effect.

Subd. 2. **Petitions.** (a) Inmates may petition for release by submitting to the  
commissioner of corrections an application for release. The commissioner shall forward  
to release panels of three judges the petition of the inmates whose petitions are not vetoed  
by the commissioner. The commissioner may veto a petition for any reason and is not  
required to state a reason for the veto.

(b) The petitions shall be reviewed by panels of three retired or sitting district or  
appellate judges. The panels, by majority vote, may approve a petition and, if approved,  
the inmate shall be released from incarceration on parole within six weeks of petition  
approval. The chief justice shall designate judges to serve on the release panels, at random  
and based on availability, taking advantage of the availability of retired judges.

(c) If an inmate's first petition is vetoed by the commissioner or rejected by a panel, the  
inmate may re-petition, but only once and not earlier than three months after the rejection.

The decisions of the commissioner and review panels are not subject to judicial review, and inmates may not be represented by counsel before the commissioner or review panels.

(d) Inmates are eligible for release on parole under this section only after serving 60 percent of their sentence to serve under the sentencing guidelines.

Subd. 3. **Special favor.** The commissioner and review panels shall look with special favor on the petitions of inmates who:

(1) were sentenced for crimes for which the current sentencing guidelines' sentence is less than the time the petitioner has served;

(2) are more than 65 years of age;

(3) have disabilities that make criminal conduct unlikely;

(4) were convicted of crimes that include an element of consequences that were not intended; or

(5) are serving sentences for offenses committed as juveniles and were convicted at least 20 years earlier, after certification as adults.

Subd. 4. **Standards.** The commissioner and panel judges shall act on petitions applying the following standards:

(1) the safety of the public;

(2) the readiness of the inmate to live lawfully if released;

(3) the quality of the petitioner's participation in correction department programs while incarcerated and changes in self-control achieved during incarceration; and

(4) other standards deemed relevant for judging the likelihood of lawful behavior after release.

Subd. 5. **Records.** The commissioner shall provide to the release panels the record of the petitioner during incarceration, the record of the petitioner's offense, and the record of any psychological or other test of the petitioner designed to measure factors relevant to the readiness of the petitioner for release on parole, including self-control.

The commissioner shall administer to a petitioner any tests requested by release panels.

Subd. 6. **Compensation.** Panel judges shall be reimbursed for expenses and retired judges shall be compensated at the rate of compensation provided as if designated to sit as retired judges on a district court.

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

## Sec. 2. **APPROPRIATION.**

The following amounts are appropriated from the general fund to the commissioner of corrections to support the program established by section 1:

- 3.1           (1) \$..... in fiscal year 2016 and \$..... in fiscal year 2017 to compensate retired  
3.2 judges and to pay expenses of the release panels; and
- 3.3           (2) \$..... in fiscal year 2016 and \$..... in fiscal year 2017 to distribute, as  
3.4 appropriate, to counties to cover the increased costs for parole officers to supervise those  
3.5 released under this program.