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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 2128

03/07/2019 Authored by Mariani The bill was read for the first time and referred to the Public Safety and Criminal Justice Reform Finance and Policy Division

1.1 A bill for an act
1.2 relating to corrections; establishing the Indeterminate Sentence Release Board;
1.3 requiring a report; amending Minnesota Statutes 2018, section 244.05, subdivision
1.4 5; proposing coding for new law in Minnesota Statutes, chapter 244.

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

1.6 Section 1. [244.049] INDETERMINATE SENTENCE RELEASE BOARD.

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

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

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

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

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

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

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

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

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

2.3 (1) two members must be appointed for terms that expire January 1, 2022; and

2.4 (2) two members must be appointed for terms that expire January 1, 2024.

2.5 (b) A member is eligible for reappointment.

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

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

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

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

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

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

2.23 Sec. 2. Minnesota Statutes 2018, section 244.05, subdivision 5, is amended to read:

2.24 Subd. 5. **Supervised release, life sentence.** (a) The ~~commissioner of corrections~~ board  
2.25 may, under rules promulgated by the commissioner, give supervised release to an inmate  
2.26 serving a mandatory life sentence under section 609.185, paragraph (a), clause (3), (5), or  
2.27 (6); 609.3455, subdivision 3 or 4; 609.385; or Minnesota Statutes 2004, section 609.109,  
2.28 subdivision 3, after the inmate has served the minimum term of imprisonment specified in  
2.29 subdivision 4.

2.30 (b) The ~~commissioner~~ board shall require the preparation of a community investigation  
2.31 report and shall consider the findings of the report when making a supervised release decision  
2.32 under this subdivision. The report shall reflect the sentiment of the various elements of the

3.1 community toward the inmate, both at the time of the offense and at the present time. The  
3.2 report shall include the views of the sentencing judge, the prosecutor, any law enforcement  
3.3 personnel who may have been involved in the case, and any successors to these individuals  
3.4 who may have information relevant to the supervised release decision. The report shall also  
3.5 include the views of the victim and the victim's family unless the victim or the victim's  
3.6 family chooses not to participate.

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

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

3.20 (1) while in prison:

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

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

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

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

3.30 (e) As used in this subdivision:

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

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