

140.1

ARTICLE 11

140.2

CORRECTIONS AND COMMUNITY SUPERVISION

140.3 Section 1. Minnesota Statutes 2020, section 152.32, is amended by adding a subdivision
140.4 to read:

140.5 Subd. 4. **Probation; supervised release.** (a) A court shall not prohibit a person from
140.6 participating in the registry program under sections 152.22 to 152.37 as a condition of
140.7 probation, parole, pretrial conditional release, or supervised release or revoke a patient's
140.8 probation, parole, pretrial conditional release, or supervised release or otherwise sanction
140.9 a patient on probation, parole, pretrial conditional release, or supervised release, nor weigh
140.10 participation in the registry program, or positive drug test for cannabis components or
140.11 metabolites by registry participants, or both, as a factor when considering penalties for
140.12 violations of probation, parole, pretrial conditional release, or supervised release.

140.13 (b) The commissioner of corrections, probation agent, or parole officer shall not prohibit
140.14 a person from participating in the registry program under sections 152.22 to 152.37 as a
140.15 condition of parole, supervised release, or conditional release or revoke a patient's parole,
140.16 supervised release, or conditional release or otherwise sanction a patient on parole, supervised
140.17 release, or conditional release solely for participating in the registry program or for a positive
140.18 drug test for cannabis components or metabolites.

140.19 Sec. 2. Minnesota Statutes 2020, section 171.06, subdivision 3, is amended to read:

140.20 Subd. 3. **Contents of application; other information.** (a) An application must:

140.21 (1) state the full name, date of birth, sex, and either (i) the residence address of the
140.22 applicant, or (ii) designated address under section 5B.05;

140.23 (2) as may be required by the commissioner, contain a description of the applicant and
140.24 any other facts pertaining to the applicant, the applicant's driving privileges, and the
140.25 applicant's ability to operate a motor vehicle with safety;

140.26 (3) state:

140.27 (i) the applicant's Social Security number; or

140.28 (ii) if the applicant does not have a Social Security number and is applying for a
140.29 Minnesota identification card, instruction permit, or class D provisional or driver's license,
140.30 that the applicant certifies that the applicant is not eligible for a Social Security number;

140.31 (4) contain a notification to the applicant of the availability of a living will/health care
140.32 directive designation on the license under section 171.07, subdivision 7; and

141.1 (5) include a method for the applicant to:

141.2 (i) request a veteran designation on the license under section 171.07, subdivision 15,
141.3 and the driving record under section 171.12, subdivision 5a;

- 141.4 (ii) indicate a desire to make an anatomical gift under paragraph (d);
- 141.5 (iii) as applicable, designate document retention as provided under section 171.12,
141.6 subdivision 3c; and
- 141.7 (iv) indicate emergency contacts as provided under section 171.12, subdivision 5b.
- 141.8 (b) Applications must be accompanied by satisfactory evidence demonstrating:
- 141.9 (1) identity, date of birth, and any legal name change if applicable; and
- 141.10 (2) for driver's licenses and Minnesota identification cards that meet all requirements of
141.11 the REAL ID Act:
- 141.12 (i) principal residence address in Minnesota, including application for a change of address,
141.13 unless the applicant provides a designated address under section 5B.05;
- 141.14 (ii) Social Security number, or related documentation as applicable; and
- 141.15 (iii) lawful status, as defined in Code of Federal Regulations, title 6, section 37.3.
- 141.16 (c) An application for an enhanced driver's license or enhanced identification card must
141.17 be accompanied by:
- 141.18 (1) satisfactory evidence demonstrating the applicant's full legal name and United States
141.19 citizenship; and
- 141.20 (2) a photographic identity document.
- 141.21 (d) A valid Department of Corrections or Federal Bureau of Prisons identification card,
141.22 containing the applicant's full name, date of birth, and photograph issued to the applicant
141.23 is an acceptable form of proof of identity in an application for an identification card,
141.24 instruction permit, or driver's license as a secondary document for purposes of Minnesota
141.25 Rules, part 7410.0400, and successor rules.
- 141.26 Sec. 3. Minnesota Statutes 2020, section 241.01, subdivision 3a, is amended to read:
- 141.27 Subd. 3a. **Commissioner, powers and duties.** The commissioner of corrections has the
141.28 following powers and duties:
- 141.29 (a) To accept persons committed to the commissioner by the courts of this state for care,
141.30 custody, and rehabilitation.
- 142.1 (b) To determine the place of confinement of committed persons in a correctional facility
142.2 or other facility of the Department of Corrections and to prescribe reasonable conditions
142.3 and rules for their employment, conduct, instruction, and discipline within or outside the
142.4 facility. After July 1, 2021, the commissioner shall not allow inmates to be housed in facilities
142.5 that are not owned and operated by the state, a local unit of government, or a group of local
142.6 units of government. Inmates shall not exercise custodial functions or have authority over
142.7 other inmates.

- 142.8 (c) To administer the money and property of the department.
- 142.9 (d) To administer, maintain, and inspect all state correctional facilities.
- 142.10 (e) To transfer authorized positions and personnel between state correctional facilities
142.11 as necessary to properly staff facilities and programs.
- 142.12 (f) To utilize state correctional facilities in the manner deemed to be most efficient and
142.13 beneficial to accomplish the purposes of this section, but not to close the Minnesota
142.14 Correctional Facility-Stillwater or the Minnesota Correctional Facility-St. Cloud without
142.15 legislative approval. The commissioner may place juveniles and adults at the same state
142.16 minimum security correctional facilities, if there is total separation of and no regular contact
142.17 between juveniles and adults, except contact incidental to admission, classification, and
142.18 mental and physical health care.
- 142.19 (g) To organize the department and employ personnel the commissioner deems necessary
142.20 to discharge the functions of the department, including a chief executive officer for each
142.21 facility under the commissioner's control who shall serve in the unclassified civil service
142.22 and may, under the provisions of section 43A.33, be removed only for cause.
- 142.23 (h) To define the duties of these employees and to delegate to them any of the
142.24 commissioner's powers, duties and responsibilities, subject to the commissioner's control
142.25 and the conditions the commissioner prescribes.
- 142.26 (i) To annually develop a comprehensive set of goals and objectives designed to clearly
142.27 establish the priorities of the Department of Corrections. This report shall be submitted to
142.28 the governor commencing January 1, 1976. The commissioner may establish ad hoc advisory
142.29 committees.
- 142.30 **EFFECTIVE DATE.** This section is effective the day following final enactment.
- 143.1 Sec. 4. Minnesota Statutes 2020, section 241.016, is amended to read:
- 143.2 **241.016 ANNUAL PERFORMANCE REPORT REQUIRED.**
- 143.3 Subdivision 1. **Biennial Annual report.** (a) The Department of Corrections shall submit
143.4 a performance report to the chairs and ranking minority members of the senate and house
143.5 of representatives committees and divisions having jurisdiction over criminal justice funding
143.6 by January 15 of each ~~odd-numbered~~ year. The issuance and content of the report must
143.7 include the following:
- 143.8 (1) department strategic mission, goals, and objectives;
- 143.9 (2) the department-wide per diem, adult facility-specific per diems, and an average per
143.10 diem, reported in a standard calculated method as outlined in the departmental policies and
143.11 procedures;

143.12 (3) department annual statistics as outlined in the departmental policies and procedures;
143.13 ~~and~~

143.14 (4) information about prison-based mental health programs, including, but not limited
143.15 to, the availability of these programs, participation rates, and completion rates; and

143.16 (5) beginning in 2023, a written aggregate of the state correctional facilities security
143.17 audit group's recommendations based on each security audit and assessment of a state
143.18 correctional facility and the commissioner's responses to the recommendations.

143.19 (b) The department shall maintain recidivism rates for adult facilities on an annual basis.
143.20 In addition, each year the department shall, on an alternating basis, complete a recidivism
143.21 analysis of adult facilities, juvenile services, and the community services divisions and
143.22 include a three-year recidivism analysis in the report described in paragraph (a). The
143.23 recidivism analysis must: (1) assess education programs, vocational programs, treatment
143.24 programs, including mental health programs, industry, and employment; and (2) assess
143.25 statewide re-entry policies and funding, including postrelease treatment, education, training,
143.26 and supervision. In addition, when reporting recidivism for the department's adult and
143.27 juvenile facilities, the department shall report on the extent to which offenders it has assessed
143.28 as chemically dependent commit new offenses, with separate recidivism rates reported for
143.29 persons completing and not completing the department's treatment programs.

143.30 (c) The department shall maintain annual statistics related to the supervision of extended
143.31 jurisdiction juveniles and include those statistics in the report described in paragraph (a).
143.32 The statistics must include:

144.1 (1) the total number and population demographics of individuals under supervision in
144.2 adult facilities, juvenile facilities, and the community who were convicted as an extended
144.3 jurisdiction juvenile;

144.4 (2) the number of individuals convicted as an extended jurisdiction juvenile who
144.5 successfully completed probation in the previous year;

144.6 (3) the number of individuals identified in clause (2) for whom the court terminated
144.7 jurisdiction before the person became 21 years of age pursuant to section 260B.193,
144.8 subdivision 5;

144.9 (4) the number of individuals convicted as an extended jurisdiction juvenile whose
144.10 sentences were executed; and

144.11 (5) the average length of time individuals convicted as an extended jurisdiction juvenile
144.12 spend on probation.

144.13 Sec. 5. Minnesota Statutes 2020, section 241.021, subdivision 1, is amended to read:

144.14 Subdivision 1. **Correctional facilities; inspection; licensing.** (a) Except as provided
144.15 in paragraph (b), the commissioner of corrections shall inspect and license all correctional
144.16 facilities throughout the state, whether public or private, established and operated for the

144.17 detention and confinement of persons ~~detained or~~ confined or incarcerated therein according
144.18 to law except to the extent that they are inspected or licensed by other state regulating
144.19 agencies. The commissioner shall promulgate pursuant to chapter 14, rules establishing
144.20 minimum standards for these facilities with respect to their management, operation, physical
144.21 condition, and the security, safety, health, treatment, and discipline of persons ~~detained or~~
144.22 confined or incarcerated therein. ~~Commencing September 1, 1980, These minimum standards~~
144.23 shall include but are not limited to specific guidance pertaining to:

144.24 (1) screening, appraisal, assessment, and treatment for persons confined or incarcerated
144.25 in correctional facilities with mental illness or substance use disorders;

144.26 (2) a policy on the involuntary administration of medications;

144.27 (3) suicide prevention plans and training;

144.28 (4) verification of medications in a timely manner;

144.29 (5) well-being checks;

144.30 (6) discharge planning, including providing prescribed medications to persons confined
144.31 or incarcerated in correctional facilities upon release;

145.1 (7) a policy on referrals or transfers to medical or mental health care in a noncorrectional
145.2 institution;

145.3 (8) use of segregation and mental health checks;

145.4 (9) critical incident debriefings;

145.5 (10) clinical management of substance use disorders;

145.6 (11) a policy regarding identification of persons with special needs confined or
145.7 incarcerated in correctional facilities;

145.8 (12) a policy regarding the use of telehealth;

145.9 (13) self-auditing of compliance with minimum standards;

145.10 (14) information sharing with medical personnel and when medical assessment must be
145.11 facilitated;

145.12 (15) a code of conduct policy for facility staff and annual training;

145.13 (16) a policy on death review of all circumstances surrounding the death of an individual
145.14 committed to the custody of the facility; and

145.15 (17) dissemination of a rights statement made available to persons confined or
145.16 incarcerated in licensed correctional facilities.

145.17 No individual, corporation, partnership, voluntary association, or other private
145.18 organization legally responsible for the operation of a correctional facility may operate the

145.19 facility unless ~~licensed by~~ it possesses a current license from the commissioner of corrections.
145.20 Private adult correctional facilities shall have the authority of section 624.714, subdivision
145.21 13, if the Department of Corrections licenses the facility with ~~such~~ the authority and the
145.22 facility meets requirements of section 243.52.

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

145.27 The commissioner shall grant a license to any facility found to conform to minimum
145.28 standards or to any facility which, in the commissioner's judgment, is making satisfactory
145.29 progress toward substantial conformity and the standards not being met do not impact the
145.30 interests and well-being of the persons ~~detained or confined therein~~ or incarcerated in the
145.31 facility ~~are protected~~. A limited license under subdivision 1a may be issued for purposes of
145.32 effectuating a facility closure. The commissioner may grant licensure up to two years. Unless
146.1 otherwise specified by statute, all licenses issued under this chapter expire at 12:01 a.m. on
146.2 the day after the expiration date stated on the license.

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

146.7 All facility administrators of correctional facilities defined under subdivision 1g are
146.8 required to report all deaths of individuals who died while committed to the custody of the
146.9 facility, regardless of whether the death occurred at the facility or after removal from the
146.10 facility for medical care stemming from an incident or need for medical care at the
146.11 correctional facility, as soon as practicable, but no later than 24 hours of receiving knowledge
146.12 of the death, including any demographic information as required by the commissioner.

146.13 All facility administrators of correctional facilities defined under subdivision 1g are
146.14 required to report all other emergency or unusual occurrences as defined by rule, including
146.15 uses of force by facility staff that result in substantial bodily harm or suicide attempts, to
146.16 the commissioner of corrections within ten days from the occurrence, including any
146.17 demographic information as required by the commissioner. The commissioner of corrections
146.18 shall consult with the Minnesota Sheriffs' Association and a representative from the
146.19 Minnesota Association of Community Corrections Act Counties who is responsible for the
146.20 operations of an adult correctional facility to define "use of force" that results in substantial
146.21 bodily harm for reporting purposes.

146.22 The commissioner may require that any or all such information be provided through the
146.23 Department of Corrections detention information system. The commissioner shall post each
146.24 inspection report publicly and on the department's website within 30 days of completing
146.25 the inspection. The education program offered in a correctional facility for the ~~detention or~~

146.26 confinement or incarceration of juvenile offenders must be approved by the commissioner
146.27 of education before the commissioner of corrections may grant a license to the facility.

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

146.32 (c) Any state agency which regulates, inspects, or licenses certain aspects of correctional
146.33 facilities shall, insofar as is possible, ensure that the minimum standards it requires are
146.34 substantially the same as those required by other state agencies which regulate, inspect, or
147.1 license the same aspects of similar types of correctional facilities, although at different
147.2 correctional facilities.

147.3 (d) Nothing in this section shall be construed to limit the commissioner of corrections'
147.4 authority to promulgate rules establishing standards of eligibility for counties to receive
147.5 funds under sections 401.01 to 401.16, or to require counties to comply with operating
147.6 standards the commissioner establishes as a condition precedent for counties to receive that
147.7 funding.

147.8 (e) The department's inspection unit must report directly to a division head outside of
147.9 the correctional institutions division.

147.10 ~~(e) When the commissioner finds that any facility described in paragraph (a), except~~
147.11 ~~foster care facilities for delinquent children and youth as provided in subdivision 2, does~~
147.12 ~~not substantially conform to the minimum standards established by the commissioner and~~
147.13 ~~is not making satisfactory progress toward substantial conformance, the commissioner shall~~
147.14 ~~promptly notify the chief executive officer and the governing board of the facility of the~~
147.15 ~~deficiencies and order that they be remedied within a reasonable period of time. The~~
147.16 ~~commissioner may by written order restrict the use of any facility which does not substantially~~
147.17 ~~conform to minimum standards to prohibit the detention of any person therein for more than~~
147.18 ~~72 hours at one time. When, after due notice and hearing, the commissioner finds that any~~
147.19 ~~facility described in this subdivision, except county jails and lockups as provided in sections~~
147.20 ~~641.26, 642.10, and 642.11, does not conform to minimum standards, or is not making~~
147.21 ~~satisfactory progress toward substantial compliance therewith, the commissioner may issue~~
147.22 ~~an order revoking the license of that facility. After revocation of its license, that facility~~
147.23 ~~shall not be used until its license is renewed. When the commissioner is satisfied that~~
147.24 ~~satisfactory progress towards substantial compliance with minimum standard is being made,~~
147.25 ~~the commissioner may, at the request of the appropriate officials of the affected facility~~
147.26 ~~supported by a written schedule for compliance, grant an extension of time for a period not~~
147.27 ~~to exceed one year.~~

147.28 (f) As used in this subdivision, "correctional facility" means any facility, including a
147.29 group home, having a residential component, the primary purpose of which is to serve
147.30 persons placed therein by a court, court services department, parole authority, or other

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

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

148.3 Subd. 1a. **Correction order; conditional license.** (a) When the commissioner finds that
148.4 any facility described in subdivision 1, except foster care facilities for delinquent children
148.5 and youth as provided in subdivision 2, does not substantially conform to the minimum
148.6 standards established by the commissioner and is not making satisfactory progress toward
148.7 substantial conformance and the nonconformance does not present an imminent risk of
148.8 life-threatening harm or serious physical injury to the persons confined or incarcerated in
148.9 the facility, the commissioner shall promptly notify the facility administrator and the
148.10 governing board of the facility of the deficiencies and must issue a correction order or a
148.11 conditional license order that the deficiencies be remedied within a reasonable and specified
148.12 period of time.

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

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

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

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

148.21 (3) the corrective action needed;

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

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

148.26 (b) The facility administrator may request review of the findings noted in the conditional
148.27 license order on the grounds that satisfactory progress toward substantial compliance with
148.28 minimum standards has been made, supported by evidence of correction, and, if appropriate,
148.29 may include a written schedule for compliance. The commissioner shall review the evidence
148.30 of correction and the progress made toward substantial compliance with minimum standards
148.31 within a reasonable period of time, not to exceed ten business days. When the commissioner
148.32 has assurance that satisfactory progress toward substantial compliance with minimum
149.1 standards is being made, the commissioner shall lift any conditions limiting operation of
149.2 the facility or parts of the facility or remove the conditional license order.

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

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

149.7 Subd. 1b. License revocation order. (a) When, after due notice to the facility
149.8 administrator of the commissioner's intent to issue a revocation order, the commissioner
149.9 finds that any facility described in this subdivision, except county jails and lockups subject
149.10 to active condemnation proceedings or orders as provided in sections 641.26, 642.10, and
149.11 642.11, does not conform to minimum standards, or is not making satisfactory progress
149.12 toward substantial compliance with minimum standards, and the nonconformance does not
149.13 present an imminent risk of life-threatening harm or serious physical injury to the persons
149.14 confined or incarcerated in the facility, the commissioner may issue an order revoking the
149.15 license of that facility.

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

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

149.18 (2) the nature and severity of each violation;

149.19 (3) whether the violation is recurring or nonrecurring;

149.20 (4) the effect of the violation on persons confined or incarcerated in the correctional
149.21 facility;

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

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

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

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

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

150.1 (b) The facility administrator must submit a written response within 30 days of receipt
150.2 of the notice of intent to issue a revocation order with any information related to errors in
150.3 the notice, ability to conform to minimum standards within a set period of time including
150.4 but not limited to a written schedule for compliance, and any other information the facility
150.5 administrator deems relevant for consideration by the commissioner. The written response
150.6 must also include a written plan indicating how the correctional facility will ensure the
150.7 transfer of confined or incarcerated individuals and records if the correctional facility closes.

150.8 Plans must specify arrangements the correctional facility will make to transfer confined or
150.9 incarcerated individuals to another licensed correctional facility for continuation of detention.

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

150.13 (d) If the facility administrator does not respond within 30 days to the notice of intent
150.14 to issue a revocation order or if the commissioner does not have assurance that satisfactory
150.15 progress toward substantial compliance with minimum standards will be made, the
150.16 commissioner shall issue a revocation order. The revocation order must be sent to the facility
150.17 administrator and the governing board of the facility, clearly stating:

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

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

150.21 (3) the corrective action needed;

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

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

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

150.29 (e) After revocation of the facility's licensure, that facility shall not be used until the
150.30 license is renewed. When the commissioner is satisfied that satisfactory progress toward
150.31 substantial compliance with minimum standards is being made, the commissioner may, at
150.32 the request of the facility administrator supported by a written schedule for compliance,
150.33 reinstate the license.

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

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

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

- 151.9 (i) if the imminent risk of life-threatening harm or serious physical injury cannot be
151.10 promptly corrected through a different type of order under this section; and
- 151.11 (ii) the correctional facility cannot or has not corrected the violation giving rise to the
151.12 imminent risk of life-threatening harm or serious physical injury; or
- 151.13 (2) while the correctional facility continues to operate pending due notice and opportunity
151.14 for written response to the commissioner's notice of intent to issue an order of revocation,
151.15 the commissioner identifies one or more subsequent violations of minimum standards which
151.16 may adversely affect the health or safety of persons confined or incarcerated in the facility,
151.17 staff, law enforcement, visitors, or the public.
- 151.18 A notice stating the reasons for the immediate suspension informing the facility
151.19 administrator must be delivered by personal service to the correctional facility administrator
151.20 and the governing board of the facility.
- 151.21 Sec. 9. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision to
151.22 read:
- 151.23 Subd. 1d. **Public notice of restriction, revocation, or suspension.** If the license of a
151.24 facility under this section is revoked or suspended, or use of the facility is restricted for any
151.25 reason under a conditional license order, the commissioner shall post the facility, the status
151.26 of the facility's license, and the reason for the restriction, revocation, or suspension publicly
151.27 and on the department's website.
- 151.28 Sec. 10. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision
151.29 to read:
- 151.30 Subd. 1e. **Reconsideration of orders; appeals.** (a) If the facility administrator believes
151.31 the correction order, conditional license order, or revocation order is in error, the facility
152.1 administrator may ask the Department of Corrections to reconsider the parts of the order or
152.2 action that are alleged to be in error. The request for reconsideration must:
- 152.3 (1) be made in writing;
- 152.4 (2) be postmarked and sent to the commissioner no later than 30 calendar days after
152.5 receipt of the correction order, conditional license order, or revocation order;
- 152.6 (3) specify the parts of the order that are alleged to be in error;
- 152.7 (4) explain why the correction order, conditional license order, or revocation order is in
152.8 error; and
- 152.9 (5) include documentation to support the allegation of error.
- 152.10 The commissioner shall issue a disposition within 60 days of receipt of the facility
152.11 administrator's response to correction, conditional license, or revocation order violations.
152.12 A request for reconsideration does not stay any provisions or requirements of the order.

152.13 (b) The facility administrator may request reconsideration of an order immediately
152.14 suspending a license. The request for reconsideration of an order immediately suspending
152.15 a license must be made in writing and sent by certified mail, personal service, or other means
152.16 expressly stated in the commissioner's order. If mailed, the request for reconsideration must
152.17 be postmarked and sent to the commissioner no later than five business days after the facility
152.18 administrator receives notice that the license has been immediately suspended. If a request
152.19 is made by personal service, it must be received by the commissioner no later than five
152.20 business days after the facility administrator received the order. The request for
152.21 reconsideration must:

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

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

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

152.25 A facility administrator and the governing board of the facility shall discontinue operation
152.26 of the correctional facility upon receipt of the commissioner's order to immediately suspend
152.27 the license.

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

153.1 The commissioner's disposition of a request for reconsideration of correction, conditional
153.2 license, temporary immediate suspension, or revocation order is final and subject to appeal.
153.3 The facility administrator must request reconsideration as required by this section of any
153.4 correction, conditional license, temporary immediate suspension, or revocation order prior
153.5 to appeal.

153.6 No later than 60 days after the postmark date of the mailed notice of the commissioner's
153.7 decision on a request for reconsideration, the facility administrator may appeal the decision
153.8 by filing for a writ of certiorari with the court of appeals under section 606.01 and Minnesota
153.9 Rules of Civil Appellate Procedure, Rule 115.

153.10 Sec. 11. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision
153.11 to read:

153.12 Subd. 1f. **Report.** By February 15, 2022, and by February 15 each year thereafter, the
153.13 commissioner of corrections shall report to the chairs and ranking minority members of the
153.14 house of representatives and senate committees and divisions with jurisdiction over public
153.15 safety and judiciary on the status of the implementation of the provisions in this section
153.16 over the prior year, particularly the health and safety of individuals confined or incarcerated

- 153.17 in a state correctional facility and a facility licensed by the commissioner. This report shall
153.18 include but not be limited to data regarding:
- 153.19 (1) the number of confined or incarcerated persons who died while committed to the
153.20 custody of the facility, regardless of whether the death occurred at the facility or after
153.21 removal from the facility for medical care stemming from an incident or need for medical
153.22 care at the correctional facility, including aggregated demographic information and the
153.23 correctional facilities' most recent inspection reports and any corrective orders or conditional
153.24 licenses issued;
- 153.25 (2) the aggregated results of the death reviews by facility as required by subdivision 8,
153.26 including any implemented policy changes;
- 153.27 (3) the number of uses of force by facility staff on persons confined or incarcerated in
153.28 the correctional facility, including but not limited to whether those uses of force were
153.29 determined to be justified by the facility, for which the commissioner of corrections shall
153.30 consult with the Minnesota Sheriffs' Association and a representative from the Minnesota
153.31 Association of Community Corrections Act Counties who is responsible for the operations
153.32 of an adult correctional facility to develop criteria for reporting and define reportable uses
153.33 of force;
- 154.1 (4) the number of suicide attempts, number of people transported to a medical facility,
154.2 and number of people placed in segregation;
- 154.3 (5) the number of persons committed to the commissioner of corrections' custody that
154.4 the commissioner is housing in facilities licensed under subdivision 1, including but not
154.5 limited to:
- 154.6 (i) aggregated demographic data of those individuals;
- 154.7 (ii) length of time spent housed in a licensed correctional facility; and
- 154.8 (iii) any contracts the Department of Corrections has with correctional facilities to provide
154.9 housing; and
- 154.10 (6) summary data from state correctional facilities regarding complaints involving alleged
154.11 on-duty staff misconduct, including but not limited to the:
- 154.12 (i) total number of misconduct complaints and investigations;
- 154.13 (ii) total number of complaints by each category of misconduct, as defined by the
154.14 commissioner of corrections;
- 154.15 (iii) number of allegations dismissed as unfounded;
- 154.16 (iv) number of allegations dismissed on grounds that the allegation was unsubstantiated;
154.17 and

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

154.20 Sec. 12. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision
154.21 to read:

154.22 Subd. 1g. **Biennial assessment and audit of security practices; state correctional**
154.23 **facilities.** (a) Beginning in 2022, the commissioner shall have the department's inspection
154.24 unit conduct biennial security audits of each state correctional facility using the standards
154.25 promulgated by the state correctional facilities security audit group. The unit must prepare
154.26 a report for each assessment and audit and submit the report to the state correctional facilities
154.27 security audit group within 30 days of completion of the audit.

154.28 (b) Corrections and detention confidential data, as defined in section 13.85, subdivision
154.29 3, that is contained in reports and records of the group maintain that classification, regardless
154.30 of the data's classification in the hands of the person who provided the data, and are not
154.31 subject to discovery or introduction into evidence in a civil or criminal action against the
155.1 state arising out of the matters the group is reviewing. Information, documents, and records
155.2 otherwise available from other sources are not immune from discovery or use in a civil or
155.3 criminal action solely because they were acquired during the group's audit. This section
155.4 does not limit a person who presented information to the group or who is a member of the
155.5 group from testifying about matters within the person's knowledge. However, in a civil or
155.6 criminal proceeding, a person may not be questioned about the person's good faith
155.7 presentation of information to the group or opinions formed by the person as a result of the
155.8 group's audits.

155.9 Sec. 13. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision
155.10 to read:

155.11 Subd. 1h. **State correctional facilities security audit group.** (a) Beginning in fiscal
155.12 year 2022, the commissioner shall form a state correctional facilities security audit group.
155.13 The group must consist of the following members:

155.14 (1) a department employee who is not assigned to the correctional institutions division,
155.15 appointed by the commissioner;

155.16 (2) the ombudsperson for corrections;

155.17 (3) an elected sheriff or designee nominated by the Minnesota Sheriffs Association and
155.18 appointed by the commissioner;

155.19 (4) a physical plant safety consultant, appointed by the governor;

155.20 (5) a private security consultant with expertise in correctional facility security, appointed
155.21 by the governor;

155.22 (6) two senators, one appointed by the senate majority leader and one appointed by the
155.23 minority leader; and

155.24 (7) two representatives, one appointed by the speaker of the house and one appointed
155.25 by the minority leader of the house of representatives.

155.26 (b) By January 1, 2022, the group shall establish security audit standards for state
155.27 correctional facilities. In developing the standards, the group, or individual members of the
155.28 group, may gather information from state correctional facilities and state correctional staff
155.29 and inmates. The security audit group must periodically review the standards and modify
155.30 them as needed. The group must report the standards to the chairs and ranking minority
155.31 members of the house of representatives and senate committees with jurisdiction over public
155.32 safety policy and finance by February 15, 2022.

156.1 (c) The group shall review facility audit reports submitted to the group by the agency's
156.2 inspection unit. Notwithstanding any law to the contrary, the group is entitled to review the
156.3 full audit reports including corrections and detention confidential data. Within 60 days of
156.4 receiving an audit report from the department's inspection unit, the group must make
156.5 recommendations to the commissioner. Within 45 days of receiving the group's
156.6 recommendations, the commissioner must reply in writing to the group's findings and
156.7 recommendations. The commissioner's response must explain whether the agency will
156.8 implement the group's recommendations, the timeline for implementation of the changes,
156.9 and, if not, why the commissioner will not or cannot implement the group's recommendations.

156.10 (d) Beginning in 2023, the commissioner must include a written aggregate of the group's
156.11 recommendations based on each security audit and assessment of a state correctional facility
156.12 and the commissioner's responses to the recommendations in the biennial report required
156.13 under section 241.016, subdivision 1. The commissioner shall not include corrections and
156.14 detention confidential data, as defined in section 13.85, subdivision 3, in the commissioner's
156.15 report to the legislature.

156.16 (e) The commissioner shall provide staffing and administrative support to the group.

156.17 Sec. 14. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision
156.18 to read:

156.19 Subd. 1i. **Definition.** As used in this section, "correctional facility" means any facility,
156.20 including a group home, having a residential component, the primary purpose of which is
156.21 to serve persons placed in facilities by a court, court services department, parole authority,
156.22 or other correctional agency having dispositional power over persons charged with, convicted,
156.23 or adjudicated guilty or delinquent.

156.24 Sec. 15. Minnesota Statutes 2020, section 241.021, subdivision 2a, is amended to read:

156.25 Subd. 2a. **Affected municipality; notice.** The commissioner must not ~~issue~~ grant a
156.26 license without giving 30 calendar days' written notice to any affected municipality or other
156.27 political subdivision unless the facility has a licensed capacity of six or fewer persons and

156.28 is occupied by either the licensee or the group foster home parents. The notification must
156.29 be given before the license is first issuance of a license granted and annually after that time
156.30 if annual notification is requested in writing by any affected municipality or other political
156.31 subdivision. State funds must not be made available to or be spent by an agency or department
156.32 of state, county, or municipal government for payment to a foster care facility licensed under
156.33 subdivision 2 until the provisions of this subdivision have been complied with in full.

157.1 Sec. 16. Minnesota Statutes 2020, section 241.021, subdivision 2b, is amended to read:

157.2 Subd. 2b. **Licensing; facilities; juveniles from outside state.** The commissioner may
157.3 not:

157.4 (1) ~~issue grant~~ a license under this section to operate a correctional facility for the
157.5 detention or confinement of juvenile offenders if the facility accepts juveniles who reside
157.6 outside of Minnesota without an agreement with the entity placing the juvenile at the facility
157.7 that obligates the entity to pay the educational expenses of the juvenile; or

157.8 (2) renew a license under this section to operate a correctional facility for the detention
157.9 or confinement of juvenile offenders if the facility accepts juveniles who reside outside of
157.10 Minnesota without an agreement with the entity placing the juvenile at the facility that
157.11 obligates the entity to pay the educational expenses of the juvenile.

157.12 Sec. 17. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision
157.13 to read:

157.14 Subd. 2c. **Searches.** The commissioner shall not grant a license to any county,
157.15 municipality, or agency to operate a facility for the detention, care, and training of delinquent
157.16 children and youth unless the county, municipality, or agency institutes a policy strictly
157.17 prohibiting the visual inspection of breasts, buttocks, or genitalia of children and youth
157.18 received by the facility except during a health care procedure conducted by a medically
157.19 licensed person.

157.20 Sec. 18. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision
157.21 to read:

157.22 Subd. 2d. **Disciplinary room time.** The commissioner shall not grant a license to any
157.23 county, municipality, or agency to operate a facility for the detention, care, and training of
157.24 delinquent children and youth unless the county, municipality, or agency institutes a policy
157.25 strictly prohibiting the use of disciplinary room time for children and youth received by the
157.26 facility. Seclusion used in emergency situations as a response to imminent danger to the
157.27 resident or others, when less restrictive interventions are determined to be ineffective, is
157.28 not a violation of this subdivision.

157.29 Sec. 19. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision
157.30 to read:

157.31 Subd. 7. **Intake release of information.** All correctional facilities that confine or
157.32 incarcerate adults are required at intake to provide each person an authorization form to

158.1 release information related to that person's health or mental health condition and when that
158.2 information should be shared. This release form shall allow the individual to select if the
158.3 individual wants to require the correctional facility to make attempts to contact the designated
158.4 person to facilitate the sharing of health condition information upon incapacitation or if the
158.5 individual becomes unable to communicate or direct the sharing of this information, so long
158.6 as contact information was provided and the incapacitated individual or individual who is
158.7 unable to communicate or direct the sharing of this information is not subject to a court
158.8 order prohibiting contact with the designated person.

158.9 Sec. 20. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision
158.10 to read:

158.11 Subd. 8. **Death review teams.** In the event a correctional facility as defined in subdivision
158.12 1g receives information of the death of an individual while committed to the custody of the
158.13 facility, regardless of whether the death occurred at the facility or after removal from the
158.14 facility for medical care stemming from an incident or need for medical care at the
158.15 correctional facility, the administrator of the facility, minimally including a medical expert
158.16 of the facility's choosing who did not provide medical services to the individual, and, if
158.17 appropriate, a mental health expert, shall review the circumstances of the death and assess
158.18 for preventable mortality and morbidity, including recommendations for policy or procedure
158.19 change, within 90 days of death. The investigating law enforcement agency may provide
158.20 documentation, participate in, or provide documentation and participate in the review in
158.21 instances where criminal charges were not brought. A preliminary autopsy report must be
158.22 provided as part of the review and any subsequent autopsy findings as available. The facility
158.23 administrator shall provide notice to the commissioner of corrections via the Department
158.24 of Corrections detention information system that the correctional facility has conducted a
158.25 review and identify any recommendations for changes in policy, procedure, or training that
158.26 will be implemented. Any report or other documentation created for purposes of a facility
158.27 death review is confidential as defined in section 13.02, subdivision 3. Nothing in this
158.28 section relieves the facility administrator from complying with the notice of death to the
158.29 commissioner as required by subdivision 1, paragraph (a).

158.30 Sec. 21. Minnesota Statutes 2020, section 241.025, subdivision 1, is amended to read:

158.31 Subdivision 1. **Authorization.** The commissioner of corrections may appoint peace
158.32 officers, as defined in section 626.84, subdivision 1, paragraph (c), who shall serve in the
158.33 classified service subject to the provisions of section 43A.01, subdivision 2, and establish
158.34 a law enforcement agency, as defined in section 626.84, subdivision 1, paragraph (f), known
159.1 as the Department of Corrections Fugitive Apprehension Unit, to perform the duties necessary
159.2 to make statewide arrests under sections 629.30 and 629.34. The jurisdiction of the law
159.3 enforcement agency is limited to primarily the arrest of Department of Corrections'
159.4 discretionary and statutory released violators and Department of Corrections' escapees. The
159.5 Department of Corrections Fugitive Apprehension Unit may exercise general law enforcement
159.6 duties during the course of official duties, including carrying out law enforcement activities
159.7 in coordination with the law enforcement agency of jurisdiction, investigating criminal

159.8 offenses in agency-operated correctional facilities and surrounding property, and assisting
159.9 other law enforcement agencies upon request.

159.10 Sec. 22. Minnesota Statutes 2020, section 241.025, subdivision 2, is amended to read:

159.11 Subd. 2. **Limitations.** The initial processing of a person arrested by the fugitive
159.12 apprehension unit for an offense ~~within the agency's jurisdiction~~ is the responsibility of the
159.13 fugitive apprehension unit unless otherwise directed by the law enforcement agency with
159.14 primary jurisdiction. A subsequent investigation is the responsibility of the law enforcement
159.15 agency of the jurisdiction ~~in which a new crime is committed~~ unless the law enforcement
159.16 agency authorizes the fugitive apprehension unit to assume the subsequent investigation.
159.17 At the request of the primary jurisdiction, the fugitive apprehension unit may assist in
159.18 subsequent investigations or law enforcement efforts being carried out by the primary
159.19 jurisdiction. Persons arrested for violations that the fugitive apprehension unit determines
159.20 are not within the agency's jurisdiction must be referred to the appropriate local law
159.21 enforcement agency for further investigation or disposition.

159.22 Sec. 23. Minnesota Statutes 2020, section 241.025, subdivision 3, is amended to read:

159.23 Subd. 3. **Policies.** The fugitive apprehension unit must develop and file all policies
159.24 required under state law for law enforcement agencies. The fugitive apprehension unit also
159.25 must develop a policy for contacting law enforcement agencies in a city or county before
159.26 initiating any fugitive surveillance, investigation, or apprehension within the city or county.
159.27 ~~These policies must be filed with the board of peace officers standards and training by~~
159.28 ~~November 1, 2000.~~ Revisions of any of these policies must be filed with the board within
159.29 ten days of the effective date of the revision. The Department of Corrections shall train all
159.30 of its peace officers regarding the application of these policies.

159.31 Sec. 24. **[241.067] RELEASE OF INMATES; DUTIES OF COMMISSIONER.**

29.11 Sec. 2. **[241.067] RELEASE OF INMATES; DUTIES OF COMMISSIONER.**

159.32 Subdivision 1. Duties upon release. When releasing an inmate from prison, the
159.33 commissioner shall provide to the inmate:

160.1 (1) a copy of the inmate's unofficial criminal history compiled by the department and
160.2 marked as unofficial;

160.3 (2) information on how to obtain the inmate's full official criminal history from the
160.4 Bureau of Criminal Apprehension;

160.5 (3) general information describing the laws and processes for obtaining an expungement
160.6 of the inmate's criminal record;

160.7 (4) general information on the inmate's right to vote;

160.8 (5) current information on local career workforce centers in the county in which the
160.9 inmate will reside and, upon the inmate's request, other counties;

160.10 (6) a record of the programs that the inmate completed while in prison;

160.11 (7) an accounting of any court-ordered payments, fines, and fees owed by the inmate

160.12 upon release of which the department has knowledge;

160.13 (8) assistance in obtaining a Social Security card;

160.26 (b) The commissioner, in collaboration with the Department of Public Safety, shall

160.27 facilitate the provision of a state identification card to an inmate at no cost to the inmate

160.28 under the same criteria described in paragraph (a) relating to birth certificates, provided the

160.29 inmate possesses the necessary qualifying documents to obtain the card.

160.14 (9) a medical discharge summary;

160.15 (10) information on how the inmate may obtain a complete copy of the inmate's medical

160.16 record at no charge to the inmate; and

160.30 (c) The commissioner shall inform inmates of the commissioner's duties under paragraphs

160.31 (a) and (b) upon intake and again upon the initiation of release planning.

160.17 (11) general information on the Supplemental Nutrition Assistance Program (SNAP)

160.18 benefits, eligibility criteria, and application process.

160.19 Subd. 2. **Assistance relating to birth certificate and identification cards.** (a) Upon

160.20 the request of an inmate, the commissioner shall assist the inmate in obtaining a copy of

160.21 the inmate's birth certificate at no cost to the inmate. This assistance does not apply to

160.22 inmates who (1) upon intake have six months or less remaining in their term of imprisonment,

160.23 (2) already have an accessible copy of their birth certificate available or other valid

160.24 identification, or (3) already have a valid photograph on file with the Department of Public

160.25 Safety that may be used as proof of identity for renewing an identification document.

161.1 Subd. 3. **Medical assistance or MinnesotaCare application.** At least 45 days before

161.2 the scheduled release of an inmate, the commissioner shall offer to assist the inmate in

161.3 completing an application for medical assistance or MinnesotaCare and shall provide the

161.4 assistance if the inmate accepts the offer.

161.5 Subd. 4. **Medications.** (a) When releasing an inmate from prison, the commissioner

161.6 shall provide the inmate with a one-month supply of any non-narcotic medications that have

161.7 been prescribed to the inmate and a prescription for a 30-day supply of these medications

161.8 that may be refilled twice.

29.12 Subdivision 1. **Assistance relating to identification cards.** (a) Upon the request of an

29.13 inmate, the commissioner, in collaboration with the Department of Public Safety, shall

29.14 facilitate the provision of a state identification card to an inmate at no cost to the inmate,

29.15 provided the inmate possesses the necessary qualifying documents to obtain the card. This

29.16 assistance does not apply to inmates who (1) upon intake have six months or less remaining

29.17 in their term of imprisonment, (2) already have other valid identification, (3) already have

29.18 a valid photograph on file with the Department of Public Safety that may be used as proof

29.19 of identity for renewing an identification document, or (4) are being imprisoned for a release

29.20 violation.

29.21 (b) The commissioner shall inform inmates of the commissioner's duties under paragraph

29.22 (a) upon intake and again upon the initiation of release planning.

29.23 Subd. 2. **Medications.** (a) When releasing an inmate from prison, the commissioner

29.24 shall provide the inmate with a one-month supply of any non-narcotic medications that have

29.25 been prescribed to the inmate and a prescription for a 30-day supply of these medications

29.26 that may be refilled twice.

161.9 (b) Paragraph (a) applies only to the extent the requirement is consistent with clinical
161.10 guidelines and permitted under state and federal law.

161.11 (c) Nothing in this subdivision overrides the requirements in section 244.054.

161.12 Subd. 5. **Exception; release violators.** Subdivisions 1 to 3 do not apply to inmates who
161.13 are being imprisoned for a release violation. Subdivision 4 applies to all inmates being
161.14 released.

161.15 **EFFECTIVE DATE.** This section is effective September 1, 2021, except that the
161.16 requirement in subdivision 1, clause (10), is effective on July 1, 2022.

161.17 Sec. 25. **[241.068] HOMELESSNESS MITIGATION PLAN; ANNUAL REPORTING**
161.18 **ON HOMELESSNESS.**

161.19 Subdivision 1. **Homelessness mitigation plan; report.** (a) The commissioner of
161.20 corrections shall develop and implement a homelessness mitigation plan for individuals
161.21 released from prison. At a minimum, the plan must include:

161.22 (1) redesigning of business practices and policies to boost efforts to prevent homelessness
161.23 for all persons released from prison;

161.24 (2) efforts to increase interagency and intergovernmental collaboration between state
161.25 and local governmental units to identify and leverage shared resources; and

161.26 (3) development of internal metrics for the agency to report on its progress toward
161.27 implementing the plan and achieving the plan's goals.

161.28 (b) The commissioner shall submit the plan to the chairs and ranking minority members
161.29 of the legislative committees having jurisdiction over criminal justice policy and finance
161.30 by October 31, 2022.

161.31 Subd. 2. **Reporting on individuals released to homelessness.** (a) By February 15 of
161.32 each year beginning in 2022, the commissioner shall report to the chairs and ranking minority
162.1 members of the legislative committees having jurisdiction over criminal justice policy and
162.2 finance the following information on adults, disaggregated by race, gender, and county of
162.3 release:

162.4 (1) the total number released to homelessness from prison;

162.5 (2) the total number released to homelessness by each Minnesota correctional facility;

162.6 (3) the total number released to homelessness by county of release; and

162.7 (4) the total number under supervised, intensive supervised, or conditional release
162.8 following release from prison who reported experiencing homelessness or a lack of housing
162.9 stability.

162.10 (b) Beginning with the 2024 report and continuing until the 2033 report, the commissioner
162.11 shall include in the report required under paragraph (a), information detailing progress,

29.27 (b) Paragraph (a) applies only to the extent the requirement is consistent with clinical
29.28 guidelines and permitted under state and federal law.

29.29 (c) Nothing in this subdivision overrides the requirements in section 244.054.

29.30 **EFFECTIVE DATE.** This section is effective September 1, 2021.

30.1 Sec. 3. **[241.068] HOMELESSNESS MITIGATION PLAN; ANNUAL REPORTING**
30.2 **ON HOMELESSNESS.**

30.3 Subdivision 1. **Homelessness mitigation plan; report.** (a) The commissioner of
30.4 corrections shall develop and implement a homelessness mitigation plan for individuals
30.5 released from prison. At minimum, the plan must include:

30.6 (1) redesigning of business practices and policies to boost efforts to prevent homelessness
30.7 for all persons released from prison;

30.8 (2) efforts to increase interagency and intergovernmental collaboration between state
30.9 and local governmental units to identify and leverage shared resources; and

30.10 (3) development of internal metrics for the agency to report on its progress towards
30.11 implementing the plan and achieving the plan's goals.

30.12 (b) The commissioner shall submit the plan to the chairs and ranking minority members
30.13 of the legislative committees having jurisdiction over criminal justice policy and finance
30.14 by October 31, 2022.

30.15 Subd. 2. **Reporting on individuals released to homelessness.** (a) By February 15 of
30.16 each year beginning in 2022, the commissioner shall report to the chairs and ranking minority
30.17 members of the legislative committees having jurisdiction over criminal justice policy and
30.18 finance the following information on adults, disaggregated by race, gender, and county of
30.19 release:

30.20 (1) the total number released to homelessness from prison;

30.21 (2) the total number released to homelessness by each Minnesota correctional facility;

30.22 (3) the total number released to homelessness by county of release; and

30.23 (4) the total number under supervised, intensive supervised, or conditional release
30.24 following release from prison who reported experiencing homelessness or a lack of housing
30.25 stability.

30.26 (b) Beginning with the 2024 report and continuing until the 2033 report, the commissioner
30.27 shall include in the report required under paragraph (a), information detailing progress,

162.12 measures, and challenges to the implementation of the homelessness mitigation plan required
162.13 by subdivision 1.

162.14 **EFFECTIVE DATE.** This section is effective July, 1, 2021.

162.15 Sec. 26. Minnesota Statutes 2020, section 243.48, subdivision 1, is amended to read:

162.16 Subdivision 1. **General searches.** The commissioner of corrections, the state correctional
162.17 facilities audit group, the governor, lieutenant governor, members of the legislature, state
162.18 officers, and the ombudsperson for corrections may visit the inmates at pleasure, but no
162.19 other persons without permission of the chief executive officer of the facility, under rules
162.20 prescribed by the commissioner. A moderate fee may be required of visitors, other than
162.21 those allowed to visit at pleasure. All fees so collected shall be reported and remitted to the
162.22 commissioner of management and budget under rules as the commissioner may deem proper,
162.23 and when so remitted shall be placed to the credit of the general fund.

162.24 Sec. 27. Minnesota Statutes 2020, section 243.52, is amended to read:

162.25 **243.52 DISCIPLINE; PREVENTION OF ESCAPE; DUTY TO REPORT.**

162.26 Subdivision 1. **Discipline and prevention of escape** If any ~~inmate of~~ person confined
162.27 or incarcerated in any adult correctional facility either under the control of the commissioner
162.28 of corrections or licensed by the commissioner of corrections under section 241.021 assaults
162.29 any correctional officer or any other person ~~or inmate,~~ the assaulted person may use force
162.30 in defense of the assault, except as limited in this section. If any ~~inmate~~ confined or
162.31 incarcerated person attempts to damage the buildings or appurtenances, resists the lawful
163.1 authority of any correctional officer, refuses to obey the correctional officer's reasonable
163.2 demands, or attempts to escape, the correctional officer may enforce obedience and discipline
163.3 or prevent escape by the use of force. If any ~~inmate~~ confined or incarcerated person resisting
163.4 lawful authority is wounded or killed by the use of force by the correctional officer or
163.5 assistants, that conduct is authorized under this section.

163.6 Subd. 2. **Use of force.** (a) Use of force must not be applied maliciously or sadistically
163.7 for the purpose of causing harm to a confined or incarcerated person.

163.8 (b) Unless the use of deadly force is justified in this section, a correctional officer working
163.9 in a correctional facility as defined in section 241.021 may not use any of the following
163.10 restraints:

163.11 (1) a choke hold;

163.12 (2) a prone restraint;

163.13 (3) tying all of a person's limbs together behind the person's back to render the person
163.14 immobile; or

30.28 measures, and challenges to the implementation of the homelessness mitigation plan required
30.29 by subdivision 1.

30.30 **EFFECTIVE DATE.** This section is effective July, 1, 2021.

163.15 (4) securing a person in any way that results in transporting the person face down in a
163.16 vehicle, except as directed by a medical professional.

163.17 (c) For the purposes of this subdivision, the following terms have the meanings given
163.18 them:

163.19 (1) "choke hold" means a method by which a person applies sufficient pressure to a
163.20 person to make breathing difficult or impossible, and includes but is not limited to any
163.21 pressure to the neck, throat, or windpipe that may prevent or hinder breathing or reduce
163.22 intake of air. Choke hold also means applying pressure to a person's neck on either side of
163.23 the windpipe, but not to the windpipe itself, to stop the flow of blood to the brain via the
163.24 carotid arteries;

163.25 (2) "prone restraint" means the use of manual restraint that places a person in a face-down
163.26 position; and

163.27 ~~As used in this section, "use of force" means conduct which is defined by sections 609.06~~
163.28 ~~to 609.066. (3) "deadly force" has the meaning given in section 609.066, subdivision 1.~~

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

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

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

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

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

164.6 (2) to effect the capture or prevent the escape of a person when the officer reasonably
164.7 believes that the person will cause death or great bodily harm to another person under the
164.8 threat criteria in clause (1), unless immediately apprehended.

164.9 **Subd. 3. Duty to report.** (a) Regardless of tenure or rank, staff working in a correctional
164.10 facility as defined in section 241.021 who observe another employee engage in neglect or
164.11 use force that exceeds the degree of force permitted by law must report the incident in
164.12 writing as soon as practicable, but no later than 24 hours to the administrator of the
164.13 correctional facility that employs the reporting staff member.

164.14 (b) A staff member who fails to report neglect or excessive use of force within 24 hours
164.15 is subject to disciplinary action or sanction by the correctional facility that employs them.
164.16 Staff members shall suffer no reprisal for reporting another staff member engaged in
164.17 excessive use of force or neglect.

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

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

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

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

164.28 Sec. 28. **[243.95] PRIVATE PRISON CONTRACTS PROHIBITED.**

164.29 The commissioner may not contract with privately owned and operated prisons for the
164.30 care, custody, and rehabilitation of offenders committed to the custody of the commissioner.

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

165.1 Sec. 29. **[244.049] INDETERMINATE SENTENCE RELEASE BOARD.**

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

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

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

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

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

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

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

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

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

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

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

- 165.20 (b) A member is eligible for reappointment.
- 165.21 (c) Vacancies on the board shall be filled in the same manner as the initial appointments
165.22 under subdivision 1.
- 165.23 (d) Member compensation and removal of members on the board shall be as provided
165.24 in section 15.0575.
- 165.25 **Subd. 3. Quorum; administrative duties.** (a) The majority of members constitutes a
165.26 quorum.
- 165.27 (b) The commissioner of corrections shall provide the board with personnel, supplies,
165.28 equipment, office space, and other administrative services necessary and incident to the
165.29 discharge of the functions of the board.
- 166.1 **Subd. 4. Limitation.** Nothing in this section supersedes the commissioner's authority
166.2 to revoke an inmate's release for a violation of the inmate's terms of release or impairs the
166.3 power of the Board of Pardons to grant a pardon or commutation in any case.
- 166.4 **Subd. 5. Report.** On or before February 15 each year, the board shall submit to the
166.5 legislative committees with jurisdiction over criminal justice policy a written report detailing
166.6 the number of inmates reviewed and identifying persons granted release in the preceding
166.7 year. The report shall also include the board's recommendations for policy modifications
166.8 that influence the board's duties.
- 166.9 Sec. 30. Minnesota Statutes 2020, section 244.05, subdivision 5, is amended to read:
- 166.10 **Subd. 5. Supervised release, life sentence.** (a) The ~~commissioner of corrections~~ board
166.11 may, under rules ~~promulgated~~ adopted by the commissioner and upon majority vote of the
166.12 board members, give supervised release to an inmate serving a mandatory life sentence
166.13 under section 609.185, paragraph (a), clause (3), (5), or (6); 609.3455, subdivision 3 or 4;
166.14 609.385; or Minnesota Statutes 2004, section 609.109, subdivision 3, after the inmate has
166.15 served the minimum term of imprisonment specified in subdivision 4.
- 166.16 (b) The ~~commissioner~~ board shall require the preparation of a community investigation
166.17 report and shall consider the findings of the report when making a supervised release decision
166.18 under this subdivision. The report shall reflect the sentiment of the various elements of the
166.19 community toward the inmate, both at the time of the offense and at the present time. The
166.20 report shall include the views of the sentencing judge, the prosecutor, any law enforcement
166.21 personnel who may have been involved in the case, and any successors to these individuals
166.22 who may have information relevant to the supervised release decision. The report shall also
166.23 include the views of the victim and the victim's family unless the victim or the victim's
166.24 family chooses not to participate.
- 166.25 (c) The commissioner shall make reasonable efforts to notify the victim, in advance, of
166.26 the time and place of the inmate's supervised release review hearing. The victim has a right
166.27 to submit an oral or written statement at the review hearing. The statement may summarize
166.28 the harm suffered by the victim as a result of the crime and give the victim's recommendation

166.29 on whether the inmate should be given supervised release at this time. The ~~commissioner~~
166.30 board must consider the victim's statement when making the supervised release decision.

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

167.4 (1) while in prison:

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

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

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

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

167.14 (e) As used in this subdivision:

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

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

167.19 Sec. 31. Minnesota Statutes 2020, section 244.065, is amended to read:

167.20 **244.065 PRIVATE EMPLOYMENT OF INMATES OR SPECIALIZED**
167.21 **PROGRAMMING FOR PREGNANT INMATES OF STATE CORRECTIONAL**
167.22 **INSTITUTIONS IN COMMUNITY.**

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

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

31.1 Sec. 4. Minnesota Statutes 2020, section 244.065, is amended to read:

31.2 **244.065 PRIVATE EMPLOYMENT OF INMATES OR SPECIALIZED**
31.3 **PROGRAMMING FOR PREGNANT INMATES OF STATE CORRECTIONAL**
31.4 **INSTITUTIONS IN COMMUNITY.**

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

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

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

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

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

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

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

168.16 Sec. 32. Minnesota Statutes 2020, section 244.19, subdivision 3, is amended to read:

168.17 Subd. 3. **Powers and duties.** All county probation officers serving a district court shall
168.18 act under the orders of the court in reference to any person committed to their care by the
168.19 court, and in the performance of their duties shall have the general powers of a peace officer;
168.20 and it shall be their duty to make such investigations with regard to any person as may be
168.21 required by the court before, during, or after the trial or hearing, and to furnish to the court
168.22 such information and assistance as may be required; to take charge of any person before,
168.23 during or after trial or hearing when so directed by the court, and to keep such records and
168.24 to make such reports to the court as the court may order.

168.25 All county probation officers serving a district court shall, in addition, provide probation
168.26 and parole services to wards of the commissioner of corrections resident in the counties
168.27 they serve, and shall act under the orders of said commissioner of corrections in reference
168.28 to any ward committed to their care by the commissioner of corrections.

168.29 All probation officers serving a district court shall, under the direction of the authority
168.30 having power to appoint them, initiate programs for the welfare of persons coming within
168.31 the jurisdiction of the court to prevent delinquency and crime and to rehabilitate within the
168.32 community persons who come within the jurisdiction of the court and are properly subject
168.33 to efforts to accomplish prevention and rehabilitation. They shall, under the direction of the
169.1 court, cooperate with all law enforcement agencies, schools, child welfare agencies of a
169.2 public or private character, and other groups concerned with the prevention of crime and
169.3 delinquency and the rehabilitation of persons convicted of crime and delinquency.

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

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

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

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

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

169.4 All probation officers serving a district court shall make monthly and annual reports to
169.5 the commissioner of corrections, on forms furnished by the commissioner, containing such
169.6 information on number of cases cited to the juvenile division of district court, offenses,
169.7 adjudications, dispositions, and related matters as may be required by the commissioner of
169.8 corrections. The reports shall include the information on individuals convicted as an extended
169.9 jurisdiction juvenile identified in section 241.016, subdivision 1, paragraph (c).

169.10 Sec. 33. Minnesota Statutes 2020, section 244.195, subdivision 2, is amended to read:

169.11 Subd. 2. **Detention pending hearing.** When it appears necessary to enforce discipline
169.12 or to prevent a person on conditional release from escaping or absconding from supervision,
169.13 a court services director has the authority to issue a written order directing any peace officer
169.14 or any probation officer in the state serving the district and juvenile courts to detain and
169.15 bring the person before the court or the commissioner, whichever is appropriate, for
169.16 disposition. If the person on conditional release commits a violation described in section
169.17 609.14, subdivision 1a, paragraph (a), the court services director must have a reasonable
169.18 belief that the order is necessary to prevent the person from escaping or absconding from
169.19 supervision or that the continued presence of the person in the community presents a risk
169.20 to public safety before issuing a written order. This written order is sufficient authority for
169.21 the peace officer or probation officer to detain the person for not more than 72 hours,
169.22 excluding Saturdays, Sundays, and holidays, pending a hearing before the court or the
169.23 commissioner.

169.24 Sec. 34. **[260B.008] USE OF RESTRAINTS.**

169.25 (a) As used in this section, "restraints" means a mechanical or other device that constrains
169.26 the movement of a person's body or limbs.

169.27 (b) Restraints may not be used on a child appearing in court in a proceeding under this
169.28 chapter unless the court finds that:

169.29 (1) the use of restraints is necessary:

169.30 (i) to prevent physical harm to the child or another; or

169.31 (ii) to prevent the child from fleeing in situations in which the child presents a substantial
169.32 risk of flight from the courtroom; and

170.1 (2) there are no less restrictive alternatives to restraints that will prevent flight or physical
170.2 harm to the child or another, including but not limited to the presence of court personnel,
170.3 law enforcement officers, or bailiffs.

170.4 The finding in clause (1), item (i), may be based, among other things, on the child having
170.5 a history of disruptive courtroom behavior or behavior while in custody for any current or
170.6 prior offense that has placed others in potentially harmful situations, or presenting a
170.7 substantial risk of inflicting physical harm on the child or others as evidenced by past

170.8 behavior. The court may take into account the physical structure of the courthouse in
170.9 assessing the applicability of the above factors to the individual child.

170.10 (c) The court shall be provided the child's behavior history and shall provide the child
170.11 an opportunity to be heard in person or through counsel before ordering the use of restraints.
170.12 If restraints are ordered, the court shall make findings of fact in support of the order.

170.13 (d) By April 1, 2022, each judicial district shall develop a protocol to address how to
170.14 implement and comply with this section. In developing the protocol, a district shall consult
170.15 with law enforcement agencies, prosecutors, public defenders within the district, and any
170.16 other entity deemed necessary by the district's chief judge.

170.17 **EFFECTIVE DATE.** Paragraphs (a), (b), and (c) are effective April 15, 2022. Paragraph
170.18 (d) is effective the day following final enactment.

170.19 Sec. 35. Minnesota Statutes 2020, section 260B.163, subdivision 1, is amended to read:

170.20 Subdivision 1. **General.** (a) Except for hearings arising under section 260B.425, hearings
170.21 on any matter shall be without a jury and may be conducted in an informal manner, except
170.22 that a child who is prosecuted as an extended jurisdiction juvenile has the right to a jury
170.23 trial on the issue of guilt. The rules of evidence promulgated pursuant to section 480.0591
170.24 and the law of evidence shall apply in adjudicatory proceedings involving a child alleged
170.25 to be delinquent, an extended jurisdiction juvenile, or a juvenile petty offender, and hearings
170.26 conducted pursuant to section 260B.125 except to the extent that the rules themselves provide
170.27 that they do not apply.

170.28 (b) When a continuance or adjournment is ordered in any proceeding, the court may
170.29 make any interim orders as it deems in the best interests of the minor in accordance with
170.30 the provisions of sections 260B.001 to 260B.421.

170.31 (c) Except as otherwise provided in this paragraph, the court shall exclude the general
170.32 public from hearings under this chapter and shall admit only those persons who, in the
170.33 discretion of the court, have a direct interest in the case or in the work of the court. The
171.1 court shall permit the victim of a child's delinquent act to attend any related delinquency
171.2 proceeding, except that the court may exclude the victim:

171.3 (1) as a witness under the Rules of Criminal Procedure; and

171.4 (2) from portions of a certification hearing to discuss psychological material or other
171.5 evidence that would not be accessible to the public.

171.6 The court shall open the hearings to the public in ~~delinquency or extended jurisdiction~~
171.7 ~~juvenile proceedings where the child is alleged to have committed an offense or has been~~
171.8 ~~proven to have committed an offense that would be a felony if committed by an adult and~~
171.9 ~~the child was at least 16 years of age at the time of the offense, except that the court may~~
171.10 ~~exclude the public from portions of a certification hearing to discuss psychological material~~
171.11 ~~or other evidence that would not be accessible to the public in an adult proceeding.~~

171.12 (d) In all delinquency cases a person named in the charging clause of the petition as a
171.13 person directly damaged in person or property shall be entitled, upon request, to be notified
171.14 by the court administrator in writing, at the named person's last known address, of (1) the
171.15 date of the certification or adjudicatory hearings, and (2) the disposition of the case.

171.16 Sec. 36. [260B.1755] ALTERNATIVE TO ARREST OF CERTAIN JUVENILE
171.17 OFFENDERS AUTHORIZED.

171.18 (a) A peace officer who has probable cause to believe that a child is a petty offender or
171.19 delinquent child may refer the child to a program, including restorative programs, that the
171.20 law enforcement agency with jurisdiction over the child deems appropriate.

171.21 (b) If a peace officer or law enforcement agency refers a child to a program under
171.22 paragraph (a), the peace officer or law enforcement agency may defer issuing a citation or
171.23 a notice to the child to appear in juvenile court, transmitting a report to the prosecuting
171.24 authority, or otherwise initiating a proceeding in juvenile court.

171.25 (c) After receiving notice that a child who was referred to a program under paragraph
171.26 (a) successfully completed that program, a peace officer or law enforcement agency shall
171.27 not issue a citation or a notice to the child to appear in juvenile court, transmit a report to
171.28 the prosecuting authority, or otherwise initiate a proceeding in juvenile court for the conduct
171.29 that formed the basis of the referral.

171.30 (d) This section does not apply to peace officers acting pursuant to an order or warrant
171.31 described in section 260B.175, subdivision 1, paragraph (a), or other court order to take a
171.32 child into custody.

172.1 Sec. 37. Minnesota Statutes 2020, section 260B.176, is amended by adding a subdivision
172.2 to read:

172.3 Subd. 1a. Risk assessment instrument. If a peace officer or probation or parole officer
172.4 who took a child into custody does not release the child as provided in subdivision 1, the
172.5 peace officer or probation or parole officer shall communicate with or deliver the child to
172.6 a juvenile secure detention facility to determine whether the child should be released or
172.7 detained. Before detaining a child, the supervisor of the facility shall use an objective and
172.8 racially, ethnically, and gender-responsive juvenile detention risk assessment instrument
172.9 developed by the commissioner of corrections, county, group of counties, or judicial district,
172.10 in consultation with the state coordinator or coordinators of the Minnesota Juvenile Detention
172.11 Alternatives Initiative. The risk assessment instrument must assess the likelihood that a
172.12 child released from preadjudication detention under this section or section 260B.178 would
172.13 endanger others or not return for a court hearing. The instrument must identify the appropriate
172.14 setting for a child who might endanger others or not return for a court hearing pending
172.15 adjudication, with either continued detention or placement in a noncustodial
172.16 community-based supervision setting. The instrument must also identify the type of
172.17 noncustodial community-based supervision setting necessary to minimize the risk that a
172.18 child who is released from custody will endanger others or not return for a court hearing.

172.19 If, after using the instrument, a determination is made that the child should be released, the
172.20 person taking the child into custody or the supervisor of the facility shall release the child
172.21 as provided in subdivision 1.

172.22 **EFFECTIVE DATE.** This section is effective August 15, 2022.

172.23 Sec. 38. Minnesota Statutes 2020, section 260B.176, subdivision 2, is amended to read:

172.24 Subd. 2. **Reasons for detention.** (a) If the child is not released as provided in subdivision
172.25 1, the person taking the child into custody shall notify the court as soon as possible of the
172.26 detention of the child and the reasons for detention.

172.27 (b) No child may be detained in a secure detention facility after being taken into custody
172.28 for a delinquent act as defined in section 260B.007, subdivision 6, unless the child is over
172.29 the age of 12.

172.30 ~~(b)~~ (c) No child may be detained in a juvenile secure detention facility or shelter care
172.31 facility longer than 36 hours, excluding Saturdays, Sundays, and holidays, after being taken
172.32 into custody for a delinquent act as defined in section 260B.007, subdivision 6, unless a
172.33 petition has been filed and the judge or referee determines pursuant to section 260B.178
172.34 that the child shall remain in detention.

173.1 ~~(c)~~ (d) No child may be detained in an adult jail or municipal lockup longer than 24
173.2 hours, excluding Saturdays, Sundays, and holidays, or longer than six hours in an adult jail
173.3 or municipal lockup in a standard metropolitan statistical area, after being taken into custody
173.4 for a delinquent act as defined in section 260B.007, subdivision 6, unless:

173.5 (1) a petition has been filed under section 260B.141; and

173.6 (2) a judge or referee has determined under section 260B.178 that the child shall remain
173.7 in detention.

173.8 After August 1, 1991, no child described in this paragraph may be detained in an adult
173.9 jail or municipal lockup longer than 24 hours, excluding Saturdays, Sundays, and holidays,
173.10 or longer than six hours in an adult jail or municipal lockup in a standard metropolitan
173.11 statistical area, unless the requirements of this paragraph have been met and, in addition, a
173.12 motion to refer the child for adult prosecution has been made under section 260B.125.
173.13 Notwithstanding this paragraph, continued detention of a child in an adult detention facility
173.14 outside of a standard metropolitan statistical area county is permissible if:

173.15 (i) the facility in which the child is detained is located where conditions of distance to
173.16 be traveled or other ground transportation do not allow for court appearances within 24
173.17 hours. A delay not to exceed 48 hours may be made under this clause; or

173.18 (ii) the facility is located where conditions of safety exist. Time for an appearance may
173.19 be delayed until 24 hours after the time that conditions allow for reasonably safe travel.
173.20 "Conditions of safety" include adverse life-threatening weather conditions that do not allow
173.21 for reasonably safe travel.

173.22 The continued detention of a child under clause (i) or (ii) must be reported to the
173.23 commissioner of corrections.

173.24 ~~(c)~~ (e) If a child described in paragraph ~~(e)~~ (d) is to be detained in a jail beyond 24 hours,
173.25 excluding Saturdays, Sundays, and holidays, the judge or referee, in accordance with rules
173.26 and procedures established by the commissioner of corrections, shall notify the commissioner
173.27 of the place of the detention and the reasons therefor. The commissioner shall thereupon
173.28 assist the court in the relocation of the child in an appropriate juvenile secure detention
173.29 facility or approved jail within the county or elsewhere in the state, or in determining suitable
173.30 alternatives. The commissioner shall direct that a child detained in a jail be detained after
173.31 eight days from and including the date of the original detention order in an approved juvenile
173.32 secure detention facility with the approval of the administrative authority of the facility. If
173.33 the court refers the matter to the prosecuting authority pursuant to section 260B.125, notice
173.34 to the commissioner shall not be required.

174.1 ~~(e)~~ (f) When a child is detained for an alleged delinquent act in a state licensed juvenile
174.2 facility or program, or when a child is detained in an adult jail or municipal lockup as
174.3 provided in paragraph ~~(e)~~ (d), the supervisor of the facility shall, if the child's parent or legal
174.4 guardian consents, have a children's mental health screening conducted with a screening
174.5 instrument approved by the commissioner of human services, unless a screening has been
174.6 performed within the previous 180 days or the child is currently under the care of a mental
174.7 health professional. The screening shall be conducted by a mental health practitioner as
174.8 defined in section 245.4871, subdivision 26, or a probation officer who is trained in the use
174.9 of the screening instrument. The screening shall be conducted after the initial detention
174.10 hearing has been held and the court has ordered the child continued in detention. The results
174.11 of the screening may only be presented to the court at the dispositional phase of the court
174.12 proceedings on the matter unless the parent or legal guardian consents to presentation at a
174.13 different time. If the screening indicates a need for assessment, the local social services
174.14 agency or probation officer, with the approval of the child's parent or legal guardian, shall
174.15 have a diagnostic assessment conducted, including a functional assessment, as defined in
174.16 section 245.4871.

174.17 Sec. 39. Minnesota Statutes 2020, section 260C.007, subdivision 6, is amended to read:

174.18 Subd. 6. **Child in need of protection or services.** "Child in need of protection or
174.19 services" means a child who is in need of protection or services because the child:

174.20 (1) is abandoned or without parent, guardian, or custodian;

174.21 (2)(i) has been a victim of physical or sexual abuse as defined in section 260E.03,
174.22 subdivision 18 or 20, (ii) resides with or has resided with a victim of child abuse as defined
174.23 in subdivision 5 or domestic child abuse as defined in subdivision 13, (iii) resides with or
174.24 would reside with a perpetrator of domestic child abuse as defined in subdivision 13 or child
174.25 abuse as defined in subdivision 5 or 13, or (iv) is a victim of emotional maltreatment as
174.26 defined in subdivision 15;

174.27 (3) is without necessary food, clothing, shelter, education, or other required care for the
174.28 child's physical or mental health or morals because the child's parent, guardian, or custodian
174.29 is unable or unwilling to provide that care;

174.30 (4) is without the special care made necessary by a physical, mental, or emotional
174.31 condition because the child's parent, guardian, or custodian is unable or unwilling to provide
174.32 that care;

175.1 (5) is medically neglected, which includes, but is not limited to, the withholding of
175.2 medically indicated treatment from an infant with a disability with a life-threatening
175.3 condition. The term "withholding of medically indicated treatment" means the failure to
175.4 respond to the infant's life-threatening conditions by providing treatment, including
175.5 appropriate nutrition, hydration, and medication which, in the treating physician's or advanced
175.6 practice registered nurse's reasonable medical judgment, will be most likely to be effective
175.7 in ameliorating or correcting all conditions, except that the term does not include the failure
175.8 to provide treatment other than appropriate nutrition, hydration, or medication to an infant
175.9 when, in the treating physician's or advanced practice registered nurse's reasonable medical
175.10 judgment:

175.11 (i) the infant is chronically and irreversibly comatose;

175.12 (ii) the provision of the treatment would merely prolong dying, not be effective in
175.13 ameliorating or correcting all of the infant's life-threatening conditions, or otherwise be
175.14 futile in terms of the survival of the infant; or

175.15 (iii) the provision of the treatment would be virtually futile in terms of the survival of
175.16 the infant and the treatment itself under the circumstances would be inhumane;

175.17 (6) is one whose parent, guardian, or other custodian for good cause desires to be relieved
175.18 of the child's care and custody, including a child who entered foster care under a voluntary
175.19 placement agreement between the parent and the responsible social services agency under
175.20 section 260C.227;

175.21 (7) has been placed for adoption or care in violation of law;

175.22 (8) is without proper parental care because of the emotional, mental, or physical disability,
175.23 or state of immaturity of the child's parent, guardian, or other custodian;

175.24 (9) is one whose behavior, condition, or environment is such as to be injurious or
175.25 dangerous to the child or others. An injurious or dangerous environment may include, but
175.26 is not limited to, the exposure of a child to criminal activity in the child's home;

175.27 (10) is experiencing growth delays, which may be referred to as failure to thrive, that
175.28 have been diagnosed by a physician and are due to parental neglect;

175.29 (11) is a sexually exploited youth;

175.30 (12) has committed a delinquent act or a juvenile petty offense before becoming ~~ten~~ 13
175.31 years old;

175.32 (13) is a runaway;

176.1 (14) is a habitual truant;

176.2 (15) has been found incompetent to proceed or has been found not guilty by reason of
176.3 mental illness or mental deficiency in connection with a delinquency proceeding, a
176.4 certification under section 260B.125, an extended jurisdiction juvenile prosecution, or a
176.5 proceeding involving a juvenile petty offense; or

176.6 (16) has a parent whose parental rights to one or more other children were involuntarily
176.7 terminated or whose custodial rights to another child have been involuntarily transferred to
176.8 a relative and there is a case plan prepared by the responsible social services agency
176.9 documenting a compelling reason why filing the termination of parental rights petition under
176.10 section 260C.503, subdivision 2, is not in the best interests of the child.

176.11 Sec. 40. Minnesota Statutes 2020, section 401.025, subdivision 1, is amended to read:

176.12 Subdivision 1. **Peace officers and probation officers serving CCA counties.** (a) When
176.13 it appears necessary to enforce discipline or to prevent a person on conditional release from
176.14 escaping or absconding from supervision, the chief executive officer or designee of a
176.15 community corrections agency in a CCA county has the authority to issue a written order
176.16 directing any peace officer or any probation officer in the state serving the district and
176.17 juvenile courts to detain and bring the person before the court or the commissioner, whichever
176.18 is appropriate, for disposition. If the person on conditional release commits a violation
176.19 described in section 609.14, subdivision 1a, paragraph (a), the chief executive officer or
176.20 designee must have a reasonable belief that the order is necessary to prevent the person
176.21 from escaping or absconding from supervision or that the continued presence of the person
176.22 in the community presents a risk to public safety before issuing a written order. This written
176.23 order is sufficient authority for the peace officer or probation officer to detain the person
176.24 for not more than 72 hours, excluding Saturdays, Sundays, and holidays, pending a hearing
176.25 before the court or the commissioner.

176.26 (b) The chief executive officer or designee of a community corrections agency in a CCA
176.27 county has the authority to issue a written order directing a peace officer or probation officer
176.28 serving the district and juvenile courts to release a person detained under paragraph (a)
176.29 within 72 hours, excluding Saturdays, Sundays, and holidays, without an appearance before
176.30 the court or the commissioner. This written order is sufficient authority for the peace officer
176.31 or probation officer to release the detained person.

176.32 (c) The chief executive officer or designee of a community corrections agency in a CCA
176.33 county has the authority to issue a written order directing any peace officer or any probation
176.34 officer serving the district and juvenile courts to detain any person on court-ordered pretrial
177.1 release who absconds from pretrial release or fails to abide by the conditions of pretrial

177.2 release. A written order issued under this paragraph is sufficient authority for the peace
177.3 officer or probation officer to detain the person.

177.4 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to violations
177.5 that occur on or after that date.

177.6 Sec. 41. Minnesota Statutes 2020, section 401.06, is amended to read:

177.7 **401.06 COMPREHENSIVE PLAN; STANDARDS OF ELIGIBILITY;**
177.8 **COMPLIANCE.**

177.9 No county or group of counties electing to provide correctional services pursuant to
177.10 sections 401.01 to 401.16 shall be eligible for the subsidy herein provided unless and until
177.11 its comprehensive plan shall have been approved by the commissioner. The commissioner
177.12 shall, pursuant to the Administrative Procedure Act, promulgate rules establishing standards
177.13 of eligibility for counties to receive funds under sections 401.01 to 401.16. To remain eligible
177.14 for subsidy counties shall maintain substantial compliance with the minimum standards
177.15 established pursuant to sections 401.01 to 401.16 and the policies and procedures governing
177.16 the services described in section 401.025 as prescribed by the commissioner. Counties shall
177.17 also be in substantial compliance with other correctional operating standards permitted by
177.18 law and established by the commissioner and shall report statistics required by the
177.19 commissioner including but not limited to information on individuals convicted as an
177.20 extended jurisdiction juvenile identified in section 241.016, subdivision 1, paragraph (c).
177.21 The commissioner shall review annually the comprehensive plans submitted by participating
177.22 counties, including the facilities and programs operated under the plans. The commissioner
177.23 is hereby authorized to enter upon any facility operated under the plan, and inspect books
177.24 and records, for purposes of recommending needed changes or improvements.

177.25 When the commissioner shall determine that there are reasonable grounds to believe
177.26 that a county or group of counties is not in substantial compliance with minimum standards,
177.27 at least 30 days' notice shall be given to the county or counties and a hearing conducted by
177.28 the commissioner to ascertain whether there is substantial compliance or satisfactory progress
177.29 being made toward compliance. The commissioner may suspend all or a portion of any
177.30 subsidy until the required standard of operation has been met.

177.31 Sec. 42. Minnesota Statutes 2020, section 609.14, subdivision 1, is amended to read:

177.32 Subdivision 1. **Grounds.** (a) When it appears that the defendant has violated any of the
177.33 conditions of probation or intermediate sanction, or has otherwise been guilty of misconduct
178.1 which warrants the imposing or execution of sentence, the court may without notice revoke
178.2 the stay and direct that the defendant be taken into immediate custody. Revocation should
178.3 only be used as a last resort when rehabilitation has failed.

178.4 (b) When it appears that the defendant violated any of the conditions of probation during
178.5 the term of the stay, but the term of the stay has since expired, the defendant's probation
178.6 officer or the prosecutor may ask the court to initiate probation revocation proceedings
178.7 under the Rules of Criminal Procedure at any time within six months after the expiration

178.8 of the stay. The court also may initiate proceedings under these circumstances on its own
178.9 motion. If proceedings are initiated within this six-month period, the court may conduct a
178.10 revocation hearing and take any action authorized under rule 27.04 at any time during or
178.11 after the six-month period.

178.12 (c) Notwithstanding the provisions of section 609.135 or any law to the contrary, after
178.13 proceedings to revoke the stay have been initiated by a court order revoking the stay and
178.14 directing either that the defendant be taken into custody or that a summons be issued in
178.15 accordance with paragraph (a), the proceedings to revoke the stay may be concluded and
178.16 the summary hearing provided by subdivision 2 may be conducted after the expiration of
178.17 the stay or after the six-month period set forth in paragraph (b). The proceedings to revoke
178.18 the stay shall not be dismissed on the basis that the summary hearing is conducted after the
178.19 term of the stay or after the six-month period. The ability or inability to locate or apprehend
178.20 the defendant prior to the expiration of the stay or during or after the six-month period shall
178.21 not preclude the court from conducting the summary hearing unless the defendant
178.22 demonstrates that the delay was purposefully caused by the state in order to gain an unfair
178.23 advantage.

178.24 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to violations
178.25 that occur on or after that date.

178.26 Sec. 43. Minnesota Statutes 2020, section 609.14, is amended by adding a subdivision to
178.27 read:

178.28 **Subd. 1a. Violations where policies favor continued rehabilitation.** (a) Correctional
178.29 treatment is better provided through a community resource than through confinement, it
178.30 would not unduly depreciate the seriousness of the violation if probation was not revoked,
178.31 and the policies favoring probation outweigh the need for confinement if a person has not
178.32 previously violated a condition of probation or intermediate sanction and does any of the
178.33 following in violation of a condition imposed by the court:

179.1 (1) fails to abstain from the use of controlled substances without a valid prescription,
179.2 unless the person is under supervision for a violation of:

179.3 (i) section 169A.20;

179.4 (ii) 609.2112, subdivision 1, paragraph (a), clauses (2) to (6); or

179.5 (iii) 609.2113, subdivision 1, clauses (2) to (6), subdivision 2, clauses (2) to (6), or
179.6 subdivision 3, clauses (2) to (6);

179.7 (2) fails to abstain from the use of alcohol, unless the person is under supervision for a
179.8 violation of:

179.9 (i) section 169A.20;

179.10 (ii) 609.2112, subdivision 1, paragraph (a), clauses (2) to (6); or

- 179.11 (iii) 609.2113, subdivision 1, clauses (2) to (6), subdivision 2, clauses (2) to (6), or
179.12 subdivision 3, clauses (2) to (6);
- 179.13 (3) possesses drug paraphernalia in violation of section 152.092;
- 179.14 (4) fails to obtain or maintain employment;
- 179.15 (5) fails to pursue a course of study or vocational training;
- 179.16 (6) fails to report a change in employment, unless the person is prohibited from having
179.17 contact with minors and the employment would involve such contact;
- 179.18 (7) violates a curfew;
- 179.19 (8) fails to report contact with a law enforcement agency, unless the person was charged
179.20 with a misdemeanor, gross misdemeanor, or felony; or
- 179.21 (9) commits any offense for which the penalty is a petty misdemeanor.
- 179.22 (b) A violation by a person described in paragraph (a) does not warrant the imposition
179.23 or execution of sentence and the court may not direct that the person be taken into immediate
179.24 custody unless the court receives a written report, signed under penalty of perjury pursuant
179.25 to section 358.116, showing probable cause to believe the person violated probation and
179.26 establishing by a preponderance of the evidence that the continued presence of the person
179.27 in the community would present a risk to public safety. If the court does not direct that the
179.28 person be taken into custody, the court may request a supplemental report from the
179.29 supervising agent containing:
- 179.30 (1) the specific nature of the violation;
- 180.1 (2) the response of the person under supervision to the violation, if any; and
- 180.2 (3) the actions the supervising agent has taken or will take to address the violation.
- 180.3 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to violations
180.4 that occur on or after that date.
- 180.5 **Sec. 44. [641.015] PLACEMENT IN PRIVATE PRISONS PROHIBITED.**
- 180.6 Subdivision 1. **Placement prohibited.** After August 1, 2021, a sheriff shall not allow
180.7 inmates committed to the custody of the sheriff to be housed in facilities that are not owned
180.8 and operated by a local government, or a group of local units of government.
- 180.9 Subd. 2. **Contracts prohibited.** The county board may not authorize the sheriff to
180.10 contract with privately owned and operated prisons for the care, custody, and rehabilitation
180.11 of offenders committed to the custody of the sheriff.
- 180.12 **EFFECTIVE DATE.** This section is effective the day following final enactment.

180.13 Sec. 45. Laws 2017, chapter 95, article 3, section 30, is amended to read:

180.14 Sec. 30. **ALTERNATIVES TO INCARCERATION PILOT PROGRAM FUND.**

180.15 (a) Agencies providing supervision to offenders on probation, parole, or supervised
180.16 release are eligible for grants funding to facilitate access to community options including,
180.17 but not limited to, inpatient chemical dependency treatment for nonviolent controlled
180.18 substance offenders to address and correct behavior that is, or is likely to result in, a technical
180.19 violation of the conditions of release. For purposes of this section, "nonviolent controlled
180.20 substance offender" is a person who meets the criteria described under Minnesota Statutes,
180.21 section 244.0513, subdivision 2, clauses (1), (2), and (5), and "technical violation" means
180.22 a violation of a court order of probation, condition of parole, or condition of supervised
180.23 release, except an allegation of a subsequent criminal act that is alleged in a formal complaint,
180.24 citation, or petition.

180.25 (b) The Department of Corrections shall ~~establish criteria for selecting grant recipients~~
180.26 ~~and the amount awarded to each grant recipient~~ issue annual funding of \$160,000 to each
180.27 recipient.

180.28 (c) ~~By January 15, 2019,~~ The commissioner of corrections shall submit ~~a~~ an annual
180.29 report to the chairs of the house of representatives and senate committees with jurisdiction
180.30 over public safety policy and finance by January 15 of each year. At a minimum, the report
180.31 must include:

181.1 ~~(1) the total number of grants issued under this program;~~

181.2 ~~(2) the average amount of each grant;~~

181.3 ~~(3)~~ (1) the community services accessed as a result of the grants funding;

181.4 ~~(4)~~ (2) a summary of the type of supervision offenders were under when a grant funding
181.5 was used to help access a community option;

181.6 ~~(5)~~ (3) the number of individuals who completed, and the number who failed to complete,
181.7 programs accessed as a result of this grant funding; and

181.8 ~~(6)~~ (4) the number of individuals who violated the terms of release following participation
181.9 in a program accessed as a result of this grant funding, separating technical violations and
181.10 new criminal offenses;

181.11 (5) the number of individuals who completed or were discharged from probation after
181.12 participating in the program;

181.13 (6) the number of individuals identified in clause (5) who committed a new offense after
181.14 discharge from the program;

181.15 (7) identification of barriers nonviolent controlled substance offenders face in accessing
181.16 community services and a description of how the program navigates those barriers; and

23.27 Sec. 12. Laws 2017, chapter 95, article 3, section 30, is amended to read:

23.28 Sec. 30. **ALTERNATIVES TO INCARCERATION PILOT PROGRAM FUND.**

23.29 (a) Agencies providing supervision to offenders on probation, parole, or supervised
23.30 release are eligible for grants funding to facilitate access to community options including,
23.31 but not limited to, inpatient chemical dependency treatment for nonviolent controlled
24.1 substance offenders to address and correct behavior that is, or is likely to result in, a technical
24.2 violation of the conditions of release. For purposes of this section, "nonviolent controlled
24.3 substance offender" is a person who meets the criteria described under Minnesota Statutes,
24.4 section 244.0513, subdivision 2, clauses (1), (2), and (5), and "technical violation" means
24.5 a violation of a court order of probation, condition of parole, or condition of supervised
24.6 release, except an allegation of a subsequent criminal act that is alleged in a formal complaint,
24.7 citation, or petition.

24.8 (b) The Department of Corrections shall ~~establish criteria for selecting grant recipients~~
24.9 ~~and the amount awarded to each grant recipient~~ issue annual funding of \$160,000 to each
24.10 recipient.

24.11 (c) ~~By January 15, 2019,~~ The commissioner of corrections shall submit ~~a~~ an annual
24.12 report to the chairs of the house of representatives and senate committees with jurisdiction
24.13 over public safety policy and finance by January 15 of each year. At a minimum, the report
24.14 must include:

24.15 ~~(1) the total number of grants issued under this program;~~

24.16 ~~(2) the average amount of each grant;~~

24.17 ~~(3)~~ (1) the community services accessed as a result of the grants funding;

24.18 ~~(4)~~ (2) a summary of the type of supervision offenders were under when a grant funding
24.19 was used to help access a community option;

24.20 ~~(5)~~ (3) the number of individuals who completed, and the number who failed to complete,
24.21 programs accessed as a result of this grant funding; and

24.22 ~~(6)~~ (4) the number of individuals who violated the terms of release following participation
24.23 in a program accessed as a result of this grant funding, separating technical violations and
24.24 new criminal offenses;

24.25 (5) the number of individuals who completed or were discharged from probation after
24.26 participating in the program;

24.27 (6) the number of individuals identified in clause (5) who committed a new offense after
24.28 discharge from the program;

24.29 (7) identification of barriers nonviolent controlled substance offenders face in accessing
24.30 community services and a description of how the program navigates those barriers; and

181.17 (8) identification of gaps in existing community services for nonviolent controlled
181.18 substance offenders.

181.19 Sec. 46. **TASK FORCE ON AIDING AND ABETTING FELONY MURDER.**

181.20 Subdivision 1. **Definitions.** As used in this section, the following terms have the meanings
181.21 given:

181.22 (1) "aiding and abetting" means a person who is criminally liable for a crime committed
181.23 by another because that person intentionally aided, advised, hired, counseled, or conspired
181.24 with or otherwise procured the other to commit the crime; and

181.25 (2) "felony murder" means a violation of Minnesota Statutes, section 609.185, paragraph
181.26 (a), clause (2), (3), (5), (6), or (7); or 609.19, subdivision 2, clause (1).

181.27 Subd. 2. **Establishment.** The task force on aiding and abetting felony murder is
181.28 established to collect and analyze data on the charging, convicting, and sentencing of people
181.29 for aiding and abetting felony murder; assess whether current laws and practices promote
181.30 public safety and equity in sentencing; and make recommendations to the legislature.

181.31 Subd. 3. **Membership.** (a) The task force consists of the following members:

182.1 (1) two members of the house of representatives, one appointed by the speaker of the
182.2 house and one appointed by the minority leader;

182.3 (2) two members of the senate, one appointed by the majority leader and one appointed
182.4 by the minority leader;

182.5 (3) the commissioner of corrections or a designee;

182.6 (4) the executive director of the Minnesota Sentencing Guidelines Commission or a
182.7 designee;

182.8 (5) the attorney general or a designee;

182.9 (6) the state public defender or a designee;

182.10 (7) the statewide coordinator of the Violent Crime Coordinating Council;

182.11 (8) one defense attorney, appointed by the Minnesota Association of Criminal Defense
182.12 Lawyers;

182.13 (9) three county attorneys, appointed by the Minnesota County Attorneys Association;

24.31 (8) identification of gaps in existing community services for nonviolent controlled
24.32 substance offenders.

27.25 Sec. 16. **REVISOR INSTRUCTION.**

27.26 In the next edition of Minnesota Statutes, the revisor of statutes shall codify the
27.27 alternatives to incarceration pilot project under section 12 to reflect that it is a permanent
27.28 program. The revisor may make editorial and other nonsubstantive language changes to
27.29 accomplish this.

- 182.14 (10) two members representing victims' rights organizations, appointed by the Office
182.15 of Justice Programs director in the Department of Public Safety;
- 182.16 (11) one member of a criminal justice advocacy organization, appointed by the governor;
- 182.17 (12) one member of a statewide civil rights organization, appointed by the governor;
- 182.18 (13) two impacted persons who are directly related to a person who has been convicted
182.19 of felony murder, appointed by the governor; and
- 182.20 (14) one person with expertise regarding the laws and practices of other states relating
182.21 to aiding and abetting felony murder, appointed by the governor.
- 182.22 (b) Appointments must be made no later than July 30, 2021.
- 182.23 (c) The legislative members identified in paragraph (a), clauses (1) and (2), shall serve
182.24 as ex officio, nonvoting members of the task force.
- 182.25 (d) Members shall serve without compensation.
- 182.26 (e) Members of the task force serve at the pleasure of the appointing authority or until
182.27 the task force expires. Vacancies shall be filled by the appointing authority consistent with
182.28 the qualifications of the vacating member required by this subdivision.
- 182.29 Subd. 4. **Officers; meetings.** (a) The task force shall elect a chair and vice-chair and
182.30 may elect other officers as necessary.
- 183.1 (b) The commissioner of corrections shall convene the first meeting of the task force no
183.2 later than August 1, 2021, and shall provide meeting space and administrative assistance
183.3 as necessary for the task force to conduct its work.
- 183.4 (c) The task force shall meet at least monthly or upon the call of its chair. The task force
183.5 shall meet sufficiently enough to accomplish the tasks identified in this section. Meetings
183.6 of the task force are subject to Minnesota Statutes, chapter 13D.
- 183.7 (d) To compile and analyze data, the task force shall request the cooperation and
183.8 assistance of local law enforcement agencies, the Minnesota Sentencing Guidelines
183.9 Commission, the judicial branch, the Bureau of Criminal Apprehension, county attorneys,
183.10 and Tribal governments and may request the cooperation of academics and others with
183.11 experience and expertise in researching the impact of laws criminalizing aiding and abetting
183.12 felony murder.
- 183.13 Subd. 5. **Duties.** (a) The task force shall, at a minimum:
- 183.14 (1) collect and analyze data on charges, convictions, and sentences for aiding and abetting
183.15 felony murder;

- 183.16 (2) collect and analyze data on sentences for aiding and abetting felony murder in which
183.17 a person received a mitigated durational departure because the person played a minor or
183.18 passive role in the crime or participated under circumstances of coercion or duress;
- 183.19 (3) collect and analyze data on charges, convictions, and sentences for codefendants of
183.20 people sentenced for aiding and abetting felony murder;
- 183.21 (4) review relevant state statutes and state and federal court decisions;
- 183.22 (5) receive input from individuals who were convicted of aiding and abetting felony
183.23 murder;
- 183.24 (6) receive input from family members of individuals who were victims of felony murder;
- 183.25 (7) analyze the benefits and unintended consequences of Minnesota Statutes and practices
183.26 related to the charging, convicting, and sentencing of people for aiding and abetting felony
183.27 murder including but not limited to an analysis of whether current statutes and practice:
- 183.28 (i) promote public safety; and
183.29 (ii) properly punish people for their role in an offense; and
- 183.30 (8) make recommendations for legislative action, if any, on laws affecting:
- 183.31 (i) the collection and reporting of data; and
184.1 (ii) the charging, convicting, and sentencing of people for aiding and abetting felony
184.2 murder.
- 184.3 (b) At its discretion, the task force may examine, as necessary, other related issues
184.4 consistent with this section.
- 184.5 Subd. 6. **Report.** On or before January 15, 2022, the task force shall submit a report to
184.6 the chairs and ranking minority members of the house of representatives and senate
184.7 committees and divisions with jurisdiction over criminal sentencing on the findings and
184.8 recommendations of the task force.
- 184.9 Subd. 7. **Expiration.** The task force expires the day after submitting its report under
184.10 subdivision 6.
- 184.11 **EFFECTIVE DATE.** This section is effective July 1, 2021.
- 184.12 Sec. 47. **TITLE.**
- 184.13 Sections 5 to 11, 14, 19, 20, and 27 shall be know as the "Hardel Sherrell Act."
- 184.14 Sec. 48. **CORRECTIONAL SUPERVISION WORKING GROUP; TRIBAL**
184.15 **GOVERNMENTS.**
- 184.16 Subdivision 1. **Establishment.** Recognizing the sovereignty of Tribal governments and
184.17 the shared state and Tribal interests in providing effective, responsive, and culturally relevant

184.18 correctional supervision and services, a working group is established to develop policy,
184.19 protocols, and procedures for Minnesota-based federally recognized Indian Tribes to
184.20 participate in the Community Corrections Act subsidy program and make recommendations
184.21 to the legislature on changes to the law to allow for Tribal supervision.

184.22 Subd. 2. **Duties.** The working group shall develop comprehensive recommendations
184.23 that allow a Minnesota-based federally recognized Indian Tribe, as defined in United States
184.24 Code, title 25, section 450b(e), to qualify for a grant provided in Minnesota Statutes, section
184.25 401.01, by meeting and agreeing to the requirements in Minnesota Statutes, section 401.02,
184.26 subdivision 1, excluding the population requirement. The working group shall:

184.27 (1) develop statutory policy language that provides that interested Tribal governments
184.28 may participate in the Community Corrections Act grant program;

184.29 (2) identify Tribal Community Corrections Act supervision jurisdiction parameters such
184.30 as Tribal lands, Tribal enrollment, and recognized Tribal affiliation;

185.1 (3) develop a court process for determining whether an individual shall receive
185.2 correctional supervision and services from a Tribal Community Corrections Act authority;

185.3 (4) develop an effective and relevant formula for determining the amount of community
185.4 corrections aid to be paid to a participating Tribal government; and

185.5 (5) develop legislation to establish conformance with all other requirements in the
185.6 Community Corrections Act.

185.7 Subd. 3. **Members.** The working group must include the following members:

185.8 (1) the commissioner of corrections, or designee;

185.9 (2) the commissioner of human services, or designee;

185.10 (3) the attorney general, or designee;

185.11 (4) a representative of each Minnesota-based federally recognized Indian Tribe appointed
185.12 by each Tribe;

185.13 (5) a representative appointed by the governor;

185.14 (6) a representative appointed by the speaker of the house;

185.15 (7) a representative appointed by the senate majority leader;

185.16 (8) a representative of the State Court Administrators Office appointed by the state court
185.17 administrator;

185.18 (9) Department of Corrections, executive officer of hearings and release;

185.19 (10) Department of Corrections, director of field services;

- 185.20 (11) a representative of the Minnesota Indian Affairs Council appointed by the council;
185.21 and
- 185.22 (12) one representative appointed by each of the following associations:
- 185.23 (i) the Minnesota Association of Community Corrections Act Counties;
- 185.24 (ii) the Minnesota Association of County Probation Officers;
- 185.25 (iii) the Minnesota Sheriffs' Association;
- 185.26 (iv) the Minnesota County Attorney's Association; and
- 185.27 (v) the Association of Minnesota Counties.
- 185.28 Subd. 4. **Meetings.** The commissioner of corrections or a designee shall convene the
185.29 first meeting of the working group no later than October 15, 2021. Members of the working
186.1 group shall elect a chair from among the group's members at the first meeting, and the
186.2 commissioner of corrections or a designee shall serve as the working group's chair until a
186.3 chair is elected.
- 186.4 Subd. 5. **Compensation.** Members of the working group shall serve without
186.5 compensation.
- 186.6 Subd. 6. **Administrative support.** The commissioner of corrections shall provide
186.7 administrative support staff and meeting space for the working group.
- 186.8 Subd. 7. **Report.** The working group shall prepare and submit a report to the chairs of
186.9 the house of representatives and senate committees and divisions with jurisdiction over
186.10 public safety not later than March 15, 2022. The working group's report shall minimally
186.11 include statutory policy language that provides that interested Tribal governments may
186.12 participate in the Community Corrections Act grant program.
- 186.13 Subd. 8. **Expiration.** The working group expires the earlier of March 16, 2022, or the
186.14 day after the working group submits the report under subdivision 7.
- 186.15 **EFFECTIVE DATE.** This section is effective the day following final enactment.