

186.16

**ARTICLE 12**

186.17

**MINNESOTA REHABILITATION AND REINVESTMENT ACT**

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

186.19

**244.03 REHABILITATIVE PROGRAMS.**

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

186.28

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

187.1

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

187.5

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

187.7

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

187.9

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

187.13

187.14 (b) Upon completion of the assessment process, the commissioner shall ensure the  
187.15 development of an individualized program plan, along with identified goals for every person  
187.16 committed to the authority of the Department of Corrections. The individualized program  
187.17 plan shall be holistic in nature in that it identifies intended outcomes for addressing the  
187.18 incarcerated person's needs and risk factors, the individual's identified strengths, and available  
187.19 and needed community supports, including victim safety considerations as required in  
section 244.0552, if applicable.

187.20

187.21 (c) When an individual is committed to the custody of the commissioner for a crime  
resulting in harm against a person or persons, the commissioner shall provide opportunity

187.22 for input during the assessment and program plan process. Victim input may include a  
187.23 summary of victim concerns relative to release, concerns related to victim safety during the  
187.24 committed person's term of imprisonment, and requests for imposition of victim safety  
187.25 protocols as additional conditions of imprisonment or supervised release.

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

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

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

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

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

188.14 (1) provide circumstances upon which an incarcerated person may earn incentive release  
188.15 credits, including participation in rehabilitative programming as required under section  
188.16 244.031; and

188.17 (2) address those circumstances where (i) the capacity to provide treatment programming  
188.18 in the correctional facility is diminished but the services are available to the community,  
188.19 and (ii) the conditions under which the incarcerated person could be released to the  
188.20 community-based resource but remain subject to commitment to the commissioner and  
188.21 considered for earned incentive release credit.

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

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

188.26 (a) Earned incentive release credits shall be subtracted from the term of imprisonment  
188.27 but shall not be added to the person's supervised release term. In no case shall the credit

- 188.28 reduce the term of imprisonment to less than one-half of the incarcerated person's executed  
188.29 sentence.
- 188.30 (b) The earned incentive release program is separate and distinct from other legislatively  
188.31 authorized release programs, including the challenge incarceration program, work release,  
188.32 conditional medical release, or Conditional Release of Nonviolent Controlled Substance  
188.33 Offenders program, which may have unique statutory requirements and obligations.
- 189.1 Sec. 5. **[244.034] CERTAIN OFFENSES INELIGIBLE FOR EARNED INCENTIVE**  
189.2 **RELEASE CREDIT.**
- 189.3 (a) A person committed to the commissioner for any of the following offenses shall be  
189.4 ineligible for earned incentive release credit under sections 244.031 to 244.033:
- 189.5 (1) section 609.185, first degree murder, or 609.19, murder in the second degree;
- 189.6 (2) section 609.195, murder in the third degree, or 609.221, assault in the first degree;
- 189.7 (3) section 609.342, first degree criminal sexual conduct, 609.343, second degree criminal  
189.8 sexual conduct, or 609.344, third degree criminal sexual conduct, if the offense was  
189.9 committed with force or violence;
- 189.10 (4) section 609.3455, subdivision 5, dangerous sex offenders, where the court shall  
189.11 specify a minimum term of imprisonment, based on the sentencing guidelines or any  
189.12 applicable mandatory minimum sentence, that must be served before the offender may be  
189.13 considered for supervised release;
- 189.14 (5) section 609.229, subdivision 4, paragraph (b), crimes committed for the benefit of  
189.15 a gang where any person convicted and sentenced as required by section 609.229, subdivision  
189.16 4, paragraph (a), is not eligible for probation, parole, discharge, work release, or supervised  
189.17 release until that person has served the full term of imprisonment as provided by law;
- 189.18 (6) section 152.026 where a person with a mandatory minimum sentence imposed for  
189.19 a first or second degree controlled substance crime is not eligible for probation, parole,  
189.20 discharge, or supervised release until that person has served the full term of imprisonment  
189.21 as provided by law;
- 189.22 (7) a person who was convicted in any other jurisdiction of a crime and the person's  
189.23 supervision was transferred to this state;
- 189.24 (8) section 243.166, subdivision 5, paragraph (e), predatory offender registration;
- 189.25 (9) section 609.11, subdivision 6, use of firearm or dangerous weapon during the  
189.26 commission of certain offenses;
- 189.27 (10) section 609.221, subdivision 2, paragraph (b), use of deadly force against a peace  
189.28 officer, prosecutor, judge, or correctional employee;

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

190.1 (12) a person subject to a conditional release term under section 609.3455, subdivisions  
190.2 6 and 7, whether on the present offense or previous offense for which a term of conditional  
190.3 release remains.

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

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

190.8 Subd. 1b. **Supervised release; offenders who commit crimes on or after August 1,**  
190.9 **1993.** (a) Except as provided in subdivisions 4 and 5, every inmate sentenced to prison for  
190.10 a felony offense committed on or after August 1, 1993, shall serve a supervised release term  
190.11 upon completion of the inmate's term of imprisonment and any disciplinary confinement  
190.12 period imposed by the commissioner due to the inmate's violation of any disciplinary rule  
190.13 adopted by the commissioner or refusal to participate in a rehabilitative program required  
190.14 under section 244.03. The amount of time the inmate serves on supervised release shall be  
190.15 equal in length to the amount of time remaining in the inmate's executed sentence after the  
190.16 inmate has served the term of imprisonment reduced by any earned incentive release credit  
190.17 and any disciplinary confinement period imposed by the commissioner.

190.18 (b) No inmate who violates a disciplinary rule or refuses to participate in a rehabilitative  
190.19 program as required under section 244.03 shall be placed on supervised release until the  
190.20 inmate has served the disciplinary confinement period for that disciplinary sanction or until  
190.21 the inmate is discharged or released from punitive ~~segregation~~ restrictive housing  
190.22 confinement, whichever is later. The imposition of a disciplinary confinement period shall  
190.23 be considered to be a disciplinary sanction imposed upon an inmate, and the procedure for  
190.24 imposing the disciplinary confinement period and the rights of the inmate in the procedure  
190.25 shall be those in effect for the imposition of other disciplinary sanctions at each state  
190.26 correctional institution.

190.27 Sec. 7. **[244.0551] EARNED COMPLIANCE CREDIT AND SUPERVISION**  
190.28 **ABATEMENT STATUS.**

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

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

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

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

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

191.17 (d) A person who is placed on supervision abatement status under this section may not  
191.18 be required to regularly report to a supervised release agent or pay a supervision fee but  
191.19 must continue to obey all laws, report any new criminal charges, and abide by section  
191.20 243.1605 before seeking written authorization to relocate to another state.

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

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

191.25 When an individual is committed to the custody of the commissioner for a crime of  
191.26 violence and is eligible for earned incentive release credit under section 244.032, the  
191.27 commissioner shall make reasonable efforts to notify the victim of the committed person's  
191.28 eligibility for earned incentive release. Victim input may include a summary of victim  
191.29 concerns relative to earned incentive release eligibility, concerns related to victim safety  
191.30 during the committed person's term of imprisonment, and requests for imposition of victim  
191.31 safety protocols as additional conditions of imprisonment or supervised release.

191.32 The commissioner shall consider victim input statements in establishing requirements  
191.33 governing conditions of release. The commissioner shall provide the name and telephone  
192.1 number of the local victim agency serving the jurisdiction of release to any victim providing  
192.2 input on earned incentive release.

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

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

192.8 Sec. 10. [244.0554] INTERSTATE COMPACT.

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

192.14 Sec. 11. [244.0555] REALLOCATION OF EARNED INCENTIVE RELEASE  
192.15 SAVINGS.

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

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

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

192.24 (d) "Incarcerated days saved" means the number of days of an incarcerated person's  
192.25 original sentence minus the number of actual days served, excluding days not served due  
192.26 to death or as a result of time earned in the Challenge Incarceration Program under sections  
192.27 244.17 to 244.173.

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

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

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

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

193.14 Subd. 4. Savings to be transferred to the reallocation revenue account. After the  
193.15 certification in subdivision 3 is completed, the commissioner shall transfer funds from the  
193.16 appropriation from which the savings occurred to the reallocation revenue account according  
193.17 to the allocation in subdivision 5. Transfers shall occur before the final closeout each year.

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

193.20 (1) 25 percent shall be transferred to the Office of Justice Programs in the Department  
193.21 of Public Safety for crime victim services;

193.22 (2) 25 percent shall be transferred to the Community Corrections Act subsidy  
193.23 appropriation and to the Department of Corrections for supervised release and intensive  
193.24 supervision services, based upon a three-year average of the release jurisdiction of supervised  
193.25 releasees and intensive supervised releasees across the state;

193.26 (3) 25 percent shall be transferred to the Department of Corrections for grants to develop  
193.27 and invest in community-based services that support the identified needs of correctionally  
193.28 involved individuals or individuals at risk of criminal justice system involvement, and for  
193.29 sustaining the operation of evidence-based programming and domestic abuse programming  
193.30 in state and local correctional facilities; and

193.31 (4) 25 percent shall be transferred to the general fund.

194.1 Sec. 12. [244.0556] REPORTING REQUIRED.

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

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

194.18 (2) the number of persons granted earned incentive release, the total number of days of  
194.19 incentive release earned, a summary of committing offenses for those individuals who  
194.20 earned incentive release, the most recent calculated per diem, and the demographic data for

- 194.21 all persons eligible for earned incentive release and the reasons and demographic data of  
194.22 those eligible individuals for whom earned incentive release was unearned or denied;
- 194.23 (3) the number of persons who earned supervision abatement status, the total number  
194.24 of days of supervision abatement earned, the committing offenses for those individuals  
194.25 granted supervision abatement status, the number of revocations for reoffense while on  
194.26 supervision abatement status, and the demographic data for all persons eligible for, considered  
194.27 for, granted, or denied supervision abatement status and the reasons supervision abatement  
194.28 status was unearned or denied; and
- 194.29 (4) the number of victims who submitted input, the number of referrals to local  
194.30 victim-serving agencies, and a summary of the kinds of victim services requested.
- 194.31 (b) The commissioner shall solicit feedback on victim-related operational concerns as  
194.32 it relates to the application earned incentive release and supervision abatement status options  
194.33 from the Minnesota Indian Women's Sexual Assault Coalition, Minnesota Alliance on  
194.34 Crime, Minnesota Coalition Against Sexual Assault, and Violence Free Minnesota. A  
195.1 summary of the feedback from these organizations shall be included in the annual report  
195.2 under paragraph (a).
- 195.3 (c) The commissioner shall direct the Department of Corrections' research unit to perform  
195.4 regular evaluation of the earned incentive release program and publish findings on the  
195.5 Department of Corrections' website and in the annual report under paragraph (a).
- 195.6 **Sec. 13. EFFECTIVE DATE.**
- 195.7 Sections 1 to 12 are effective August 1, 2021, and apply to persons sentenced to a fixed  
195.8 executed sentence or to persons serving a fixed term of imprisonment in a state correctional  
195.9 facility on or after that date.