ARTICLE 12
CORRECTIONS POLICY

Section 1. Minnesota Statutes 2022, section 241.01, subdivision 3a, is amended to read:

Subd. 3a. Commissioner, powers and duties. The commissioner of corrections has the following powers and duties:

(a) To accept persons committed to the commissioner by the courts of this state for care, custody, and rehabilitation.

(b) To determine the place of confinement of committed persons in a correctional facility or other facility of the Department of Corrections and to prescribe reasonable conditions of confinement, and rules for their employment, conduct, instruction, and discipline within or outside the facility, After July 1, 2023, the commissioner shall not allow inmates who have not been conditionally released from prison, whether on parole, supervised release, work release, or an early release program, to be housed in correctional facilities that are not owned and operated by the state, a local unit of government, or a group of local units of government.

(c) To administer the money and property of the department.

(d) To administer, maintain, and inspect all state correctional facilities.

(e) To transfer authorized positions and personnel between state correctional facilities as necessary to properly staff facilities and programs.

(f) To utilize state correctional facilities in the manner deemed to be most efficient and beneficial to accomplish the purposes of this section, but not to close the Minnesota Correctional Facility-Stillwater or the Minnesota Correctional Facility-St. Cloud without legislative approval. The commissioner may place juveniles and adults at the same state minimum security correctional facilities, if there is total separation of and no regular contact between juveniles and adults, except contact incidental to admission, classification, and mental and physical health care.

(g) To organize the department and employ personnel the commissioner deems necessary to discharge the functions of the department, including a chief executive officer for each facility under the commissioner's control who shall serve in the unclassified civil service and may, under the provisions of section 43A.33, be removed only for cause.

(h) To define the duties of these employees and to delegate to them any of the commissioner's powers, duties and responsibilities, subject to the commissioner's control and the conditions the commissioner prescribes.

(i) To annually develop a comprehensive set of goals and objectives designed to clearly establish the priorities of the Department of Corrections. This report shall be submitted to

Subd. 3a.

(c) To annually develop a comprehensive set of goals and objectives designed to clearly establish the priorities of the Department of Corrections. This report shall be submitted to
the governor commencing January 1, 1976. The commissioner may establish ad hoc advisory committees.

The governor commencing January 1, 1976. The commissioner may establish ad hoc advisory committees, and other entities for correctional programs embodying rehabilitative concepts, for restorative programs for crime victims and the overall community, and for implementing legislative directives.

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

Sec. 2. Minnesota Statutes 2022, section 241.021, subdivision 1d, is amended to read:

Subd. 1d. (j) To publish, administer, and award grant contracts with state agencies, local units of government, and other entities for correctional programs embodying rehabilitative concepts, for restorative programs for crime victims and the overall community, and for implementing legislative directives.

Sec. 3. Minnesota Statutes 2022, section 241.021, subdivision 2a, is amended to read:

Subd. 2a. Affected municipality; notice. The commissioner must not issue a license without giving 30 calendar days' written notice to any affected municipality or other political subdivision unless the facility has a licensed capacity of six or fewer persons and is occupied by either the licensee or the group foster home parents. The notification must be given before the license is first issued or a license granted and annually after that time if annual notification is requested in writing by any affected municipality or other political subdivision. State funds must not be made available to or be spent by an agency or department of state, county, or municipal government for payment to a foster care facility licensed under subdivision 2 until the provisions of this subdivision have been complied with in full.

Sec. 4. Minnesota Statutes 2022, section 241.021, subdivision 2b, is amended to read:

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

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

(2) renew a license under this section to operate a correctional facility for the detention or confinement of juvenile offenders if the facility accepts juveniles who reside outside of Minnesota without an agreement with the entity placing the juvenile at the facility that obligates the entity to pay the educational expenses of the juvenile.
Sec. 3. [241.0215] JUVENILE DETENTION FACILITIES; RESTRICTIONS ON

STRIP SEARCHES AND DISCIPLINE.

Subdivision 1. Applicability. This section applies to juvenile facilities licensed by the commissioner of corrections under section 241.021, subdivision 2.

Subd. 2. Definitions. (a) As used in this section, the following terms have the meanings given:

(b) "Health care professional" means an individual who is licensed or permitted by a Minnesota health-related licensing board, as defined in section 214.01, subdivision 2, to perform health care services in Minnesota within the professional's scope of practice.

(c) "Strip search" means a visual inspection of a juvenile's unclothed breasts, buttocks, or genitalia.

Subd. 3. Searches restricted. (a) A staff person working in a facility may not conduct a strip search unless:

(1) a specific, articulable, and immediate contraband concern is present;

(2) other search techniques and technology cannot be used or have failed to identify the contraband; and

(3) the facility's chief administrator or designee has reviewed the situation and approved the strip search.

(b) A strip search must be conducted by:

(1) a health care professional; or

(2) a staff person working in a facility who has received training on trauma-informed search techniques and other applicable training under Minnesota Rules, chapter 2960.

(c) A strip search must be documented in writing and describe the contraband concern, summarize other inspection techniques used or considered, and verify the approval from the facility's chief administrator or, in the temporary absence of the chief administrator, the staff person designated as the person in charge of the facility. A copy of the documentation must be provided to the commissioner within 24 hours of the strip search.

(d) Nothing in this section prohibits or limits a strip search as part of a health care procedure conducted by a health care professional.

Subd. 4. Discipline restricted. (a) A staff person working in a facility may not discipline a juvenile by physically or socially isolating the juvenile.

(b) Nothing in this subdivision restricts a facility from isolating a juvenile for the juvenile's safety, staff safety, or the safety of other facility residents when the isolation is consistent with rules adopted by the commissioner.

Subd. 5. Applicability. This section applies to juvenile facilities licensed by the commissioner of corrections under section 241.021, subdivision 2.
Subd. 5. Commissioner action. The commissioner may take any action authorized under section 241.051, subdivisions 2 and 3, to address a violation of this section.

Subd. 6. Report. (a) By February 15 each year, the commissioner must report to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over public safety finance and policy on the use of strip searches and isolation.

(b) The report must consist of summary data from the previous calendar year and must, at a minimum, include:

1. how often strip searches were performed;
2. how often juveniles were isolated;
3. the length of each period of isolation used and, for juveniles isolated in the previous year, the total cumulative amount of time that the juveniles were isolated that year; and
4. any injury to a juvenile related to a strip search or isolation, or both, that was reportable as a critical incident.

(c) Data in the report must provide information on the demographics of juveniles who were subject to a strip search and juveniles who were isolated. At a minimum, data must be disaggregated by age, race, and gender.

(d) The report must identify any facility that performed a strip search or used isolation, or both, in a manner that did not comply with this section or rules adopted by the commissioner in conformity with this section.

EFFECTIVE DATE. This section is effective January 1, 2024.

Sec. 6. Minnesota Statutes 2022, section 241.025, subdivision 1, is amended to read:

Subdivision 1. Authorization. The commissioner of corrections may appoint peace officers, as defined in section 626.84, subdivision 1, paragraph (c), who shall serve in the classified service subject to the provisions of section 43A.01, subdivision 2, and establish a law enforcement agency, as defined in section 626.84, subdivision 1, paragraph (f), known as the Department of Corrections Fugitive Apprehension Unit, to perform the duties necessary to make statewide arrests under sections 629.30 and 629.34. The jurisdiction of the law enforcement agency is limited to the arrest of Department of Corrections' discretionary and statutory released violators and Department of Corrections' escapees and this must be its primary focus. The Department of Corrections Fugitive Apprehension Unit may respond to a law enforcement agency's request to exercise general law enforcement duties during the course of official duties by carrying out law enforcement activities at the direction of the law enforcement agency of jurisdiction. In addition, the unit may investigate criminal offenses in agency-operated correctional facilities and surrounding property.
204.9 Sec. 7. Minnesota Statutes 2022, section 241.025, subdivision 2, is amended to read:

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

204.21 Sec. 8. Minnesota Statutes 2022, section 241.025, subdivision 3, is amended to read:

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

205.1 Sec. 9. Minnesota Statutes 2022, section 241.90, is amended to read:

205.2 241.90 OFFICE OF OMBUDSPERSON; CREATION; QUALIFICATIONS; FUNCTION. The Office of Ombudsperson for the Department of Corrections is hereby created. The ombudsperson shall serve at the pleasure of the governor in the unclassified service, and may be removed only for just cause. The ombudsperson shall be selected without regard to political affiliation, and shall be a person highly competent and qualified to analyze questions of law, administration, and public policy. No person may serve as ombudsperson while holding any other public office. The ombudsperson for corrections shall be accountable to the governor and shall have the authority to investigate decisions, acts, and other matters of the Department of Corrections so as to promote the highest attainable standards of competence, efficiency, and justice in the administration of corrections.
Sec. 3. [243.1609] INTERSTATE ADULT OFFENDER TRANSFER

TRANSPORTATION EXPENSES;

Subject to the amount of money appropriated for this purpose, the commissioner of corrections may reimburse sheriffs for transportation expenses related to the return of probationers to the state who are being held in custody under section 243.1605;

Reimbursement shall be based on a fee schedule agreed to by the Department of Corrections and the Minnesota Sheriffs’ Association. The required return to the state of a probationer in custody as a result of a nationwide warrant issued pursuant to the Interstate Compact for Adult Supervision shall be arranged and supervised by the sheriff of the county in which the court proceedings are to be held and at the expense of the state as provided for in this section. This expense offset is not applicable to the transport of individuals from pickup locations within 250 miles of the office of the sheriff arranging and supervising the offender's return to the state.

Sec. 10. [243.95] PRIVATE PRISON CONTRACTS PROHIBITED.

(a) The commissioner may not contract with privately owned and operated prisons for the care, custody, and rehabilitation of inmates committed to the custody of the commissioner.

(b) Notwithstanding section 43A.047, nothing in this section prohibits the commissioner from contracting with privately owned residential facilities, such as halfway houses, group homes, work release centers, or treatment facilities, to provide for the care, custody, and rehabilitation of inmates who have been released from prison under section 241.26, 244.05, 244.0513, 244.065, or 244.172, or any other form of supervised or conditional release.

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

Sec. 11. [244.049] INDETERMINATE SENTENCE RELEASE BOARD.

Establishment; membership.

(a) As provided under paragraph (b) and section 244.05, subdivision 5, the Indeterminate Sentence Release Board is established to review eligible cases and make release and final discharge decisions for:

(1) inmates serving life sentences with the possibility of parole or supervised release under sections 243.05, subdivision 1, and 244.05, subdivision 5; and

(2) inmates serving indeterminate sentences for crimes committed on or before April 30, 1980.

(b) Beginning July 1, 2024, the authority to grant discretionary release and final discharge previously vested in the commissioner under sections 243.05, subdivisions 1, paragraph (a), and 3; 244.08; and 609.12 is transferred to the board.

(b) Beginning July 1, 2024, the authority to grant discretionary release and final discharge previously vested in the commissioner under sections 243.05, subdivisions 1, paragraph (a), and 3; 244.08; and 609.12 is transferred to the board.
6.14 (c) The board consists of five members as follows:
6.15 (1) four members appointed by the governor from each of the majority leaders
6.16 and minority leaders of the house of representatives and the senate provides two candidate
6.17 recommendations for consideration; and
6.18 (2) the commissioner, who serves as chair;
6.19 (d) Appointed board members must meet the following qualifications, at a minimum;
6.20 (1) a law degree or a bachelor's degree in criminology, corrections, or a related social
6.21 science;
6.22 (2) five years of experience in corrections, a criminal justice or community corrections
6.23 field, rehabilitation programming, behavioral health, or criminal law; and
6.24 (3) demonstrated knowledge of victim issues and correctional processes,
6.25 Subd. 2. Terms; compensation. (a) Appointed board members serve four-year staggered
6.26 terms, but the terms of the initial members are as follows:
6.27 (1) two members must be appointed for terms that expire January 1, 2026; and
6.28 (2) two members must be appointed for terms that expire January 1, 2028.
6.29 (b) An appointed member is eligible for reappointment, and a vacancy must be filled
6.30 according to subdivision 1.
6.31 (c) For appointed members, compensation and removal are as provided in section 15.0575.
6.32 Subd. 3. Quorum; administrative duties. (a) The majority of members constitutes a
6.33 quorum.
6.34 (b) An appointed board member must visit at least one state correctional facility every
6.35 12 months.
6.36 (c) The commissioner must provide the board with personnel, supplies, equipment, office
6.37 space, and other administrative services necessary and incident to fulfilling the board's functions.
6.38 Subd. 4. Limitation. Nothing in this section or section 244.05, subdivision 5:
6.39 (1) supersedes the commissioner's authority to set conditions of release or revoke an
6.40 inmate's release for violating any of the conditions; or
6.41 (2) impairs the power of the Board of Pardons to grant a pardon or commutation in any
6.42 case.
Subd. 5. Report. (a) Beginning February 15, 2025, and each year thereafter, the board must submit to the legislative committees with jurisdiction over criminal justice policy a written report that:

(1) details the number of inmates reviewed;

(2) identifies inmates granted release or final discharge in the preceding year; and

(3) provides demographic data of inmates who were granted release or final discharge and inmates who were denied release or final discharge.

(b) The report must also include the board's recommendations to the commissioner for policy modifications that influence the board's duties.

Sec. 10. Minnesota Statutes 2022, section 244.05, subdivision 2, is amended to read:

(a) Beginning February 15, 2025, and each year thereafter, the board

(b) The report must also include the board's recommendations to the commissioner for policy modifications that influence the board's duties.

Subd. 2. (1), (b)

Subd. 5. Report. (a) Beginning February 15, 2025, and each year thereafter, the board must submit to the legislative committees with jurisdiction over criminal justice policy a written report that:

(1) details the number of inmates reviewed;

(2) identifies inmates granted release or final discharge in the preceding year; and

(3) provides demographic data of inmates who were granted release or final discharge and inmates who were denied release or final discharge.

(b) The report must also include the board's recommendations to the commissioner for policy modifications that influence the board's duties.

EFFECTIVE DATE. This section is effective July 1, 2023.

EFFECTIVE DATE. This section is effective July 1, 2024.

Subd. 12. Minnesota Statutes 2022, section 244.05, subdivision 5, is amended to read:

(a) The commissioner of corrections shall give grant supervised release to an inmate serving a mandatory life sentence under section 609.185, paragraph (a), clause (3), (5), or (6); 609.3455, subdivision 3 or 4; 609.385; or Minnesota Statutes 2004, section 609.109, subdivision 3,

(b) Procedures for the revocation of revoking release shall provide due process of law for the inmate.

EFFECTIVE DATE. This section is effective July 1, 2024.

EFFECTIVE DATE. This section is effective July 1, 2024.

Subd. 13. Minnesota Statutes 2022, section 244.05, subdivision 5, is amended to read:

(a) The commissioner of corrections shall adopt by rule standards and procedures for the revocation of revoking supervised or conditional release, and shall specify the period of revocation for each violation of release except in accordance with subdivision 5,

(b) Procedures for the revocation of revoking release shall provide due process of law for the inmate.

Sec. 11. Minnesota Statutes 2022, section 244.05, subdivision 5, is amended to read:

(a) The commissioner of corrections shall give grant supervised release to an inmate serving a mandatory life sentence under section 609.185, paragraph (a), clause (3), (5), or (6); 609.3455, subdivision 3 or 4; 609.385; or Minnesota Statutes 2004, section 609.109, subdivision 3,

(b) Procedures for the revocation of revoking release shall provide due process of law for the inmate.

Sec. 14. Minnesota Statutes 2022, section 244.05, subdivision 3, paragraph (b), clause (1), the commissioner of corrections shall adopt by rule standards and procedures for the revocation of revoking supervised or conditional release, and shall specify the period of revocation for each violation of release except in accordance with subdivision 5,

Subd. 5. Report. (a) Beginning February 15, 2025, and each year thereafter, the board must submit to the legislative committees with jurisdiction over criminal justice policy a written report that:

(1) details the number of inmates reviewed;

(2) identifies inmates granted release or final discharge in the preceding year; and

(3) provides demographic data of inmates who were granted release or final discharge and inmates who were denied release or final discharge.

(b) The report must also include the board's recommendations to the commissioner for policy modifications that influence the board's duties.

EFFECTIVE DATE. This section is effective July 1, 2023.

Subd. 12. Rules. (a) Notwithstanding section 14.03, subdivision 3, paragraph (b), clause

Subd. 2. Rules. (a) Notwithstanding section 14.03, subdivision 3, paragraph (b), clause

Subd. 5. Report. (a) Beginning February 15, 2025, and each year thereafter, the board must submit to the legislative committees with jurisdiction over criminal justice policy a written report that:

(1) details the number of inmates reviewed;

(2) identifies inmates granted release or final discharge in the preceding year; and

(3) provides demographic data of inmates who were granted release or final discharge and inmates who were denied release or final discharge.

(b) The report must also include the board's recommendations to the commissioner for policy modifications that influence the board's duties.

EFFECTIVE DATE. This section is effective July 1, 2023.

EFFECTIVE DATE. This section is effective July 1, 2024.

Subd. 11. Minnesota Statutes 2022, section 244.05, subdivision 5, is amended to read:

(a) Notwithstanding section 14.03, subdivision 3, paragraph (b), clause

(b) No earlier than three years before an inmate reaches their minimum term of imprisonment or parole eligibility date, the commissioner must conduct a formal review and make programming recommendations relevant to the inmate's release review under this subdivision.
The commissioner shall board must require the preparation of a community investigation report and shall consider the findings of the report when making a supervised release or parole decision under this subdivision. The report shall:

1. reflect the sentiment of the various elements of the community toward the inmate, both at the time of the offense and at the present time;

2. The report shall (2) include the views of the sentencing judge, the prosecutor, any law enforcement personnel who may have been involved in the case, and any successors to these individuals who may have information relevant to the supervised release decision; and

3. The report shall also (3) include the views of the victim and the victim's family unless the victim or the victim's family chooses not to participate.

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

5. (e) Supervised release or parole must be granted with a majority vote of the board members. When considering whether to give grant supervised release or parole to an inmate serving a life sentence under section 609.3455, subdivision 3 or 4 or indeterminate sentence, the commissioner shall board must consider, at a minimum, the following:

6. (1) the risk the inmate poses to the community if released;

7. (2) the inmate's progress in treatment;

8. (3) the inmate's behavior while incarcerated;

9. (4) psychological or other diagnostic evaluations of the inmate;

10. (5) the inmate's criminal history;

11. (6) a victim statement under paragraph (d), if submitted; and

12. (7) any other relevant conduct of the inmate while incarcerated or before incarceration.

13. (f) The commissioner board may not give grant supervised release or parole to an inmate unless:

14. (1) while in prison:

15. (i) the inmate has successfully completed appropriate sex offender treatment, if applicable;

16. (ii) the inmate has been assessed for substance use disorder needs and, if appropriate, has successfully completed substance use disorder treatment; and

17. (2) while in prison:

18. (i) the inmate has successfully completed appropriate sex offender treatment, if applicable;

19. (ii) the inmate has been assessed for substance use disorder needs and, if appropriate, has successfully completed substance use disorder treatment; and

The report shall also (3) include the views of the victim and the victim's family unless the victim or the victim's family chooses not to participate.
(ii) the inmate has been assessed for mental health needs and, if appropriate, has successfully completed mental health treatment; and

(i) ensures that, after release, the inmate will have suitable housing and receive appropriate aftercare and community-based treatment. The comprehensive plan also must include, and

(ii) includes a postprison employment or education plan for the inmate.

(g) When granting supervised release under this subdivision, the board must set parole conditions to be followed by the inmate before their actual release or before constructive parole becomes effective. If the inmate violates any of the parole conditions, the commissioner may rescind the grant of supervised release without a hearing at any time before the inmate's release or before constructive parole becomes effective. A grant of constructive parole becomes effective once the inmate begins serving the consecutive sentence.

(b) If the commissioner rescinds a grant of supervised release or parole, the board:

(1) must set a release review date that occurs within 90 days of the commissioner's rescission; and

(2) by majority vote, may set a new supervised release date or set another review date.

(i) If the commissioner revokes supervised release or parole for an inmate serving a life sentence, the revocation is not subject to the limitations under section 244.30 and the board:

(1) must set a release review date that occurs within one year of the commissioner's final revocation decision; and

(2) by majority vote, may set a new supervised release date or set another review date.

(j) The board may, by a majority vote, grant a person on supervised release or parole for a life or indeterminate sentence a final discharge from their sentence in accordance with section 243.05, subdivision 3. In no case, however, may a person subject to a mandatory lifetime conditional release term under section 609.3455, subdivision 7, be discharged from that term.

Assumed in (k) For purposes of this subdivision:

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

(2) "constructive parole" means the status of an inmate who has been paroled from an indeterminate sentence to begin serving a consecutive sentence in prison; and

(3) "victim" means the individual who has directly suffered loss or harm as a result of the inmate's crime or if the individual is deceased, the deceased's victim's surviving spouse or, next of kin, or family kin.
Sec. 4. Minnesota Statutes 2022, section 244.052, subdivision 4a, is amended to read:

Subd. 4a. Level III offenders; location of residence.
(a) When an offender assigned to risk level III is released from confinement or a residential facility to reside in the community or changes residence while on supervised or conditional release, the agency responsible for the offender's supervision shall:

1. take into consideration the proximity of the offender's residence to that of other level III offenders and;
2. take into consideration the proximity of the offender's residence to schools, day care centers, residences for vulnerable adults, and locations where children commonly gather;
3. to the greatest extent feasible, shall mitigate the concentration of level III offenders and concentration of level III offenders near schools, day care centers, residences for vulnerable adults, and locations where children commonly gather;

(b) If the owner or property manager of a hotel, motel, lodging establishment, or apartment building has an agreement with an agency that arranges or provides shelter for victims of domestic abuse, the owner or property manager may not knowingly rent rooms to both level III offenders and victims of domestic abuse at the same time. If the owner or property manager has an agreement with an agency to provide housing to domestic abuse victims and discovers or is informed that a tenant is a level III offender after signing a lease or otherwise renting to the offender, the owner or property manager may evict the offender.

(c) Notwithstanding any contrary provision of this section, chapter 253B or 253D, or any other law, a local governmental unit may, by ordinance, place reasonable residency location restrictions on level III offenders who have committed offenses involving children and who are on supervised or conditional release or provisional discharge under chapter 253D. A restriction must be narrowly tailored to address the risk posed based on the pattern of offending behavior and may not completely preclude the placement of an offender in the community. In addition, a restriction may not apply to placements at a location where an offender receives treatment or where the location is owned, leased, or operated by or on behalf of the state or federal government.

Sec. 5. [244.40] RELEASE OF INMATES; RESIDENCE PROXIMITY TO VICTIMS.
(a) When a person is released from prison to reside in the community while under supervised or conditional release, the agency responsible for the person's supervision, in consultation with the commissioners of corrections and public safety, shall:
take into consideration the proximity of the person's residence to those of individuals who have been victimized by crime in the past; and

to the greatest extent feasible, mitigate the concentration of released persons to crime victims where the person's past documented conduct or pattern of offending indicates that the person might conceivably target the crime victim.

This section applies only to situations in which the housing for the person being released from prison, the housing for the crime victim, or both, is paid for, in whole or in part, pursuant to a federal, state, or local appropriation or a grant awarded from such an appropriation.

Subd. 1a. Risk-assessment instrument.

(a) If a peace officer, probation officer, or parole officer who takes a child into custody does not release the child according to subdivision 1, the officer must communicate with or deliver the child to a juvenile secure detention facility to determine whether the child should be released or detained.

(b) To determine whether a child should be released or detained, a facility's supervisor must use an objective and racially, ethnically, and gender-responsive juvenile detention risk-assessment instrument developed by the commissioner of corrections, county, group of counties, or judicial district, in consultation with the state coordinator or coordinators of the Minnesota Juvenile Detention Alternative Initiative.

The risk-assessment instrument must:

(1) assess the likelihood that a child released from preadjudication detention under this section or section 260B.178 would endanger others or not return for a court hearing;

(2) identify the appropriate setting for a child who might endanger others or not return for a court hearing pending adjudication, with either continued detention or placement in a noncustodial community-based supervision setting; and

(3) identify the type of noncustodial community-based supervision setting necessary to minimize the risk that a child who is released from custody will endanger others or not return for a court hearing.

(d) If, after using the instrument, a determination is made that the child should be released, the person taking the child into custody or the facility supervisor must release the child according to subdivision 1.

This section is effective August 15, 2023.
Sec. 15. [641.015] PLACEMENT IN PRIVATE PRISONS PROHIBITED.

Subdivision 1. Placement prohibited. After August 1, 2023, a sheriff shall not allow inmates committed to the custody of the sheriff who are not on probation, work release, or some other form of approved release status to be housed in facilities that are not owned and operated by a local government, or a group of local units of government.

Subd. 2. Contracts prohibited. (a) Except as provided in paragraph (b), the county board may not authorize the sheriff to contract with privately owned and operated prisons for the care, custody, and rehabilitation of offenders committed to the custody of the sheriff.

(b) Nothing in this section prohibits a county board from contracting with privately owned residential facilities, such as halfway houses, group homes, work release centers, or treatment facilities, to provide for the care, custody, and rehabilitation of offenders who are on probation, work release, or some other form of approved release status.

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

Sec. 16. Minnesota Statutes 2022, section 641.15, subdivision 2, is amended to read:

Subd. 2. Medical aid. Except as provided in section 466.101, the county board shall pay the costs of medical services provided to prisoners pursuant to this section. The amount paid by the county board for a medical service shall not exceed the maximum allowed medical assistance payment rate for the service, as determined by the commissioner of human services. In the absence of a health or medical insurance or health plan that has a contractual obligation with the provider or the prisoner, medical providers shall charge no higher than the rate negotiated between the county and the provider. In the absence of an agreement between the county and the provider, the provider may not charge an amount that exceeds the maximum allowed medical assistance payment rate for the service, as determined by the commissioner of human services. The county is entitled to reimbursement from the prisoner for payment of medical bills to the extent that the prisoner to whom the medical aid was provided has the ability to pay the bills. The prisoner shall, at a minimum, incur co-payment obligations for health care services provided by a county correctional facility. The county board shall determine the co-payment amount. Notwithstanding any law to the contrary, the co-payment shall be deducted from any of the prisoner's funds held by the county, to the extent possible. If there is a disagreement between the county and a prisoner concerning the prisoner's ability to pay, the court with jurisdiction over the defendant shall determine the extent, if any, of the prisoner's ability to pay for the medical services.

If a prisoner is covered by health or medical insurance or other health plan when medical services are provided, the medical provider shall bill that health or medical insurance or other plan. If the county providing the medical services for a prisoner that has coverage under health or medical insurance or other plan, that county has a right of subrogation to be reimbursed by the insurance carrier for all sums spent by it for medical services to the prisoner that are covered by the policy of insurance or health plan, in accordance with the medical assistance payment rate for the service, as determined by the commissioner of human services. The county is entitled to reimbursement from the insurance carrier for all sums spent by it for medical services to the prisoner.

This section is effective the day following final enactment.

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benefits, limitations, exclusions, provider restrictions, and other provisions of the policy or health plan. The county may maintain an action to enforce this subrogation right. The county does not have a right of subrogation against the medical assistance program. The county shall not charge prisoners for telephone calls to MNsure navigators, the Minnesota Warmline, a mental health provider, or calls for the purpose of providing case management or mental health services as defined in section 245.462 to prisoners.

Sec. 17. Minnesota Statutes 2022, section 641.155, is amended to read:

641.155 DISCHARGE PLANS; OFFENDERS WITH SERIOUS AND PERSISTENT MENTAL ILLNESS.

Subdivision 1. Discharge plans. The commissioner of corrections shall develop and distribute a model discharge planning process for every offender with a serious and persistent mental illness, as defined in section 245.462, subdivision 20, paragraph (c), who has been convicted and sentenced to serve three or more months and as being released from a county jail or county regional jail. The commissioner may specify different model discharge plans for prisoners who have been detained pretrial and prisoners who have been sentenced to jail. The commissioner must consult best practices and the most current correctional health care standards from national accrediting organizations. The commissioner must review and update the model process as needed.

Subd. 2. Discharge plans for people with serious and persistent mental illnesses. An offender with a serious and persistent mental illness, as defined in section 245.462, subdivision 20, paragraph (c), who has been convicted and sentenced to serve three or more months and is being released from a county jail or county regional jail shall be referred to the appropriate staff in the county human services department at least 60 days before being released. The county human services department may carry out provisions of the model discharge planning process as must complete a discharge plan with the prisoner no less than 14 days before release that may include:

(1) providing assistance in filling out an application for medical assistance or MinnesotaCare;

(2) making a referral for case management as outlined under section 245.467, subdivision 4;

(3) providing assistance in obtaining a state photo identification;

(4) securing a timely appointment with a psychiatrist or other appropriate community mental health providers; and

(5) providing prescriptions for a 30-day supply of all necessary medications.

Subd. 3. Reentry coordination programs. A county may establish a program to provide services and assist prisoners with reentering the community. Reentry services may include but are not limited to:
(1) providing assistance in meeting the basic needs of the prisoner immediately after release including but not limited to provisions for transportation, clothing, food, and shelter;

(2) providing assistance in filling out an application for medical assistance or MinnesotaCare;

(3) providing assistance in obtaining a state photo identification;

(4) providing assistance in obtaining prescriptions for all necessary medications;

(5) coordinating services with the local county services agency or the social services agency in the county where the prisoner is a resident; and

(6) coordinating services with a community mental health or substance use disorder provider.

Sec. 18. MENTAL HEALTH UNIT PILOT PROGRAM.

(a) The commissioner of corrections shall establish a pilot program with interested counties to provide mental health care to individuals with serious and persistent mental illness who are incarcerated in county jails. The pilot program must require the participating counties to pay according to Minnesota Statutes, section 243.51, a per diem for reimbursement of the Mental Health Unit at the Minnesota Correctional Facility - Oak Park Heights, and other costs incurred by the Department of Corrections.

(b) The commissioner in consultation with the Minnesota Sheriffs' Association shall develop program protocols, guidelines, and procedures and qualifications for participating counties and incarcerated individuals to be treated in the Mental Health Unit. The program is limited to a total of five incarcerated individuals from the participating counties at any one time. Incarcerated individuals must volunteer to be treated in the unit and be able to participate in programming with other incarcerated individuals.

(c) The Minnesota Correctional Facility - Oak Park Heights warden, director of psychology, and associate director of behavioral health, or a designee of each, in consultation with the Minnesota Sheriffs' Association, the Minnesota branch of the National Association on Mental Illness, and the Department of Human Services, shall oversee the pilot program.

(d) On November 15, 2024, the warden shall submit a report to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over corrections describing the protocols, guidelines, and procedures for participation in the pilot program by counties and incarcerated individuals, challenges with staffing, cost sharing with counties, capacity of the program, services provided to the incarcerated individuals, program outcomes, concerns regarding the program, and recommendations for the viability of a long-term program.

Sec. 25. MENTAL HEALTH UNIT PILOT PROGRAM.

(a) The commissioner of corrections shall establish a pilot program with interested counties to provide mental health care to individuals with serious and persistent mental illness who are incarcerated in county jails. The pilot program must require the participating counties to pay according to Minnesota Statutes, section 243.51, a per diem for reimbursement of the Mental Health Unit at the Minnesota Correctional Facility - Oak Park Heights, and other costs incurred by the Department of Corrections.

(b) The commissioner in consultation with the Minnesota Sheriffs' Association shall develop program protocols, guidelines, and procedures and qualifications for participating counties and incarcerated individuals to be treated in the Mental Health Unit. The program is limited to a total of five incarcerated individuals from the participating counties at any one time. Incarcerated individuals must volunteer to be treated in the unit and be able to participate in programming with other incarcerated individuals.

(c) The Minnesota Correctional Facility - Oak Park Heights warden, director of psychology, and associate director of behavioral health, or a designee of each, in consultation with the Minnesota Sheriffs' Association, the Minnesota branch of the National Association on Mental Illness, and the Department of Human Services, shall oversee the pilot program.

(d) On November 15, 2024, the warden shall submit a report to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over corrections describing the protocols, guidelines, and procedures for participation in the pilot program by counties and incarcerated individuals, challenges with staffing, cost sharing with counties, capacity of the program, services provided to the incarcerated individuals, program outcomes, concerns regarding the program, and recommendations for the viability of a long-term program.
The pilot program expires November 16, 2024.

Sec. 19. REVISED FACILITY PLANS.

The commissioner of corrections must direct any juvenile facility licensed by the commissioner to revise its plan under Minnesota Rules, part 2960.0270, subpart 6, and its restrictive procedures plan under Minnesota Rules, part 2960.0710, subpart 2, to be consistent with Minnesota Statutes, section 241.0215. After receiving notice from the commissioner, a facility must submit the revised plans to the commissioner within 60 days.

EFFECTIVE DATE. This section is effective January 1, 2024.

Sec. 20. RULEMAKING.

(a) The commissioner of corrections must amend Minnesota Rules, chapter 2960, to enforce the requirements under Minnesota Statutes, section 241.0215, including but not limited to training, facility audits, strip searches, disciplinary room time, time-outs, and seclusion. The commissioner may amend the rules to make technical changes and ensure consistency with Minnesota Statutes, section 241.0215.

(b) In amending or adopting rules according to paragraph (a), the commissioner must use the exempt rulemaking process under Minnesota Statutes, section 14.386.

Notwithstanding Minnesota Statutes, section 14.386, paragraph (b), a rule adopted under this section is permanent. After the rule is adopted, the authorization to use the exempt rulemaking process expires.

(c) Notwithstanding Minnesota Laws 1995, chapter 226, article 3, sections 50, 51, and 60, or any other law to the contrary, the joint rulemaking authority with the commissioner of human services does not apply to rule amendments applicable only to the Department of Corrections. A rule that is amending jointly administered rule parts must be related to requirements on strip searches, disciplinary room time, time-outs, and seclusion and be necessary for consistency with this section.

EFFECTIVE DATE. This section is effective January 1, 2024.

Sec. 21. REGIONAL AND COUNTY JAILS; STUDY AND REPORT.

Subdivision 1. Study. The commissioner of corrections must study and make recommendations on the consolidation or merger of county jails and alternatives to incarceration for persons experiencing mental health disorders. The commissioner must consult with the following individuals on the study and recommendations:

EFFECTIVE DATE. This section is effective January 1, 2024.
Each party receiving a request for information from the commissioner under this section shall provide the requested information in a timely manner.

Subd. 2. Report. The commissioner of corrections must file a report with the chairs and ranking minority members of the senate and house of representatives committees and divisions with jurisdiction over public safety and capital investment on the study and recommendations under subdivision 1 on or before December 1, 2024. The report must, at a minimum, provide the following information:

1. the daily average number of offenders incarcerated in each county jail facility:
   (i) who are in pretrial detention;
   (ii) who cannot afford to pay bail;
   (iii) for failure to pay fines and fees;
   (iv) for offenses that stem from controlled substance addiction or mental health disorders;
   (v) for nonfelony offenses;
   (vi) who are detained pursuant to contracts with other authorities; and
   (vii) for supervised release and probation violations;

2. the actual cost of building a new jail facility, purchasing another facility, or repairing a current facility;

3. the age of current jail facilities;

4. county population totals and trends;

5. county crime rates and trends;

6. the proximity of current jails to courthouses, probation services, social services, treatment providers, and work-release employment opportunities;

7. specific recommendations for alternatives to incarceration for persons experiencing mental health disorders; and
(ii) specific recommendations on the consolidation or merger of county jail facilities and operations, including:

(i) where consolidated facilities should be located;
(ii) which counties are best suited for consolidation;
(iii) the projected costs of construction, renovation, or purchase of the facility; and
(iv) the projected cost of operating the facility.

Subd. 3. Evaluation. The commissioner, in consultation with the commissioner of management and budget, must evaluate the need of any capital improvement project that requests an appropriation of state capital budget money during an odd-numbered year to construct a jail facility or for capital improvements to expand the number of incarcerated offenders at an existing jail facility. The commissioner shall use the report under subdivision 2 to inform the evaluation. The commissioner must submit all evaluations under this subdivision by January 15 of each even-numbered year to the chairs and ranking minority members of the senate and house of representatives committees and divisions with jurisdiction over public safety and capital investment on the study and recommendations under this subdivision.

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

Sec. 22. INDETERMINATE SENTENCE RELEASE BOARD.

Indeterminate Sentence Release Board may not begin to review eligible cases and make release and final discharge decisions until July 1, 2024.

Sec. 23. REVISOR INSTRUCTION.

When necessary to reflect the transfer under Minnesota Statutes, section 244.049, subdivision 1, paragraph (a), the revisor of statutes must change the term "commissioner" or "commissioner of corrections" to "Indeterminate Sentence Release Board" or "board" in Minnesota Statutes, sections 243.05, subdivisions 1, paragraph (a), and 3; 244.08; and 609.12, and make any other necessary grammatical changes.

EFFECTIVE DATE. This section is effective July 1, 2024.