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ARTICLE 3
CORRECTIONS

33.11 Section 1. Minnesota Statutes 2016, section 3.739, subdivision 1, is amended to read:

33.12 Subdivision 1. **Permissible claims.** Claims and demands arising out of the circumstances
33.13 described in this subdivision shall be presented to, heard, and determined as provided in
33.14 subdivision 2:

33.15 (1) an injury to or death of an inmate of a state, regional, or local correctional facility
33.16 or county jail ~~who has been conditionally released and ordered to perform while performing~~
33.17 compensated or uncompensated work in the community for a state agency, a political
33.18 subdivision or public corporation of this state, a nonprofit educational, medical, or social
33.19 service agency, or a private business or individual, ~~as a condition of the release,~~ while
33.20 performing the work;

33.21 (2) an injury to or death of a person sentenced by a court, granted a suspended sentence
33.22 by a court, or subject to a court disposition order, and who, ~~under court order,~~ is performing
33.23 work ~~(a) (i) in restitution, (b) (ii) in lieu of or to work off fines or court-ordered, court-ordered~~
33.24 costs, or other statutorily authorized correctional fees, (c) (iii) in lieu of incarceration, or
33.25 ~~(d) (iv) as a term or condition of a sentence, suspended sentence, or disposition order,~~ while
33.26 performing the work;

33.27 (3) an injury to or death of a person, who has been diverted from the court system and
33.28 who is performing work as described in ~~paragraph~~ clause (1) or (2) under a written agreement
33.29 signed by the person, and if a juvenile, by a parent or guardian; and

33.30 (4) an injury to or death of any person caused by an individual who was performing
33.31 work as described in ~~paragraph~~ clause (1), (2), or (3).

34.1 Sec. 2. Minnesota Statutes 2016, section 241.01, subdivision 3a, is amended to read:

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

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

34.6 (b) To determine the place of confinement of committed persons in a correctional facility
34.7 or other facility of the Department of Corrections, or a nonpublicly owned facility, and to
34.8 prescribe reasonable conditions and rules for their employment, conduct, instruction, and

- 34.9 discipline within or outside the facility. Inmates shall not exercise custodial functions or
34.10 have authority over other inmates.
- 34.11 (c) To administer the money and property of the department.
- 34.12 (d) To administer, maintain, and inspect all state correctional facilities.
- 34.13 (e) To transfer authorized positions and personnel between state correctional facilities
34.14 as necessary to properly staff facilities and programs.
- 34.15 (f) To utilize state correctional facilities in the manner deemed to be most efficient and
34.16 beneficial to accomplish the purposes of this section, but not to close the Minnesota
34.17 Correctional Facility-Stillwater or the Minnesota Correctional Facility-St. Cloud without
34.18 legislative approval. The commissioner may place juveniles and adults at the same state
34.19 minimum security correctional facilities, if there is total separation of and no regular contact
34.20 between juveniles and adults, except contact incidental to admission, classification, and
34.21 mental and physical health care.
- 34.22 (g) To organize the department and employ personnel the commissioner deems necessary
34.23 to discharge the functions of the department, including a chief executive officer for each
34.24 facility under the commissioner's control who shall serve in the unclassified civil service
34.25 and may, under the provisions of section 43A.33, be removed only for cause.
- 34.26 (h) To define the duties of these employees and to delegate to them any of the
34.27 commissioner's powers, duties and responsibilities, subject to the commissioner's control
34.28 and the conditions the commissioner prescribes.
- 34.29 (i) To annually develop a comprehensive set of goals and objectives designed to clearly
34.30 establish the priorities of the Department of Corrections. This report shall be submitted to
34.31 the governor commencing January 1, 1976. The commissioner may establish ad hoc advisory
34.32 committees.
- 35.1 (j) At such time that the commissioner determines that the department has an insufficient
35.2 number of prison beds to house the current or projected prison population and needs to
35.3 expand an existing facility or build a new facility, the commissioner shall enter into a contract
35.4 either to purchase and operate or to lease-to-own and operate an existing prison facility
35.5 located in Appleton, Minnesota. The commissioner shall attempt to conclude negotiations
35.6 within 12 months of the date the commissioner determines the need for additional beds.
35.7 The contract negotiated must be approved by the legislature before its final execution. All
35.8 employees who supervise inmates at the facility must be state employees.

35.9 Sec. 3. Minnesota Statutes 2016, section 243.05, subdivision 1, is amended to read:

35.10 Subdivision 1. **Conditional release.** (a) The commissioner of corrections may parole
35.11 any person sentenced to confinement in any state correctional facility for adults under the
35.12 control of the commissioner of corrections, provided that:

35.13 (1) no inmate serving a life sentence for committing murder before May 1, 1980, other
35.14 than murder committed in violation of clause (1) of section 609.185 who has not been
35.15 previously convicted of a felony shall be paroled without having served 20 years, less the
35.16 diminution that would have been allowed for good conduct had the sentence been for 20
35.17 years;

35.18 (2) no inmate serving a life sentence for committing murder before May 1, 1980, who
35.19 has been previously convicted of a felony or though not previously convicted of a felony
35.20 is serving a life sentence for murder in the first degree committed in violation of clause (1)
35.21 of section 609.185 shall be paroled without having served 25 years, less the diminution
35.22 which would have been allowed for good conduct had the sentence been for 25 years;

35.23 (3) any inmate sentenced prior to September 1, 1963, who would be eligible for parole
35.24 had the inmate been sentenced after September 1, 1963, shall be eligible for parole; and

35.25 (4) any new rule or policy or change of rule or policy adopted by the commissioner of
35.26 corrections which has the effect of postponing eligibility for parole has prospective effect
35.27 only and applies only with respect to persons committing offenses after the effective date
35.28 of the new rule or policy or change.

35.29 (b) Upon being paroled and released, an inmate is and remains in the legal custody and
35.30 under the control of the commissioner, subject at any time to be returned to a facility of the
35.31 Department of Corrections established by law for the confinement or treatment of convicted
35.32 persons and the parole rescinded by the commissioner.

36.1 (c) The written order of the commissioner of corrections, is sufficient authority for any
36.2 peace officer, state correctional investigator, or state parole and probation agent to retake
36.3 and place in actual custody any person on parole or supervised release. In addition, when
36.4 it appears necessary in order to prevent escape or enforce discipline, any state parole and
36.5 probation agent or state correctional investigator may, without order of warrant, take and
36.6 detain a parolee or person on supervised release or work release and bring the person to the
36.7 commissioner for action.

36.8 (d) The written order of the commissioner of corrections is sufficient authority for any
36.9 peace officer, state correctional investigator, or state parole and probation agent to retake
36.10 and place in actual custody any person on probation under the supervision of the

36.11 commissioner pursuant to section 609.135. Additionally, when it appears necessary in order
36.12 to prevent escape or enforce discipline, any state parole and probation agent or state
36.13 correctional investigator may, without an order, retake and detain a probationer and bring
36.14 the probationer before the court for further proceedings under section 609.14.

36.15 (e) The written order of the commissioner of corrections is sufficient authority for any
36.16 peace officer, state correctional investigator, or state parole and probation agent to detain
36.17 any person on pretrial release who absconds from pretrial release or fails to abide by the
36.18 conditions of pretrial release.

36.19 (f) Persons conditionally released, and those on probation under the supervision of the
36.20 commissioner of corrections pursuant to section 609.135 may be placed within or outside
36.21 the boundaries of the state at the discretion of the commissioner of corrections or the court,
36.22 and the limits fixed for these persons may be enlarged or reduced according to their conduct.

36.23 (g) Except as otherwise provided in subdivision 1b, in considering applications for
36.24 conditional release or discharge, the commissioner is not required to hear oral argument
36.25 from any attorney or other person not connected with an adult correctional facility of the
36.26 Department of Corrections in favor of or against the parole or release of any inmates. The
36.27 commissioner may institute inquiries by correspondence, taking testimony, or otherwise,
36.28 as to the previous history, physical or mental condition, and character of the inmate and, to
36.29 that end, has the authority to require the attendance of the chief executive officer of any
36.30 state adult correctional facility and the production of the records of these facilities, and to
36.31 compel the attendance of witnesses. The commissioner is authorized to administer oaths to
36.32 witnesses for these purposes.

36.33 (h) Unless the district court directs otherwise, state parole and probation agents may
36.34 require a person who is under the supervision of the commissioner of corrections to perform
37.1 community work service for violating a condition of probation imposed by the court.
37.2 Community work service may be imposed for the purpose of protecting the public, to aid
37.3 the offender's rehabilitation, or both. Agents may impose up to eight hours of community
37.4 work service for each violation and up to a total of 24 hours per offender per 12-month
37.5 period, beginning with the date on which community work service is first imposed. The
37.6 commissioner may authorize an additional 40 hours of community work services, for a total
37.7 of 64 hours per offender per 12-month period, beginning with the date on which community
37.8 work service is first imposed. At the time community work service is imposed, parole and
37.9 probation agents are required to provide written notice to the offender that states:

37.10 (1) the condition of probation that has been violated;

37.11 (2) the number of hours of community work service imposed for the violation; and

37.12 (3) the total number of hours of community work service imposed to date in the 12-month
37.13 period.

37.14 An offender may challenge the imposition of community work service by filing a petition
37.15 in district court. An offender must file the petition within five days of receiving written
37.16 notice that community work service is being imposed. If the offender challenges the
37.17 imposition of community work service, the state bears the burden of showing, by a
37.18 preponderance of the evidence, that the imposition of community work service is reasonable
37.19 under the circumstances.

37.20 Community work service includes sentencing to service.

37.21 (i) Prior to revoking a nonviolent controlled substance offender's parole or probation
37.22 based on a technical violation, when the offender does not present a risk to the public and
37.23 the offender is amenable to continued supervision in the community, a parole or probation
37.24 agent must identify community options to address and correct the violation including, but
37.25 not limited to, inpatient chemical dependency treatment. If a probation or parole agent
37.26 determines that community options are appropriate, the agent shall seek to restructure the
37.27 offender's terms of release to incorporate those options. If an offender on probation stipulates
37.28 in writing to restructure the terms of release, a probation agent must forward a report to the
37.29 district court containing:

37.30 (1) the specific nature of the technical violation of probation;

37.31 (2) the recommended restructure to the terms of probation; and

37.32 (3) a copy of the offender's signed stipulation indicating that the offender consents to
37.33 the restructuring of probation.

38.1 The recommended restructuring of probation becomes effective when confirmed by a
38.2 judge. The order of the court shall be proof of such confirmation and amend the terms of
38.3 the sentence imposed by the court under section 609.135. If a nonviolent controlled substance
38.4 offender's parole or probation is revoked, the offender's agent must first attempt to place
38.5 the offender in a local jail. For purposes of this paragraph, "nonviolent controlled substance
38.6 offender" is a person who meets the criteria described under section 244.0513, subdivision
38.7 2, clauses (1), (2), and (5), and "technical violation" has the meaning given in section
38.8 244.196, subdivision 6.

38.9 Sec. 4. Minnesota Statutes 2016, section 243.17, subdivision 1, is amended to read:

38.10 Subdivision 1. **Allowed expenses.** The necessary expenses of sheriffs and other peace
38.11 officers ~~commissioner of management and budget shall pay out of the state treasury to the~~

38.12 commissioner of corrections each fiscal year the amount necessary to offset expenses
38.13 incurred ~~in conveying~~ to convey convicted persons and children adjudicated delinquent and
38.14 committed to the custody of the commissioner of corrections to the appropriate adult or
38.15 juvenile correctional facility as designated by the commissioner of corrections, ~~including~~
38.16 ~~per diem and expenses of correctional officers, shall be allowed by the commissioner of~~
38.17 ~~management and budget and paid out of the state treasury. The commissioner of management~~
38.18 ~~and budget may allow and pay for the necessary expenses incurred by the sheriff, deputy,~~
38.19 ~~or other peace officer in going to and returning from the correctional facility and \$10 per~~
38.20 ~~day for each correctional officer. Not more than one correctional officer shall be allowed~~
38.21 ~~for one prisoner, but one additional correctional officer shall be allowed for every two~~
38.22 ~~additional prisoners. All bills shall be in writing, fully itemized, verified, and accompanied~~
38.23 ~~by the receipt of the chief executive officer of the facility for the delivery of the convicted~~
38.24 ~~or adjudicated persons, in a form prescribed by the commissioner of management and~~
38.25 ~~budget. The total amount of payments shall not exceed \$500,000 each fiscal year. Payments~~
38.26 ~~shall be made one or two times each fiscal year based on a fee schedule agreed to by the~~
38.27 ~~Department of Corrections and the Minnesota Sheriffs' Association.~~

38.28 Sec. 5. [243.521] ADMINISTRATIVE AND DISCIPLINARY SEGREGATION.

38.29 Subdivision 1. Authorization. In any adult correctional facility under the control of the
38.30 commissioner of corrections, the commissioner may require an inmate to be placed in
38.31 disciplinary segregation for rule violations involving use of a weapon or infliction of bodily
38.32 harm, escape, or a major rule violation, or in administrative segregation for the safety of
38.33 the inmate or others, subject to the requirements of this section.

39.1 Subd. 2. Conditions in segregated housing. The segregation unit shall provide regular
39.2 meals, furnished cells, appropriate reading materials, limited recreational facilities, at least
39.3 five hours a week out of cell unless safety and security dictate otherwise, reduced lighting
39.4 during the nighttime hours, rights of communication and visitation by those properly
39.5 authorized, and other privileges as may be established by the commissioner.

39.6 Subd. 3. Review of disciplinary segregation status. An inmate who serves 15 days in
39.7 disciplinary segregation shall have the inmate's segregation status reviewed at that time by
39.8 the warden of the institution and every 15 days thereafter. An inmate who serves 60 days
39.9 in disciplinary segregation shall have the inmate's segregation status reviewed at that time
39.10 by the commissioner of corrections, or a deputy or assistant commissioner, and every 30
39.11 days thereafter.

39.12 Subd. 4. Graduated disciplinary sanctions. The commissioner shall design and
39.13 implement a graduated scale of responses to infractions, including reprimands, loss of
39.14 privileges, and restriction of motion within the institution, so that the use of disciplinary
39.15 segregation is reserved for the most serious and persistent infractions.

39.16 Subd. 5. Discharge from segregated housing. (a) The commissioner shall not release
39.17 an inmate to the community directly from segregated housing. A segregated inmate must
39.18 serve at least 30 days in the general population prior to the inmate's release to the community,
39.19 absent a documented, compelling safety reason, approved by the warden.

39.20 (b) An inmate who is being released from segregated housing to the general population
39.21 after serving in that status for 30 days or more shall have the transfer reviewed and approved
39.22 by a mental health professional prior to returning to the general population.

39.23 Subd. 6. Reporting. By January 15, 2018, and by January 15 each year thereafter, the
39.24 commissioner of corrections shall report to the chairs and ranking minority members of the
39.25 house of representatives and senate committees with jurisdiction over public safety and
39.26 judiciary on the status of the implementation of the provisions in this section. This report
39.27 shall include, but not be limited to, data regarding:

39.28 (1) the number of inmates in each institution placed in segregation during the past year;

39.29 (2) the ages of inmates placed in segregation during the past year;

39.30 (3) the number of inmates transferred from segregation to the mental health treatment
39.31 unit;

39.32 (4) the nature of the infractions leading to the use of segregation;

40.1 (5) the lengths of terms served in segregation, including terms served consecutively;
40.2 and

40.3 (6) any incidents of inmates not receiving at least five hours a week out of cell.

40.4 Sec. 6. Minnesota Statutes 2016, section 244.05, subdivision 3, is amended to read:

40.5 Subd. 3. Sanctions for violation. If an inmate violates the conditions of the inmate's
40.6 supervised release imposed by the commissioner, the commissioner may:

40.7 (1) continue the inmate's supervised release term, with or without modifying or enlarging
40.8 the conditions imposed on the inmate; or

40.9 (2) revoke the inmate's supervised release and reimprison the inmate for the appropriate
40.10 period of time.

40.11 Prior to revoking a nonviolent controlled substance offender's supervised release based
40.12 on a technical violation, when the offender does not present a risk to the public and the

40.13 offender is amenable to continued supervision in the community, the commissioner must
40.14 identify community options to address and correct the violation including, but not limited
40.15 to, inpatient chemical dependency treatment. If the commissioner determines that community
40.16 options are appropriate, the commissioner shall restructure the inmate's terms of release to
40.17 incorporate those options. If a nonviolent controlled substance offender's supervised release
40.18 is revoked, the offender's agent must first attempt to place the offender in a local jail. For
40.19 purposes of this subdivision, "nonviolent controlled substance offender" is a person who
40.20 meets the criteria described under section 244.0513, subdivision 2, clauses (1), (2), and (5),
40.21 and "technical violation" has the meaning given in section 244.196, subdivision 6.

40.22 The period of time for which a supervised release may be revoked may not exceed the
40.23 period of time remaining in the inmate's sentence, except that if a sex offender is sentenced
40.24 and conditionally released under Minnesota Statutes 2004, section 609.108, subdivision 5,
40.25 the period of time for which conditional release may be revoked may not exceed the balance
40.26 of the conditional release term.

40.27 Sec. 7. Minnesota Statutes 2016, section 244.09, subdivision 11, is amended to read:

40.28 Subd. 11. **Modification.** The commission shall meet as necessary for the purpose of
40.29 modifying and improving the guidelines. Any modification which amends the Sentencing
40.30 Guidelines grid, including severity levels and criminal history scores, or which would result
40.31 in the reduction of any sentence or in the early release of any inmate, with the exception of
40.32 a modification mandated or authorized by the legislature or relating to a crime created or
41.1 amended by the legislature in the preceding session, shall be submitted to the legislature by
41.2 January 15 of any year in which the commission wishes to make the change and ~~shall be,~~
41.3 if approved by the legislature by law, becomes effective on August 1 of that year, unless
41.4 the legislature by law provides otherwise. All other modifications shall take effect according
41.5 to the procedural rules of the commission. On or before January 15 of each year, the
41.6 commission shall submit a written report to the committees of the senate and the house of
41.7 representatives with jurisdiction over criminal justice policy that identifies and explains all
41.8 modifications made during the preceding 12 months and all proposed modifications that
41.9 are being submitted to the legislature that year.

41.10 **EFFECTIVE DATE.** This section is effective the day following final enactment and
41.11 applies to any pending or future proposed modifications.

41.12 Sec. 8. Minnesota Statutes 2016, section 244.198, is amended by adding a subdivision to
41.13 read:

41.14 Subd. 1a. **Alternatives to incarceration.** At a sanctions conference regarding a
41.15 nonviolent controlled substance offender, when the offender does not present a risk to the
41.16 public and the offender is amenable to continued supervision in the community, a probation
41.17 agency must identify community options to address and correct the violation including, but

41.18 not limited to, inpatient chemical dependency treatment. If the agency determines that
41.19 community options are appropriate, the county probation officer shall recommend a sanction
41.20 that incorporates those options. For purposes of this subdivision, "nonviolent controlled
41.21 substance offender" is a person who meets the criteria described under section 244.0513,
41.22 subdivision 2, clauses (1), (2), and (5).

41.23 Sec. 9. Minnesota Statutes 2016, section 609.14, is amended by adding a subdivision to
41.24 read:

41.25 Subd. 2a. **Alternatives to incarceration.** (a) A probation agent must present the court
41.26 with local options to address and correct the violation including, but not limited to, inpatient
41.27 chemical dependency treatment when the defendant at a summary hearing provided by
41.28 subdivision 2 is:

41.29 (1) a nonviolent controlled substance offender;

41.30 (2) subject to supervised probation;

41.31 (3) appearing based on a technical violation; and

41.32 (4) admitting or found to have violated any of the conditions of probation.

42.1 (b) For purposes of this subdivision, "nonviolent controlled substance offender" is a
42.2 person who meets the criteria described under section 244.0513, subdivision 2, clauses (1),
42.3 (2), and (5), and "technical violation" has the meaning given in section 244.196, subdivision
42.4 6.

42.5 Sec. 10. **ALTERNATIVES TO INCARCERATION PILOT PROGRAM FUND.**

42.6 (a) Agencies providing supervision to offenders on probation, parole, or supervised
42.7 release are eligible for grants to facilitate access to community options including, but not
42.8 limited to, inpatient chemical dependency treatment for nonviolent controlled substance
42.9 offenders to address and correct behavior that is, or is likely to result in, a technical violation
42.10 of the conditions of release. For purposes of this section, "nonviolent controlled substance
42.11 offender" is a person who meets the criteria described under Minnesota Statutes, section
42.12 244.0513, subdivision 2, clauses (1), (2), and (5), and "technical violation" has the meaning
42.13 given in Minnesota Statutes, section 244.196, subdivision 6.

42.14 (b) The Department of Corrections shall establish criteria for selecting grant recipients
42.15 and the amount awarded to each grant recipient.

42.16 (c) By January 15, 2019, the commissioner of corrections shall submit a report to the
42.17 chairs of the house of representatives and senate committees with jurisdiction over public
42.18 safety policy and finance. At a minimum, the report must include:

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

42.20 (2) the average amount of each grant;

42.21 (3) the community services accessed as a result of the grants;

42.22 (4) a summary of the type of supervision offenders were under when a grant was used
42.23 to help access a community option;

42.24 (5) the number of individuals who completed, and the number who failed to complete,
42.25 programs accessed as a result of this grant; and

42.26 (6) the number of individuals who violated the terms of release following participation
42.27 in a program accessed as a result of this grant, separating technical violations and new
42.28 criminal offenses.

43.1 Sec. 11. **TARGETED DOMESTIC VIOLENCE PREVENTION PROGRAMMING.**

43.2 Subdivision 1. **Domestic violence offender identification.** The commissioner of
43.3 corrections shall implement a process to identify offenders sentenced for domestic violence
43.4 related offenses.

43.5 Subd. 2. **Threat assessment and screening.** The commissioner of corrections shall
43.6 develop a process to identify offenders who pose the highest threat to commit domestic
43.7 violence and abuse upon release from confinement.

43.8 Subd. 3. **Programming.** The commissioner shall identify accepted best practices, if any,
43.9 for providing domestic violence prevention programming to offenders, including evaluating
43.10 any currently piloted domestic violence programming. The commissioner shall provide
43.11 programming consistent with accepted best practices to offenders identified as posing the
43.12 highest threat of committing domestic violence and abuse upon release from confinement.

43.13 Subd. 4. **Report.** By January 15, 2019, the commissioner of corrections shall submit a
43.14 report to the chairs of the house of representatives and senate committees with jurisdiction
43.15 over public safety policy and finance. At a minimum, the report must include:

43.16 (1) a description of the offender identification screening process;

43.17 (2) a description of the process used to assess offenders who pose an increased threat
43.18 of committing domestic violence and abuse upon release from confinement;

43.19 (3) the number of offenders identified as being likely to commit domestic violence or
43.20 abuse upon release from confinement;

43.21 (4) the number of offenders who have participated in targeted domestic violence
43.22 prevention programming;

43.23 (5) the number of offenders who participated in targeted domestic violence prevention
43.24 programming who have been released from confinement;

43.25 (6) the recidivism rate of offenders who participated in targeted domestic violence
43.26 prevention programming who have been released from confinement; and

43.27 (7) the number of offenders who participated in targeted domestic violence prevention
43.28 programming who committed domestic violence offenses after release from confinement.