

242.03 YOUTH CONSERVATION

CHAPTER 242. YOUTH CONSERVATION

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COMMISSION

242.03 Policy

The chairman of the Minnesota corrections authority shall be responsible for the development of the policy pertaining to the care, treatment, and disposition of persons committed to the authority.

[1973 c 94 s 4; 1973 c 654 s 2]

(NOTE: Section 242.03 was also amended by Laws 1973, Chapter 94, Section 4, to read as follows:

"Sec. 4. Minnesota Statutes 1971, Section 242.03, is amended to read: 242.03 [Members; quorum; chairman and director, duties; compensation.] The commission shall consist of six persons, including a chairman and director who shall be appointed by the commissioner of corrections from among the several officers of the department of corrections, and five others, at least one of whom shall be a woman, appointed

ed by the governor, with the consent of the senate. Four members shall constitute a quorum, except as otherwise provided in section 242.10. The chairman and director shall be responsible for the administration and enforcement of sections 242.01 to 242.54 with the policy matters and decisions pertaining to the care, treatment, and disposition of persons committed to it determined by the commission. The chairman and director shall serve without additional compensation. All other members shall serve on a per diem basis.")

242.04 [Repealed, 1973, c 654 s 14]

242.05 [Repealed, 1973 c 654 s 14]

242.06 [Repealed, 1973 c 654 s 14]

242.07 [Repealed, 1973 c 654 s 14]

242.08 [Repealed, 1973 c 654 s 14]

242.09 Cooperation; other agencies

The commissioner of public welfare, the commissioner of education, and the state board of health through its executive officer shall advise, cooperate with and assist the authority and the commissioner of corrections in carrying out the duties and responsibilities assigned to it by chapter 242 and for these purposes they may attend meetings. Their facilities and services and those of other state agencies, particularly of the department of public welfare, shall be made available to the authority and the commissioner of corrections upon such terms as the governor may direct.

[1973 c 654 s 3]

242.10 Powers; probation, commitment, parole

(1) Every order granting or revoking probation, committing to an institution, granting or revoking parole, or issuing final discharge to any person under the control of the Minnesota corrections authority shall be made by the authority. The authority may not delegate the making of such decisions to any other body or person. When the authority acts under this section, three members shall constitute a quorum.

(2) All other powers conferred on the authority may be exercised by the chairman or through his subordinates under rules established by the authority. Any person subjected to an order of the chairman or such subordinates may petition the authority for review.

(3) The commissioner of corrections may designate from among the members of his staff, one or more hearing officers and delegate to them the authority to grant or revoke probation, commit to an institution, grant or revoke parole, or issue final discharge to any person under the control of the commissioner pursuant to a commitment to him by a juvenile court of this state. Any person aggrieved by an order issued by such officer may appeal to the commissioner or to a review panel established by the commissioner within his department pursuant to rules issued by the commissioner.

[1973 c 654 s 4]

242.11 [Repealed, 1973 c 654 s 14]

242.18 Study of offender's background; treatment policy

When a person has been committed to the authority or the commissioner of corrections, the authority or the commissioner of corrections under its rules shall forthwith cause him to be examined and studied, and investigate all of the pertinent circumstances of his life and the antecedents of the crime because of which he has been committed to it, and thereupon order such treatment as it shall determine to be most conducive to the accomplishment of the purposes of chapter 242. For the study and examination of those persons committed to the authority of the commissioner of corrections who are deemed to require custodial detention for their own protection or the protection of society during the diagnostic process, the commissioner shall make available suitable space at any institution under his control for the conduct of such study and examination. Persons convicted of crimes shall not be detained in institutions for adjudicated delinquents, nor shall delinquent children be detained in institutions for persons convicted of crimes. The court and the prosecuting and police authorities and other public officials shall make available to the authority and the commissioner of corrections all pertinent data in their possession in respect to the case.

[1973 c 654 s 5]

242.19 Methods of control

Subdivision 1. When a person has been committed to the Minnesota corrections authority it may

(a) place him on probation under such supervision and conditions as it believes conducive to law abiding conduct;

(b) if he has been committed to the authority upon conviction of a felony or gross misdemeanor, order his confinement to such reformatory, state prison, jail or other place of confinement to which he might have been sentenced by the court in which he was convicted except for chapter 242. Such reformatories, state prisons, jails or other places of confinement are hereby required to accept such persons in like manner as though they had been committed by such court;

(c) order his release on parole from confinement under such supervision and conditions as it believes conducive to law-abiding conduct;

(d) order reconfinement or renewed parole as often as authority believes to be desirable;

(e) revoke or modify any order, except an order of discharge, as often as the authority believes to be desirable;

(f) discharge him from its control when it is satisfied that such discharge is consistent with the protection of the public.

Subd. 2. When a child has been committed to the commissioner of corrections by a juvenile court, upon a finding of his delinquency, the commissioner may for the purposes of treatment and rehabilitation:

(a) order his confinement to the state training school, Minnesota home school or the Minnesota metropolitan training center, and such institutions shall accept such persons so committed to them, or to a group foster home under the control of the commissioner of corrections, or to private schools or institutions established by law or incorporated under the laws of this state that may care for delinquent children;

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(b) order his release on parole under such supervisions and conditions as the commissioner believes conducive to law-abiding conduct, treatment and rehabilitation;

(c) order reconfinement or renewed parole as often as the commissioner believes to be desirable;

(d) revoke or modify any order, except an order of discharge, as often as he believes to be desirable;

(e) discharge the child from his control when he is satisfied that the child has been rehabilitated and that such discharge is consistent with the protection of the public;

(f) if the commissioner finds that the child is eligible for probation or parole and it appears from the commissioner's investigation that conditions in the child's home or guardian are not conducive to the child's treatment or rehabilitation or to his law-abiding conduct, refer the child, together with his findings, to a county welfare board or a licensed child placing agency for placement in a foster care or when appropriate, for initiation of dependency or neglect proceedings as provided in sections 260.011 to 260.301. The commissioner of corrections shall reimburse county welfare boards for foster costs they incur for such children while on probation or parole to the extent that funds for this purpose are made available to the commissioner by the legislature.

[1973 c 68 s 1; 1973 c 654 s 6]

242.20 Training

As a means of correcting the socially harmful tendencies of a person committed to the authority or the commissioner of corrections, the authority or the commissioner may, subject to the provisions of section 242.24, require participation by him in vocational, physical, educational and corrective training and activities and such conduct and modes of life as seem best adapted to fit him for return to full liberty without danger to the public welfare. The commissioner of corrections may receive money from the sale of articles manufactured by a person committed to the authority and confined in an institution under the control of the commissioner and expend such money so received for the purchase of materials to be made into other articles for sale.

[1973 c 654 s 7]

242.21 Cooperation; state institutions, local police officers

The commissioner of corrections may enter into agreement with the commissioner of public welfare, with local probation officers or other public officials and with public or private agencies, schools or institutions, for custody, separate care, special treatment, training, or diagnostic services of persons committed to his care or subject to the control of the authority. The commissioner of corrections may pay any costs incurred by such agreements to the extent that funds for such purposes are made available to the commissioner by the legislature.

[1973 c 654 s 8]

242.25 Re-examinations, persons committed

The chairman of the Minnesota corrections authority and the commissioner of corrections shall make or cause to be made periodic re-examinations of all persons under control of the authority or under commitment to the commissioner of corrections for the purpose of determining whether existing orders in individual cases should be modified or continued in force. Those examinations may be made as frequently as the authority directs and shall be made with respect to every person at least once annually.

[1973 c 654 s 9]

242.265 [Repealed, 1973 c 654 s 14]

242.27 Discharge

Unless previously discharged under the provisions of section 242.19, a person who has been committed to the Minnesota corrections authority upon conviction of a crime as provided in section 242.13 shall be discharged by the chairman and be given his liberty on his twenty-fifth birthday, unless the authority shall determine that such discharge at that time would be dangerous to the public in which event the authority shall transfer him to adult status, whereupon such person shall continue to serve the sentence theretofore imposed upon him (1) as a probationer or parolee if transferred while on probation or parole, or (2) in confinement if transferred while confined; subject, however, to be retaken and confined in the event of violation of parole or probation, or conditionally released on parole or discharged at the discretion of the authority.

[1973 c 654 s 10]

242.29 Probate court proceedings; insanity, psychopathic personality

Whenever the chairman is of the opinion that there are grounds for believing that a person committed to the Minnesota corrections authority is insane, or a psychopathic personality, as defined in section 526.09, the chairman may institute proceedings in the probate court of the county in which such person then resides or is confined to determine whether he is insane or a psychopathic personality. If the court shall so find, he shall be transferred by the order of the court to the Minnesota security hospital or to a state hospital for the insane at the discretion of the court, there to be kept and maintained as in the case of other insane persons. If, in the judgment of the superintendent of the asylum or hospital, his sanity is restored before the period of his commitment to the authority has expired, he shall be returned by the commissioner of public welfare to the authority for further disposition or treatment under chapter 242.

[1973 c 654 s 11]

242.32 Constructive programs; cooperation, other agencies

The commissioner of corrections shall be charged with the duty of developing constructive programs for the prevention and decrease of delinquency and crime among youth and to that end shall cooperate with existing agencies and encourage the establishment of new agencies, both local and state-wide, having as their object the prevention and decrease of delinquency and crime among youth; and the commissioner shall assist local authorities of any county or municipality when so requested by the governing body thereof, in planning, developing and coordinating their educational, welfare, recreational and health activities or other constructive community programs, which have as their object the conservation of youth.

[1973 c 654 s 12]

242.37 Conservation camps

(1) The commissioner of corrections may establish and operate conservation camps in which persons committed to the youth conservation commission or the commissioner of corrections may be placed. Such camps may be established independently or in cooperation with any other public agency or any governmental subdivision, subject to the approval of such agency or subdivision as to any camp or project to the extent that its premises or operations are affected.

(2) Every able-bodied person committed as provided in clause (1) may be confined to a conservation camp established pursuant to this section or to any other institution under the control of the commissioner, subject to the limitations of sections 242.15 and 242.19. Any person committed to a conservation camp as herein provided may be required by order of the commissioner to labor during the whole or some part of the time for which he is so committed and confined, but not more than eight hours per day. The commissioner is

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authorized and empowered to provide for the payment of such compensation as he may determine to persons so confined who perform labor as hereinabove provided. Any money arising hereunder shall be and remain under control of the commissioner and shall be for the sole benefit of the person performing the labor unless it shall be used for rendering assistance to his family or dependents or in making restitution to persons determined by the commissioner to be entitled thereto, in either event payments shall be made only in such amount, at such time and to such persons as the commissioner may order in writing.

[1973 c 144 s 1]

STATE TRAINING SCHOOLS; BOYS, GIRLS

242.41 Red Wing, management

The state training school shall be continued at its present site at Red Wing in the county of Goodhue and be under the general management of the commissioner of corrections.

[1973 c 68 s 2]

242.43 Youth conservation commission, duties

It shall be the duty of the commissioner of corrections to receive, clothe, maintain, and instruct, at the expense of the state, all children duly committed to the training school and keep them in his custody until discharged, paroled, placed on probation, or transferred by the Youth Conservation Commission. The Youth Conservation Commission may in its discretion place any of these children in suitable foster care facilities or cause them to be instructed in such trades or employment as in its judgment will be most conducive to their reformation and amendment and tend to the future benefit and advantage of such children. The Youth Conservation Commission may discharge any child so committed, or may recall to the school at any time any child paroled, placed on probation, or transferred; and, upon such recall, may resume the care and control thereof. The discharge of a child by the Youth Conservation Commission shall be a complete release from all penalties and disabilities created by reason of the commitment.

Upon the parole or discharge of any inmate of the state training school or the Minnesota home school, the commissioner of corrections may pay to each inmate released an amount of money not exceeding the sum of \$10. All such payments shall be made from the current expense fund of the institution.

[1973 c 68 s 3]

242.44 Pupils

The Youth Conservation Commission, so far as the accommodations of the institution and the means at its disposal will permit, shall receive under its care and guardianship, and keep until they reach 21 years of age, or until placed in homes, or discharged, all persons so committed. It may place such youth at such employment, and cause him to be instructed in such branches of useful knowledge, as may be suitable to his years and capacity, and may place him in a suitable home and, under such rules as it may prescribe, when deemed best for such youth, it may parole or discharge the child from the institution. All pupils in the school shall be clothed, instructed, and maintained at the expense of the state.

[1973 c 68 s 4; 1973 c 725 s 42]

242.54 [Repealed, 1973 c 654 s 14]