

CHAPTER 241

DEPARTMENT OF CORRECTIONS

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241.01 CREATION OF DEPARTMENT.

[For text of subds 1 to 7, see M.S.1980]

Subd. 8. [Repealed, 1981 c 192 s 21]

241.021 LICENSING AND SUPERVISION OF INSTITUTIONS AND FACILITIES.

[For text of subd 1, see M.S.1980]

Subd. 2. **Foster care facilities for delinquent children and youth; licenses; supervision.** Notwithstanding any provisions in sections 256.01, subdivision 2, clause (2), and 245.783 to 245.791 to the contrary, the commissioner of corrections shall pass annually on the adequacy and suitability of all county, municipal or other publicly established and operated facilities for the detention, care and training of delinquent children and youth, if such facility conforms to reasonable standards established by the commissioner or in his judgment is making satisfactory progress toward substantial conformity therewith, and he is satisfied that the interests and well-being of children and youth received therein are protected, he shall grant a license to the county, municipality or agency thereof operating such facility. This license shall remain in force one year unless sooner revoked. Each such facility shall cooperate with the commissioner to make available all facts regarding its operation and services as he requires to determine its conformance to standards and its competence to give the services needed and which purports to give. Every such facility as herein described is subject to visitation and supervision by the commissioner and shall receive from him consultation as needed to strengthen services to the children and youth received therein.

[For text of subd 3, see M.S.1980]

Subd. 4. **Health care.** The commissioner of corrections shall provide professional health care to persons confined in institutions under the control of the commissioner of corrections and pay the costs of their care in hospitals and other medical facilities not under the control of the commissioner of corrections, including the secure treatment unit operated by the St. Paul - Ramsey Hospital. All reimbursements for these health care services shall be deposited in the general fund.

Subd. 5. **Sales to department of administration.** July 1 of each year and quarterly thereafter, the commissioner of corrections shall notify the commissioner of administration of the articles, supplies, and services available from industrial activities conducted at state correctional institutions, and the commissioner of

administration shall purchase from the state correctional institutions those articles, supplies, and services needed by state departments and agencies, unless the commissioner of corrections certifies that the correctional institutions cannot provide them at a price within five percent of the fair market price for comparable level of quality and within a reasonable delivery time. In determining the fair market price the commissioner of administration shall use competitive bidding or consider open market bid prices in previous years for similar products and services, plus inflationary increases.

History: 1981 c 360 art 1 s 16; 1Sp1981 c 4 art 1 s 99

241.045 CORRECTIONS BOARD.

[For text of subs 1 to 4, see M.S.1980]

Subd. 6. **Quorum.** Except for the parole of persons serving life sentences under the provisions of section 609.185, persons serving extended terms of imprisonment as dangerous offenders under section 609.16, or the discharge of such persons pursuant to section 242.31, the board may sit in units of two or three as designated by the chairman under rules prescribed by the board, and such a unit shall constitute a quorum.

[For text of subs 7 and 8, see M.S.1980]

History: 1Sp1981 c 4 art 1 s 100

241.07 TRANSFER OF INMATES TO OTHER STATE INSTITUTIONS.

The commissioner of corrections may transfer an inmate of any state correctional facility to a state institution under the control of the commissioner of public welfare or to a private medical facility for diagnosis, treatment, or care which is not available at any state correctional facility and shall cause a proper record to be made at the institutions or facility to which a transfer has been made and at his office. No transfer shall be made by the commissioner of corrections without the approval of the commissioner of public welfare or the chief executive officer of the private facility. An inmate of any state correctional facility so transferred shall be returned to the correctional facility from which transferred by order of the commissioner of corrections upon conclusion of treatment, or, if the inmate becomes eligible for release from custody pursuant to the terms of the sentence prior to conclusion of treatment, the inmate shall be released unless, before conclusion of treatment, the inmate has been committed to a medical institution by competent authority as provided by law. The superintendent of any state institution or the chief executive officer of any private facility shall at once notify the commissioner of corrections if there is any question as to the propriety of the commitment or detention of any inmate admitted to their institution or facility and the commissioner shall immediately take action on the question.

History: 1981 c 192 s 1

241.09 UNCLAIMED MONEY OR PERSONAL PROPERTY OF INMATES OF CORRECTIONAL FACILITIES.

Subdivision 1. **Money.** When the chief executive officer of any state correctional facility under the jurisdiction of the commissioner of corrections obtains money belonging to inmates of the facility who have died, been released or escaped, and the chief executive officer knows no claimant or person entitled to it, the chief executive officer shall, if the money is unclaimed within two years, deposit it in the inmate social welfare fund for the benefit of the inmates of the

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facility. No money shall be so deposited until it has remained unclaimed for at least two years. If, at any time after the expiration of the two years, the inmate or the legal heirs appear and make proper proof of identity or heirship, the inmate or heirs are entitled to receive from the state treasurer any money belonging to the inmate and deposited in the inmate social welfare fund pursuant to this subdivision.

Subd. 2. **Unclaimed personal property.** When any inmate of a state correctional facility under the jurisdiction of the commissioner of corrections has died, been released or escaped therefrom leaving in the custody of the chief executive officer thereof personal property, other than money, which remains unclaimed for a period of two years, and the chief executive officer knows no person entitled to it, the chief executive officer or his agent may sell or otherwise dispose of the property in the manner provided by law for the sale or disposition of state property. The proceeds of any sale, after deduction of the costs shall be deposited in the inmate social welfare fund for expenditure as provided in subdivision 1. Any inmate whose property has been sold under this subdivision, or heirs of the inmate, may file with, and make proof of ownership to, the chief executive officer of the institution who caused the sale of the property within two years after the sale, and, upon satisfactory proof to the chief executive officer, the chief executive officer shall certify to the state treasurer the amount received by the sale of such property for payment to the inmate or heirs. No suit shall be brought for damages consequent to the disposal of personal property or use of money in accordance with this section against the state or any official, employee, or agent thereof.

History: 1981 c 192 s 2

241.13 CONTINGENT ACCOUNT; DAMAGE DEPOSITS; CORRECTIONAL INSTITUTIONS.

Subdivision 1. **Contingent account.** The commissioner of corrections may permit a contingent account to remain in the hands of the accounting officer of any such institution from which expenditures may be made in case of actual emergency requiring immediate payment to prevent loss or danger to the institution or its inmates and for the purpose of paying freight, purchasing produce, livestock and other commodities requiring a cash settlement, and for the purpose of discounting bills incurred, but in all cases subject to revision by the commissioner of corrections. An itemized statement of every expenditure made during the month from such account shall be submitted to the commissioner under rules established by him. If necessary, the commissioner shall make proper requisition upon the commissioner of finance for a warrant upon the state treasurer to secure the contingent account for each institution.

Subd. 2. **Damage deposits.** The commissioner of corrections shall collect a damage deposit from all staff who reside in housing on the grounds of the Thistledeew Corrections Camp at Togo, Minnesota and deposit the moneys in a savings account in a bank at interest. Withdrawals therefrom may be made to defray the cost of any damage to the residence caused by the tenant or to return the deposit to the tenant with accrued interest if the residence is vacated without damage. The commissioner shall keep accurate records in the name of each tenant so that the interest may be credited to the proper account.

History: 1981 c 360 art 1 s 17

241.14 PHYSICAL EXAMINATIONS FOR EMPLOYMENT IN CORRECTIONAL FACILITIES.

No new employee shall begin employment in any correctional facility under the direction of the department of corrections, whether certified for employment by the department of employee relations, or otherwise selected, unless the person presents to the appointing officer of the correctional facility a certificate from a duly licensed physician showing that the employee has undergone a physical examination and has been found to be free of tuberculosis.

History: 1981 c 192 s 3

241.15 [Repealed, 1981 c 192 s 21]

241.22 MAY EXPEND MONEYS.

For the purposes of sections 241.20 to 241.23, the commissioner of corrections may lawfully expend money from the current expense appropriations, revolving funds, and building appropriations of any state correctional facility under the commissioner's control, including the contingent fund appropriated to the commissioner of corrections.

History: 1981 c 192 s 4

241.27 VOCATIONAL TRAINING OF INMATES; MINNESOTA CORRECTIONAL INDUSTRIES; REVOLVING ACCOUNTS.

[For text of subd 1, see M.S.1980]

Subd. 2. Revolving fund; use of fund. There is established in the department of corrections under the control of the commissioner of corrections the Minnesota correctional industries revolving fund to which shall be transferred the revolving funds authorized in Minnesota Statutes 1978, Sections 243.41, 243.85, clause (f), and any other industrial revolving funds heretofore established at any state correctional facility under the control of the commissioner of corrections. The revolving fund established shall be used for the conduct of the industrial and commercial activities now or hereafter established at any state correctional facility, including but not limited to the purchase of equipment, raw materials, the payment of salaries, wages and other expenses necessary and incident thereto. Additionally, the expenses of inmate vocational training and the inmate release fund may be financed from the correctional industries revolving fund in an amount to be determined by the commissioner. The proceeds and income from all industrial and commercial activities conducted at state correctional facilities shall be deposited in the correctional industries revolving fund subject to disbursement as hereinabove provided. The commissioner of corrections may request that money in the fund be invested pursuant to section 11.10; the proceeds from the investment not currently needed shall be accounted for separately and credited to the fund.

[For text of subds 3 to 5, see M.S.1980]

History: 1Sp1981 c 4 art 1 s 101

241.62 PILOT PROGRAMS.

[For text of subds 1 to 4, see M.S.1980]

Subd. 5. Classification of data collected by grantees. Personal history information and other information collected, used or maintained by a grantee from

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which the identity of any battered woman may be determined is private data on individuals, as defined in section 15.162, subdivision 5a, and the grantee shall maintain the data in accordance with the provisions of sections 15.1611 to 15.1699.

History: *1Sp1981 c 4 art 1 s 14*

241.69 PSYCHIATRIC UNIT; ESTABLISHMENT.

[For text of subs 1 to 3, see M.S.1980]

Subd. 4. **Commitment.** If the examining physician or psychologist finds the person to be mentally ill and in need of long term care in a hospital, or if an inmate transferred pursuant to subdivision 3 refuses to voluntarily participate in the treatment program at the psychiatric unit, the chief executive officer of the institution or other person in charge shall initiate proceedings for judicial commitment as provided in section 253A.07. Upon the recommendation of the physician or psychologist and upon completion of the hearing and consideration of the record, the court may commit the person to the psychiatric unit established in subdivision 1 or to another hospital. A person confined in a state correctional institution for adults who has been adjudicated to be mentally ill and in need of treatment may be committed to the commissioner of corrections and placed in the psychiatric unit established in subdivision 1.

[For text of subs 5 to 8, see M.S.1980]

History: *1981 c 360 art 1 s 18*

241.70 PROGRAMS FOR WOMEN OFFENDERS.

Subdivision 1. **Type of programs.** Adult women charged with or convicted of crimes shall be provided a range and quality of programming substantially equivalent to programming offered male persons charged with or convicted of crimes. Programs for women offenders shall be based upon the special needs of women offenders.

Subd. 2. **Model programs.** Within the limits of money appropriated, the commissioner of corrections shall provide model programs for women offenders which respond to statewide needs and geographical areas and shall award grants for the programs. Listed in the order of importance, the programs shall:

(a) Respond in a rehabilitative way to the type of offenses women offenders generally commit;

(b) Respond to the problems of women offenders with dependent children;

(c) Respond to the importance of developing independent living skills;

(d) Assist women offenders to overcome their own extreme degree of dependency;

(e) Prepare to offer technical assistance and training toward the implementation of other similar programs when requested by local communities.

Subd. 3. **County plans.** Counties shall annually submit a plan to the commissioner of corrections for approval which provides for services to women offenders in their area and which incorporates criteria for model programs established by the commissioner. Counties may agree to cooperate in preparing a joint plan and may submit and administer their plan jointly.

History: *1981 c 360 art 2 s 9*

241.71 CREATION OF ADVISORY TASK FORCE.

Within 60 days after July 1, 1981, the commissioner of corrections shall appoint an advisory task force on the woman offender in corrections. The task force shall have at least ten but no more than 20 members and shall reflect a statewide geographical representation. The provisions of section 15.059, subdivision 6, shall govern the terms, expenses, and removal of members of the advisory task force.

History: 1981 c 360 art 2 s 10

241.72 PROGRAM FUNDING.

Subdivision 1. **Grants in aid.** To assist those counties that have existing programs for the woman offender, and to encourage counties to develop and implement programs, the commissioner of corrections, from funds appropriated for the purposes of sections 241.70 to 241.73, shall make grants in aid not to exceed 40 percent of the costs of the programs in those counties electing to participate in the grant program established by sections 241.70 to 241.73.

Subd. 2. **Applications.** To qualify for the grants in aid provided under this section, those counties with existing programs and those counties that want to participate shall, by resolution of the county board, request that they be allowed to participate and submit a plan in accordance with the provisions of section 241.70, subdivision 3, and the rules of the commissioner.

Subd. 3. **Multi-county programs; local matching funds.** Where several counties combine to provide one or more of the programs under sections 241.70 to 241.73, the 60 percent local matching funds shall be borne proportionately by the participating counties on the basis of need or use as determined by the rules of the commissioner.

History: 1981 c 360 art 2 s 11

241.73 DUTIES OF COMMISSIONER.

The commissioner of corrections shall:

- (a) Review all county plans for model programs for women offenders;
- (b) Choose model programs and award grants for programs;
- (c) Appoint the members of the advisory task force created under section 241.71 and provide staff and other administrative services to the advisory task force;
- (d) Consult with the state advisory task force on the woman offender in corrections before making a choice of the programs eligible for funding;
- (e) Monitor the delivery of services sought under Laws 1981, Chapter 360; and
- (f) Establish by rule a method of determining the amount of contribution to be made by each county where two or more counties combine to provide one or more programs under sections 241.70 to 241.73.

History: 1981 c 360 art 2 s 12