

CHAPTER 243

COMMISSIONER OF CORRECTIONS; ADULTS

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ADULT CORRECTIONS, GENERALLY

- 243.01 [Repealed, 1963 c 753 art 2 s 17]
 243.02 [Repealed, 1973 c 654 s 14]
 243.03 [Repealed, 1973 c 654 s 14]
 243.04 [Repealed, 1973 c 654 s 14]

243.05 COMMISSIONER OF CORRECTIONS; POWERS, LIMITATIONS.

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

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

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

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

(d) any new rule or policy or change of rule or policy adopted by the commissioner of corrections which has the effect of postponing eligibility for parole has prospective effect only and applies only with respect to persons committing offenses after the effective date of the new rule or policy or change. Upon being paroled and released, an inmate is and remains in the legal custody and under the control of the commissioner, subject at any time to be returned to a facility of the department of corrections established by law for the confinement or treatment of convicted persons and the parole

rescinded by the commissioner. The written order of the commissioner of corrections, is sufficient authority for any peace officer or state parole and probation agent to retake and place in actual custody any person on parole or supervised release, but any state parole and probation agent may, without order of warrant, when it appears necessary in order to prevent escape or enforce discipline, take and detain a parolee or person on supervised release or work release to the commissioner for action. The written order of the commissioner of corrections is sufficient authority for any peace officer or state parole and probation agent to retake and place in actual custody any person on probation under the supervision of the commissioner pursuant to section 609.135, but any state parole and probation agent may, without an order, when it appears necessary in order to prevent escape or enforce discipline, retake and detain a probationer and bring the probationer before the court for further proceedings under section 609.14. Persons conditionally released, and those on probation under the supervision of the commissioner of corrections pursuant to section 609.135 may be placed within or outside the boundaries of the state at the discretion of the commissioner of corrections or the court, and the limits fixed for these persons may be enlarged or reduced according to their conduct.

In considering applications for conditional release or discharge, the commissioner is not required to hear oral argument from any attorney or other person not connected with an adult correctional facility of the department of corrections in favor of or against the parole or release of any inmates, but the commissioner may institute inquiries by correspondence, taking testimony or otherwise, as to the previous history, physical or mental condition, and character of the inmate, and to that end shall have authority to require the attendance of the chief executive officer of any state adult correctional facility and the production of the records of these facilities, and to compel the attendance of witnesses. The commissioner is authorized to administer oaths to witnesses for these purposes.

Subd. 2. Rules. The commissioner of corrections may adopt rules in accordance with chapter 14, the Administrative Procedure Act, governing the procedures for granting of conditional release and final discharge. The rules may provide for the conduct and employment of persons conditionally released, and other matters necessary to implement the duties conferred by law upon the commissioner with respect to conditional release and discharge of persons. For purposes of this subdivision, "conditional release" means a person on parole, work release, or supervised release.

Subd. 3. Duty of commissioner; final discharge. It is the duty of the commissioner of corrections to keep in communication, as far as possible, with all persons who are on parole and with their employers. The commissioner may grant a person on parole a final discharge from any sentence when:

- (a) the person on parole has complied with the conditions of parole for a period of time sufficient to satisfy the commissioner that the parolee is reliable and trustworthy;
- (b) the commissioner is satisfied the person on parole will remain at liberty without violating the law; and
- (c) final discharge is not incompatible with the welfare of society.

Upon the granting of a final discharge, the commissioner shall issue a certificate of final discharge to the person discharged and also cause a record of the acts of the inmate to be made. The record shall show the date of the inmate's confinement, the inmates's record while in prison, the date of parole, the inmate's record while on parole, reasons underlying the decision for final discharge, and other facts which the commissioner regards as appropriate. Nothing in this section or section 244.05 shall be construed as impairing the power of the board of pardons to grant a pardon or commutation in any case.

Subd. 4. Hearing officers; powers; duties. To carry out the powers and duties conferred by this section, the commissioner of corrections may designate from among staff members, one or more hearing officers and delegate to them any of the powers and duties conferred by this section. In the exercise of their delegated powers and duties

the hearing officers shall be subject to the rules prescribed by the commissioner of corrections.

Subd. 5. Deputization of out-of-state agents. The commissioner of corrections may deputize any person regularly employed by another state to act as an officer and agent of this state in effecting the return of any person who has violated the terms and conditions of parole or probation as granted by this state. In any matter relating to the return of that person, any agent so deputized has all the powers of a police officer of this state. Any deputization pursuant to this subdivision shall be in writing and carried by the agent as formal evidence of deputization and must be produced upon demand. Subject to the approval of the commissioner of finance, the commissioner of corrections may enter into contracts with similar officials of any other state for the purpose of sharing an equitable portion of the cost of effecting the return of any person who has violated the terms and conditions of release or probation as granted by this state.

Subd. 6. Supervision by commissioner of corrections; agents. (a) The commissioner of corrections, as far as possible, shall exercise supervision over persons released on parole or probation pursuant to this section and section 242.19.

(b) The commissioner of corrections shall exercise supervision over probationers as provided in section 609.135, and over persons conditionally released pursuant to section 241.26.

(c) For the purposes of clauses (a) and (b), and sections 609.115 and 609.135, subdivision 1, the commissioner shall appoint state agents who shall be in the classified service of the state civil service. The commissioner may also appoint suitable persons in any part of the state or enter into agreements with individuals and public or private agencies, for the same purposes, and pay the costs incurred under the agreements. Parole agents shall reside in the various districts of the state in which they are employed. Each agent or person shall perform the duties the commissioner may prescribe in behalf of or in the supervision of those persons described in clause (b). In addition, each agent or person shall act under the orders of the commissioner in the supervision of those persons conditionally released as provided in clause (a). Agents shall provide assistance to conditionally released persons in obtaining employment, and shall conduct relevant investigations and studies of persons under supervision upon the request of the commissioner. Regional supervisors may also supervise state parole agents as directed by the commissioner of corrections. This duty shall not interfere with the supervisor's responsibility under the county probation act, Laws 1959, chapter 698.

History: (10770) 1911 c 298 s 6; 1931 c 161 s 4; 1935 c 110 s 2; 1951 c 682 s 1; 1955 c 261 s 1; 1959 c 263 s 3; 1959 c 590 s 1; 1963 c 753 art 2 s 2; 1967 c 398 s 4; 1967 c 426 s 2; 1971 c 59 s 1; 1971 c 204 s 1; 1973 c 654 s 15; 1975 c 271 s 6; 1979 c 102 s 13; 1980 c 417 s 9; 1981 c 192 s 12; 1983 c 274 s 4; 1986 c 444

- 243.06 [Repealed, 1981 c 192 s 21]
- 243.07 [Repealed, 1983 c 274 s 19]
- 243.08 [Repealed, 1969 c 9 s 98]
- 243.09 [Repealed, 1983 c 274 s 19]
- 243.10 [Repealed, 1983 c 274 s 19]
- 243.11 [Repealed, 1963 c 753 art 2 s 17]
- 243.12 [Repealed, 1983 c 274 s 19]
- 243.13 MS 1974 [Expired]
- 243.14 [Repealed, 1983 c 274 s 19]

243.15 FEMALE PRISONERS; PREGNANT.

When it shall be made to appear by the properly verified petition of any woman, who has been sentenced to imprisonment in a penal institution in this state and is in prison thereunder, that she is about to give birth to a child, the commissioner of

corrections, if satisfied of the truth of the petition, shall order the transfer of such woman to a public hospital to be designated in the order, there to be detained under such guard and under such rules as the commissioner shall make in the order of transfer until the birth of the child and the recovery of the mother to such an extent that the imprisonment may be resumed without danger of serious impairment of her health.

The commissioner of corrections shall adopt such proper rules as may be necessary to carry out the purposes of this section.

History: (10771) 1923 c 165 s 1; 1959 c 263 s 2; 1985 c 248 s 70; 1986 c 444

243.16 INTERSTATE COMPACT FOR THE SUPERVISION OF PAROLEES AND PROBATIONERS.

Subdivision 1. The governor is hereby authorized and empowered to enter into compacts and agreements with other states, through their duly constituted authorities, in reference to reciprocal supervision of persons on parole or probation and for the reciprocal return of such persons to the contracting states for violation of the terms of their parole or probation, and for the purpose of carrying out the provisions of this section the commissioner of corrections or his designee is designated the official administrator of the interstate compact for the state of Minnesota.

Subd. 2. Such compact and agreement shall be in the form substantially as follows:

INTERSTATE COMPACT FOR THE SUPERVISION

OF PAROLEES AND PROBATIONERS

A COMPACT

Entered into by and among the contracting states signatories hereto, with the consent of the Congress of the United States of America, granted by an act entitled "An act granting the consent of Congress to any two or more states to enter into agreements or compacts for cooperative effort and mutual assistance in the prevention of crime and for other purposes."

The contracting states solemnly agree:

(1) That it shall be competent for the duly constituted judicial and administrative authorities of a state party to this compact (herein called "sending state"), to permit any person convicted of an offense within such state and placed on probation or released on parole to reside in any other state party to this compact (herein called "receiving state"), while on probation or parole, if

(a) Such person is in fact a resident of or has his family residing within the receiving state and can obtain employment there;

(b) Though not a resident of the receiving state and not having his family residing there, the receiving state consents to such person being sent there.

Before granting such permission, opportunity shall be granted to the receiving state to investigate the home and prospective employment of such person.

A resident of the receiving state, within the meaning of this section, is one who has been an actual inhabitant of such state continuously for more than one year prior to his coming to the sending state and has not resided within the sending state more than six continuous months immediately preceding the commission of the offense for which he has been convicted.

(2) That each receiving state will assume the duties of visitation of and supervision over probationers or parolees of any sending state and in the exercise of those duties will be governed by the same standards that prevail for its own probationers and parolees.

(3) That duly accredited officers of a sending state may at all times enter a receiving state and there apprehend and retake any person on probation or parole. For

that purpose no formalities will be required other than establishing the authority of the officer and the identity of the person to be retaken. All legal requirements to obtain extradition of fugitives from justice are hereby expressly waived on the part of states party hereto, as to such persons. The decision of the sending state to retake a person on probation or parole shall be conclusive upon and not reviewable within the receiving state. Provided, however, That if at the time when a state seeks to retake a probationer or parolee there should be pending against him within the receiving state any criminal charge, or he should be suspected of having committed within such state a criminal offense, he shall not be retaken without the consent of the receiving state until discharged from prosecution or from imprisonment for such offense.

(4) That the duly accredited officers of the sending state will be permitted to transport prisoners being retaken through any and all states parties to this compact, without interference.

(5) That the governor of each state may designate an officer who, acting jointly with like officers of other contracting states, if and when appointed, shall promulgate such rules and regulations as may be deemed necessary to more effectively carry out the terms of this compact.

(6) That this compact shall become operative immediately upon its execution by any state as between it and any other state or states so executing. When executed it shall have the full force and effect of law within such state, the form of execution to be in accordance with the laws of the executing state.

(7) That this compact shall continue in force and remain binding upon each executing state until renounced by it. The duties and obligations hereunder of a renouncing state shall continue as to parolees or probationers residing therein at the time of withdrawal until retaken or finally discharged by the sending state. Renunciation of this compact shall be by the same authority which executed it, by sending six months' notice in writing of its intention to withdraw from the compact to the other state party hereto.

Subd. 3. If any section, sentence, subdivision or clause of this section is for any reason held invalid or to be unconstitutional, such decision shall not affect the validity of the remaining portions of this section.

Subd. 4. (a) Whenever the duly constituted judicial and administrative authorities in a sending state shall determine that incarceration of a probationer or reincarceration of a parolee is necessary or desirable, said officials may direct that the incarceration or reincarceration be in a prison or other correctional institution within the territory of the receiving state, such receiving state to act in that regard solely as agent for the sending state.

(b) As used in this amendment, the term "receiving state" shall be construed to mean any state, other than the sending state, in which a parolee or probationer may be found, provided that said state is a party to this amendment.

(c) Every state which adopts this amendment shall designate at least one of its correctional institutions as a "Compact Institution" and shall incarcerate persons therein as provided in subdivisions 1 and 2 unless the sending and receiving state in question shall make specific contractual arrangements to the contrary. All states party to this amendment shall have access to "Compact Institutions" at all reasonable hours for the purpose of inspecting the facilities thereof and for the purpose of visiting such of said state's prisoners as may be confined in the institution.

(d) Persons confined in "Compact Institutions" pursuant to the terms of this compact shall at all times be subject to the jurisdiction of the sending state and may at any time be removed from said "Compact Institution" for transfer to a prison or other correctional institution within the sending state, for return to probation or parole, for discharge, or for any other purpose permitted by the laws of the sending state.

(e) All persons who may be confined in a "Compact Institution" pursuant to the provisions of this amendment shall be treated in a reasonable and humane manner. The fact of incarceration or reincarceration in a receiving state shall not deprive any

person so incarcerated or reincarcerated of any rights which said person would have had if incarcerated or reincarcerated in an appropriate institution of the sending state; nor shall any agreement to submit to incarceration or reincarceration pursuant to the terms of this amendment be construed as a waiver of any rights which the prisoner would have had if he had been incarcerated or reincarcerated in any appropriate institution of the sending state, except that the hearing or hearings, if any, to which a parolee or probationer may be entitled (prior to incarceration or reincarceration) by the laws of the sending state may be had before the appropriate judicial or administrative officers of the receiving state. In this event, said judicial and administrative officers shall act as agents of the sending state after consultation with appropriate officers of the sending state.

(f) Any receiving state incurring costs or other expenses under this amendment shall be reimbursed in the amount of such costs or other expenses by the sending state unless the states concerned shall specifically otherwise agree. Any two or more states party to this amendment may enter into supplementary agreements determining a different allocation of costs as among themselves.

(g) This amendment shall take effect when ratified by any two or more states party to the compact and shall be effective as to those states which have specifically ratified this amendment. Rules and regulations necessary to effectuate the terms of this amendment may be promulgated by the appropriate officers of those states which have ratified this amendment.

Subd. 5. Copies of this section shall, upon its approval, be transmitted to the governor of each member state, the attorney general and the administrator of general services of the United States, and The Council of State Governments.

Subd. 6. (1) Where supervision of a parolee or probationer is being administered pursuant to the *Interstate Compact for the Supervision of Parolees and Probationers*, the appropriate judicial or administrative authorities in this state shall notify the compact administrator of the sending state whenever, in their view, consideration should be given to retaking or reincarceration for a parole or probation violation. Prior to the giving of any such notification, a hearing shall be held in accordance with this subdivision within a reasonable time, unless such hearing is waived by the parolee or probationer. The appropriate officer or officers of this state shall as soon as practicable, following termination of any such hearing, report to the sending state, furnish a copy of the hearing record, and make recommendations regarding the disposition to be made of the parolee or probationer by the sending state. Pending any proceeding pursuant to this section, the appropriate officers of this state may take custody of and detain the parolee or probationer involved for a period not to exceed 15 days prior to the hearing and, if it appears to the hearing officer or officers that retaking or reincarceration is likely to follow, for such reasonable period after the hearing or waiver as may be necessary to arrange for the retaking or reincarceration.

(2) Any hearing pursuant to this subdivision may be before the administrator of the *Interstate Compact for the Supervision of Parolees and Probationers*, a deputy of such administrator, or any other person authorized pursuant to the laws of this state to hear cases of alleged parole or probation violations, except that no hearing officer shall be the person making the allegation of violation.

(3) With respect to any hearing pursuant to this subdivision, the parolee or probationer:

(a) Shall have reasonable notice in writing of the nature and content of the allegations to be made, including notice that its purpose is to determine whether there is probable cause to believe that he has committed a violation that may lead to a revocation of parole or probation.

(b) Shall be permitted to advise with any persons whose assistance he reasonably desires, prior to the hearing.

(c) Shall have the right to confront and examine any persons who have made allegations against him, unless the hearing officer determines that such confrontation

would present a substantial present or subsequent danger of harm to such person or persons.

(d) May admit, deny or explain the violation alleged and may present proof, including affidavits and other evidence, in support of his contentions. A record of the proceedings shall be made and preserved.

(4) In any case of alleged parole or probation violation by a person being supervised in another state pursuant to the Interstate Compact for the Supervision of Parolees and Probationers, any appropriate judicial or administrative officer or agency in another state is authorized to hold a hearing on the alleged violation. Upon receipt of the record of a parole or probation violation hearing held in another state pursuant to a statute substantially similar to this subdivision, such record shall have the same standing and effect as though the proceeding of which it is a record was had before the appropriate officer or officers in this state, and any recommendations contained in or accompanying the record shall be fully considered by the appropriate officer or officers of this state in making disposition of the matter.

(5) Copies of this subdivision shall, upon its approval, be distributed as provided in subdivision 5.

History: (10778-1) 1935 c 257 s 1; 1955 c 261 s 1; 1955 c 262 s 1; 1959 c 263 s 3; 1969 c 596 s 1-4; 1973 c 84 s 1; 1974 c 126 s 1

243.17 SHERIFF, EXPENSES CONVEYING CONVICTS.

Subdivision 1. Allowed expenses. The necessary expenses of sheriffs and other peace officers incurred in conveying convicted persons and children adjudicated delinquent and committed to the custody of the commissioner of corrections to the appropriate adult or juvenile correctional facility as designated by the commissioner of corrections, including per diem and expenses of guards, shall be allowed by the commissioner of finance and paid out of the state treasury. The commissioner of finance may allow and pay for the necessary expenses incurred by the sheriff, deputy, or other peace officer in going to and returning from the correctional facility and \$10 per day for each guard. Not more than one guard shall be allowed for one prisoner, but one additional guard shall be allowed for every two additional prisoners. All bills shall be in writing, fully itemized, verified, and accompanied by the receipt of the chief executive officer of the facility for the delivery of the convicted or adjudicated persons, in a form prescribed by the commissioner of finance.

Subd. 2. The conveyance of prisoners to and from court in connection with post conviction, habeas corpus, or intrastate mandatory disposition of detainees proceedings shall be by the sheriff of the county in which the proceedings are to be held and at the expense of the state as provided in subdivision 1.

History: (10826) 1909 c 70 s 1; 1945 c 327 s 1; 1951 c 339 s 3; 1959 c 630 s 3; 1971 c 905 s 1; 1973 c 492 s 14; 1979 c 102 s 13; 1983 c 264 s 5

243.18 DIMINUTION OF SENTENCE.

Every inmate sentenced for any term other than life, confined in a state adult correctional facility or on parole therefrom, may diminish the term of sentence one day for each two days during which the inmate has not violated any facility rule or discipline.

The commissioner of corrections, in view of the aggravated nature and frequency of offenses, may take away any or all of the good time previously gained, and, in consideration of mitigating circumstances or ignorance on the part of the inmate, may afterwards restore the inmate, in whole or in part, to the standing the inmate possessed before such good time was taken away.

History: (10808) RL s 5445; 1907 c 206 s 1; 1927 c 232 s 1; 1959 c 263 s 2; 1963 c 753 art 2 s 3; 1967 c 398 s 4; 1978 c 723 art 1 s 19; 1979 c 102 s 13; 1980 c 417 s 10,16; 1986 c 444

243.19 [Repealed, 1979 c 129 s 4]

243.20 DISCHARGE; CLOTHING; MONEY.

Upon the release by discharge or on parole of any inmate of an adult correctional facility under the control of the commissioner of corrections, the chief executive officer thereof, at the expense of the state, shall furnish each inmate released with one good, serviceable outfit of clothing, and, when released during the winter months between approximately October 1 and March 31 following, with a good, serviceable overcoat.

History: (10838) 1917 c 159 s 1; 1943 c 430 s 3; 1967 c 398 s 4; 1979 c 102 s 13; 1981 c 192 s 13

243.21 TRESPASSING UPON INSTITUTION GROUNDS; DETENTION.

Subdivision 1. No person shall trespass or loiter upon the grounds of any state correctional facility, upon any farm or camp or other establishments belonging to a state correctional facility, or upon the grounds of any other institution or facility under the control of the commissioner of corrections without the consent of the chief executive officer thereof; nor shall any person communicate or in any way assist in establishing communication with any inmate of a state correctional facility or other institution or facility except as permitted by law or authorized by the chief executive officer thereof. Whoever violates any of the provisions hereof shall be guilty of a misdemeanor.

Subd. 2. Any person found to be trespassing or loitering upon the grounds of a state correctional facility in violation of subdivision 1 or who, being lawfully upon the grounds, introduces or attempts to introduce contraband prohibited by section 243.55 or anything usable in making an escape, or assaults or attempts to assault an officer or employee of the facility, may be taken into custody by the chief executive officer or a designated agent and detained for no more than two hours, pending surrender to any peace officer having the power of arrest.

History: 1959 c 394; 1967 c 398 s 4; 1971 c 10 s 1; 1979 c 102 s 3; 1986 c 444

243.211 UNAUTHORIZED COMMUNICATION WITH PRISONERS.

Every person who, not being authorized by law or by written permission from the commissioner of corrections, or by consent of the chief executive officer of a state correctional facility under the control of the commissioner of corrections, has any verbal communication with an inmate thereof, or brings into or conveys out of the facility any writing, clothing, food, tobacco, or other article whatsoever, to or from any inmate under sentence, is guilty of a misdemeanor.

History: (10049) RL s 4861; 1959 c 263 s 2; 1979 c 102 s 13; 1981 c 192 s 14

243.22 [Repealed, 1981 c 192 s 21]

243.23 COMPENSATION PAID TO INMATES.

Subdivision 1. Notwithstanding any law to the contrary, the commissioner of corrections may provide for the payment to inmates of correctional facilities under the commissioner's management and control any pecuniary compensation the commissioner deems proper, the amount of compensation to depend upon the quality and character of the work performed as determined by the commissioner of corrections and the chief executive officer. Inmates who because of illness or physical disability cannot work may be paid a minimal amount per day as determined by the commissioner. These earnings shall be paid out of the fund provided for the carrying on of the work in which the inmate is engaged when employed on state account, or from the current expense fund of the facility as the commissioner of corrections determines.

Subd. 2. The commissioner may promulgate rules requiring the inmates of adult correctional facilities under the commissioner's control to pay all or a part of the cost of their board, room, clothing, medical, dental and other correctional services. These

costs are payable from any earnings of the inmate, including earnings from private industry established at state correctional facilities pursuant to section 243.88.

Subd. 3. Exceptions. Notwithstanding sections 241.26, subdivision 5, and 243.24, subdivision 1, the commissioner may promulgate rules for the disbursement of funds earned under subdivision 1 and section 243.88, subdivision 2 for the support of families and dependent relatives of the respective inmates, for the payment of court-ordered restitution, contribution to any programs established by law to aid victims of crime, provided that the contribution shall not be more than 20 percent of an inmate's gross wages, and for the discharge of any legal obligations arising out of litigation under this subdivision. An inmate of an adult correctional facility under the control of the commissioner is subject to actions for the enforcement of support obligations and reimbursement of any public assistance rendered the dependent family and relatives. The commissioner may conditionally release an inmate who is a party to an action under this subdivision and provide for the inmate's detention in a local detention facility convenient to the place of the hearing when the inmate is not engaged in preparation and defense.

History: (10820) 1909 c 304 s 1; 1943 c 430 s 1; 1955 c 661 s 1; 1959 c 263 s 2; 1967 c 398 s 4; 1967 c 424 s 1; 1973 c 307 s 1; 1977 c 392 s 7; 1979 c 102 s 13; 1983 c 262 art 2 s 2; 1985 c 220 s 3; 1986 c 444

243.24 MONEY, HOW USED; FORFEITURE.

Subdivision 1. Sole benefit of inmate. Any money arising under section 243.23 shall be and remain under the control of the commissioner of corrections and shall be for the sole benefit of the inmate, unless by special order of the commissioner of corrections it shall be used for rendering assistance to the inmate's family or dependent relatives, under such rules as to time, manner and amount of disbursements as the commissioner of corrections may prescribe. Unless ordered disbursed as hereinbefore prescribed or for an urgency determined in each case by the chief executive officer of the facility, a portion of such earnings in an amount to be determined by the commissioner shall be set aside and kept by the facility in the public welfare fund of the state for the benefit of the inmate and for the purpose of assisting the inmate when leaving the facility and if released on parole said sum to be disbursed to the inmate in such amounts and at such times as the commissioner of corrections may authorize and on final discharge, if any portion remains undisbursed, it shall be transmitted to the inmate.

Subd. 2. Chief executive officer to increase fund to \$100. If the fund standing to the credit of the prisoner on the prisoner's leaving the facility by discharge or on parole be less than \$100, the warden or chief executive officer is directed to pay out of the current expense fund of the facility sufficient funds to make the total of said earnings the sum of \$100, except that when a prisoner is released under section 243.14, the commissioner of corrections may authorize a lesser amount.

History: (10821) 1909 c 304 s 2; 1943 c 430 s 2; 1955 c 261 s 1; 1959 c 263 s 2,3; 1971 c 878 s 1; 1980 c 417 s 3; 1979 c 102 s 13; 1985 c 248 s 70; 1986 c 444

243.25 [Repealed, 1981 c 192 s 21]

243.26 [Repealed, 1981 c 192 s 21]

CORRECTIONAL FACILITIES

243.40 THE MINNESOTA CORRECTIONAL FACILITY-STILLWATER.

There is established the Minnesota correctional facility-Stillwater at Stillwater, Minnesota, in which may be placed persons committed to the commissioner of corrections by the courts of this state who, in the opinion of the commissioner, may benefit from the programs available thereat. The general control and management of the facility shall be under the commissioner of corrections.

History: (10787) RL s 5432; 1939 c 431 art 7 s 3; 1959 c 263 s 2; 1979 c 102 s 4

- 243.41** [Repealed, 1979 c 129 s 4]
243.42 [Repealed, 1979 c 129 s 4]
243.43 [Repealed, 1979 c 129 s 4]
243.44 [Repealed, 1979 c 129 s 4]
243.45 [Repealed, 1979 c 129 s 4]
243.46 [Repealed, 1979 c 129 s 4]

243.465 DIVERSIFIED LABOR ACCOUNTS.

Money received in payment for the services of inmate labor employed in the industries carried on at any state correctional facility under the control of the commissioner of corrections is appropriated to the commissioner of corrections to be added to the revolving funds of these facilities. The commissioner of corrections may set aside a portion of the revolving fund of any correctional facility to be used as a diversified labor account for the introduction and encouragement of industries that in the commissioner's judgment may be beneficial to the inmates of the facilities.

History: 1977 c 410 s 18; 1979 c 102 s 13; 1981 c 192 s 15; 1986 c 444

- 243.47** [Repealed, 1979 c 129 s 4]

243.48 VISITORS; STATE CORRECTIONAL FACILITIES.

Subdivision 1. **General searches.** The commissioner of corrections, the governor, lieutenant governor, members of the legislature, state officers, and the corrections ombudsman, may visit the inmates at pleasure, but no other persons without permission of the chief executive officer of the facility, under rules prescribed by the commissioner. A moderate fee may be required of visitors, other than those allowed to visit at pleasure. All fees so collected shall be reported and remitted to the state treasurer under rules as the commissioner may deem proper, and when so remitted shall be placed to the credit of the current expense fund of the facility.

Subd. 2. **Legal assistance.** Duly licensed attorneys may visit at pleasure and have reasonable access to offender clients. Law students, paralegals and other agents working under the supervision of duly licensed attorneys, shall have reasonable access to offenders during normal business hours for the purpose of providing legal services, provided they are properly identified as representing or being the agent of a duly licensed attorney.

History: (10795) RL s 5434; 1909 c 241 s 1; 1959 c 263 s 2; 1979 c 102 s 5

243.49 COMMITMENT PAPERS; DUTY OF COURT ADMINISTRATOR.

Upon a plea of guilty or finding of guilty after trial, the court administrator of every court which sentences a defendant for a felony or gross misdemeanor to the custody of the commissioner of corrections or to the superintendent of the work house or work farm, shall provide the officer or person having custody of the defendant a certified record for commitment, including (1) a copy of the indictment and plea, (2) a transcript of the sentencing proceedings, with the date thereof, together with the defendant's statement under oath, if obtained, as to the defendant's true name, residence, if any, the date and place of birth, the names and addresses of parents and other relatives and of employers and others who know the defendant well, social and other affiliations, past occupations and employments, former places of residence and the period of time and the dates the defendant has resided in each, citizenship, the number, dates, places and causes of any prior convictions, and (3) if the person pleaded guilty, a transcript of the sentencing proceedings. The record shall also include the trial judge's impressions of the defendant's mental and physical condition, general character, capacity, disposition, habits and special needs. The court reporter shall provide the required transcripts. The certified record for commitment may be used as evidence in any postconviction proceeding brought by the defendant. The court administrator shall also deliver to the sheriff or other officer or person conveying the defendant to the correctional facility,

work house, or work farm designated by the commissioner of corrections or the judge a warrant of commitment together with a certified copy of the warrant directing the conveyer to deliver the person and the certified record for commitment to the principal officer in charge of the correctional facility, work house, or work farm. Upon the delivery of any person, the principal officer in charge of the correctional facility, work house, or work farm shall keep the certified copy of the warrant of commitment and endorse the principal officer's receipt upon the original, which shall be filed with the sentencing court. The court administrator shall retain one copy of the required transcripts, and a tape recording and the court reporter's notes of all other proceedings.

History: (10797) *RL s 5436; 1911 c 228 s 1; 1961 c 602 s 1; 1965 c 869 s 15; 1967 c 696 s 1; 1969 c 448 s 2; 1973 c 654 s 15; 1975 c 271 s 6; 1983 c 40 s 1; 1985 c 38 s 1; 1986 c 444; 1Sp1986 c 3 art 1 s 82*

243.50 PAYMENT OF COURT REPORTER.

Such transcripts and tapes shall be furnished by the court reporter who shall be paid therefor by the county, on certificates duly certified to by the judge presiding at the sentence, and filed with the county auditor, the same fee per folio provided by statute for transcripts of testimony furnished to parties ordering the same in civil proceedings and for tapes on a costs basis.

History: (10798) *1911 c 228 s 2; 1965 c 869 s 16; 1986 c 444*

243.51 UNITED STATES PRISONERS; PRISONERS FROM OTHER STATES.

Subdivision 1. The commissioner of corrections is hereby authorized to contract with the United States attorney general and with the proper officials of other states for the custody, care, subsistence, education, treatment and training of persons convicted of criminal offenses constituting felonies in the courts of the United States or other states of the United States. Such contracts shall provide for reimbursing the state of Minnesota for all costs or other expenses involved. Funds received under such contracts shall be deposited in the state treasury to the credit of the facility in which such persons may be confined. Any prisoner transferred to the state of Minnesota pursuant to this subdivision shall be subject to the terms and conditions of the prisoner's original sentence as if the prisoner were serving the same within the confines of the state in which the conviction and sentence was had or in the custody of the United States attorney general. Nothing herein shall deprive such inmate of the right to parole or the rights to legal process in the courts of this state.

Subd. 2. The commissioner of corrections may transfer to the custody of the United States attorney general any inmate of the Minnesota correctional facility-Stillwater or the Minnesota correctional facility-Shakopee whose presence is seriously detrimental to the internal discipline and well-being of the facility, or whose personal safety cannot be reasonably secured therein or in any other state facility, provided the attorney general of the United States accept such transfer. Such transfer shall be accomplished in the manner prescribed by United States Code, title 18, section 5003 and acts amendatory thereof, and the commissioner of corrections may execute such contracts as therein provided. The reimbursement of the federal government for all costs and expenses incurred for the care, custody, subsistence, education, treatment and training of such transferee shall be paid from the appropriation for the operation of the Minnesota correctional facility-Stillwater or the Minnesota correctional facility-Shakopee.

The chief executive officer of the transferring facility shall attach to such contract a duly certified copy of the warrant of commitment under which such inmate is held, together with copies of such other commitment papers as are required by section 243.49, and such other data relating to the character and condition of such inmates as the officer may deem necessary or may be required by the federal prison authorities. Such copy of the warrant of commitment and accompanying papers shall constitute sufficient authority for the United States to hold such inmate on behalf of the state of Minnesota.

Any inmate so transferred under this subdivision shall be subject to the terms and conditions of the inmate's original sentence as if the inmate were serving the same within the confines of the facility from which transferred. Nothing herein contained shall deprive such inmate of the right to parole or the rights to legal process in the courts of this state.

Subd. 3. Temporary detention. The commissioner of corrections is authorized to contract with the United States attorney general and with the appropriate officials of any county of this state for the temporary detention of any person in custody pursuant to any process issued under the authority of the United States or the district courts of this state. The contract shall provide for reimbursement to the state of Minnesota for all costs and expenses involved. Money received under contracts shall be deposited in the state treasury to the credit of the facility in which the persons may be confined.

History: (10799) *RL s 5437; 1967 c 398 s 4; 1967 c 399 s 1; 1979 c 102 s 3; 1Sp1982 c 2 s 1; 1983 c 274 s 5; 1986 c 444*

243.515 TRANSFER UNDER TREATY; EXTRADITION UNDER TREATY.

Whenever a treaty is in force between the United States and a foreign country providing for the transfer or exchange of convicted offenders to the country of which they are citizens or nationals, and for the extradition of persons residing in the territory of the United States who have been charged with or convicted of crime committed within the territory of that foreign country, the governor may, on behalf of the state and subject to the terms of the appropriate treaty, authorize the commissioner of corrections to: (a) consent to the transfer or exchange of offenders, and, (b) deliver any inmate of a state correctional facility for whom an extradition demand has been made pursuant to this section to the custody of the appropriate officials of the United States for surrender to the proper officials of that foreign country. The commissioner of corrections shall take any other action necessary to implement the participation of this state in the treaty.

The extradition of any convicted offender from the custody of the commissioner of corrections shall not diminish the effect of any sentence pursuant to which the offender was committed to the custody of the commissioner of corrections. The sentence shall continue to run during the time that the offender is in the custody of the appropriate officials of the United States or the foreign country to which extradited. The offender shall not be subject to return to the territory of the United States and to the custody of the commissioner of corrections pursuant to this section unless there remains an unserved portion of the Minnesota sentence.

History: 1981 c 238 s 1; 1985 c 74 s 1

243.52 DISCIPLINE; PREVENTION OF ESCAPE.

If any inmate of any state adult correctional facility assaults any officer, guard, or any other person or inmate, the assaulted person may use force in defense of the assault. If any inmate attempts to damage the buildings or appurtenances, resists the lawful authority of any officer or guard, refuses to obey the officer's or guard's reasonable demands, or attempts to escape, the officer or guard may enforce obedience and discipline or prevent escape by the use of force. If any inmate resisting lawful authority is wounded or killed by the use of force by the officer, guard, or assistants, that conduct is authorized under this section.

As used in this section, "use of force" means conduct which is defined by sections 609.06 to 609.066.

History: (10800) *RL s 5438; 1983 c 264 s 6; 1985 c 220 s 4; 1986 c 444*

243.53 SEPARATE CELLS.

When there are cells sufficient, each convict shall be confined in a separate cell.

History: (10801) *RL s 5439*

243.54 [Repealed, 1979 c 102 s 14]

243.55 CONTRABAND ARTICLES; EXCEPTIONS; PENALTY.

Subdivision 1. Any person who brings, sends, or in any manner causes to be introduced into any state correctional facility or state hospital, or within or upon the grounds belonging to or land or controlled by any such facility or hospital, any controlled substance as defined in section 152.01, subdivision 4, or any firearms, weapons or explosives of any kind, without the consent of the chief executive officer thereof, shall be guilty of a felony and, upon conviction thereof, punished by imprisonment for a term of not less than three, nor more than five, years. Any person who brings, sends, or in any manner causes to be introduced into any state correctional facility or within or upon the grounds belonging to or land controlled by the facility, any intoxicating or alcoholic liquor or malt beverage of any kind without the consent of the chief executive officer thereof, shall be guilty of a gross misdemeanor. The provisions of this section shall not apply to physicians carrying drugs or introducing any of the above described liquors into such facilities for use in the practice of their profession; nor to sheriffs or other peace officers carrying revolvers or firearms as such officers in the discharge of duties.

Subd. 2. The chief executive officer of any state correctional facility may, under rules prescribed by the commissioner of corrections, provide for the search of all persons admitted into the facility or upon the grounds thereof. The head of any state hospital may, under rules prescribed by the commissioner of human services, provide for the search of all persons admitted into the hospital or upon the grounds thereof. Any contraband as described in subdivision 1 is subject to confiscation by the chief executive officer of a facility or the head of a hospital.

Subd. 3. As used in this section, "state hospital" or "hospital" means any state operated facility or hospital under the authority of the commissioner of human services for (a) persons with mental illness, mental retardation, or chemical dependency, (b) sex offenders, or (c) persons with psychopathic personalities.

History: (10803) 1913 c 196 s 1; 1915 c 241 s 1; 1923 c 391 s 1; 1959 c 85 s 1; 1974 c 291 s 1; 1979 c 102 s 6; 1980 c 390 s 1; 1984 c 654 art 5 s 58; 1985 c 21 s 2

243.56 COMMUNICATION WITH CHIEF EXECUTIVE OFFICER AND COMMISSIONER.

Every inmate of a state correctional facility may communicate, in writing, with the chief executive officer of the facility and the commissioner of corrections, under rules prescribed by the commissioner for that purpose.

History: (10804) RL s 5441; 1959 c 263 s 2; 1979 c 102 s 7

243.57 CONTAGIOUS DISEASE; REMOVAL OF INMATES.

In case of an epidemic of any infectious or contagious disease in any state correctional facility under control of the commissioner of corrections, by which the health or lives of the inmates may be endangered, the chief executive officer thereof, with the approval of the commissioner of corrections may cause the inmates so affected to be removed to some other secure and suitable place or places for care and treatment; and, if the facility is destroyed, in whole or in part, by fire or other casualty and becomes unsuitable for proper detention and custody of the inmates, the chief executive officer, with the approval of the commissioner, may remove them, or any number of inmates, to another safe and appropriate place as may be provided.

History: (10805) RL s 5442; 1959 c 263 s 2; 1979 c 102 s 13; 1981 c 192 s 16

243.58 ESCAPED INMATES; WARRANT; REWARD.

If an inmate escapes from any state correctional facility under the control of the commissioner of corrections, the commissioner shall issue a warrant directed to any peace officer requiring that the fugitive be taken into immediate custody and returned

to any state correctional facility designated by the commissioner. The chief executive officer of the facility from which the escape occurred shall use all proper means to apprehend and return the escapee, which may include the offer of a reward of not more than \$100 to be paid from the state treasury, for information leading to the arrest and return to custody of the escapee.

History: (10806) *RL s 5443; 1959 c 263 s 2; 1979 c 102 s 13; 1981 c 192 s 17; 1983 c 264 s 7*

243.59 COMMUNICATION WITH INMATES.

No person, without the consent of the chief executive officer, shall bring into or carry out of any state correctional facility any writing or any information to or from any inmate thereof. Every violation of this provision shall be a misdemeanor, and punished accordingly. On discovery, such person may be arrested by any prison officer without warrant.

History: (10807) *RL s 5444; 1979 c 102 s 8*

243.60 [Repealed, 1963 c 753 art 2 s 17]

243.61 CONTRACT LABOR; TOOLS AND MACHINERY.

No contracts for leasing the labor of prisoners confined in any such institution, at a certain rate per diem, giving the contractor full control of the labor of the prisoners, shall be made; but such prisoners shall be employed, under rules established by the commissioner of corrections, in such industries as shall, from time to time, be fixed upon by the officers in charge and the commissioner, or in the manufacture of articles by the piece, under the so-called "piece price system," by contracts with persons furnishing the materials. The chief officer, under the direction of the commissioner, shall purchase such tools, implements, and machinery as the officer shall deem necessary for the work.

History: (10810) *RL s 5447; 1959 c 263 s 2; 1985 c 248 s 70; 1986 c 444*

243.62 SELLING OF LABOR OF INMATES PROHIBITED.

It is unlawful for the commissioner of corrections, or the chief executive officer of any state adult correctional facility, or any person exercising control of or supervision over any inmate sentenced to and confined in the facility to enter into any contract or agreement, or any arrangement, in which the labor or service of the inmate is either sold or leased or otherwise disposed of for hire to any person or to any party.

History: (10811) *1909 c 481 s 1; 1959 c 263 s 2; 1979 c 102 s 13; 1983 c 264 s 8*

243.63 [Repealed, 1979 c 129 s 4]

243.64 SALE OF LAND ACQUIRED IN COLLECTION OF A DEBT FOR ARTICLES MANUFACTURED OR PROCESSED BY CORRECTIONAL INDUSTRIES.

When the state of Minnesota acquires title to any land in the course of legal proceedings for the collection of a debt arising out of the sale by the state of farm machinery, or other articles manufactured or improved at any state correctional facility, the land may be sold by the governor to persons and for a price as recommended by the chief executive officer of the state correctional facility, and the governor is hereby authorized to execute, in the name of the state and in its behalf, any deeds or conveyances necessary or desirable to convey the title and interest of the state to the purchaser, and the proceeds of the sale shall be paid into the state treasury to the credit of the appropriate correctional facility fund.

History: (10813) *1917 c 58 s 1; 1979 c 102 s 3; 1981 c 192 s 18*

243.65 [Repealed, 1973 c 512 s 3]

243.66 [Repealed, 1979 c 129 s 4]

- 243.67 [Repealed, 1979 c 129 s 4]
- 243.68 [Repealed, 1979 c 129 s 4]
- 243.69 [Repealed, 1973 c 512 s 3]
- 243.70 [Repealed, 1963 c 753 art 2 s 17]

243.75 THE MINNESOTA CORRECTIONAL FACILITY-ST. CLOUD.

There is established the Minnesota correctional facility-St. Cloud at St. Cloud, Minnesota, in which may be placed persons committed to the commissioner of corrections by the courts of this state who, in the opinion of the commissioner, may benefit from the programs available thereat. The general control and management of the facility shall be under the commissioner of corrections.

History: (10823) *RL s 5453; 1945 c 565 s 4; 1947 c 80 s 1; 1949 c 127 s 1; 1951 c 292 s 1; 1953 c 255 s 1; 1955 c 244 s 1; 1959 c 263 s 2; 1961 c 750 s 14 subd 3; 1963 c 214 s 1; 1979 c 102 s 9*

- 243.76 [Repealed, 1963 c 753 art 2 s 17]
- 243.77 [Repealed, 1963 c 753 art 2 s 17]
- 243.78 [Repealed, 1981 c 192 s 21]
- 243.79 [Repealed, 1965 c 45 s 73]
- 243.80 [Repealed, 1979 c 129 s 4]
- 243.81 [Repealed, 1973 c 512 s 3]
- 243.82 [Repealed, 1973 c 512 s 3]
- 243.83 [Repealed, 1965 c 45 s 73]
- 243.84 [Repealed, 1979 c 129 s 4]
- 243.85 [Repealed, 1979 c 129 s 4]
- 243.86 [Repealed, 1973 c 512 s 3]

243.87 GOODS MADE FOR NATIONAL DEFENSE.

Nothing in section 241.27 shall be construed to prevent the production or sale of any article for purposes of national defense during times of national emergency where such production or sale is otherwise permitted by the laws of the United States or the state of Minnesota.

History: *1953 c 616 s 4; 1Sp1981 c 4 art 1 s 102*

243.88 PRIVATE INDUSTRY ON GROUNDS OF CORRECTIONAL INSTITUTIONS.

Subdivision 1. Notwithstanding the provisions of any law to the contrary, the commissioner of administration, with the approval of the governor, may lease one or more buildings or portions thereof on the grounds of any state adult correctional institution, together with the real estate needed for reasonable access to and egress from the leased buildings, for a term not to exceed 20 years, to a private corporation for the purpose of establishing and operating a factory for the manufacture and processing of goods, wares or merchandise, or any other business or commercial enterprise deemed by the commissioner of corrections to be consistent with the proper training and rehabilitation of inmates.

Subd. 2. Any corporation operating a factory or other business or commercial enterprise under this section may employ selected inmates of the correctional institution upon whose grounds it operates and persons conditionally released subject to the provisions of section 241.26. Persons conditionally released as provided in this subdivision shall be deemed to be parolees within the purview of United States Code, title 49, section 60.

Except as prohibited by applicable provisions of the United States Code, inmates of state correctional institutions may be employed in the manufacture and processing

of goods, wares and merchandise for introduction into interstate commerce, provided that they are paid no less than the prevailing minimum wages for work of a similar nature performed by employees with similar skills in the locality in which the work is being performed.

Under rules prescribed by the commissioner of corrections a portion of the wages of each inmate employed as authorized by this subdivision, in an amount to be determined by the commissioner, shall be set aside and kept by the chief executive officer of the facility in the public welfare fund of the state for the benefit of the inmate and for the purpose of assisting the inmate when leaving the facility on conditional release or by final discharge. Any portion remaining undisbursed at the time of the inmate's final discharge shall be given to the inmate upon final discharge.

Subd. 3. Any factory established under the provisions of this section shall be deemed a private enterprise and subject to all the laws and rules of this state governing the operation of similar business enterprises elsewhere in this state.

Subd. 4. The authority of the commissioner of corrections over the institutions of the department of corrections and the inmates thereof shall not be diminished by this section.

History: 1973 c 145 s 1; 1975 c 304 s 6,7; 1976 c 2 s 82; 1980 c 417 s 4; 1985 c 248 s 70; 1986 c 444

243.90 THE MINNESOTA CORRECTIONAL FACILITY-SHAKOPEE.

There is established the Minnesota correctional facility-Shakopee at Shakopee, Minnesota, in which may be placed persons committed to the commissioner of corrections by the courts of this state who, in the opinion of the commissioner, may benefit from the programs thereat. The general control and management of the facility shall be under the commissioner.

History: (10839) 1915 c 324 s 1; 1921 c 29 s 1; 1937 c 75 s 1; 1955 c 261 s 1; 1959 c 263 s 3; 1967 c 398 s 1; 1979 c 102 s 10

243.91 TRANSFER OF WOMEN CONVICTS.

When special circumstances warrant, or when the chief executive officer of any county jail, workhouse or workfarm shall determine that any female inmate of such facility over the age of 18 years cannot be safely maintained therein or whose presence is detrimental to the internal discipline and well-being of such institution or that such inmate can benefit from the treatment, care and training available at the Minnesota correctional facility-Shakopee, the officer may, with the consent of the commissioner of corrections and the sentencing court, transfer such female inmate to the facility for confinement, care, treatment and training therein according to the sentence imposed by the court. Such transfer shall be made in accordance with rules prescribed by the commissioner.

The commissioner of corrections may contract with the political subdivisions operating and maintaining the jails, workhouses or workfarms from which such selected female inmates are transferred to the state facility for reimbursement to the state for all costs and expenses incurred for the care, custody, subsistence, treatment, and training of such transferees.

The chief executive officer of the transferring institution shall send with such transferee a duly certified copy of the warrant or order of commitment under which such inmate is held, together with such other data as the commissioner of corrections may require, and such warrant or order of commitment shall constitute sufficient authority for the commissioner to hold such inmate on behalf of the sending institution.

History: (10835) 1919 c 106 s 1; 1967 c 398 s 2; 1979 c 102 s 13; 1986 c 444

243.92 [Repealed, 1979 c 102 s 14]