

## CHAPTER 242

## CORRECTIONS; YOUTH

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- 242.01** [Repealed, 1977 c 392 s 14]
- 242.02** [Repealed, 1977 c 392 s 14]
- 242.03** [Repealed, 1977 c 392 s 14]
- 242.04** [Repealed, 1973 c 654 s 14]
- 242.05** [Repealed, 1973 c 654 s 14]
- 242.06** [Repealed, 1973 c 654 s 14]
- 242.07** [Repealed, 1973 c 654 s 14]
- 242.08** [Repealed, 1973 c 654 s 14]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 human services, the commissioner of education, and the state commissioner of health shall advise, cooperate with and assist the commissioner of corrections in carrying out the duties and responsibilities assigned by this chapter, and for these purposes may attend meetings. Their facilities and services and those of other state agencies, particularly of the department of human services, shall be made available to the commissioner of corrections upon the terms the governor directs.

**History:** 1947 c 595 s 1; 1949 c 575 s 1; 1955 c 261 s 1; 1961 c 750 s 2; 1973 c 654 s 3; 1975 c 271 s 6; 1977 c 305 s 45; 1977 c 392 s 1; 1984 c 654 art 5 s 58

**242.10 HEARING OFFICERS, POWERS; PROBATION, COMMITMENT, PAROLE.**

The commissioner of corrections may designate from among the members of the commissioner's 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 the commissioner by a juvenile court of this state. Any person aggrieved by an order issued by a hearing officer may appeal to the commissioner or to a review panel established by the commissioner within the department pursuant to rules issued by the commissioner.

**History:** 1947 c 595 s 1; 1949 c 575 s 1; 1951 c 383 s 2; 1953 c 33 s 1; 1973 c 654 s 4; 1975 c 271 s 6; 1977 c 392 s 2; 1986 c 444

- 242.11** [Repealed, 1973 c 654 s 14]
- 242.12** [Repealed, 1977 c 392 s 14]
- 242.13** [Repealed, 1977 c 392 s 14]

**242.14 PLACEMENT IN PENAL INSTITUTION PROHIBITED.**

The commissioner of corrections shall not have power by virtue of any commitment to the commissioner by a juvenile court, as authorized by section 260.185, to place a committed child in a penal institution.

**History:** 1947 c 595 s 1; 1951 c 553 s 2; 1959 c 698 s 1; 1961 c 750 s 3; 1973 c 654 s 15; 1975 c 271 s 6; 1977 c 392 s 3; 1986 c 444

**242.15** [Repealed, 1977 c 392 s 14]

**242.16** [Repealed, 1977 c 392 s 14]

**242.17** [Repealed, 1977 c 392 s 14]

**242.18 STUDY OF OFFENDER'S BACKGROUND; REHABILITATION POLICY.**

When a person has been committed to the commissioner of corrections, the commissioner under rules shall forthwith cause the person to be examined and studied, and investigate all of the pertinent circumstances of the person's life and the antecedents of the crime or other delinquent conduct because of which the person has been committed to the commissioner, and thereupon order the treatment the commissioner determines to be most conducive to rehabilitation. 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 commissioner of corrections all pertinent data in their possession in respect to the case.

**History:** 1947 c 595 s 1; 1961 c 750 s 4; 1973 c 654 s 5; 1975 c 271 s 6; 1977 c 392 s 4; 1983 c 274 s 18; 1986 c 444

**242.19 METHODS OF CONTROL.**

Subdivision 1. [Repealed, 1977 c 392 s 14]

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

(a) order the child's confinement to the Minnesota correctional facility-Red Wing or the Minnesota correctional facility-Sauk Centre, which shall accept the child, or to a group foster home under the control of the commissioner of corrections, or to private facilities or facilities established by law or incorporated under the laws of this state that may care for delinquent children;

(b) order the child's 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 the commissioner believes to be desirable;

(e) discharge the child when the commissioner 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 or the guardian's home are not conducive to the child's treatment, rehabilitation, or law-abiding conduct, refer the child, together with the commissioner's findings, to a county welfare board or a licensed child placing agency for placement in a foster care or, when appropriate, for initiation of child in need of protection or services proceedings as provided in sections 260.011 to 260.301. The commissioner of corrections shall reimburse county welfare boards for foster care costs they incur for the child while on probation or parole to the extent that funds for this purpose are made available to the commis-

sioner by the legislature. The juvenile court shall order the parents of a child on probation or parole to pay the costs of foster care under section 260.251, subdivision 1, according to their ability to pay, and to the extent that the commissioner of corrections has not reimbursed the county welfare board.

**Subd. 3. Retaking absconding person.** The written order of the commissioner of corrections is authority to any peace officer or parole or probation officer to take and detain any child committed to the commissioner of corrections by a juvenile court who absconds from field supervision or escapes from confinement. However, if the child has attained the age of 18 years, the commissioner shall issue a warrant directed to any peace officer or parole or probation officer requiring that the fugitive be taken into immediate custody to await the further order of the commissioner. Any person of the age of 18 years or older who is taken into custody under the provisions of this subdivision may be detained as provided in section 260.173, subdivision 4.

**History:** 1947 c 595 s 1; 1949 c 575 s 1; 1953 c 353 s 1; 1959 c 631 s 1; 1961 c 750 s 5; 1969 c 413 s 1; 1973 c 654 s 6,15; 1975 c 271 s 6; 1979 c 102 s 13; 1982 c 615 s 2; 1984 c 606 s 1; 1986 c 444; 1988 c 673 s 1

#### 242.195 JUVENILE SEX OFFENDERS.

**Subdivision 1. Treatment programs.** The commissioner of corrections shall provide for a range of sex offender treatment programs, including intensive sex offender treatment, for juveniles within state juvenile correctional facilities and through purchase of service from county and private residential and outpatient juvenile sex offender treatment programs.

**Subd. 2. Secure confinement.** If a juvenile sex offender committed to the custody of the commissioner is in need of secure confinement, the commissioner shall provide for the appropriate level of sex offender treatment within a secure facility or unit in a state juvenile correctional facility.

**Subd. 3. Dispositions.** When a juvenile is committed to the commissioner of corrections by a juvenile court, upon a finding of delinquency for a sex offense, the commissioner may, for the purposes of treatment and rehabilitation:

(1) order the child confined to a state juvenile correctional facility that provides the appropriate level of juvenile sex offender treatment;

(2) purchase sex offender treatment from a county and place the child in the county's qualifying juvenile correctional facility;

(3) purchase sex offender treatment from a qualifying private residential juvenile sex offender treatment program and place the child in the program;

(4) purchase outpatient juvenile sex offender treatment for the child from a qualifying county or private program and order the child released on parole under treatment and other supervisions and conditions the commissioner believes to be appropriate;

(5) order reconfinement or renewed parole, revoke or modify any order, or discharge the child under the procedures provided in section 242.19, subdivision 2, paragraphs (c), (d), and (e); or

(6) refer the child to a county welfare board or licensed child-placing agency for placement in foster care, or when appropriate, for initiation of child in need of protection or services proceedings under section 242.19, subdivision 2, paragraph (f).

**Subd. 4. Qualifying facilities; treatment programs.** The commissioner may not place a juvenile in a correctional facility under this section unless the facility has met the requirements of section 241.021, subdivision 2.

**History:** 1989 c 290 art 4 s 2

#### 242.20 TRAINING.

As a means of correcting the socially harmful tendencies of a person committed to the commissioner of corrections, the commissioner may require participation by the person in vocational, physical, educational and corrective training and activities and

conduct and modes of life as seem best adapted to fit the person 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 corrections department's custody and confined in a correctional facility under the control of the commissioner and expend the money so received for the purchase of materials to be made into other articles for sale.

**History:** 1947 c 595 s 1; 1953 c 352 s 1; 1973 c 654 s 7; 1975 c 271 s 6; 1981 c 192 s 5

#### **242.21 COOPERATION; STATE INSTITUTIONS, LOCAL POLICE OFFICERS.**

The commissioner of corrections may enter into agreement with the commissioner of human services, 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 the care or subject to the control of the commissioner of corrections. 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.

**History:** 1947 c 595 s 1; 1949 c 575 s 1; 1955 c 261 s 1; 1959 c 263 s 3; 1969 c 280 s 1; 1973 c 654 s 8; 1975 c 271 s 6; 1983 c 274 s 18; 1984 c 654 art 5 s 58; 1986 c 444

#### **242.22 LOCAL PROBATION OFFICER; POWERS, DUTIES.**

Any person committed to the commissioner of corrections from a county having a probation officer of a juvenile court may be placed on probation by the commissioner under the supervision of the probation officer who shall assume supervision as though it were pursuant to a judgment or order of the juvenile court. The probation officer shall cooperate with the commissioner of corrections in providing treatment for the person consistent with the purposes of this chapter, but nothing therein shall give the commissioner direction or control over the probation officer or require the probation officer or subordinates to perform duties not otherwise required by law.

**History:** 1947 c 595 s 1; 1951 c 459 s 2; 1961 c 750 s 6; 1969 c 9 s 108; 1973 c 654 s 15; 1975 c 271 s 6; 1979 c 102 s 13; 1981 c 192 s 6

**242.23** [Repealed, 1981 c 192 s 21]

**242.24** [Repealed, 1981 c 192 s 21]

**242.25** [Repealed, 1977 c 392 s 14]

**242.26** [Repealed, 1977 c 392 s 14]

**242.265** [Repealed, 1973 c 654 s 14]

**242.27** [Repealed, 1977 c 392 s 14]

**242.28** [Repealed, 1977 c 392 s 14]

**242.29** [Repealed, 1977 c 392 s 14]

**242.30** [Repealed, 1977 c 392 s 14]

#### **242.31 RESTORATION OF CIVIL RIGHTS.**

Subdivision 1. Whenever a person who has been committed to the custody of the commissioner of corrections upon conviction of a crime following reference for prosecution under the provisions of section 260.125 is finally discharged by order of the commissioner, that discharge shall restore the person to all civil rights and, if so ordered by the commissioner of corrections, also shall have the effect of setting aside the conviction, nullifying the same and of purging that person thereof. The commissioner shall file a copy of the order with the district court of the county in which the conviction occurred; upon receipt, the court shall order the conviction set aside.

Subd. 2. Whenever a person described in subdivision 1 has been placed on probation by the court pursuant to section 609.135 and, after satisfactory fulfillment thereof, is discharged from probation, the court shall issue an order of discharge pursuant to

section 609.165. On application of the defendant or on its own motion and after notice to the county attorney, the court in its discretion may also order that the defendant's conviction be set aside with the same effect as such an order under subdivision 1.

These orders restore the defendant to civil rights and purge and free the defendant from all penalties and disabilities arising from the defendant's conviction and it shall not thereafter be used against the defendant, except in a criminal prosecution for a subsequent offense if otherwise admissible therein.

Subd. 3. The commissioner of corrections shall file a copy of the order with the district court of the county in which the conviction occurred; upon receipt, the court shall order the conviction set aside and all records pertinent to the conviction sealed. These records shall only be reopened in the case of a judicial criminal proceeding instituted at a later date.

The term "records" includes, but is not limited to, all matters, files, documents and papers incident to the arrest, indictment, information, complaint, trial, appeal, dismissal and discharge, which relate to the conviction for which the order was issued.

**History:** 1947 c 595 s 1; 1961 c 59 s 1; 1965 c 52 s 1; 1973 c 654 s 15; 1975 c 271 s 6; 1977 c 392 s 5; 1983 c 264 s 3,4; 1986 c 444

## **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 statewide, 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.

**History:** 1947 c 595 s 1; 1973 c 654 s 12

**242.33** [Repealed, 1977 c 392 s 14]

**242.34** [Repealed, 1977 c 392 s 14]

**242.35** [Repealed, 1977 c 392 s 14]

**242.36** [Repealed, 1977 c 392 s 14]

## **242.37 CONSERVATION CAMPS.**

(1) The commissioner of corrections may establish and operate conservation camps in which persons committed to 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 section 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 so committed and confined, but not more than eight hours per day. The commissioner is authorized and empowered to determine the payment of such compensation 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 the laborer's 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.

**History:** 1949 c 575 s 1; 1973 c 144 s 1; 1973 c 654 s 15; 1975 c 261 s 6; 1980 c 509 s 96; 1983 c 274 s 18; 1986 c 444

242.375 [Repealed, 1981 c 192 s 21]

242.38 [Repealed, 1977 c 392 s 14]

#### 242.385 THE MINNESOTA CORRECTIONAL FACILITY-LINO LAKES.

Subdivision 1. There is hereby established the Minnesota correctional facility-Lino Lakes, at Lino Lakes, Minnesota, to which may be delivered 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.

Subd. 2. [Repealed, 1974 c 156 s 4]

**History:** 1957 c 956 s 1,2; 1969 c 502 s 1; 1974 c 156 s 1; 1978 c 793 s 69

242.386 [Repealed, 1974 c 156 s 4]

### STATE TRAINING SCHOOLS; BOYS, GIRLS

#### 242.41 THE MINNESOTA CORRECTIONAL FACILITY-RED WING.

There is established the Minnesota correctional facility-Red Wing at Red Wing, 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:** (4470) RL s 1905; 1949 c 561 s 2; 1973 c 68 s 2; 1979 c 102 s 1

242.42 [Repealed, 1965 c 45 s 73]

#### 242.43 COMMISSIONER, DUTIES.

The commissioner of corrections shall receive, clothe, maintain, and instruct, at the expense of the state, all children duly committed to the corrections department and placed in a state correctional facility for juveniles and keep them in custody until placed on probation, paroled, or discharged. The commissioner may place any of these children in suitable foster care facilities or cause them to be instructed in such trades or employment as in the commissioner's judgment will be most conducive to their reformation and tend to the future benefit and advantage of these children. The commissioner may discharge any child so committed, or may recall to the facility at any time any child paroled, placed on probation, or transferred; and, upon recall, may resume the care and control thereof. The discharge of a child by the commissioner 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 any state juvenile correctional facility, the commissioner of corrections may pay to each inmate released an amount of money not exceeding the sum of \$10. All payments shall be made from the current expense fund of the facility.

**History:** (4472) 1905 c 233 s 7; 1949 c 561 s 3; 1953 c 353 s 2; 1953 c 354 s 1; 1969 c 9 s 108; 1973 c 68 s 3; 1973 c 654 s 15; 1975 c 271 s 6; 1979 c 102 s 13; 1981 c 192 s 7

#### 242.44 PUPILS.

The commissioner of corrections, so far as the accommodations of the correctional facilities and other means at the commissioner's disposal will permit, shall receive and keep until they reach 19 years of age, or until placed in homes, or discharged, all persons committed to the commissioner's care and custody by a juvenile court. The commissioner may place these youths at employment, may provide education suitable to their years and capacity, and may place them in suitable homes. Under rules prescribed by the commissioner, when deemed best for these youths, they may be paroled or dis-

charged from the facility by the commissioner. All pupils in the facility shall be clothed, instructed, and maintained at the expense of the state.

**History:** (4473) *RL s 1907; 1949 c 260 s 1; 1949 c 561 s 4; 1973 c 68 s 4; 1973 c 654 s 15; 1973 c 725 s 42; 1975 c 271 s 6; 1981 c 192 s 8; 1982 c 615 s 3; 1986 c 444*

#### **242.45 CHILDREN COMMITTED BY UNITED STATES COURTS.**

The commissioner of corrections shall receive into custody and keep until duly discharged all children within the prescribed ages committed to the commissioner by order of any court of the United States within the state for offenses committed against the laws of the United States, and for the support of which children the United States shall undertake to pay a per diem charge as determined by the commissioner of corrections.

**History:** (4474) *RL s 1908; 1909 c 122 s 1; 1949 c 561 s 5; 1973 c 654 s 15; 1975 c 271 s 6; 1981 c 192 s 9*

#### **242.46 PROBATION SERVICES; JUVENILE COURTS.**

Subdivision 1. [Repealed, 1977 c 392 s 14]

Subd. 2. [Repealed, 1977 c 392 s 14]

Subd. 3. The commissioner shall provide probation services to juvenile courts in counties that request it or as required by section 260.311. The commissioner shall cooperate with the judges to provide supervision to probation officers in all counties of not more than 200,000 population, in order to insure high uniform standards of operation. The costs of administrative and supervisory services shall be borne by the state. The commissioner shall give newly employed probation and parole agents appropriate orientation training and shall provide systematic in-service training to all agents thereafter, and for that purpose may assign agents to appropriate short courses at the University of Minnesota and necessary conferences and meetings held within the state.

**History:** (4475) *RL s 1909; 1917 c 343 s 2; 1949 c 561 s 6; 1959 c 698 s 2; 1961 c 430 s 1; 1961 c 750 s 12 subd 1; 1973 c 654 s 15; 1975 c 271 s 6; 1977 c 392 s 6; 1986 c 444*

#### **242.47 INTERFERENCE WITH INMATES.**

Every person who abducts, conceals, entices, carries away, or improperly interferes with, any juvenile inmate of a Minnesota correctional facility for juveniles is guilty of a misdemeanor.

**History:** (4476) *RL s 1910; 1979 c 102 s 13; 1981 c 31 s 4; 1981 c 192 s 10*

#### **242.48 NO ROADS OR STREETS THROUGH GROUNDS.**

No individual, copartnership, or corporation, public or private, shall lay out, construct, or open any road or street upon or through any grounds of any state correctional facility without the consent of the commissioner of corrections.

**History:** (4477) *RL s 1912; 1949 c 561 s 7; 1973 c 654 s 15; 1975 c 271 s 6; 1979 c 102 s 13; 1981 c 192 s 11*

#### **242.51 THE MINNESOTA CORRECTIONAL FACILITY-SAUK CENTRE.**

There is established the Minnesota correctional facility-Sauk Centre at Sauk Centre, 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:** (4478) *1907 c 282 s 1; 1911 c 3 s 1; 1967 c 574; 1973 c 654 s 15; 1975 c 271 s 6; 1979 c 102 s 2*

**242.52** [Repealed, 1981 c 192 s 21]

**242.53** [Repealed, 1981 c 192 s 21]

# MINNESOTA STATUTES 1990

242.55 CORRECTIONS; YOUTH

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**242.54** [Repealed, 1973 c 654 s 14; 1974 c 406 s 76]

**242.55 ACADEMIC PROGRAM.**

The academic program at the Minnesota correctional facility-Red Wing and the Minnesota correctional facility-Sauk Centre shall be conducted on a 12-month basis.

**History:** 1976 c 163 s 40; 1979 c 102 s 13