

Corrections

CHAPTER 241

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CREATION OF DEPARTMENT

241.01 CREATION OF DEPARTMENT.

Subdivision 1. Commissioner. The department of corrections is created under the control and supervision of the commissioner of corrections which office is established. The commissioner of corrections shall be selected without regard to political affiliation and shall have wide and successful administrative experience in correctional programs embodying rehabilitative concepts. The commissioner shall be appointed by the governor under the provisions of section 15.06.

Subd. 2. Divisions; deputies. The commissioner of corrections may appoint and employ no more than two deputy commissioners. The commissioner may also appoint a personal secretary, who shall serve at the commissioner's pleasure in the unclassified civil service.

Subd. 3. [Repealed, 1975 c 304 s 15]

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

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

(b) To determine the place of confinement of committed persons in a correctional facility or other facility of the department of corrections and to prescribe reasonable conditions and rules for their employment, conduct, instruction, and discipline within or outside the facility. Inmates shall not exercise custodial functions or have authority over other inmates. Inmates may serve on the board of directors or hold an executive position subordinate to correctional staff in any corporation, private industry or educational program located on the grounds of, or conducted within, a state correctional facility with written permission from the chief executive officer of the facility.

(c) To administer the money and property of the department.

(d) To administer, maintain, and inspect all state correctional facilities.

(e) To transfer authorized positions and personnel between state correctional facilities as necessary to properly staff facilities and programs.

(f) To utilize state correctional facilities in the manner deemed to be most efficient and beneficial to accomplish the purposes of this section, but not to close the Minnesota correctional facility-Stillwater or the Minnesota correctional facility-St. Cloud without legislative approval. The commissioner may place juveniles and adults at the same state minimum security correctional facilities, if there is total separation of and no regular contact between juveniles and adults, except contact incidental to admission, classification, and mental and physical health care.

(g) To organize the department and employ personnel the commissioner deems necessary to discharge the functions of the department, including a chief executive officer for each facility under the commissioner's control who shall serve in the unclassified civil service and may, under the provisions of section 43A.33, be removed only for cause, and two internal affairs officers for security.

(h) To define the duties of these employees and to delegate to them any of the commissioner's powers, duties and responsibilities, subject to the commissioner's control and the conditions the commissioner prescribes.

(i) To annually develop a comprehensive set of goals and objectives designed to clearly establish the priorities of the department of corrections. This report shall be submitted to the governor and the state legislature commencing January 1, 1976. The commissioner may establish ad hoc advisory committees.

Subd. 4. Bond and oath of commissioner. Before entering upon the duties of office, the commissioner of corrections shall take and subscribe an oath and give a bond to the state of Minnesota, to be approved by the governor and filed with the secretary of state, in the sum of \$25,000, conditioned for the faithful performance of the commissioner's duties.

Subd. 5. Training program. For the maintenance of adequate standards of operation in discharging the functions of the department, obtaining suitable candidates for positions for which there is a scarcity of qualified applicants, and the development of more effective treatment programs directed toward the correction and rehabilitation of persons found delinquent or guilty of crimes, and of more effective delinquency prevention the commissioner of corrections shall establish a training program including but not limited to in-service, preservice, internship and scholarship programs, and an operational research program. Within the limits of appropriations available, the commissioner may provide educational stipends or tuition reimbursement in such amounts and upon such terms and conditions as may be determined jointly by the commissioner of employee relations. Within the limits of appropriations therefor the commissioner shall establish and provide personnel, facilities and equipment for research and study to evaluate the effectiveness of correctional treatment in camps, facilities, probation and parole investigation and supervision and delinquency prevention.

The commissioner may provide training to public or private agencies or organizations and may require the participating agencies or organizations to pay all or part of the costs of the training. All sums of money received pursuant to the agreements shall not cancel until the end of the fiscal year immediately following the fiscal year in which the funds were received. The funds are available for use by the commissioner during that period and are appropriated annually to the commissioner of corrections for the purposes of this subdivision. Beginning July 1, 1994, the commissioner shall report annually to the chairs of the house ways and means committee and the senate finance committee on the amount and use of funds received under this subdivision.

Subd. 5a. Acceptance of gifts, grants and subsidies; purposes. For the purposes of subdivision 5 and to discharge the functions of the department through the establishment of additional facilities and services to persons committed to the commissioner's care the commissioner may, subject to the provisions of section 15.43, accept and expend on behalf of the state, gifts, grants and subsidies from any lawful source; all moneys and securities so received shall be deposited in the state treasury subject to the order of the commissioner. From the fund to which such receipts are credited there is hereby appropriated annually to the commissioner of corrections such gifts, grants and subsidies as are received under the provisions of this subdivision.

Subd. 6. Corrections; uncompensated and voluntary services; expenses. To assist in the discharge of the functions of the corrections department the commissioner of corrections shall have authority to accept uncompensated and voluntary services and to enter into contracts or agreements with private or public agencies or persons for such uncompensated and voluntary services as the commissioner may deem practicable. Persons rendering voluntary uncompensated services as herein authorized may be reimbursed for travel expenses paid or incurred in the performance of such official duties as may be assigned them at the same rate per mile as state employees. It is the purpose of this subdivision to provide travel expenses only to those volunteers who would otherwise be unable to afford to perform volunteer services.

Subd. 7. Use of facilities by outside agencies. The commissioner of corrections may authorize and permit public or private social service, educational, or rehabilitation agencies or organizations, and their clients; or lawyers, insurance companies, or others; to use the facilities, staff, and other resources of correctional facilities under the commissioner's control and may require the participating agencies or organizations to pay all or part of the costs thereof. All sums of money received pursuant to the agreements herein authorized shall not cancel until the end of the fiscal year immediately following the fiscal year in which the funds were received. The funds are available for use by the commissioner during that period, and are hereby appropriated annually to the commissioner of corrections for the purposes of this subdivision.

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

History: 1959 c 263 s 1; 1961 c 465 s 1; 1963 c 492 s 1; 1965 c 45 s 11,12; 1969 c 283 s 1,2; 1969 c 496 s 1; 1969 c 1129 art 8 s 5; 1971 c 657 s 1; 1973 c 82 s 1; 1973 c 94 s 1,2; 1973 c 500 s 1; 1973 c 507 s 45; 1973 c 654 s 15; 1975 c 304 s 1,2; 1975 c 434 s

26; 1976 c 63 s 1; 1977 c 305 s 28,29; 1979 c 102 s 13; 1980 c 617 s 47; 1982 c 527 s 1; 1983 c 264 s 1; 1Sp1985 c 9 art 2 s 25; 1986 c 444; 1991 c 238 art 1 s 11; 1993 c 146 art 2 s 12

241.02 TRANSFER OF POWERS AND DUTIES.

Subdivision 1. State prisons and reformatories. All the powers and duties now vested in or imposed upon the commissioner of human services relating to the administration, management, and operation of the state prison, the state reformatory for men, and the Minnesota correctional institution for women are hereby transferred to, vested in, and imposed upon the commissioner of corrections. All the powers and duties now vested in the commissioner of human services in relation to such institutions are hereby abolished.

Subd. 2. Prisons, jails and lockups. All the powers and duties now vested in, or imposed upon the commissioner of human services relating to prisons, jails, and lockups, as contained in sections 256.02, 641.21, 641.22, 641.25, 641.26, 642.01, 642.02, 642.09, 642.10, and 642.11 are hereby transferred to, vested in, and imposed upon the commissioner of corrections. All the powers and duties now vested in the commissioner of human services in relation to such prisons, jails, and lockups, are hereby abolished.

History: 1959 c 263 s 2; 1967 c 398 s 4; 1984 c 654 art 5 s 58

LICENSING OF INSTITUTIONS

241.021 LICENSING AND SUPERVISION OF INSTITUTIONS AND FACILITIES.

Subdivision 1. Supervision over correctional institutions. (1) The commissioner of corrections shall inspect and license all correctional facilities throughout the state, whether public or private, established and operated for the detention and confinement of persons detained or confined therein according to law except to the extent that they are inspected or licensed by other state regulating agencies. The commissioner shall promulgate pursuant to chapter 14, rules establishing minimum standards for these facilities with respect to their management, operation, physical condition, and the security, safety, health, treatment, and discipline of persons detained or confined therein. Commencing September 1, 1980, no individual, corporation, partnership, voluntary association, or other private organization legally responsible for the operation of a correctional facility may operate the facility unless licensed by the commissioner of corrections. The commissioner shall review the correctional facilities described in this subdivision at least once every biennium, except as otherwise provided herein, to determine compliance with the minimum standards established pursuant to this subdivision. The commissioner shall grant a license to any facility found to conform to minimum standards or to any facility which, in the commissioner's judgment, is making satisfactory progress toward substantial conformity and the interests and well-being of the persons detained or confined therein are protected. The commissioner may grant licensure up to two years. The commissioner shall have access to the buildings, grounds, books, records, staff, and to persons detained or confined in these facilities. The commissioner may require the officers in charge of these facilities to furnish all information and statistics the commissioner deems necessary, at a time and place designated by the commissioner. The commissioner may require that any or all such information be provided through the department of corrections detention information system.

(2) Any state agency which regulates, inspects, or licenses certain aspects of correctional facilities shall, insofar as is possible, ensure that the minimum standards it requires are substantially the same as those required by other state agencies which regulate, inspect, or license the same aspects of similar types of correctional facilities, although at different correctional facilities.

(3) Nothing in this section shall be construed to limit the commissioner of corrections' authority to promulgate rules establishing standards of eligibility for counties to receive funds under sections 401.01 to 401.16, or to require counties to comply with

operating standards the commissioner establishes as a condition precedent for counties to receive that funding.

(4) When the commissioner finds that any facility described in clause (1), except foster care facilities for delinquent children and youth as provided in subdivision 2, does not substantially conform to the minimum standards established by the commissioner and is not making satisfactory progress toward substantial conformance, the commissioner shall promptly notify the chief executive officer and the governing board of the facility of the deficiencies and order that they be remedied within a reasonable period of time. The commissioner may by written order restrict the use of any facility which does not substantially conform to minimum standards to prohibit the detention of any person therein for more than 72 hours at one time. When, after due notice and hearing, the commissioner finds that any facility described in this subdivision, except county jails and lockups as provided in sections 641.26, 642.10, and 642.11, does not conform to minimum standards, or is not making satisfactory progress toward substantial compliance therewith, the commissioner may issue an order revoking the license of that facility. After revocation of its license, that facility shall not be used until its license is renewed. When the commissioner is satisfied that satisfactory progress towards substantial compliance with minimum standard is being made, the commissioner may, at the request of the appropriate officials of the affected facility supported by a written schedule for compliance, grant an extension of time for a period not to exceed one year.

(5) As used in this subdivision, "correctional facility" means any facility, including a group home, having a residential component, the primary purpose of which is to serve persons placed therein by a court, court services department, parole authority, or other correctional agency having dispositional power over persons charged with, convicted, or adjudicated to be guilty or delinquent.

Subd. 2. Foster care facilities for delinquent children and youth; licenses; supervision. Notwithstanding any provisions in sections 256.01, subdivision 2, clause (2), 245A.03, and 245A.04, to the contrary, the commissioner of corrections shall review all county, municipal or other publicly established and operated facilities for the detention, care and training of delinquent children and youth at least once every biennium, if such facility conforms to reasonable standards established by the commissioner or in the commissioner's judgment is making satisfactory progress toward substantial conformity therewith, and the commissioner is satisfied that the interests and well-being of children and youth received therein are protected, the commissioner shall grant a license to the county, municipality or agency thereof operating such facility. The commissioner may grant licensure up to two years. Each such facility shall cooperate with the commissioner to make available all facts regarding its operation and services as the commissioner 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 the commissioner consultation as needed to strengthen services to the children and youth received therein.

Subd. 3. Revocation of license. When after due notice and hearing the commissioner of corrections determines that any facility described in subdivision 2 does not substantially conform to the reasonable standards therein provided or is not making satisfactory progress toward substantial compliance therewith, the commissioner may, with the consent of the judge of the district court, issue an order revoking the license of that facility. After revocation of its license, that facility shall not be used for the care and training of delinquent children, or for their detention until its license is renewed.

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. 4a. **Chemical dependency treatment programs.** All residential chemical dependency treatment programs operated by the commissioner of corrections to treat adults and juveniles committed to the commissioner's custody shall comply with the standards mandated in Minnesota Rules, parts 9530.4100 to 9530.6500, for treatment programs operated by community-based residential treatment facilities.

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.

Subd. 6. **Background studies.** The commissioner of corrections is authorized to do background studies on personnel employed by any facility serving children or youth that is licensed under this section. A clerk or administrator of any court, the bureau of criminal apprehension, a prosecuting attorney, a county sheriff, or a chief of a local police department, shall assist in these studies by providing to the commissioner, or the commissioner's representative, all criminal conviction data available from local, state, and national criminal history record repositories, including the criminal justice data communications network, pertaining to the following individuals: applicants, operators, all persons living in the household, and all staff of any facility subject to background studies under this subdivision.

History: 1961 c 750 s 27 subd 2; 1969 c 493 s 1; 1976 c 299 s 1,2; 1978 c 778 s 1; 1980 c 417 s 1; 1980 c 580 s 1; 1980 c 618 s 18; 1981 c 360 art 1 s 16; 1Sp1981 c 4 art 1 s 99; 1982 c 424 s 130; 1985 c 262 s 1; 1986 c 444; 1Sp1986 c 3 art 1 s 82; 1987 c 252 s 1; 1987 c 333 s 22; 1992 c 571 art 11 s 1; 1993 c 266 s 29; 1994 c 636 art 6 s 1,2

FACILITY GRANT AND SUBSIDY PROGRAMS

241.022 GRANTS-IN-AID TO COUNTIES FOR ADULT DETENTION FACILITIES AND PROGRAMS.

Subdivision 1. **Authorization to make facility grants.** The commissioner of corrections may, out of money appropriated for the purposes of this section, make grants to counties or groups of counties for the purpose of assisting those counties to construct or rehabilitate local adult detention facilities and to assist counties or groups of counties in the construction or rehabilitation of regional jails and lockups, work houses, or work farms, and detention and treatment facilities for adult offenders.

Subd. 2. [Renumbered subdivision 4]

Subd. 2. **Authorization to make program grants.** The commissioner of corrections may, out of money appropriated for the purposes of this section, make grants to counties or groups of counties for the purpose of assisting those counties to develop and maintain adequate programs and personnel for the education, training, treatment and rehabilitation of persons admitted to the facilities described in subdivision 1. Eligible programs also include, but are not limited to, alternatives to detention or incarceration programs containing home detention components.

Subd. 3. [Renumbered subdivision 5]

Subd. 3. **Federal funds.** The commissioner may also receive grants of funds from the federal government or any other lawful source for the purposes of subdivisions 1 and 2. These funds are appropriated annually to the commissioner.

Subd. 4. [Renumbered subdivision 6]

Subd. 4. **Minimum standards for facilities.** The commissioner shall establish mini-

minimum standards for the construction, rehabilitation, size, area to be served, training and treatment programs, and staff qualifications in adult facilities to be rehabilitated or constructed. Compliance with these standards constitutes a minimum requirement for the granting of assistance as provided by this section.

Subd. 5. [Renumbered subdivision 7]

Subd. 5. **Application for facility grants.** (a) A county or group of counties operating any of the adult facilities described in subdivision 1 or desiring to construct and operate or to rehabilitate existing facilities may apply for assistance under this section by submitting to the commissioner of corrections for approval its plans, specifications, budget, program for training and treatment, and staffing pattern, including personnel qualifications. The commissioner may recommend changes or modifications as the commissioner considers necessary to effect substantial compliance with the standards provided in subdivision 4. When the commissioner has determined that a county or group of counties has substantially complied with the minimum standards, or is making satisfactory progress toward compliance, the commissioner may pay to the county or groups of counties an amount not more than 50 percent of the cost of construction or rehabilitation of the facilities described in this section.

(b) In the case of improvement of a program and continued operation of a program in an adult regional facility as described in subdivision 2, the commissioner may pay to the governing board of the facility a sum not more than \$1,800 per year for each adult bed.

Subd. 6. **Inspection.** The commissioner shall inspect at least annually each adult facility covered by this section and review its projected annual operating costs to insure continued compliance with minimum standards, and may withhold funds for noncompliance.

Subd. 7. **Limitation of grants to future projects.** Completion and acceptance of new construction or rehabilitation of existing facilities must occur after July 1, 1991, to enable a county or group of counties to receive any sums provided by this section.

History: 1971 c 735 s 1; 1986 c 444; 1991 c 292 art 8 s 4

241.0221 JUVENILE DETENTION SERVICES SUBSIDY PROGRAM.

Subdivision 1. **Definitions.** The definitions in this subdivision apply to this section.

(a) "Commissioner" means the commissioner of corrections.

(b) "Local detention facility" means a county or multicounty facility that detains or confines preadjudicated or adjudicated delinquent and nondelinquent offenders, including offenders defined in section 260.015, subdivisions 21, 22, and 23.

(c) "Twenty-four-hour temporary holdover facility" means a physically restricting or a physically unrestricting facility used for up to 24 hours, excluding weekends and holidays, for the care of one or more children who are being detained under chapter 260.

(d) "Twenty-four-hour temporary holdover facility operational subsidy" means a subsidy in an amount not to exceed \$7 per hour for wages for staff supervision services provided to a delinquent child held within a 24-hour temporary holdover facility.

(e) "Eight-day temporary holdover facility" means a physically restricting and unrestricting facility of not more than eight beds, two of which must be capable of being physically restricting. The maximum period that a child can be detained under chapter 260 in this facility is eight days, excluding weekends and holidays.

(f) "Eight-day temporary holdover facility operational subsidy" means a subsidy in an amount not to exceed 50 percent of the annual actual operating costs of the facility and not to exceed \$100,000, whichever is less.

(g) "Secure juvenile detention center" means a physically restricting facility licensed under Minnesota Rules, chapter 2930, and used for the temporary care of a delinquent child being detained under chapter 260.

(h) "Alternative detention programs" include, but are not limited to, home deten-

tion services, transportation services, including programs designed to return runaway children to their legal place of residence, custody detention services, training subsidy programs, and administrative services.

(i) "Secure juvenile detention center subsidy" means the \$1,200 per bed subsidy authorized under subdivisions 2 and 5, paragraph (b).

(j) "Transportation service" means transportation of a child who is being detained under chapter 260, including costs of wages, mileage and meal expenses, and costs for transporting and returning delinquent children who have absconded from their legal place of residence.

(k) "Home detention service" means:

(1) supervision of children who are residing at their legal place of residence and who are being detained under chapter 260 and includes costs incurred for wages, mileage, and expenses associated with supervision;

(2) a training subsidy used to pay for expenses incurred in training home detention staff; and

(3) electronic surveillance program costs incurred in electronic monitoring of children who are being detained at home or at their legal place of residence under chapter 260.

(l) "Custody detention service" means secure and nonsecure detention per diem costs for a child who is being detained under chapter 260.

(m) "Training subsidy" means a subsidy associated with training required staff to implement temporary holdover facility programs, transportation services, and home detention services.

(n) "Administrative services" means administering, coordinating, and implementing the 24-hour temporary holdover facilities, juvenile detention alternative programs involving transportation, home detention, and custody detention services.

(o) "Administrative start-up subsidy" means a subsidy associated with services rendered to get a 24-hour temporary holdover facility established and operating as required and not to exceed \$2,000 per facility.

Subd. 2. Authorization to make subsidies to counties. The commissioner may, out of money appropriated for the purposes of this section, subsidize counties or groups of counties to assist in:

(a) construction or rehabilitation of local detention facilities; and

(b) developing or maintaining adequate local detention facility operations or alternative detention programs.

Subd. 3. Federal funds. The commissioner may also receive funds from the federal government or any other lawful source for the purposes of subdivision 2.

Subd. 4. Minimum standards. (a) The commissioner shall establish, under chapter 14, minimum standards for the construction or rehabilitation of all local detention facilities and their operations by July 1, 1993. Interim standards developed by the commissioner may be used until that time.

(b) The commissioner shall establish requirements for alternative detention program subsidies and the maximum amount of funding each eligible participating county can receive. These subsidy requirements are not subject to chapter 14 procedures. Compliance with requirements established by the commissioner constitutes a minimum requirement for the granting of subsidy funding.

Subd. 5. Application for subsidy funding. (a) A county or group of counties operating or desiring to operate any of the facilities defined in subdivision 1 may apply for facility construction or rehabilitation subsidy funds. Applications must be submitted in a format provided by the commissioner. Subsidy funds granted are contingent on approval of plans and budget proposals submitted. The commissioner may recommend changes or modifications as the commissioner considers necessary to effect substantial compliance with the standards established in subdivision 4. When the commissioner has determined that a county or group of counties has substantially complied with the

minimum standards, or is making satisfactory progress toward compliance, the commissioner may pay to the county or counties an amount not more than 50 percent of the costs of construction or rehabilitation of the facility or facilities for which a subsidy has been granted, with the following exceptions:

(1) a 24-hour nonsecure temporary holdover facility may receive a one-time payment of up to a maximum of \$3,000 per facility for construction or rehabilitation purposes and furnishings;

(2) a 24-hour secure temporary holdover facility may receive a one-time payment of up to a maximum of \$10,000 per facility for construction or rehabilitation purposes and furnishings; and

(3) an eight-day temporary holdover facility may receive a one-time payment of up to a maximum of \$10,000 per bed for no more than eight beds for construction or rehabilitation purposes and furnishings.

(b) A county or group of counties operating a secure juvenile detention center may apply for secure juvenile detention center subsidy funds. The commissioner may pay to the governing board of a local secure juvenile detention center a sum not more than \$1,200 per year for each secure juvenile bed as approved in the submitted plans and specifications. These subsidy funds must be expended for alternative juvenile detention programs felt to be appropriate by the local governing board. The \$1,200 per bed, per year subsidy shall be known as the secure juvenile detention center subsidy.

(c) A county or group of counties operating an eight-day temporary holdover facility may apply for an operational subsidy in an amount not to exceed 50 percent of the facility's approved operational budget. Reimbursement would occur based upon actual expenditures and compliance with standards and requirements established in subdivision 4 and could not exceed \$100,000 per year, per facility.

(d) The commissioner may also pay to a county or group of counties a subsidy for alternative detention programs. Subsidies may cover costs for:

- (1) home detention services;
- (2) transportation services;
- (3) custody detention services;
- (4) training; and
- (5) local administrative services.

(e) Counties operating a juvenile eight-day temporary holdover facility or a secure juvenile detention center are not eligible to receive a subsidy for alternative detention programs described in paragraph (d).

(f) The commissioner may pay to counties desiring to operate a secure or nonsecure 24-hour temporary holdover facility a one-time administrative start-up subsidy of \$2,000 for staff services rendered for development and coordination purposes.

Subd. 6. Application review process for subsidy funds. To qualify for a subsidy, a county or group of counties must enter into a memorandum of agreement with the commissioner agreeing to comply with the minimum standards and requirements established by the commissioner under subdivision 4. The memorandum of agreement is not subject to the contract approval procedures of the commissioner of administration or chapter 16B. The commissioner shall provide forms and instructions for submission of subsidy applications.

The commissioner shall require a county or group of counties to document in its application that it is requesting subsidy funds for the least restrictive alternative appropriate to the county or counties detention needs. The commissioner shall evaluate applications and grant subsidies for local detention facilities and alternative detention programs described in this section in a manner consistent with the minimum standards and requirements established by the commissioner in subdivision 4 and within the limit appropriations made available by law.

Subd. 7. Inspection. The commissioner shall inspect each local detention facility covered by this section in accordance with requirements set forth in section 241.021

to ensure continued compliance with minimum standards and requirements established by the commissioner in subdivision 4 and may withhold funds for noncompliance.

Subd. 8. **Limitation of subsidies.** Funds for the purposes of subdivision 5, paragraph (a), are available only for construction projects begun after July 1, 1991.

History: 1991 c 292 art 8 s 5

CORRECTIONAL FACILITY DESIGNATION

241.023 MS 75 Supp [Repealed, 1976 c 149 s 63]

241.023 DESIGNATION OF STATE CORRECTIONAL FACILITIES.

Subdivision 1. All references in the Minnesota Statutes to the state training school, the Minnesota home school, the state prison, the state reformatory, and the Minnesota correctional institution for women shall, after August 1, 1979, be deemed to refer to a Minnesota correctional facility designated by its geographical location.

Subd. 2. Any state correctional facility now or hereafter established shall be designated as a Minnesota correctional facility according to the geographical area in which located.

History: 1979 c 102 s 11

CHIEF EXECUTIVE OFFICER DESIGNATION

241.024 DESIGNATION OF CHIEF EXECUTIVE OFFICERS OF STATE CORRECTIONAL FACILITIES.

The warden or superintendent of each Minnesota correctional facility, now or hereafter established shall, after August 1, 1979, be designated as the chief executive officer of the facility.

History: 1979 c 102 s 12

241.03 [Repealed, 1973 c 654 s 14]

241.04 [Repealed, 1973 c 654 s 14]

241.045 Subdivision 1. [Repealed, 1983 c 274 s 19]

Subd. 2. [Repealed, 1983 c 274 s 19]

Subd. 3. [Repealed, 1983 c 274 s 19]

Subd. 3a. [Repealed, 1983 c 274 s 19]

Subd. 4. [Repealed, 1983 c 274 s 19]

Subd. 5. [Repealed, 1976 c 134 s 79; 1983 c 274 s 19]

Subd. 6. [Repealed, 1983 c 274 s 19]

Subd. 7. [Repealed, 1983 c 274 s 19]

Subd. 8. [Repealed, 1983 c 274 s 19]

RELIGION

241.05 RELIGIOUS INSTRUCTION.

The commissioner of corrections shall provide at least one hour, on the first day of each week, between 9:00 a.m. and 5:00 p.m., for religious instruction to inmates of all prisons and reformatories under the commissioner's control, during which members of the clergy of good standing in any church or denomination may freely administer and impart religious rites and instruction to those desiring the same. The commissioner shall provide a private room where such instruction can be given by members of the clergy of the denomination desired by the inmate, or, in case of minors, by the parents or guardian, and, in case of sickness, some other day or hour may be designated; but

all sectarian practices are prohibited, and no officer or employee of the institution shall attempt to influence the religious belief of any inmate, and none shall be required to attend religious services against the inmate's will.

History: (4452) *RL s 1903; 1959 c 263 s 2; 1986 c 444*

RECORDS AND TRANSFER OF INMATES

241.06 RECORD OF INMATES; DEPARTMENT OF CORRECTIONS.

The commissioner of corrections shall keep in the commissioner's office, accessible only by the commissioner's consent or on the order of a judge or court of record, a record showing the residence, sex, age, nativity, occupation, civil condition, and date of entrance or commitment of every person, inmate, or convict in the facilities under the commissioner's exclusive control, the date of discharge and whether such discharge was final, the condition of such person when the person left the facility, and the date and cause of all deaths. The records shall state every transfer from one facility to another, naming each. This information shall be furnished to the commissioner of corrections by each facility, with such other obtainable facts as the commissioner may from time to time require. The chief executive officer of each such facility, within ten days after the commitment or entrance thereto of a person, inmate, or convict, shall cause a true copy of the entrance record to be forwarded to the commissioner of corrections. When a person, inmate, or convict leaves, is discharged or transferred, or dies in any facility, the chief executive officer, or other person in charge shall inform the commissioner of corrections within ten days thereafter on forms furnished by the commissioner.

The commissioner of corrections may authorize the chief executive officer of any facility under the commissioner's control to release to probation officers, local social services agencies or other specifically designated interested persons or agencies any information regarding any person, inmate, or convict thereat, if, in the opinion of the commissioner, it will be for the benefit of the person, inmate, or convict.

History: 1961 c 750 s 13 subd 2; 1979 c 102 s 13; 1986 c 444; 1994 c 631 s 31

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 human services 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 the commissioner's office. No transfer shall be made by the commissioner of corrections without the approval of the commissioner of human services 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: 1961 c 750 s 14 subd 2; 1967 c 398 s 4; 1979 c 102 s 13; 1980 c 357 s 14; 1981 c 192 s 1; 1984 c 654 art 5 s 58; 1986 c 444

MONEY AND FUNDS

241.08 MONEY OF INMATES OF CORRECTIONAL INSTITUTIONS.

Subdivision 1. The chief executive officer of each institution under the jurisdiction

of the commissioner of corrections shall have the care and custody of all money belonging to inmates thereof which may come into the chief executive officer's hands, keep accurate accounts thereof, and pay them out under rules prescribed by law under section 243.23, subdivision 3, or by the commissioner of corrections, taking vouchers therefor. All such money received by any officer or employee shall be paid to the chief executive officer forthwith. Every such executive officer, at the close of each month, or oftener if required by the commissioner, shall forward to the commissioner a statement of the amount of all money so received and the names of the inmates from whom received, accompanied by a check for the amount, payable to the state treasurer. On receipt of such statement, the commissioner shall transmit the same to the commissioner of finance, together with such check, who shall deliver the same to the state treasurer. Upon the payment of such check, the amount shall be credited to a fund to be known as "Correctional Inmates Fund," for the institution from which the same was received. All such funds shall be paid out by the state treasurer upon vouchers duly approved by the commissioner of corrections as in other cases. The commissioner may permit a contingent fund to remain in the hands of the executive officer of any such institution from which necessary expenditure may from time to time be made.

Subd. 2. Notwithstanding the provisions of subdivision 1 or other law to the contrary, the commissioner of corrections may permit the inmates of the institutions under the commissioner's control to deposit money in a bank or other financial institution. The commissioner shall establish rules governing the deposits and shall require each inmate to maintain at the institution in which confined an amount adequate for the inmate's needs during the period of confinement and to assist the inmate upon release therefrom on parole or by discharge.

History: 1961 c 750 s 15 subd 3; 1973 c 69 s 1; 1973 c 492 s 14; 1980 c 509 s 95; 1985 c 248 s 70; 1986 c 444; 1987 c 252 s 2; 1991 c 326 s 9

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 six months, deposit it in the inmate social welfare fund for the benefit of the inmates of the facility. No money shall be so deposited until it has remained unclaimed for at least six months. If, at any time after the expiration of the six months, 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 90 days, and the chief executive officer knows no person entitled to it, the chief executive officer or the chief executive officer's 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: 1961 c 750 s 16 subd 2; 1979 c 102 s 13; 1981 c 192 s 2; 1986 c 444; 1993 c 326 art 8 s 3

241.10 DISPOSAL OF FUNDS; CORRECTIONAL INSTITUTIONS.

Every officer and employee of the several institutions under the jurisdiction of the commissioner of corrections shall pay to the accounting officer thereof any funds in the officer's or employee's hands belonging to the institution. Every accounting officer, at the close of each month or oftener, shall forward to the commissioner of corrections a statement of the amount and sources of all money received. On receipt of such statement, the commissioner shall transmit the same to the commissioner of finance, who shall deliver to the state treasurer a draft upon the accounting officer for the same, specifying the funds to which it is to be credited. Upon payment of such draft, the amount shall be so credited.

History: 1961 c 750 s 17 subd 2; 1973 c 492 s 14; 1986 c 444

FIRE PROTECTION**241.11 PROTECTION AGAINST FIRE.**

The commissioner of corrections shall provide at each institution adequate and ready means of protection against fire, construct proper means of escape for inmates, and establish and enforce rigid rules by which danger from fire may be minimized.

History: 1961 c 750 s 18; 1985 c 248 s 70

241.12 [Repealed, 1973 c 400 s 2]**CONTINGENT ACCOUNT****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 the commissioner. 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: 1961 c 750 s 20 subd 2; 1973 c 492 s 14; 1981 c 360 art 1 s 17; 1986 c 444

EMPLOYMENT EXAMINATIONS**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: 1961 c 750 s 21; 1973 c 507 s 45; 1979 c 102 s 13; 1980 c 617 s 47; 1981 c 192 s 3

241.15 [Repealed, 1981 c 192 s 21]

CEMETERY AND BURIAL

241.16 CEMETERY AT CORRECTIONAL FACILITIES.

Subdivision 1. The commissioner of corrections may establish, maintain, or continue in existence, a cemetery for the burial of any patient, inmate or person admitted to any state facility under the commissioner's control upon the public grounds of such facility in the manner set forth in the following subdivisions.

Subd. 2. The land shall be surveyed and a plat thereof made.

Subd. 3. A stone or other monument shall be established to mark each corner of such cemetery, and its location shown on the plat.

Subd. 4. The cemetery shall be platted into lots, which shall be numbered; it shall have streets and walks, and the same shall be shown on the plat. All containing graves shall be indicated by an appropriate marker of permanent nature for identification purposes.

Subd. 5. The surveyor shall certify as to the correctness of the plat by an endorsement thereon.

Subd. 6. The plat with the surveyor's endorsement thereon shall be filed for record with the county recorder in the county wherein the cemetery is located. A copy of the plat shall be kept in the office of the chief executive officer of the facility, together with a register showing the name of the persons buried in the cemetery and the lot in which they are buried.

History: 1961 c 750 s 23; 1976 c 181 s 2; 1979 c 102 s 13; 1986 c 444

241.17 REBURIAL.

Subdivision 1. The commissioner of corrections may remove the body of any person now buried in a cemetery situated upon the land belonging to the state for public institution purposes and rebury it in a cemetery created under the provisions of section 241.16 by complying with the provisions set forth in the following subdivisions of this section.

Subd. 2. The commissioner shall petition the district court of the county wherein the present cemetery is situated setting forth the reasons for such removal, the place to which the body is to be removed, and praying for an order of the court authorizing such removal. Upon the presentation of such petition, the court shall make its order setting the time, which shall not be less than 60 days from the date of the order, and the place for hearing the same. The commissioner shall serve the nearest relative or, if the commissioner cannot locate any relative, some friend of the person whose body is to be removed by mailing to the friend or relative a copy of the petition and court's order 30 days before the date of hearing and file the commissioner's affidavit of mailing with the court administrator of district court. If the commissioner is unable to locate a relative or friend, the commissioner shall make an affidavit to that effect and file the same with the court administrator of district court.

Subd. 3. Upon the hearing of such petition, if the court determines that it is for the best interests of the public, the relatives and friends that such body be removed and that the same will be conducted in a manner commensurate with the methods commonly employed for the reburial of the dead in the community, the court shall make its order authorizing such removal, setting forth the time within which such removal shall be accomplished and the place to which the body is to be removed. Upon comple-

tion of such removal, the director shall cause the name of the person so removed to be entered in the register, together with the number of the lot in the cemetery and file an affidavit thereof with the court administrator of district court.

History: 1961 c 750 s 24; 1986 c 444; 1Sp1986 c 3 art 1 s 82

241.18 ABANDONMENT OF CEMETERY; COURT ORDER.

If the court makes its order under the provisions of section 241.17 authorizing the removal of bodies from a cemetery and the same is accomplished in accordance with such order and the commissioner files affidavits of such removal as hereinbefore provided, together with the commissioner's affidavit that the commissioner has caused a thorough search to be made, and there are no more dead bodies remaining in such cemetery to the best of the commissioner's knowledge, information and belief, the court may make its order authorizing the abandonment of such cemetery and thereby discontinue its use as such.

History: 1961 c 750 s 25; 1986 c 444

FOOD PRODUCTS

241.19 FOOD PRODUCTS, PRODUCTION AND PRESERVATION.

The commissioner of corrections may contract with corporations or individuals engaged in the commercial canning or freezing of food products, under such terms as the commissioner believes are for the best interests of the state, for the seeding, fertilizing, harvesting, and preserving of food products for consumption by institution inmates. The contract may provide for the payment of the processor's services by a fractional share of the food processed. The commissioner shall not be required to advertise for or secure bids.

History: 1961 c 750 s 26; 1986 c 444

CONSERVATION WORK

241.20 INMATES TO DO CONSERVATION WORK.

Whenever the commissioner of corrections deems it conducive to the rehabilitation of inmates of correctional institutions under the commissioner's control the commissioner may use selected inmates in the general improvement, maintenance, conservation, reforestation, soil erosion control, soil rehabilitation, and cultivation of any land within the control of the commissioner and, pursuant to agreement with the head of any other state department or agency, of lands under control of such department or agency.

History: (10846-11) 1935 c 297 s 1; 1957 c 440 s 1; 1959 c 263 s 2; 1986 c 444

241.21 INMATES AVAILABLE TO STATE DEPARTMENTS.

To carry out the purposes of section 241.20, the commissioner of corrections may make inmates available to the head of any state department or agency for work upon any land which is within the jurisdiction or control of such department or agency, and the commissioner of corrections and the head of any state department or agency having land under its jurisdiction or control may enter into written agreements upon such terms as may be necessary to provide for the use and the orderly supervision of such inmates.

History: (10846-12) 1935 c 297 s 2; 1957 c 440 s 2; 1959 c 263 s 2

241.22 MAY EXPEND MONEY.

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: (10846-13) 1935 c 297 s 3; 1959 c 263 s 2; 1971 c 24 s 21; 1979 c 102 s 13; 1981 c 192 s 4

241.23 CHIEF EXECUTIVE OFFICER TO MAKE SELECTION.

When inmates are to be used in any work authorized by sections 241.20 to 241.23, they shall be selected, with the approval of the commissioner of corrections, by the chief executive officer of any state adult correctional facility, in the following manner and order of preference:

- (1) Suitable inmates of state adult minimum security facilities;
- (2) Inmates who are not habitual offenders or guilty of heinous crimes and who, in the opinion of the chief executive officers of the facilities, are not incorrigible and who are physically capable and otherwise suitable for the character of the work provided for in sections 241.20 to 241.23.

History: (10846-14) 1935 c 297 s 4; 1959 c 263 s 2; 1971 c 24 s 22; 1979 c 102 s 13; 1983 c 264 s 2

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

241.25 [Repealed, 1993 c 326 art 8 s 17]

PRESS ACCESS

241.251 PRESS ACCESS FOR INMATES.

Subdivision 1. Any inmate of a state correctional facility shall be permitted to speak in person or by phone at the inmate's own expense to any representative of the public news media, as defined in subdivision 4, on a daily basis between the hours of 8:00 a.m. and 9:00 p.m. except in emergency situations as defined in subdivision 5; provided that it does not interfere with the inmate's regularly assigned duties. The right to speak in person with a representative of the news media shall not constitute a regular facility visit.

Correctional authorities may limit the exercise of privileges conferred by this section by any individual inmate to one telephone call or interview per week.

Subd. 2. Any inmate or group of inmates of a state correctional facility shall be permitted to correspond by mail with any public news media or representatives thereof, as defined in subdivision 4, on a regular basis.

Subd. 3. Subject to the provisions of section 243.55 and the duty of the chief executive officer to take reasonable precautions to prevent the introduction of contraband into a correctional facility, representatives of the public news media shall, upon their own request, be permitted to interview any consenting inmate or representatives of a consenting group of inmates of the state at the times and under the circumstances described in subdivision 1. Any representative of the public news media who is denied access to a correctional facility must be given the reasons therefor in writing, and the representative may appeal such denial to the commissioner of corrections.

Subd. 4. A "representative of the public news media" means a person employed by and authorized to represent any television station licensed by the Federal Communications Commission, any radio station licensed by the Federal Communications Commission, national wire service, or any newspaper or periodical having a monthly statewide circulation of at least 1,000 copies.

Subd. 5. An emergency shall be defined as a situation in which, in the best judgment of the correctional authorities, there is an imminent threat to life, security or property.

History: 1974 c 560 s 1; 1979 c 102 s 13; 1986 c 444

PRIVATE EMPLOYMENT AND VOCATIONAL TRAINING**241.26 PRIVATE EMPLOYMENT OF INMATES OF STATE CORRECTIONAL INSTITUTIONS IN COMMUNITY.**

Subdivision 1. **Commissioner.** When consistent with the public interest and the public safety, the commissioner of corrections may conditionally release an inmate who is eligible and being considered for release under section 243.05, to work at paid employment, seek employment, or participate in a vocational training or educational program. Release under this subdivision is an extension of the limits of confinement and each inmate so released shall be confined in the correctional facility from which released or in some other suitable place of confinement designated by the commissioner of corrections during the hours the inmate is not employed, seeking employment, or engaged in a vocational training or educational program, or, if employed, seeking employment, or engaged in a vocational training or educational program, between the hours of such activity. A reasonable allowance for travel time and meals shall be permitted.

Subd. 2. **Use of local detention facilities.** The commissioner of corrections shall designate state correctional institutions for participation in the program authorized in subdivision 1 and shall adapt facilities of such institutions to provide housing and supervision of inmates participating in such program. The commissioner of corrections may also enter into contractual agreements with appropriate city and county authorities for the confinement of and provision of other correctional services to such inmates whose employment, educational or vocational training programs so require, and such city and county authorities are hereby authorized to make and enter such contracts and agreements. When the commissioner determines that the circumstances of a participant in the program authorized by subdivision 1 do not require the security of a public detention facility, the commissioner may contract with public and private agencies for the custody and separate care of such participant or house the participant in a community correction center or under house arrest and monitored by electronic surveillance in an approved residence.

Subd. 3. **Rules.** The commissioner of corrections shall establish rules for placement and supervision of such inmates and for administration of programs authorized by this section. When consistent with the public interest the commissioner may grant furloughs to those inmates participating in the programs authorized by this section who have spent at least 30 days in a residential work release center operated by or under the control of the commissioner for a period of time not to exceed their supervised release date.

Subd. 4. **Revocation.** The willful failure of an inmate to report to or return from planned employment, seeking employment, educational or vocational training, or furlough as provided in subdivision 3 shall be considered an escape under section 609.485. If an inmate violates any of the rules provided for in subdivision 3, the inmate's work placement, educational, or vocational training privileges may be withdrawn by the commissioner.

Subd. 5. **Earnings; work release account.** The net earnings of each inmate participating in the work release program provided by this section may be collected by or forwarded to the commissioner of corrections for deposit to the account of the inmate in the work release account in the state treasury, or the inmate may be permitted to collect, retain, and expend the net earnings from the inmate's employment under rules established by the commissioner of corrections. The money collected by or forwarded to the commissioner under the rules shall remain under the control of the commissioner for the sole benefit of the inmate. After making deductions for the payment of state and local taxes, if necessary, and for repayment of advances and gate money as provided in section 243.24, wages under the control of the commissioner and wages retained by the inmate may be disbursed by the commissioner or expended by the inmate for the following purposes and in the following order:

- (1) The cost of the inmate's keep as determined by subdivision 7, which money

shall be deposited in the general fund of the state treasury if the inmate is housed in a state correctional facility, or shall be paid directly to the place of confinement as designated by the commissioner pursuant to subdivision 1;

(2) Necessary travel expense to and from work and other incidental expenses of the inmate;

(3) Support of inmate's dependents, if any;

(4) Court-ordered restitution, if any;

(5) Fines, surcharges, or other fees assessed or ordered by the court;

(6) Contribution to any programs established by law to aid victims of crime, provided that the contribution must not be more than 20 percent of the inmate's gross wages;

(7) Restitution to the commissioner of corrections ordered by a prison disciplinary hearing officer for damage to property caused by an inmate's conduct;

(8) After the above expenditures, the inmate shall have discretion to direct payment of the balance, if any, upon proper proof of personal legal debts;

(9) The balance, if any, shall be disbursed to the inmate as provided in section 243.24, subdivision 1.

The commissioner may authorize the payment of court-ordered restitution from an inmate's wages when the restitution was court ordered as a sanction for the conviction of an offense which is not the offense of commitment, including offenses which occurred prior to the offense for which the inmate was committed to the commissioner. All money in the work release account are appropriated annually to the commissioner of corrections for the purposes of the work release program.

Subd. 6. Exemption from process. Wages or salaries of work placement inmates shall not be subject to garnishment, attachment, or execution in the hands of either the employer or a state agent authorized to hold such funds.

Subd. 7. Payment of board and room. The commissioner shall determine the amount to be paid for board and room by such work placement inmate. When special circumstances warrant or for just and reasonable cause, the commissioner may waive the payment by the inmate of board and room charges.

Where a work placement inmate is housed in a jail or workhouse, such board and room revenue shall be paid over to such city or county official as provided for in subdivision 2, provided however, that when payment of board and room has been waived, the commissioner shall make such payments from funds appropriated for that purpose.

History: 1967 c 418 s 1; 1969 c 399 s 1; 1971 c 108 s 1; 1973 c 492 s 7,14; 1973 c 654 s 15; 1975 c 271 s 6; 1978 c 723 art 1 s 12; 1979 c 129 s 1; 1980 c 417 s 6-8; 1983 c 262 art 2 s 1; 1983 c 274 s 1-3; 1985 c 220 s 1,2; 1986 c 444; 1987 c 252 s 3; 1990 c 568 art 2 s 31; 1993 c 326 art 8 s 4; 1994 c 636 art 6 s 3

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

Subdivision 1. Establishment of Minnesota correctional industries. For the purpose of providing adequate, regular and suitable employment, vocational training, and to aid the inmates of state correctional facilities, the commissioner of corrections may establish, equip, maintain and operate at any correctional facility under the commissioner's control such industrial and commercial activities as may be deemed necessary and suitable to the profitable employment, vocational training and development of proper work habits of the inmates of state correctional facilities. The industrial and commercial activities authorized by this section shall be for the primary purpose of providing vocational training, meaningful employment and the teaching of proper work habits to the inmates of correctional facilities under the control of the commissioner of corrections, and not as competitive business ventures. Prior to the establishment of any industrial and commercial activity, the commissioner of corrections may consult with representatives of business, industry, organized labor, the state department of edu-

cation, the state apprenticeship council, the state department of labor and industry, the department of employment security, the department of administration, and such other persons and bodies as the commissioner may feel are qualified to determine the quantity and nature of the goods, wares, merchandise and services to be made or provided, and the types of processes to be used in their manufacture, processing, repair, and production consistent with the greatest opportunity for the reform and vocational training of the inmates, and with the best interests of the state, business, industry and labor.

The commissioner of corrections shall, at all times in the conduct of any industrial or commercial activity authorized by this section, utilize inmate labor to the greatest extent feasible, provided, however, that the commissioner may employ all administrative, supervisory and other skilled workers necessary to the proper instruction of the inmates and the profitable and efficient operation of the industrial and commercial activities authorized by this section.

Additionally, the commissioner of corrections may authorize the director of any correctional facility under the commissioner's control to accept work projects from outside sources for processing, fabrication or repair, provided that preference shall be given to the performance of such work projects for state departments and agencies.

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 and 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. The purchase of materials and commodities for resale are not subject to the competitive bidding procedures of section 16B.07, but are subject to all other provisions of chapter 16B. When practical, purchases must be made from small targeted group businesses designated under section 16B.19. 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 11A.25; the proceeds from the investment not currently needed shall be accounted for separately and credited to the fund.

Subd. 3. Disbursement from fund. The correctional industries revolving fund shall be deposited in the state treasury and paid out only on proper vouchers as may be authorized and approved by the commissioner of corrections, and in the same manner and under the same restrictions as are now provided by law for the disbursement of funds by the commissioner. The commissioner of corrections is authorized to keep and maintain at any correctional facility under the commissioner's control a contingent fund, as provided in section 241.13; but the contingent fund shall at all times be covered and protected by a proper and sufficient bond to be duly approved as by law now provided.

Subd. 4. Revolving fund; borrowing. The commissioner of corrections is authorized, when in the commissioner's judgment it becomes necessary in order to meet current demands on the correctional industries revolving fund, to borrow sums of money as may be necessary. The sums so borrowed shall not exceed, in any one year, 50 percent of the total of the net worth of correctional industries.

When the commissioner of corrections shall certify to the commissioner of finance and the state treasurer that, in the commissioner's judgment, it is necessary to borrow a specified sum of money in order to meet the current demands on the correctional industries revolving fund, the state treasurer and the commissioner of finance may, in

their discretion, transfer and credit to the correctional industries revolving fund, from any moneys in the state treasury not required for immediate disbursement, the whole or such part of the amount so certified as they deem advisable, which sum so transferred shall be repaid by the commissioner from the revolving fund to the fund from which transferred, at such time as shall be specified by the state treasurer and the commissioner of finance, together with interest thereon at such rate as shall be specified by the commissioner of finance and the state treasurer, not exceeding four percent per annum. When any transfer shall so have been made to the correctional industries revolving fund, the state treasurer and the commissioner of finance shall notify the commissioner of corrections of the amount so transferred to the credit of the correctional industries revolving fund, the date when the same is to be repaid, and the rate of interest so to be paid.

Subd. 5. Federal grant fund transfers. Grants received from the federal government for any vocational training program or for administration under the jurisdiction of the commissioner of corrections shall, in the first instance, be credited to a federal grant fund and shall be transferred therefrom to the credit of the commissioner of corrections in the appropriate account upon certification of the commissioner of corrections that the amounts so requested to be transferred have been earned or are required for the purposes and program intended. Moneys received by the federal grant fund need not be budgeted as such provided transfers from the fund are budgeted for allotment purposes in the appropriate appropriation.

History: 1967 c 883 s 1; Ex1967 c 1 s 6; 1975 c 271 s 6; 1976 c 163 s 39; 1979 c 129 s 2; 1980 c 417 s 2; 1Sp1981 c 4 art 1 s 101; 1986 c 444; 1987 c 156 s 1; 1987 c 384 art 2 s 1; 1989 c 352 s 18; 1990 c 541 s 25

REIMBURSEMENT OF LOCAL GOVERNMENTS

241.271 REIMBURSEMENT OF COUNTIES AND MUNICIPALITIES; BUDGET REQUEST.

The department of corrections shall include in its budget requests such amounts as may be claimed by any county or municipality necessary to reimburse said county or municipality for expenses of a county attorney or sheriff or municipal police department resulting from activities involving inmates of state correctional institutions located in its county or municipality.

History: 1974 c 557 s 11

PRODUCTIVE DAY INITIATIVE PROGRAMS

241.275 PRODUCTIVE DAY INITIATIVE PROGRAMS; CORRECTIONAL FACILITIES; HENNEPIN, RAMSEY, AND ST. LOUIS COUNTIES.

Subdivision 1. Program establishment. The counties of Hennepin, Ramsey, and St. Louis shall each establish a productive day initiative program in their correctional facilities as described in this section. The productive day program shall be designed to motivate inmates in local correctional facilities to develop basic life and work skills through training and education, thereby creating opportunities for inmates on release to achieve more successful integration into the community.

Subd. 2. Program components. The productive day initiative programs shall include components described in paragraphs (a) to (c).

(a) The initiative programs shall contain programs designed to promote the inmate's self-esteem, self-discipline, and economic self-sufficiency by providing structured training and education with respect to basic life skills, including hygiene, personal financial budgeting, literacy, and conflict management.

(b) The programs shall contain individualized educational, vocational, and work programs designed to productively occupy an inmate for at least eight hours a day.

(c) The program administrators shall develop correctional industry programs,

including marketing efforts to attract work opportunities both inside correctional facilities and outside in the community. Program options may include expanding and reorganizing on-site industry programs, locating off-site industry work areas, and community service work programs. To develop innovative work programs, program administrators may enlist members of the business and labor community to help target possible productive enterprises for inmate work programs.

(d) Whenever inmates are assigned to work within the correctional facility or with any state department or agency, local unit of government, or other government subdivision, the program administrator must certify to the appropriate bargaining agent that work performed by inmates will not result in the displacement of current employed workers or workers on seasonal layoff or layoff from a substantially equivalent position, including partial displacement such as reduction in hours of work other than overtime work, wages, or other employment benefits.

Subd. 3. **Eligibility.** The administrators of each productive day program shall develop criteria for inmate eligibility for the program.

Subd. 4. **Evaluation.** The administrators of each of the productive day initiative programs shall develop program evaluation tools to monitor the success of the programs.

Subd. 5. **Report.** Hennepin, Ramsey, and St. Louis counties shall each report results of their evaluations to the chairs of the house judiciary finance division and the senate crime prevention finance division by July 1, 1996.

History: 1994 c 636 art 6 s 4

INTERSTATE CORRECTIONS COMPACT

241.28 CITATION.

Sections 241.28 to 241.30 may be cited as the Interstate Corrections Compact.

History: 1969 c 595 s 1

241.29 COMPACT.

The Interstate Corrections Compact is hereby enacted into law and entered into by this state with any other states legally joining therein in the form substantially as follows:

INTERSTATE CORRECTIONS COMPACT

ARTICLE I

Purpose and Policy

The party states, desiring by common action to fully utilize and improve their institutional facilities and provide adequate programs for the confinement, treatment and rehabilitation of various types of offenders, declare that it is the policy of each of the party states to provide such facilities and programs on a basis of cooperation with one another, thereby serving the best interests of such offenders and of society and effecting economies in capital expenditures and operational costs. The purpose of this compact is to provide for the mutual development and execution of such programs of cooperation for the confinement, treatment and rehabilitation of offenders with the most economical use of human and material resources.

ARTICLE II

Definitions

As used in this compact, unless the context clearly requires otherwise:

(a) "State" means a state of the United States; the United States of America; a territory or possession of the United States; the District of Columbia; the Commonwealth of Puerto Rico.

(b) "Sending state" means a state party to this compact in which conviction or court commitment was had.

(c) "Receiving state" means a state party to this compact to which an inmate is sent for confinement other than a state in which conviction or court commitment was had.

(d) "Inmate" means a male or female offender who is committed, under sentence to or confined in a penal or correctional institution.

(e) "Institution" means any penal or correctional facility, including but not limited to a facility for the mentally ill or mentally defective, in which inmates as defined in (d) above may lawfully be confined.

ARTICLE III

Contracts

(a) Each party state may make one or more contracts with any one or more of the other party states for the confinement of inmates on behalf of a sending state in institutions situated within receiving states. Any such contract shall provide for:

1. Its duration.

2. Payments to be made to the receiving state by the sending state for inmate maintenance, extraordinary medical and dental expenses, and any participation in or receipt by inmates of rehabilitative or correctional services, facilities, programs, or treatment not reasonably included as part of normal maintenance.

3. Participation in programs of inmate employment, if any; the disposition or crediting of any payments received by inmates on account thereof; and the crediting of proceeds from or disposal of any products resulting therefrom.

4. Delivery and retaking of inmates.

5. Such other matters as may be necessary and appropriate to fix the obligations, responsibilities and rights of the sending and receiving states.

(b) The terms and provisions of this compact shall be a part of any contract entered into by the authority of or pursuant thereto, and nothing in any such contract shall be inconsistent therewith.

ARTICLE IV

Procedures and Rights

(a) Whenever the duly constituted authorities in a state party to this compact, and which has entered into a contract pursuant to article III, shall decide that confinement in, or transfer of an inmate to, an institution within the territory of another party state is necessary or desirable in order to provide adequate quarters and care or an appropriate program of rehabilitation or treatment, said officials may direct that the confinement be within an institution within the territory of said other party state, the receiving state to act in that regard solely as agent for the sending state.

(b) The appropriate officials of any state party to this compact shall have access, at all reasonable times, to any institution in which it has a contractual right to confine inmates for the purpose of inspecting the facilities thereof and visiting such of its inmates as may be confined in the institution.

(c) Inmates confined in an institution 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 therefrom for transfer to a prison or other institution within the sending state, for transfer to another institution in which the sending state may have a contractual or other right to confine inmates, for release on probation or parole, for discharge, or for any other purpose permitted by the laws of the sending state; provided that the sending state shall continue to be obligated to such payments as may be required pursuant to the terms of any contract entered into under the terms of article III.

(d) Each receiving state shall provide regular reports to each sending state on the

inmates of that sending state in institutions pursuant to this compact including a conduct record of each inmate and certify said record to the official designated by the sending state, in order that each inmate may have official review of his or her record in determining and altering the disposition of said inmate in accordance with the law which may obtain in the sending state and in order that the same may be a source of information for the sending state.

(e) All inmates who may be confined in an institution pursuant to the provisions of this compact shall be treated in a reasonable and humane manner and shall be treated equally with such similar inmates of the receiving state as may be confined in the same institution. The fact of confinement in a receiving state shall not deprive any inmate so confined of any legal rights which said inmate would have had if confined in an appropriate institution of the sending state.

(f) Any hearing or hearings to which an inmate confined pursuant to this compact may be entitled by the laws of the sending state may be had before the appropriate authorities of the sending state, or of the receiving state if authorized by the sending state. The receiving state shall provide adequate facilities for such hearings as may be conducted by the appropriate officials of a sending state. In the event such hearing or hearings are had before officials of the receiving state, the governing law shall be that of the sending state and a record of the hearing or hearings as prescribed by the sending state shall be made. Said record together with any recommendations of the hearing officials shall be transmitted forthwith to the official or officials before whom the hearing would have been had if it had taken place in the sending state. In any and all proceedings had pursuant to the provisions of this subdivision, the officials of the receiving state shall act solely as agents of the sending state and no final determination shall be made in any matter except by the appropriate officials of the sending state.

(g) Any inmate confined pursuant to this compact shall be released within the territory of the sending state unless the inmate, and the sending and receiving states, shall agree upon release in some other place. The sending state shall bear the cost of such return to its territory.

(h) Any inmate confined pursuant to the terms of this compact shall have any and all rights to participate in and derive any benefits or incur or be relieved of any obligations or have such obligations modified or his status changed on account of any action or proceeding in which he could have participated if confined in any appropriate institution of the sending state located within such state.

(i) The parent, guardian, trustee, or other person or persons entitled under the laws of the sending state to act for, advise, or otherwise function with respect to any inmate shall not be deprived of or restricted in his exercise of any power in respect of any inmate confined pursuant to the terms of this compact.

ARTICLE V

Acts Not Reviewable in Receiving State: Extradition

(a) Any decision of the sending state in respect of any matter over which it retains jurisdiction pursuant to this compact shall be conclusive upon and not reviewable within the receiving state, but if at the time the sending state seeks to remove an inmate from an institution in the receiving state there is pending against the inmate within such state any criminal charge or if the inmate is formally accused of having committed within such state a criminal offense, the inmate shall not be returned without the consent of the receiving state until discharged from prosecution or other form of proceeding, imprisonment or detention for such offense. The duly accredited officers of the sending state shall be permitted to transport inmates pursuant to this compact through any and all states party to this compact without interference.

(b) An inmate who escapes from an institution in which he is confined pursuant to this compact shall be deemed a fugitive from the sending state and from the state in which the institution is situated. In the case of an escape to a jurisdiction other than the sending or receiving state, the responsibility for institution of extradition or rendi-

tion proceedings shall be that of the sending state, but nothing contained herein shall be construed to prevent or affect the activities of officers and agencies of any jurisdiction directed toward the apprehension and return of an escapee.

ARTICLE VI Federal Aid

Any state party to this compact may accept federal aid for use in connection with any institution or program, the use of which is or may be affected by this compact or any contract pursuant hereto and any inmate in a receiving state pursuant to this compact may participate in any such federally aided program or activity for which the sending and receiving states have made contractual provision, provided that if such program or activity is not part of the customary correctional regimen the express consent of the appropriate official of the sending state shall be required therefor.

ARTICLE VII Entry into Force

This compact shall enter into force and become effective and binding upon the state so acting when it has been enacted into law by any two states. Thereafter, this compact shall enter into force and become effective and binding as to any other of said states upon similar action by such state.

ARTICLE VIII Withdrawal and Termination

This compact shall continue in force and remain binding upon a party state until it shall have enacted a statute repealing the same and providing for the sending of formal written notice of withdrawal from the compact to the appropriate officials of all other party states. An actual withdrawal shall not take effect until one year after the notices provided in said statute have been sent. Such withdrawal shall not relieve the withdrawing state from its obligations assumed hereunder prior to the effective date of withdrawal. Before the effective date of withdrawal, a withdrawing state shall remove to its territory, at its own expense, such inmates as it may have confined pursuant to the provisions of this compact.

ARTICLE IX Other Arrangements Unaffected

Nothing contained in this compact shall be construed to abrogate or impair any agreement or other arrangement which a party state may have with a nonparty state for the confinement, rehabilitation or treatment of inmates nor to repeal any other laws of a party state authorizing the making of cooperative institutional arrangements.

ARTICLE X Construction and Severability

The provisions of this compact shall be liberally construed and shall be severable. If any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

History: 1969 c 595 s 2

241.30 POWERS WITH RELATION TO COMPACT.

The commissioner of corrections or a designee is hereby authorized and directed to do all things necessary or incidental to the carrying out of the compact in every particular.

History: 1969 c 595 s 3; 1986 c 444

241.301 FINGERPRINTS OF INMATES, PAROLEES, AND PROBATIONERS FROM OTHER STATES.

The commissioner of corrections shall establish procedures so that whenever this state receives an inmate, parolee, or probationer from another state under sections 241.28 to 241.30 or 243.16, fingerprints and thumbprints of the inmate, parolee, or probationer are obtained and forwarded to the bureau of criminal apprehension.

History: 1992 c 571 art 13 s 2

COMMUNITY CORRECTIONS CENTERS

241.31 ESTABLISHMENT AND OPERATION BY MUNICIPALITY.

Subdivision 1. Notwithstanding any provisions of Minnesota Statutes to the contrary, any city, county or town, or any nonprofit corporation approved by the commissioner of corrections, or any combination thereof may establish and operate a community corrections program for the purpose of providing housing, supervision, treatment, counseling or other correctional services;

(a) to persons convicted of crime in the courts of this state and placed on probation by such courts pursuant to section 609.135;

(b) to persons not yet convicted of a crime but under criminal accusation who voluntarily accept such treatment;

(c) to persons adjudicated a delinquent under chapter 260;

(d) with the approval of the commissioner of corrections, to persons paroled under chapter 242; and

(e) with the approval of the commissioner of corrections, to persons paroled under section 243.05 or released under section 241.26.

Subd. 2. Community corrections programs established under this section may be administered by a nonprofit corporation, by the political subdivision establishing same, or by a community corrections board organized and composed in the same manner that a community mental health center board is composed and organized under section 245.66.

Subd. 3. The premises and facilities for any community correctional program may be acquired by purchase, lease, or gift, and may be established and operated in connection with existing public or private institutions or agencies.

Subd. 4. Any political subdivision, as described in subdivision 1, may use unexpended funds, levy additional taxes, accept gifts, grants and subsidies from any lawful source, or make application for federal funds in order to provide the necessary funds for the establishment and operation of a community corrections program.

Subd. 5. The commissioner of corrections shall establish minimum standards for the size, area to be served, qualifications of staff, ratio of staff to client population, and treatment programs for community corrections programs established pursuant to this section. Plans and specifications for such programs, including proposed budgets must first be submitted to the commissioner for approval prior to the establishment.

Subd. 6. With the approval of the commissioner of human services any city, county, town, or any nonprofit corporation approved by the commissioner of corrections, or any combination thereof, may obtain by lease the use of any building or unit thereof located upon the grounds of a state hospital, and may contract with such state hospital and with community mental health centers for consultative and clinical services.

Subd. 7. For the purpose of demonstrating the effectiveness of the community corrections programs authorized by this section and to promote the development of such programs the commissioner of corrections may, out of funds appropriated for such purposes, make grants not to exceed 65 percent of the costs of operating such programs, provided however, that the commissioner may make grants of 100 percent of the operating costs of such programs operated by the Indian reservation business committees exercising governmental functions pursuant to congressional charters. Community corrections programs established under the provisions of Laws 1971, chapter 782 must comply with the provisions of subdivision 5 to be eligible to apply for and receive the assistance provided by this subdivision.

The commissioner shall review at least annually each program established under Laws 1971, chapter 782 and review its projected annual operating costs to ensure continued compliance with minimum standards, and may withhold funds for noncompliance.

History: 1969 c 761 s 1; 1971 c 782 s 1,2; 1973 c 123 art 5 s 7; 1973 c 622 s 1; 1973 c 654 s 15; 1975 c 271 s 6; 1983 c 274 s 18; 1984 c 654 art 5 s 58; 1986 c 444; 1987 c 384 art 2 s 56

241.32 ESTABLISHMENT AND OPERATION BY STATE.

Subdivision 1. The commissioner of corrections may establish and operate community correctional programs or contract with existing public and private agencies for separate custody or specialized care and treatment of persons under the commissioner's custody and control or under the custody and control of the commissioner of corrections or on conditional release under section 241.26.

Subd. 2. Any person admitted to a community correctional program by action of the commissioner of corrections shall be and remain under the control of the commissioner of corrections and may be conditionally released therefrom in the manner and for such periods of time as may be ordered by the commissioner.

Subd. 3. To establish and operate community correctional programs or to provide such services through agreement with public and private agencies the commissioner is authorized to accept gifts, grants, and subsidies from any lawful source and to negotiate with the federal government, or any agency, bureau, or department thereof to obtain funds for the purposes of this subdivision, which gifts, grants, subsidies, and funds are hereby appropriated to the commissioner.

History: 1971 c 685 s 1-3; 1973 c 622 s 2; 1973 c 654 s 15; 1975 c 271 s 6; 1983 c 274 s 18; 1986 c 444

OMBUDSMAN

241.41 OFFICE OF OMBUDSMAN; CREATION; QUALIFICATIONS; FUNCTION.

The office of ombudsman for the Minnesota state department of corrections is hereby created. The ombudsman shall serve at the pleasure of the governor in the unclassified service, shall be selected without regard to political affiliation, and shall be a person highly competent and qualified to analyze questions of law, administration, and public policy. No person may serve as ombudsman while holding any other public office. The ombudsman for the department of corrections shall be accountable to the governor and shall have the authority to investigate decisions, acts, and other matters of the department of corrections so as to promote the highest attainable standards of competence, efficiency, and justice in the administration of corrections.

History: 1973 c 553 s 1

241.42 DEFINITIONS.

Subdivision 1. For the purposes of sections 241.41 to 241.45, the following terms shall have the meanings here given them.

Subd. 2. "Administrative agency" or "agency" means any division, official, or employee of the Minnesota department of corrections, the commissioner of corrections, the board of pardons and regional correction or detention facilities or agencies for correction or detention programs including those programs or facilities operating under chapter 401, but does not include:

- (a) any court or judge;
- (b) any member of the senate or house of representatives of the state of Minnesota;
- (c) the governor or the governor's personal staff;
- (d) any instrumentality of the federal government of the United States;
- (e) any political subdivision of the state of Minnesota;
- (f) any interstate compact.

Subd. 3. "Commission" means the ombudsman commission.

Subd. 4. [Repealed, 1976 c 318 s 18]

History: 1973 c 553 s 2; 1973 c 654 s 15; 1975 c 271 s 6; 1976 c 318 s 1; 1983 c 274 s 18; 1986 c 444

241.43 ORGANIZATION OF OFFICE OF OMBUDSMAN.

Subdivision 1. The ombudsman may select, appoint, and compensate out of available funds such assistants and employees as deemed necessary to discharge responsibilities. The ombudsman and full-time staff shall be members of the Minnesota state retirement association.

Subd. 2. The ombudsman may appoint an assistant ombudsman in the unclassified service.

Subd. 3. The ombudsman may delegate to staff members any of the ombudsman's authority or duties except the duty of formally making recommendations to an administrative agency or reports to the office of the governor, or to the legislature.

History: 1973 c 553 s 3; 1986 c 444; 1991 c 238 art 1 s 12,13; 1993 c 146 art 2 s 13

241.44 POWERS OF OMBUDSMAN; INVESTIGATIONS; ACTION ON COMPLAINTS; RECOMMENDATIONS.

Subdivision 1. **Powers.** The ombudsman may:

- (a) prescribe the methods by which complaints are to be made, reviewed, and acted upon; provided, however, that the ombudsman may not levy a complaint fee;
- (b) determine the scope and manner of investigations to be made;
- (c) Except as otherwise provided, determine the form, frequency, and distribution of conclusions, recommendations, and proposals; provided, however, that the governor or a representative may, at any time the governor deems it necessary, request and receive information from the ombudsman. Neither the ombudsman nor any staff member shall be compelled to testify in any court with respect to any matter involving the exercise of the ombudsman's official duties except as may be necessary to enforce the provisions of sections 241.41 to 241.45;
- (d) investigate, upon a complaint or upon personal initiative, any action of an administrative agency;
- (e) request and shall be given access to information in the possession of an administrative agency deemed necessary for the discharge of responsibilities;
- (f) examine the records and documents of an administrative agency;
- (g) enter and inspect, at any time, premises within the control of an administrative agency;
- (h) subpoena any person to appear, give testimony, or produce documentary or other evidence which the ombudsman deems relevant to a matter under inquiry, and may petition the appropriate state court to seek enforcement with the subpoena; provided, however, that any witness at a hearing or before an investigation as herein provided, shall possess the same privileges reserved to such a witness in the courts or under the laws of this state;

(i) bring an action in an appropriate state court to provide the operation of the powers provided in this subdivision. The ombudsman may use the services of legal assistance to Minnesota prisoners for legal counsel. The provisions of sections 241.41 to 241.45 are in addition to other provisions of law under which any remedy or right of appeal or objection is provided for any person, or any procedure provided for inquiry or investigation concerning any matter. Nothing in sections 241.41 to 241.45 shall be construed to limit or affect any other remedy or right of appeal or objection nor shall it be deemed part of an exclusionary process; and

(j) be present at commissioner of corrections parole and parole revocation hearings and deliberations.

Subd. 1a. Actions against ombudsman. No proceeding or civil action except removal from office or a proceeding brought pursuant to chapter 13 shall be commenced against the ombudsman for actions taken pursuant to the provisions of sections 241.41 to 241.45, unless the act or omission is actuated by malice or is grossly negligent.

Subd. 2. Matters appropriate for investigation. (a) In selecting matters for attention, the ombudsman should address particularly actions of an administrative agency which might be:

- (1) contrary to law or rule;
- (2) unreasonable, unfair, oppressive, or inconsistent with any policy or judgment of an administrative agency;
- (3) mistaken in law or arbitrary in the ascertainment of facts;
- (4) unclear or inadequately explained when reasons should have been revealed;
- (5) inefficiently performed;

(b) The ombudsman may also be concerned with strengthening procedures and practices which lessen the risk that objectionable actions of the administrative agency will occur.

Subd. 3. Complaints. The ombudsman may receive a complaint from any source concerning an action of an administrative agency. The ombudsman may, on personal motion or at the request of another, investigate any action of an administrative agency.

The ombudsman may exercise powers without regard to the finality of any action of an administrative agency; however, the ombudsman may require a complainant to pursue other remedies or channels of complaint open to the complainant before accepting or investigating the complaint.

After completing investigation of a complaint, the ombudsman shall inform the complainant, the administrative agency, and the official or employee, of the action taken.

A letter to the ombudsman from a person in an institution under the control of an administrative agency shall be forwarded immediately and unopened to the ombudsman's office. A reply from the ombudsman to the person shall be delivered unopened to the person, promptly after its receipt by the institution.

No complainant shall be punished nor shall the general condition of the complainant's confinement or treatment be unfavorably altered as a result of the complainant having made a complaint to the ombudsman.

Subd. 4. Recommendations. (a) If, after duly considering a complaint and whatever material the ombudsman deems pertinent, the ombudsman is of the opinion that the complaint is valid, the ombudsman may recommend that an administrative agency should:

- (1) consider the matter further;
- (2) modify or cancel its actions;
- (3) alter a ruling;
- (4) explain more fully the action in question; or
- (5) take any other step which the ombudsman recommends to the administrative agency involved.

If the ombudsman so requests, the agency shall within the time the ombudsman specifies, inform the ombudsman about the action taken on the ombudsman's recommendation or the reasons for not complying with it.

(b) If the ombudsman has reason to believe that any public official or employee has acted in a manner warranting criminal or disciplinary proceedings, the ombudsman may refer the matter to the appropriate authorities.

(c) If the ombudsman believes that an action upon which a valid complaint is founded has been dictated by a statute, and that the statute produces results or effects which are unfair or otherwise objectionable, the ombudsman shall bring to the attention of the governor and the legislature the ombudsman's view concerning desirable statutory change.

History: 1973 c 553 s 4; 1975 c 271 s 6; 1976 c 318 s 2-4; 1980 c 509 s 48; 1981 c 311 s 39; 1982 c 545 s 24; 1983 c 274 s 18; 1985 c 248 s 70; 1986 c 444

241.441 ACCESS BY OMBUDSMAN TO DATA.

Notwithstanding section 13.42 or 13.85, the ombudsman has access to corrections and detention data and medical data maintained by an agency and classified as private data on individuals or confidential data on individuals when access to the data is necessary for the ombudsman to perform the powers under section 241.44.

History: 1987 c 351 s 19

241.45 PUBLICATION OF RECOMMENDATIONS; REPORTS.

Subdivision 1. The ombudsman may publish conclusions and suggestions by transmitting them to the office of the governor. Before announcing a conclusion or recommendation that expressly or impliedly criticizes an administrative agency, or any person, the ombudsman shall consult with that agency or person. When publishing an opinion adverse to an administrative agency, or any person, the ombudsman shall include in such publication any statement of reasonable length made to the ombudsman by that agency or person in defense or mitigation of the action.

Subd. 2. In addition to whatever reports the ombudsman may make on an ad hoc basis, the ombudsman shall biennially report to the governor concerning the exercise of the ombudsman's functions during the preceding biennium. The biennial report is due on or before the beginning of the legislative session following the end of the biennium.

History: 1973 c 553 s 5; 1986 c 444; 1993 c 30 s 1

- 241.51** [Renumbered 611A.21]
- 241.52** [Renumbered 611A.22]
- 241.53** [Renumbered 611A.23]
- 241.55** [Renumbered 611A.41]
- 241.56** [Renumbered 611A.42]
- 241.57** [Renumbered 611A.43]
- 241.58** [Renumbered 611A.44]
- 241.61** [Renumbered 611A.31]
- 241.62** [Renumbered 611A.32]
- 241.63** [Renumbered 611A.33]
- 241.64** [Renumbered 611A.34]
- 241.65** [Renumbered 611A.35]
- 241.66** [Renumbered 611A.36]

SEX OFFENDER TREATMENT PROGRAMS**241.67 SEX OFFENDER TREATMENT; PROGRAMS; STANDARDS; DATA.**

Subdivision 1. **Sex offender treatment.** A sex offender treatment system is established under the administration of the commissioner of corrections to provide and finance a range of sex offender treatment programs for eligible adults and juveniles. Offenders who are eligible to receive treatment, within the limits of available funding, are:

- (1) adults and juveniles committed to the custody of the commissioner;
- (2) adult offenders for whom treatment is required by the court as a condition of probation; and
- (3) juvenile offenders who have been found delinquent or received a stay of adjudication, for whom the juvenile court has ordered treatment.

Subd. 2. **Treatment program standards.** (a) The commissioner shall adopt rules under chapter 14 for the certification of adult and juvenile sex offender treatment programs in state and local correctional facilities and state-operated adult and juvenile sex offender treatment programs not operated in state or local correctional facilities. The rules shall require that sex offender treatment programs be at least four months in duration. A correctional facility may not operate a sex offender treatment program unless the program has met the standards adopted by and been certified by the commissioner of corrections. As used in this subdivision, "correctional facility" has the meaning given it in section 241.021, subdivision 1, clause (5).

(b) In addition to other certification requirements established under paragraph (a), the commissioner must require all programs certified under this subdivision to participate in the sex offender program evaluation project established by the commissioner under section 241.67, subdivision 8.

Subd. 3. **Programs for adult offenders committed to the commissioner.** (a) The commissioner shall provide for a range of sex offender programs, including intensive sex offender programs, within the state adult correctional facility system. Participation in any program is subject to the rules and regulations of the department of corrections. Nothing in this section requires the commissioner to accept or retain an offender in a program if the offender is determined by prison professionals as unamenable to programming within the prison system or if the offender refuses or fails to comply with the program's requirements. Nothing in this section creates a right of an offender to treatment.

(b) The commissioner shall provide for residential and outpatient sex offender programming and aftercare when required for conditional release under section 609.1352 or as a condition of supervised release.

Subd. 4. **Programs for juvenile offenders committed to the commissioner.** The commissioner shall provide for sex offender treatment programs for juveniles committed to the commissioner by the courts under section 260.185, as provided under section 242.195.

Subd. 5. [Repealed, 1993 c 326 art 8 s 17]

Subd. 6. **Specialized corrections agents and probation officers; sex offender supervision.** The commissioner of corrections shall develop in-service training for state and local corrections agents and probation officers who supervise adult and juvenile sex offenders on probation or supervised release. The commissioner shall make the training available to all current and future corrections agents and probation officers who supervise or will supervise sex offenders on probation or supervised release.

A state or local corrections agent or probation officer may not supervise adult or juvenile sex offenders on probation or supervised release unless the agent or officer has completed the in-service sex offender supervision training. The commissioner may waive this requirement if the corrections agent or probation officer has completed equivalent training as part of a post-secondary educational curriculum.

When an adult sex offender is placed on supervised release or is sentenced to proba-

tionary supervision, and when a juvenile offender is found delinquent by the juvenile court for a sex offense and placed on probation or is paroled from a juvenile correctional facility, a corrections agent or probation officer may not be assigned to the offender unless the agent or officer has completed the in-service sex offender supervision training.

Subd. 7. Funding priority; program effectiveness. (a) Unless otherwise directed by the terms of a particular appropriations provision, the commissioner shall give priority to the funding of juvenile sex offender programs over the funding of adult sex offender programs.

(b) Every county or private sex offender program that seeks new or continued state funding or reimbursement shall provide the commissioner with any information relating to the program's effectiveness that the commissioner considers necessary. The commissioner shall deny state funding or reimbursement to any county or private program that fails to provide this information or that appears to be an ineffective program.

Subd. 8. Community-based sex offender program evaluation project. (a) For the purposes of this project, a sex offender is an adult who has been convicted, or a juvenile who has been adjudicated, for a sex offense or a sex-related offense and has been sentenced to sex offender treatment as a condition of probation.

(b) The commissioner shall develop a long-term project to accomplish the following:

(1) provide follow-up information on each sex offender for a period of three years following the offender's completion of or termination from treatment;

(2) provide treatment programs in several geographical areas in the state;

(3) provide the necessary data to form the basis to recommend a fiscally sound plan to provide a coordinated statewide system of effective sex offender treatment programming; and

(4) provide an opportunity to local and regional governments, agencies, and programs to establish models of sex offender programs that are suited to the needs of that region.

(c) The commissioner shall provide the legislature with an annual report of the data collected and the status of the project by October 15 of each year, beginning in 1993.

(d) The commissioner shall establish an advisory task force consisting of county probation officers from community corrections act counties and other counties, court services providers, and other interested officials. The commissioner shall consult with the task force concerning the establishment and operation of the project.

History: 1989 c 290 art 4 s 1; 1989 c 356 s 54; 1992 c 571 art 1 s 1,2; art 8 s 1-3; 1993 c 326 art 8 s 5-7

241.671 [Repealed, 1993 c 326 art 8 s 17]

CORRECTIONAL PSYCHIATRIC UNIT

241.69 PSYCHIATRIC UNIT; ESTABLISHMENT.

Subdivision 1. Authority; rules. The commissioner of corrections shall, in accordance with applicable rules and standards prescribed by the departments of health and welfare, establish, staff, equip, maintain and operate at one of the adult correctional institutions under the commissioner's control a psychiatric unit for the care and treatment of those inmates of state correctional institutions who become mentally ill.

Subd. 2. Examination. When any person confined in an adult correctional institution under the control of the commissioner of corrections is alleged to be a mentally ill person, the chief executive officer or other person in charge of the institution shall cause the person to be examined by a licensed physician especially qualified in the diagnosis of mental illness, or, if none is available, by any licensed physician or licensed psychologist available to the institution.

Subd. 3. **Transfer.** If the examining physician or psychologist finds the person to be mentally ill and in need of short term care, the examining physician may recommend transfer by the commissioner of corrections to the psychiatric unit established pursuant to subdivision 1.

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 253B.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.

Subd. 5. **Discharge.** The chief medical officer of the psychiatric unit established under this section may, subject to the provisions of chapter 253B, provisionally discharge any inmate patient admitted as mentally ill without discharging the commitment and order the inmate patient's release into the general population of the institution from which admitted, subject to return to the facility for further treatment.

When the chief medical officer of the facility certifies that a patient is no longer in need of institutional care for mental illness the chief medical officer shall discharge the patient to the institution from which committed, and the discharge shall also discharge the mental illness commitment.

A copy of the certification that the inmate is no longer in need of care for mental illness shall be transmitted to the commissioner of corrections. The commissioner of corrections shall give serious consideration to the aforementioned certification for purposes of their supervision over the inmate upon the inmate's release.

Subd. 6. **Transfer upon expiration of sentence.** If the sentence of a person who has been adjudicated to be mentally ill and committed to the psychiatric unit established under this section should expire before the person recovers and is discharged therefrom, and, in the judgment of the chief medical officer of the unit, the person requires further hospitalization for mental illness, the person shall be transferred by the commissioner of corrections to a state hospital designated by the commissioner of human services, there to be detained as in the case of other mentally ill persons under judicial commitment.

Subd. 7. **Costs.** The costs of the commitment proceedings under this section shall be borne by the state.

Subd. 8. **Definitions.** For the purposes of this section, the words defined in section 253B.02 have the meanings given them in that section.

History: 1978 c 707 s 1; 1981 c 360 art 1 s 18; 1982 c 581 s 24; 1983 c 274 s 18; 1984 c 654 art 5 s 58; 1986 c 444; 1987 c 252 s 4; 1991 c 255 s 19

PROGRAMS FOR WOMEN OFFENDERS

241.70 PROGRAMS FOR FEMALE OFFENDERS.

Subdivision 1. **Type of programs.** Adult women charged with or convicted of crimes, and juvenile females charged with an offense that would be a crime if committed by an adult or adjudicated delinquent, shall be provided a range and quality of programming substantially equivalent to programming offered male persons charged with or convicted of crimes or delinquencies. Programs for female offenders shall be based upon the special needs of female offenders.

Subd. 2. **Model programs.** Within the limits of money appropriated, the commissioner of corrections shall provide model programs for female 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 female offenders generally commit;
- (b) respond to the problems of female offenders with dependent children;
- (c) respond to the importance of developing independent living skills;
- (d) assist female offenders to overcome their own extreme degree of dependency; and
- (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 female 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; 1991 c 135 s 1

241.71 CREATION OF ADVISORY TASK FORCE.

The commissioner of corrections may appoint an advisory task force on the woman and juvenile female offender in corrections. The task force shall have 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. Notwithstanding section 15.059, the advisory task force shall continue until it is terminated by the commissioner.

History: 1981 c 360 art 2 s 10; 1983 c 260 s 51; 1Sp1985 c 9 art 2 s 26; 1991 c 135 s 2

241.72 PROGRAM FUNDING.

Subdivision 1. Grants-in-aid. To assist those counties or agencies that have existing programs for the female offender, and to encourage counties and agencies 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 in those counties or to agencies electing to participate in the grant program established by sections 241.70 to 241.73. The percent of matching dollars provided by the county or agency for programming established in sections 241.70 to 241.73 shall be determined by the rules of the commissioner adopted under sections 14.22 to 14.28.

Subd. 2. Applications. To qualify for the grants-in-aid provided under this section, those counties or agencies with existing programs and those counties or agencies that want to participate shall, request that they be allowed to participate and submit an application or respond to a request for proposals in accordance with the provisions of section 241.70, subdivision 2, and the rules of the commissioner. An agency seeking funding for a program to serve female offenders on probation in a community corrections act county shall obtain the endorsement of the county corrections authority before submitting a grant-in-aid application or proposal.

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

History: 1981 c 360 art 2 s 11; 1991 c 135 s 3

241.73 DUTIES OF COMMISSIONER.

The commissioner of corrections shall:

- (a) review all county plans for programs for female offenders;
- (b) review grant-in-aid applications or proposals for 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 female offender in corrections before making a choice of the programs to be awarded funding;

(e) monitor the delivery of services provided under grant-in-aid programs for female offenders; and

(f) establish by rule a method of determining the amount of local matching contribution to receive a grant-in-aid under sections 241.70 to 241.73.

History: 1981 c 360 art 2 s 12; 1991 c 135 s 4

AMERICAN INDIAN COUNSELING PROGRAM

241.80 AMERICAN INDIAN COUNSELING PROGRAM.

Subdivision 1. **Authority.** The commissioner of corrections shall develop a policy to provide the counseling services listed in subdivision 2 to American Indian inmates of all juvenile and adult state correctional facilities and community-based correctional programs. The commissioner may, within the limits of available money, contract with appropriate American Indian private, nonprofit organizations to provide these counseling services.

Subd. 2. **Counseling services.** The policy shall include, but need not be limited to, providing, within the limits of available money, spiritual and cultural counseling services having the following purposes:

(1) the teaching of good work habits and the development of motivation through work;

(2) the development of cultural pride to improve American Indian self-image;

(3) the development of an understanding of and an adjustment to the cultural differences between American Indians and other ethnic groups;

(4) the development of attitudes of mutual trust, respect, and understanding among American Indian family members;

(5) the fostering of increased availability of medicine men and American Indian spiritual leaders to teach American Indian inmates about American Indian history, cultural sensitivity, and religion;

(6) the involvement of American Indian inmates in those aspects of the correctional system that will aid in their rehabilitation; and

(7) the provision of services to American Indian inmates that will facilitate their reentry into the community.

History: 1985 c 113 s 1