

CHAPTER 243

CORRECTIONS; ADULTS

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243.055 COMPUTER RESTRICTIONS.

Subdivision 1. **Restrictions to use of online services.** If the commissioner believes a significant risk exists that a parolee, state-supervised probationer, or individual on supervised release may use an Internet service or online service to engage in criminal activity or to associate with individuals who are likely to encourage the individual to engage in criminal activity, the commissioner may impose one or more of the following conditions:

- (1) prohibit the individual from possessing or using a computer with access to an Internet service or online service without the prior written approval of the commissioner;
- (2) prohibit the individual from possessing or using any data encryption technique or program;
- (3) require the individual to consent to periodic unannounced examinations of the individual's computer equipment by a parole or probation agent, including the retrieval and copying of all data from the computer and any internal or external peripherals and removal of such equipment to conduct a more thorough inspection;
- (4) require consent of the individual to have installed on the individual's computer, at the individual's expense, one or more hardware or software systems to monitor computer use; and
- (5) any other restrictions the commissioner deems necessary.

Subd. 2. **Restrictions on computer use.** If the commissioner believes a significant risk exists that a parolee, state-supervised probationer, or individual on supervised release may use a computer to engage in criminal activity or to associate with individuals who are likely to encourage the individual to engage in criminal activity, the commissioner may impose one or more of the following restrictions:

- (1) prohibit the individual from accessing through a computer any material, information, or data that relates to the activity involved in the offense for which the individual is on probation, parole, or supervised release;
- (2) require the individual to maintain a daily log of all addresses the individual accesses through computer other than for authorized employment and to make this log available to the individual's parole or probation agent;
- (3) provide all personal and business telephone records to the individual's parole or probation agent upon request, including written authorization allowing the agent to request a record of all of the individual's outgoing and incoming telephone calls from any telephone service provider;
- (4) prohibit the individual from possessing or using a computer that contains an internal modem and from possessing or using an external modem without the prior written consent of the commissioner;
- (5) prohibit the individual from possessing or using any computer, except that the individual may, with the prior approval of the individual's parole or probation agent, use a computer in connection with authorized employment;
- (6) require the individual to consent to disclosure of the computer-related restrictions that the commissioner has imposed to any employer or potential employer; and
- (7) any other restrictions the commissioner deems necessary.

Subd. 3. **Limits on restriction.** In imposing restrictions, the commissioner shall take into account that computers are used for numerous, legitimate purposes and that, in imposing restrictions, the least restrictive condition appropriate to the individual shall be used.

History: 1997 c 239 art 9 s 18

243.161 RESIDING IN MINNESOTA WITHOUT PERMISSION UNDER INTER-STATE COMPACT; PENALTY.

Any person who is on parole or probation in another state who resides in this state in violation of section 243.16 may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

History: 1997 c 239 art 9 s 19

243.166 REGISTRATION OF PREDATORY OFFENDERS.

[For text of subd 1, see M.S.1996]

Subd. 2. **Notice.** When a person who is required to register under subdivision 1, paragraph (a), is sentenced or becomes subject to a juvenile court disposition order, the court shall tell the person of the duty to register under this section. The court shall require the person to read and sign a form stating that the duty of the person to register under this section has been explained. If a person required to register under subdivision 1, paragraph (a), was not notified by the court of the registration requirement at the time of sentencing or disposition, the assigned corrections agent shall notify the person of the requirements of this section. When a person who is required to register under subdivision 1, paragraph (c), is released from commitment, the treatment facility shall notify the person of the requirements of this section. The treatment facility shall also obtain the registration information required under this section and forward it to the bureau of criminal apprehension.

Subd. 3. **Registration procedure.** (a) A person required to register under this section shall register with the corrections agent as soon as the agent is assigned to the person. If the person does not have an assigned corrections agent or is unable to locate the assigned corrections agent, the person shall register with the law enforcement agency that has jurisdiction in the area of the person's residence.

(b) At least five days before the person starts living at a new address, including living in another state, the person shall give written notice of the new living address to the assigned corrections agent or to the law enforcement authority with which the person currently is registered. If the person will be living in a new state and that state has a registration requirement, the person shall also give written notice of the new address to the designated registration agency in the new state. The corrections agent or law enforcement authority shall, within two business days after receipt of this information, forward it to the bureau of criminal apprehension. The bureau of criminal apprehension shall, if it has not already been done, notify the law enforcement authority having primary jurisdiction in the community where the person will live of the new address. If the person is leaving the state, the bureau of criminal apprehension shall notify the registration authority in the new state of the new address.

Subd. 4. **Contents of registration.** (a) The registration provided to the corrections agent or law enforcement authority, must consist of a statement in writing signed by the person, giving information required by the bureau of criminal apprehension, a fingerprint card, and photograph of the person taken at the time of the person's release from incarceration or, if the person was not incarcerated, at the time the person initially registered under this section.

(b) Within three days, the corrections agent or law enforcement authority shall forward the statement, fingerprint card, and photograph to the bureau of criminal apprehension. The bureau shall ascertain whether the person has registered with the law enforcement authority where the person resides. If the person has not registered with the law enforcement authority, the bureau shall send one copy to that authority.

(c) During the period a person is required to register under this section, the following shall apply:

(1) Each year, within 30 days of the anniversary date of the person's initial registration, the bureau of criminal apprehension shall mail a verification form to the last reported address of the person.

(2) The person shall mail the signed verification form back to the bureau of criminal apprehension within ten days after receipt of the form, stating on the form the current and last address of the person.

(3) If the person fails to mail the completed and signed verification form to the bureau of criminal apprehension within ten days after receipt of the form, the person shall be in violation of this section.

[For text of subs 5 to 9, see M.S.1996]

History: 1997 c 239 art 5 s 1-3

243.51 UNITED STATES PRISONERS; PRISONERS FROM OTHER STATES.

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

[For text of subd 2, see M.S.1996]

Subd. 3. **Temporary detention.** The commissioner of corrections is authorized to contract with agencies and bureaus of the United States and with the appropriate officials of any other state or county of this state for the temporary detention of any person in custody pursuant to any process issued under the authority of the United States, other states of the United States, or the district courts of this state. The contract shall provide for reimbursement to the state of Minnesota for all costs and expenses involved. Money received under contracts shall be deposited in the state treasury and are appropriated to the commissioner of corrections for correctional purposes, including capital improvements.

Subd. 4. **Annual report to legislature.** By February 1 of each year, the commissioner of corrections shall report to the chairs of the house and senate divisions having jurisdiction over criminal justice funding on money collected in the preceding year under contracts authorized in subdivisions 1 and 3. At a minimum, the report must describe:

- (1) the amount received, including a breakdown of its source;
- (2) the per diem charges under the contracts; and
- (3) how the money was spent.

History: 1997 c 239 art 9 s 20-22

243.53 CORRECTIONAL INSTITUTIONS; OCCUPANCY LIMITS OF CELLS.

Subdivision 1. **Separate cells.** (a) When there are sufficient cells available, each inmate shall be confined in a separate cell. Each inmate shall be confined in a separate cell in institutions classified by the commissioner as custody level five and six institutions. This requirement does not apply to the following:

- (1) geriatric dormitory-type facilities;
- (2) honor dormitory-type facilities; and
- (3) any other multiple occupancy facility at a custody level five or six institution that confines inmates who could be confined in an institution at custody level four or lower.

(b) Correctional institutions classified by the commissioner as custody level one, two, three, or four institutions must permit multiple occupancy, except segregation units, to the

greatest extent possible. The commissioner shall annually publish a list of the custody levels of all correctional institutions.

Subd. 2. [Repealed, 1997 c 238 s 6]

History: 1997 c 238 s 2

243.556 RESTRICTIONS ON INMATES' COMPUTER ACCESS.

Subdivision 1. **Restrictions to use of online services.** No adult inmate in a state correctional facility may use or have access to any Internet service or online service, except for work, educational, and vocational purposes approved by the commissioner.

Subd. 2. **Restrictions on computer use.** The commissioner shall restrict inmates' computer use to legitimate work, educational, and vocational purposes.

Subd. 3. **Monitoring of computer use.** The commissioner shall monitor all computer use by inmates and perform regular inspections of computer equipment.

History: 1997 c 239 art 9 s 23

243.93 CORRECTIONAL FACILITY SITE SELECTION COMMITTEE.

Subdivision 1. **Creation; membership.** (a) An advisory task force is created to coordinate the site selection process for state correctional facilities. The task force shall convene when the legislature authorizes the planning of a new correctional facility. The task force, to be known as the site selection committee, consists of the:

- (1) commissioner of corrections or the commissioner's designee;
- (2) deputy commissioner of corrections who has supervision and control over correctional facilities;
- (3) commissioner of transportation or the commissioner's designee;
- (4) commissioner of administration or the commissioner's designee;
- (5) chairs of the senate crime prevention committee and crime prevention finance division and the ranking members of that committee and division from the minority political caucus, or the chairs' and ranking members' designees; and
- (6) chairs of the house judiciary committee and judiciary finance division and the ranking members of that committee and division from the minority political caucus or the chairs' and ranking members' designees.

(b) The chairs of the senate crime prevention finance division and house judiciary finance division, or the chairs' designees, shall chair the committee.

Subd. 2. **Site selection process.** The committee shall develop a correctional site selection process that most effectively and efficiently utilizes state financial resources for construction of correctional facilities. The committee may include such other factors as the committee considers relevant as criteria for the site selection process.

Subd. 3. **Recommendations.** Before recommendation of an individual site for a correctional facility, the committee shall require that all costs associated with the facility and the site be identified and reported, including but not limited to construction costs, site improvement, infrastructure upgrades, and operating costs for that site. The commissioners of administration and corrections and any other agencies involved with site construction or land acquisition shall cooperate with the committee in supplying information described in this subdivision and any other information required for project budgets under section 16B.335.

Subd. 4. **Report.** The committee shall report its recommendations for the siting of correctional facilities to the legislature.

Subd. 5. **Legislative authorization of site.** Each site for a new state of Minnesota correctional facility shall be chosen in the law authorizing and providing funding for the facility.

Subd. 6. **Staffing.** The committee may utilize employees from the legislative and executive branch entities with membership on the committee. The department of administration shall provide administrative support.

History: 1997 c 239 art 9 s 24