

CHAPTER 241

DEPARTMENT OF CORRECTIONS

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241.01 CREATION OF DEPARTMENT.

[For text of subsds 1 to 4, see M.S.1998]

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.

[For text of subsds 5a to 9, see M.S.1998]

History: 1999 c 126 s 3

241.016 ANNUAL PERFORMANCE REPORT REQUIRED.

Subdivision 1. Annual report. Notwithstanding section 15.91, the department of corrections shall issue a performance report by November 30 of each year. The issuance and content of the report must conform with section 15.91.

Subd. 2. Recidivism analysis. The report required by subdivision 1 must include an evaluation and analysis of the programming in all department of corrections facilities. This evaluation and analysis must include:

- (1) a description of the vocational, work, and industries programs and information on the recidivism rates for offenders who participated in these types of programming;
- (2) a description of the educational programs and information on the recidivism rates for offenders who participated in educational programming; and
- (3) a description of the chemical dependency, sex offender, and mental health treatment programs and information on the recidivism rates for offenders who participated in these treatment programs.

The analysis of recidivism rates must include a breakdown of recidivism rates for juvenile offenders, adult male offenders, and adult female offenders.

History: 1999 c 216 art 4 s 2

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. The education program offered in a correctional facility for the detention or confinement of juvenile offenders must be approved by the commissioner of children, families, and learning before the commissioner of corrections may grant a license to the facility.

(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 per-

sons 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.

[For text of subsds 2 to 6, see M.S.1998]

History: 1999 c 241 art 2 s 52

NOTE: The amendment to subdivision 1 by Laws 1999, chapter 241, article 2, section 52, is effective July 1, 2000. Laws 1999, chapter 241, article 2, section 63.

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 260B.007, subdivisions 16, 17, and 18.

(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 detention 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.

(p) "Training services" means training services provided by the commissioner of corrections to subsidy participants, either directly or through purchase of service contractual agreements.

Subd. 2. Authorization to make subsidies to counties; expend funds to provide training services to subsidy participants. The commissioner may, out of money appropriated for the purposes of this section:

- (1) subsidize counties or groups of counties to assist in:
 - (i) construction or rehabilitation of local detention facilities, and
 - (ii) developing or maintaining adequate local detention facility operations or alternative detention programs; and
- (2) expend funds to provide for training of any juvenile facility staff who work in department of corrections licensed juvenile facilities or who work in alternative detention programs subsidized by this section.

[For text of subd 3, see M.S.1998]

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.

(c) The commissioner may administratively establish minimum training service requirements and the maximum amount of funding that will be annually expended by the department of corrections for such training.

[For text of subds 5 to 8, see M.S.1998]

History: 1999 c 126 s 4,5; 1999 c 139 art 4 s 2; 1999 c 216 art 4 s 3

241.26 PRIVATE EMPLOYMENT OF INMATES OF STATE CORRECTIONAL INSTITUTIONS IN COMMUNITY.

[For text of subds 1 to 4, see M.S.1998]

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) Restitution to staff ordered by a prison disciplinary hearing officer for damage to property caused by an inmate's conduct;
- (9) Restitution to another inmate ordered by a prison disciplinary hearing officer for personal injury to another caused by an inmate's conduct;
- (10) After the above expenditures, the inmate shall have discretion to direct payment of the balance, if any, upon proper proof of personal legal debts;
- (11) 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.

[For text of subds 6 and 7, see M.S.1998]

History: 1999 c 126 s 6

241.272 FEE COLLECTION.

Subdivision 1. **Definition.** (a) As used in this section, the following terms have the meanings given them:

- (b) "Correctional fees" include fees for the following correctional services:
 - (1) community service work placement and supervision;
 - (2) restitution collection;
 - (3) supervision;
 - (4) court-ordered investigations; or
 - (5) any other service provided by a probation officer or parole agency for offenders supervised by the commissioner of corrections.
- (c) "Probation" has the meaning given in section 609.02, subdivision 15.
- (d) "Supervised release" has the meaning given in section 244.01, subdivision 7.

Subd. 2. **Correctional fees established.** To defray costs associated with correctional services, the commissioner of corrections may establish a schedule of correctional fees to charge persons convicted of a crime and supervised by the commissioner. The correctional fees on the schedule must be reasonably related to offenders' abilities to pay and the actual cost of correctional services.

Subd. 3. **Fee collection.** (a) The commissioner of corrections may impose and collect fees from individuals on probation and supervised release at any time while the offender is under sentence or after the sentence has been discharged.

(b) The commissioner may use any available civil means of debt collection in collecting a correctional fee.

Subd. 4. **Exemption from fee.** The commissioner of corrections may waive payment of the fee if the commissioner determines that the offender does not have the ability to pay the fee, the prospects for payment are poor, or there are extenuating circumstances justifying waiver of the fee. Instead of waiving the fee, the commissioner may require the offender to perform community work service as a means of paying the fee.

Subd. 5. **Restitution payment priority.** If an offender has been ordered by a court to pay restitution, the offender shall be obligated to pay the restitution ordered before paying the

correctional fee. However, if the offender is making reasonable payments to satisfy the restitution obligation, the commissioner may also collect a correctional fee.

Subd. 6. **Use of fees.** Correctional fees collected under this section go to the general fund.

Subd. 7. **Annual report.** Beginning January 15, 2001, the commissioner shall submit an annual report on the implementation of this section to the chairs and ranking minority members of the senate and house committees and divisions with jurisdiction over criminal justice funding and policy. At a minimum, the report shall include information on the types of correctional services for which fees were imposed, the aggregate amount of fees imposed, and the amount of fees collected.

History: 1999 c 216 art 4 s 4

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

Subdivision 1. **Program establishment.** (a) As used in this section, "correctional facility" includes a community-based day program in which an adult or juvenile offender is placed as part of a sentence or disposition order, if the program provides close supervision of offenders through such means as electronic monitoring and drug and alcohol testing.

(b) All counties are encouraged to establish a productive day initiative program for adult and juvenile offenders under their jurisdiction. The productive day program shall be designed to motivate offenders to develop basic life and work skills through training and education, thereby creating opportunities for offenders to achieve more successful integration into the community upon their release.

Subd. 2. **Program components.** The productive day initiative programs may include, but are not limited to, components described in paragraphs (a) to (c).

(a) The initiative programs may contain programs designed to promote the offender'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 may contain individualized educational, vocational, and work programs designed to productively occupy an offender for at least eight hours a day.

(c) The program administrators may 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, community service work programs, and employment programs. To develop innovative work programs, program administrators may enlist members of the business and labor community to help target possible productive enterprises for offender work programs.

(d) Whenever offenders 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 offenders 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.

[For text of subs 3 and 4, see M.S.1998]

Subd. 5. [Repealed, 1999 c 216 art 4 s 17]

History: 1999 c 216 art 4 s 5,6

241.277 [Repealed, 1999 c 216 art 4 s 17]

241.67 SEX OFFENDER TREATMENT; PROGRAMS; STANDARDS; DATA.

[For text of subs 1 to 3, see M.S.1998]

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 260B.198, as provided under section 242.195.

[For text of subds 6 to 9, see M.S. 1998]

History: 1999 c 139 art 4 s 2