

244.198 PARTICIPATION IN SANCTIONS CONFERENCE.

Subdivision 1. **Election to participate.** If the offender elects to participate in the sanctions conference, the county probation officer shall inform the offender, orally and in writing, of the probation violation sanction that the county probation officer is recommending for the technical violation of probation. The county probation officer shall inform the offender that the probation violation sanction becomes effective upon confirmation by a judge of the district court.

Subd. 1a. **Alternatives to incarceration.** At a sanctions conference regarding a nonviolent controlled substance offender, when the offender does not present a risk to the public and the offender is amenable to continued supervision in the community, a probation agency must identify community options to address and correct the violation including, but not limited to, inpatient chemical dependency treatment. If the agency determines that community options are appropriate, the county probation officer shall recommend a sanction that incorporates those options. For purposes of this subdivision, "nonviolent controlled substance offender" is a person who meets the criteria described under section 244.0513, subdivision 2, clauses (1), (2), and (5).

Subd. 2. **Report to district court.** If the offender elects to participate in the sanctions conference, the county probation officer conducting the sanctions conference shall provide a report to the district court containing:

- (1) the specific nature of the technical violation of probation;
- (2) the notice provided to the offender of the technical violation of probation and the scheduling of the sanctions conference;
- (3) a copy of the offender's signed stipulation indicating that the offender received a copy of the sanctions conference form and understood it;
- (4) a copy of the offender's written declaration to participate in the sanctions conference; and
- (5) the recommended probation violation sanction.

The recommended probation violation sanction becomes effective when confirmed by a judge. The order of the court shall be proof of such confirmation.

Subd. 3. **Response to district court action.** (a) Upon the county probation officer's receipt of a confirmed order by the judge, the county probation officer shall notify the offender and the prosecuting authority in writing that the probation violation sanction has been approved by the court.

(b) If the court does not confirm the recommendation of the county probation officer, the probation violation sanction shall not go into effect. The county probation officer shall notify the offender that the court has not confirmed the sanction.

(c) If the court does not confirm the recommendation, the county probation officer may ask the court to commence revocation proceedings under section 609.14.

Subd. 4. **Appeal.** An offender may appeal the judge's confirmation of the probation violation sanction as provided in rule 28.05 of the Rules of Criminal Procedure.

History: *ISp2003 c 2 art 6 s 3; 2017 c 95 art 3 s 9*