CHAPTER 241

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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. **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. MS 1974 [Repealed, 1975 c 304 s 15]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. After July 1, 2023, the commissioner shall not allow inmates who have not been conditionally released from prison, whether on parole, supervised release, work release, or an early release program, to be housed in correctional facilities that are not owned and operated by the state, a local unit of government, or a group of local units of government. Inmates shall not exercise custodial functions or have authority over other inmates.

(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-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.

(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 commencing January 1, 1976. The commissioner may establish ad hoc advisory committees.

(j) To publish, administer, and award grant contracts with state agencies, local units of government, and other entities for correctional programs embodying rehabilitative concepts, for restorative programs for crime victims and the overall community, and for implementing legislative directives.

(k) If the commissioner is considering closing a facility, the commissioner must develop a written plan for the closure of the facility. The plan must minimize staff layoffs and maximize opportunities for staff of the facility designated for closure to transfer to vacant positions in other correctional facilities. The commissioner must engage staff and labor unions representing employees at the facility identified for closure and engage public officials from local units of government impacted by the proposed facility closure. The commissioner must: identify the potential adverse impacts of the closure on incarcerated individuals; minimize disruptions in conditions of confinement, rehabilitative programming, educational opportunities, mental health and medical care, family visitation, and case planning; and prioritize access to services that support rehabilitation and successful reentry across all state correctional facilities. The commissioner must deliver a copy of the plan to the chairs and ranking minority members of the senate and house of representatives committees with jurisdiction over public safety policy and finance.

(l) Notwithstanding any other law to the contrary, the commissioner must not implement any initiative that grants early release from incarceration or reduces criminal sentences to implement the closure of the

Minnesota Correctional Facility-Stillwater. This provision shall not affect the operation or continuation of early release programs established in statute prior to July 1, 2025.

Subd. 3b. **Mission; efficiency; legislative report, recommendations.** It is part of the department's mission that within the department's resources the commissioner shall endeavor to:

(1) prevent the waste or unnecessary spending of public money;

(2) use innovative fiscal and human resource practices to manage the state's resources and operate the department as efficiently as possible;

(3) coordinate the department's activities wherever appropriate with the activities of other governmental agencies;

(4) use technology where appropriate to increase agency productivity, improve service to the public, increase public access to information about government, and increase public participation in the business of government;

(5) utilize constructive and cooperative labor-management practices to the extent otherwise required by chapters 43A and 179A;

(6) report to the legislature on the performance of agency operations and the accomplishment of agency goals in the agency's biennial budget according to section 16A.10, subdivision 1; and

(7) recommend to the legislature appropriate changes in law necessary to carry out the mission and improve the performance of the department.

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 management and budget. 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.

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.

The commissioner may provide meals for staff and visitors for efficiency of operation and may require the participants to pay all or part of the costs of the meals. All sums of money received under this provision are appropriated to the commissioner and shall not cancel until the end of the fiscal year immediately following the fiscal year in which the funds were received.

Subd. 8. MS 1980 [Repealed, 1981 c 192 s 21]

Subd. 9. **Correctional facility property; rent money.** Money collected as rent under section 16B.24, subdivision 5, for state property at any of the correctional facilities administered by the commissioner of corrections is appropriated to the commissioner and is dedicated to the correctional facility from which it is generated. Any balance remaining at the end of the fiscal year shall not cancel and is available until expended.

Subd. 10. **Prescription drugs; purchase.** In accordance with section 241.74, subdivision 1, the commissioner may contract with a separate entity to purchase prescription drugs for persons confined in institutions under the control of the commissioner. Local governments may participate in this purchasing pool in order to purchase prescription drugs for those persons confined in local correctional facilities in which the local government has responsibility for providing health care. If any county participates, the commissioner shall appoint a county representative to any committee convened by the commissioner for the purpose of establishing a drug formulary to be used for state and local correctional facilities.

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; 1995 c 248 art 11 s 17; 1997 c 7 art 2 s 30; 1997 c 239 art 9 s 7,8; 1998 c 366 s 63; 1998 c 367 art 9 s 2,3; 1999 c 126 s 3; 1Sp2005 c 4 art 5 s 3; 2008 c 204 s 42; 2009 c 101 art 2 s 109; 2014 c 218 s 1; 2023 c 52 art 11 s 2; 2025 c 35 art 2 s 15; 2026 c 97 art 5 s 9

241.011 LICENSING AND INSPECTING JUVENILE AND ADULT COMMUNITY-BASED RESIDENTIAL CORRECTIONAL FACILITIES.

Subdivision 1. **Scope.** Except as provided under section 241.021, sections 241.011 to 241.013 apply to juvenile and adult community-based residential correctional facilities licensed by the commissioner of corrections. For the purposes of sections 241.011 to 241.013, juvenile and adult community-based residential correctional facilities are defined as local correctional facilities.

Subd. 2. **Definitions.** (a) For purposes of sections 241.011 to 241.021, the following terms have the meanings given.

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

(c) "Critical incident" has the meaning given in Minnesota Rules, part 2960.0020, subpart 24.

(d) "Department" means the Department of Corrections.

(e) "Emergency or unusual occurrence" means an incident that must be reported to the commissioner through the department's detention information system.

(f) "Facility administrator" means the officer in charge of a local correctional facility.

(g) "Local correctional facility" includes:

(1) a facility licensed to house or serve primarily adults under section 241.31; and

(2) a facility licensed to detain or serve juveniles, including a group home having a residential component or foster care facility placements under chapter 260C, for the primary purpose of:

(i) residential care and treatment;

(ii) detention; or

(iii) foster care services for children in need of out-of-home placement.

(h) "State correctional facility" means a correctional facility under the commissioner's control.

Subd. 3. **Local correctional facilities; inspection and licensing.** The commissioner must inspect and license all local correctional facilities throughout the state established and operated:

(1) for serving or housing individuals in the facilities; or

(2) consistent with section 241.013, subdivision 4, paragraph (a), for detaining or serving juveniles placed in the facilities by a correctional or noncorrectional agency.

Subd. 4. **Inspecting facilities for compliance; publishing inspection reports.** (a) Unless the commissioner determines otherwise, the commissioner must inspect all local correctional facilities at least once every two years to determine compliance with the minimum standards established according to sections 241.011 to 241.013 or any other law related to minimum standards and conditions of confinement, not including section 241.021, subdivisions 1 to 1e.

(b) The commissioner must have access to a facility's buildings, grounds, books, records, and staff and to individuals detained or housed in or served by the facility. The commissioner may require facility administrators to furnish all information and statistics that the commissioner deems necessary at a time and place designated by the commissioner.

(c) The commissioner must post each facility inspection report publicly on the department's website within 30 days after completing an inspection.

Subd. 5. **Granting license; expiration.** (a) The commissioner must grant a license for up to two years to:

(1) any facility found to conform to minimum standards; or

(2) any facility that the commissioner determines is making satisfactory progress toward substantial conformity and any minimum standards not being met do not impact the interests and well-being of the individuals detained or housed in or served by the facility.

(b) A limited license may be issued to effectuate a facility closure.

(c) Unless otherwise provided by law, all licenses issued under sections 241.011 to 241.013 expire 12:01 a.m. on the day after the expiration date stated on the license.

Subd. 6. **Providing and accessing facility data.** (a) The commissioner may require that any information under sections 241.011 to 241.013 be provided through the department's detention information system.

(b) Notwithstanding chapter 13 or any other state law classifying or restricting access to data, a facility administrator must furnish to the commissioner all data available to a facility that the commissioner deems necessary for reviewing any critical incident or emergency or unusual occurrence at the facility.

(c) The commissioner may take action against a facility's license according to section 241.012 if a facility administrator fails to provide or grant access to relevant information or statistics requested by the commissioner that are necessary to conduct or complete:

(1) inspections;

(2) reviews of emergency or unusual occurrences; or

(3) reviews of critical incidents.

Subd. 7. **Reporting; deaths, emergencies or unusual occurrences, and critical incidents.** (a) A facility administrator must report a death to the commissioner when:

(1) an individual detained or housed in the facility dies at the facility; or

(2) an individual dies while receiving medical care stemming from an incident or need for medical care at the facility that occurred while the individual was detained or housed in the facility.

(b) Paragraph (a), clause (2), applies regardless of whether the individual was subject to the facility's authority while requiring or receiving the medical care.

(c) A facility administrator must:

(1) report a death under this subdivision as soon as practicable, but no later than 24 hours of receiving knowledge of the death; and

(2) include any demographic information required by the commissioner.

(d) Except for deaths under paragraphs (a) to (c), all facility administrators must report all critical incidents or emergency or unusual occurrences to the commissioner within ten days of the incident or occurrence, including any demographic information required by the commissioner.

Subd. 8. **Death review teams.** (a) If a local correctional facility under subdivision 2, paragraph (g), clause (2), receives notice of the death of an individual who died under circumstances described in subdivision 7, paragraph (a), within 90 days of the death, the following individuals must review the circumstances of the death and assess for preventable mortality and morbidity, including but not limited to recommending policy or procedure change:

(1) the facility administrator;

(2) a medical expert of the facility's choosing who did not provide medical services to the individual and who is licensed as a physician or physician assistant by the Board of Medical Practice under chapter 147 or 147A; and

(3) if appropriate, a mental health expert.

(b) The investigating law enforcement agency may provide documentation for, participate in, or provide documentation for and participate in the review if criminal charges are not brought. A preliminary autopsy report must be provided as part of the review and any subsequent autopsy findings as available.

(c) The facility administrator must notify the commissioner via the department's detention information system that the facility has conducted a review and identify any recommendations for changes in policy, procedure, or training that will be implemented.

(d) Any report or other documentation created for purposes of a facility death review is confidential data on individuals under section 13.02, subdivision 3. Nothing in this section relieves the facility administrator from complying with the notice of death to the commissioner required under subdivision 7.

Subd. 9. **Rulemaking.** (a) The commissioner must adopt rules establishing minimum standards for local correctional facilities for the management, operation, and physical condition of the facilities and the security, safety, health, treatment, and discipline of individuals detained or housed in or served by the facilities.

(b) The time limit to adopt rules under section 14.125 does not apply to amendments to rule chapters in effect on August 1, 2026.

History: *2026 c 97 art 5 s 1*

241.012 LICENSING ACTIONS AGAINST JUVENILE AND ADULT COMMUNITY-BASED RESIDENTIAL CORRECTIONAL FACILITIES.

Subdivision 1. **Correction order; conditional license.** (a) For any local correctional facility under section 241.011, subdivision 2, paragraph (g), the commissioner must:

(1) promptly notify the facility administrator and the facility's governing board of a deficiency if the commissioner finds that:

(i) the facility does not substantially conform to the minimum standards established by the commissioner and is not making satisfactory progress toward substantial conformance; and

(ii) the nonconformance does not present an imminent risk of life-threatening harm or serious physical injury to the individuals detained or housed in or served by the facility; and

(2) issue a correction order or a conditional license order requiring that the deficiency be remedied within a reasonable and specified period.

(b) A conditional license order may restrict the use of any facility that does not substantially conform to minimum standards, including by:

(1) imposing conditions limiting operation of the facility or parts of the facility;

(2) reducing facility capacity;

(3) limiting intake;

(4) limiting length of detention or placement for individuals; or

(5) imposing detention or placement limitations based on the needs of the detained or housed individuals or individuals served by the facility.

(c) A correction order or conditional license order must clearly state:

(1) the specific minimum standards violated, noting the implicated rule or statute;

(2) the findings that constitute a violation of minimum standards;

(3) the corrective action needed;

(4) the time allowed to correct each violation; and

(5) if a license is made conditional:

(i) the length and terms of the conditional license;

(ii) any conditions limiting operation of the facility or parts of the facility; and

(iii) the reasons for making the license conditional.

(d) Nothing in this section prohibits the commissioner from ordering a revocation under subdivision 3 before issuing a correction order or conditional license order.

Subd. 2. **Requesting review of conditional license order.** (a) A facility administrator may request that the commissioner review the findings in a conditional license order under subdivision 1 on the grounds that satisfactory progress toward substantial compliance with minimum standards has been made, supported by evidence of correction. If appropriate, the request may include a written schedule for compliance.

(b) Within ten business days of receiving a request, the commissioner must review the evidence of correction and the progress made toward substantial compliance with minimum standards.

(c) When the commissioner has assurance that satisfactory progress toward substantial compliance with minimum standards is being made, the commissioner must:

(1) modify or lift any conditions limiting operation of the facility or parts of the facility; or

(2) remove the conditional license order.

Subd. 3. **License revocation order.** (a) After due notice to a facility administrator of the commissioner's intent to issue a revocation order, the commissioner may issue an order revoking a facility's license if the commissioner finds that:

(1) the facility does not conform to minimum standards or is not making satisfactory progress toward substantial compliance with minimum standards; and

(2) the nonconformance does not present an imminent risk of life-threatening harm or serious physical injury to the individuals detained or housed in or served by the facility.

(b) The notice of intent to issue a revocation order must include:

(1) the citation to minimum standards that have been violated;

(2) the nature and severity of each violation;

(3) whether the violation is recurring or nonrecurring;

(4) the effect of the violation on individuals detained or housed in or served by the facility;

(5) an evaluation of the risk of harm to individuals detained or housed in or served by the facility; and

(6) relevant facts, conditions, and circumstances related to the facility's operation, including, at a minimum:

(i) specific facility deficiencies that endanger the health or safety of individuals detained or housed in or served by the facility;

(ii) substantiated complaints relating to the facility; or

(iii) any other evidence that the facility is not in compliance with minimum standards.

(c) Within 30 days of receiving a notice under paragraph (b), the facility administrator must submit a written response with:

(1) any information related to errors in the notice and the facility's ability to conform to minimum standards within a set period, including but not limited to a written schedule for compliance and any other information that the facility administrator deems relevant for the commissioner's consideration; and

(2) a written plan:

(i) indicating how the facility will ensure the transfer of individuals detained or housed in or served by the facility and records if the facility closes; and

(ii) specifying arrangements that the facility will make to transfer individuals detained or housed in or served by the facility to another licensed local correctional facility for continuation of detention.

(d) When revoking a license, the commissioner must consider:

(1) the nature, chronicity, or severity of the statute or rule violation; and

(2) the effect of the violation on the health, safety, or rights of individuals detained or housed in or served by the facility.

(e) The commissioner must issue a revocation order if the facility administrator does not respond within 30 days to the notice or if the commissioner does not have assurance that satisfactory progress toward

substantial compliance with minimum standards will be made. The revocation order must be sent to the facility administrator and the facility's governing board, clearly stating:

(1) the specific minimum standards violated, noting the implicated rule or statute;

(2) the findings that constitute a violation of minimum standards and the nature, chronicity, or severity of the violations;

(3) the corrective action needed;

(4) any prior correction order or conditional license order issued to correct a violation; and

(5) the date on which the license revocation will occur.

(f) A revocation order may authorize facility use until a certain date, not to exceed the duration of the active license:

(1) unless a limited license is issued by the commissioner to effectuate a facility closure; and

(2) if continued operation does not present an imminent risk of life-threatening harm or is not likely to result in serious physical injury to the individuals detained or housed in or served by the facility.

(g) After a facility's license is revoked, the facility must not be used until the license is reinstated. When the commissioner is assured that satisfactory progress toward substantial compliance with minimum standards is being made, the commissioner may, at the request of the facility administrator supported by a written schedule for compliance, reinstate the license.

Subd. 4. **Reconsideration orders.** (a) If a facility administrator believes that a correction order, conditional license order, or revocation order is in error, the facility administrator may ask the commissioner to reconsider the parts of the order or action that are alleged to be in error. The request for reconsideration must:

(1) be made in writing;

(2) be postmarked and sent to the commissioner within 30 calendar days after receiving the order;

(3) specify the parts of the order or the action that is alleged to be in error;

(4) explain why the order or action is in error; and

(5) include documentation to support the allegation of error.

(b) The commissioner must issue a disposition within 60 days of receiving the facility administrator's response under paragraph (a). A request for reconsideration does not stay any provisions or requirements of the order.

Subd. 5. **Temporary immediate license suspension.** (a) The commissioner must act immediately to temporarily suspend a license issued under sections 241.011 to 241.013 if:

(1) the facility's failure to comply with applicable minimum standards or the conditions in the facility pose an imminent risk of life-threatening harm or serious physical injury to individuals detained or housed in or served by the facility, staff, law enforcement, visitors, or the public and:

(i) if the imminent risk of life-threatening harm or serious physical injury cannot be promptly corrected through a different type of order under this section; and

(ii) the facility cannot or has not corrected the violation giving rise to the imminent risk of life-threatening harm or serious physical injury; or

(2) while the facility continues to operate pending due notice and opportunity for written response to the commissioner's notice of intent to issue a revocation order under subdivision 3, the commissioner identifies one or more subsequent violations of minimum standards that may adversely affect the health or safety of individuals detained or housed in or served by the facility, staff, law enforcement, visitors, or the public.

(b) A notice stating the reasons for the temporary immediate suspension must be delivered by personal service to the facility administrator and the facility's governing board.

(c) A facility administrator and the facility's governing board must discontinue operating the facility upon receiving the commissioner's order to immediately suspend the license.

Subd. 6. **Requesting reconsideration of temporary immediate suspension.** (a) A facility administrator may request reconsideration of an order immediately suspending a license. The request for reconsideration must be made in writing and sent by certified mail or personal service as follows:

(1) if mailed, the request for reconsideration must be postmarked and sent to the commissioner within five business days after the facility administrator receives notice that the license has been immediately suspended; and

(2) if a request is made by personal service, the request must be received by the commissioner within five business days after the facility administrator received the order.

(b) The request for reconsideration must:

(1) specify the parts of the order that are alleged to be in error;

(2) explain why they are in error; and

(3) include documentation to support the allegation of error.

(c) Within five business days of receiving the facility administrator's timely request for reconsideration, the commissioner must review the request. For a review under subdivision 5, paragraph (a), clause (2), the review must be limited solely to whether the temporary immediate suspension order should remain in effect pending the written response to the commissioner's notice of intent to issue a revocation order.

Subd. 7. **Appealing commissioner's reconsideration request.** (a) The commissioner's disposition of a request for reconsideration of a correction, conditional license, temporary immediate suspension, or revocation order is final and subject to appeal. Before a facility administrator may request an appeal under paragraph (b), the facility administrator must request reconsideration according to this section of any correction, conditional license, temporary immediate suspension, or revocation order.

(b) Within 60 days after the postmark date of the mailed notice of the commissioner's decision on a request for reconsideration, the facility administrator may appeal the decision by filing for a writ of certiorari with the court of appeals under section 606.01 and Minnesota Rules of Civil Appellate Procedure, Rule 115.

Subd. 8. **Public notice of restriction, revocation, or suspension.** If a facility's license is revoked or suspended under this section, a facility's use is restricted for any reason under a conditional license order, or a correction order is issued to a facility, the commissioner must publicly post the following information on the department's website:

(1) the facility name;

(2) the status of the facility's license;

(3) the reason for the correction order, restriction, revocation, or suspension; and

(4) any subsequent findings by the commissioner identifying satisfactory progress toward substantial compliance with minimum standards.

History: *2026 c 97 art 5 s 2*

241.013 LICENSING AND INSPECTING LOCAL JUVENILE CORRECTIONAL FACILITIES.

Subdivision 1. **Scope.** This section applies to local juvenile correctional facilities under section 241.011, subdivision 2, paragraph (g), licensed by the commissioner of corrections to detain or serve juveniles, including those providing residential or foster care facility placements under chapter 260C.

Subd. 2. **Facilities for children and youth; inspection and licensing.** (a) Notwithstanding any provisions in sections 245A.03; 245A.04; and 256.01, subdivision 2, paragraph (a), clause (2); and chapter 245C to the contrary, the commissioner must inspect all local juvenile correctional facilities under section 241.011, subdivision 3, except as provided under paragraph (c).

(b) The commissioner must grant a license for up to two years to a county, municipality, or facility:

(1) according to section 241.011, subdivision 5; and

(2) if the commissioner is satisfied that the interests and well-being of children and youth are protected.

(c) For local juvenile correctional facilities licensed by the commissioner of human services, the commissioner of corrections may inspect and certify programs based on certification standards under Minnesota Rules. For purposes of this paragraph, "certification" has the meaning given in section 245A.02.

Subd. 3. **Commissioner consultation.** Local juvenile correctional facilities must consult with the commissioner as needed to strengthen services to children and youth.

Subd. 4. **Affected municipality; notice.** (a) The commissioner must not grant a license to a local juvenile correctional facility without giving 30 calendar days' written notice to any affected municipality or other political subdivision unless the facility:

(1) has a licensed capacity of six or fewer individuals; and

(2) is occupied by either the licensee or a group foster home parent.

(b) The notification must be given before the license is first granted and annually thereafter if annual notification is requested in writing by the affected municipality or other political subdivision.

(c) State funds must not be made available to or be spent by an agency or department of state, county, or municipal government for payment to a foster care facility licensed under this section until the requirements under this subdivision have been met.

Subd. 5. **Licensing with juveniles from outside state.** The commissioner must not issue or renew a license to a facility under this section to operate a local juvenile correctional facility if:

(1) the facility accepts juveniles who reside outside Minnesota; and

(2) there is no agreement with the entity placing the juvenile at the facility that obligates the entity to pay the juvenile's educational expenses.

Subd. 6. **Licensing actions.** The licensing actions under section 241.012 apply to a facility licensed under this section.

Subd. 7. **Education for juveniles.** Notwithstanding subdivision 1, the education program offered in a state or local correctional facility for the placement, confinement, or incarceration of juveniles must be approved by the commissioner of education before the commissioner of corrections may grant a license to the facility.

Subd. 8. **Rulemaking.** (a) The commissioner must adopt rules for local juvenile correctional facilities according to Laws 1995, chapter 226, article 3, sections 50, 51, and 60, as amended.

(b) The time limit to adopt rules under section 14.125 does not apply to amendments to Minnesota Rules, chapter 2960, in effect on August 1, 2026.

History: *2026 c 97 art 5 s 3*

241.014 SECURITY AUDITS FOR STATE CORRECTIONAL FACILITIES.

Subdivision 1. **Purpose.** This section applies to state correctional facilities.

Subd. 2. **Definitions.** (a) For purposes of this section, the following terms have the meanings given.

(b) "Audit group" means the state correctional facilities security audit group under subdivision 5.

(c) "Corrections and detention confidential data" has the meaning given in section 13.85, subdivision 3.

(d) "Security information" has the meaning given in section 13.37, subdivision 1.

Subd. 3. **Biennial report and audit of security practices.** The department's inspection unit must conduct biennial security audits of each state correctional facility using the standards established by the audit group. The inspection unit must:

(1) prepare a report for each audit; and

(2) submit the report to the audit group within 30 days of completing the audit.

Subd. 4. **Data.** (a) Corrections and detention confidential data and security information contained in reports and records of the audit group:

(1) must maintain that classification, regardless of the data's classification in the hands of the person who provided the data; and

(2) are not subject to discovery or introduction into evidence in a civil or criminal action against the state arising out of any matter that the audit group is reviewing.

(b) Information, documents, and records otherwise available from other sources are not immune from discovery or use in a civil or criminal action solely because the information, documents, and records were acquired during an audit.

(c) Nothing in this subdivision limits a person who presented information to the audit group or who is an audit group member from testifying about matters within the person's knowledge. In a civil or criminal

proceeding, a person must not be questioned about the person's good faith presentation of information to the audit group or opinions formed by the person as a result of an audit.

Subd. 5. **State correctional facilities security audit group.** (a) The commissioner must form a state correctional facilities security audit group. The audit group must consist of the following members:

(1) a department employee who is not assigned to the correctional institutions division, appointed by the commissioner;

(2) the ombudsperson for corrections or a designee;

(3) an elected sheriff or designee nominated by the Minnesota Sheriffs' Association, appointed by the commissioner;

(4) an individual with expertise in security related to infrastructure and operational logistics of correctional facilities who is not required to reside in Minnesota, appointed by the governor;

(5) the commissioner of health or a designee;

(6) the commissioner of administration or a designee;

(7) two senators, one appointed by the senate majority leader and one appointed by the senate minority leader; and

(8) two representatives, one appointed by the speaker of the house and one appointed by the minority leader of the house of representatives.

(b) The ombudsperson chairs the audit group. The audit group must establish security audit standards for state correctional facilities. In developing the standards, the audit group, or individual members of the audit group, may gather information from state correctional facilities and state correctional staff and inmates. The audit group must:

(1) periodically review and modify the standards as needed; and

(2) report the standards to the chairs and ranking minority members of the house of representatives and senate committees with jurisdiction over public safety policy and finance when the standards are modified.

(c) The audit group must meet twice annually to review facility audit reports submitted to the audit group by the department's inspection unit. Notwithstanding any law to the contrary, the audit group may review the full audit reports, including but not limited to corrections and detention confidential data and security information.

(d) Within 60 days of meeting to review an audit report from the department's inspection unit, the audit group must make recommendations to the commissioner. Within 45 days of receiving the audit group's recommendations, the commissioner must respond in writing to the audit group's findings and recommendations. The commissioner's response must explain:

(1) whether the commissioner will implement the audit group's recommendations;

(2) the timeline for implementing the recommendations; and

(3) if the commissioner will not implement the recommendations, why the commissioner will not or cannot implement the recommendations.

(e) The commissioner must include a written aggregate of the audit group's recommendations based on each security audit and assessment of a state correctional facility and the commissioner's responses to the recommendations in the biennial report under section 241.016, subdivision 1. The commissioner must not include corrections and detention confidential data and security information in the commissioner's report.

(f) The commissioner must provide staffing and administrative support to the audit group.

Subd. 6. **Compensation.** Except as otherwise provided in this subdivision, the terms, compensation, and removal of audit group members are governed by section 15.059. Audit group members serve without compensation but may receive expense reimbursement.

Subd. 7. **Expiration.** Notwithstanding section 15.059, subdivision 6, the audit group does not expire.

Subd. 8. **Open meeting law.** The audit group is not subject to chapter 13D.

History: *2026 c 97 art 5 s 4*

241.015 MS 1997 Supp [Repealed, 1998 c 366 s 90]

241.016 ANNUAL PERFORMANCE REPORT REQUIRED.

Subdivision 1. **Annual report.** (a) The Department of Corrections shall submit a performance report to the chairs and ranking minority members of the senate and house of representatives committees and divisions having jurisdiction over criminal justice funding by January 15 of each year. The issuance and content of the report must include the following:

(1) department strategic mission, goals, and objectives;

(2) the department-wide per diem, adult facility-specific per diems, and an average per diem, reported in a standard calculated method as outlined in the departmental policies and procedures;

(3) department annual statistics as outlined in the departmental policies and procedures;

(4) information about prison-based mental health programs, including, but not limited to, the availability of these programs, participation rates, and completion rates; and

(5) beginning in 2023, a written aggregate of the state correctional facilities security audit group's recommendations based on each security audit and assessment of a state correctional facility and the commissioner's responses to the recommendations.

(b) The department shall maintain recidivism rates for adult facilities on an annual basis. In addition, each year the department shall, on an alternating basis, complete a recidivism analysis of adult facilities, juvenile services, and the community services divisions and include a three-year recidivism analysis in the report described in paragraph (a). The recidivism analysis must: (1) assess education programs, vocational programs, treatment programs, including mental health programs, industry, and employment; and (2) assess statewide re-entry policies and funding, including postrelease treatment, education, training, and supervision. In addition, when reporting recidivism for the department's adult and juvenile facilities, the department shall report on the extent to which offenders it has assessed as having substance use disorder commit new offenses, with separate recidivism rates reported for persons completing and not completing the department's treatment programs.

(c) The department shall maintain annual statistics related to the supervision of extended jurisdiction juveniles and include those statistics in the report described in paragraph (a). The statistics must include:

(1) the total number and population demographics of individuals under supervision in adult facilities, juvenile facilities, and the community who were convicted as an extended jurisdiction juvenile;

(2) the number of individuals convicted as an extended jurisdiction juvenile who successfully completed probation in the previous year;

(3) the number of individuals identified in clause (2) for whom the court terminated jurisdiction before the person became 21 years of age pursuant to section 260B.193, subdivision 5;

(4) the number of individuals convicted as an extended jurisdiction juvenile whose sentences were executed; and

(5) the average length of time individuals convicted as an extended jurisdiction juvenile spend on probation.

Subd. 2. MS 2000 [Repealed, 2001 c 210 s 30]

History: *1998 c 408 s 14; 1999 c 216 art 4 s 2; 2001 c 210 s 2; 1Sp2003 c 2 art 5 s 2; 2006 c 260 art 4 s 3; 2007 c 54 art 6 s 4; 2009 c 83 art 3 s 6; 2012 c 155 s 1; 1Sp2021 c 11 art 9 s 4; 2022 c 98 art 4 s 51*

241.018 PER DIEM CALCULATION.

Subdivision 1. **State correctional facilities.** (a) The commissioner of corrections shall develop a uniform method to calculate the average department-wide per diem cost of incarcerating offenders at state adult correctional facilities. In addition to other costs currently factored into the per diem, it must include an appropriate percentage of capitol costs for all adult correctional facilities and 65 percent of the department's management services budget.

(b) The commissioner also shall use this method of calculating per diem costs for offenders in each state adult correctional facility. When calculating the per diem cost of incarcerating offenders at a particular facility, the commissioner shall include an appropriate percentage of capital costs for the facility and an appropriate prorated amount, given the facility's population, of 65 percent of the department's management services budget.

(c) The commissioner shall ensure that these new per diem methods are used in all future annual performance reports to the legislature and are also reflected in the department's biennial budget document.

Subd. 2. **County and regional jail facilities.** (a) The commissioner of corrections shall develop a uniform method to calculate the average per diem cost of incarcerating offenders in county and regional jail facilities licensed by the commissioner under section 241.021, subdivision 1, paragraph (a).

(b) Each county and regional jail in the state must annually provide the commissioner with a per diem calculation based on the formula the commissioner promulgates pursuant to paragraph (a).

(c) The commissioner shall include the county and regional jail per diem data collected under paragraph (b) in the Department of Correction's annual performance report to the legislature mandated by section 241.016.

History: *2000 c 488 art 7 s 1; 2001 c 210 s 3; 2007 c 54 art 6 s 5*

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*

ADULT AND JUVENILE FACILITIES

241.021 LICENSING AND SUPERVISION OF FACILITIES.

Subdivision 1. **Correctional facilities; inspection; licensing.** (a) The commissioner of corrections shall inspect and license all correctional facilities, as defined in subdivision 1i, throughout the state, whether public or private, established and operated for the detention and confinement of persons confined or incarcerated 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 confined or incarcerated therein. These minimum standards shall include but are not limited to specific guidance pertaining to:

(1) screening, appraisal, assessment, and treatment for persons confined or incarcerated in correctional facilities with mental illness or substance use disorders;

(2) a policy on the involuntary administration of medications, including a process for determining on intake whether a Jarvis order is in place and ensuring it will be followed during the confinement or incarceration;

(3) suicide prevention plans and training;

(4) verification of medications in a timely manner;

(5) well-being checks;

(6) discharge planning, including providing prescribed medications to persons confined or incarcerated in correctional facilities upon release;

(7) a policy on referrals or transfers to medical or mental health care in a noncorrectional institution;

(8) use of segregation and mental health checks;

(9) critical incident debriefings;

(10) clinical management of substance use disorders and opioid overdose emergency procedures;

(11) a policy regarding identification of persons with special needs confined or incarcerated in correctional facilities;

(12) a policy regarding the use of telehealth;

(13) self-auditing of compliance with minimum standards;

(14) information sharing with medical personnel and when medical assessment must be facilitated;

(15) a code of conduct policy for facility staff and annual training;

(16) a policy on death review of all circumstances surrounding the death of an individual committed to the custody of the facility; and

(17) dissemination of a rights statement made available to persons confined or incarcerated in licensed correctional facilities.

No individual, corporation, partnership, voluntary association, or other private organization legally responsible for the operation of a correctional facility may operate the facility unless it possesses a current license from the commissioner of corrections. Private adult correctional facilities shall have the authority of section 624.714, subdivision 13, if the Department of Corrections licenses the facility with the authority and the facility meets requirements of section 243.52.

The commissioner shall review the correctional facilities described in this subdivision at least once every two years, except as otherwise provided, to determine compliance with the minimum standards established according to this subdivision or other Minnesota statute related to minimum standards and conditions of confinement.

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 standards not being met do not impact the interests and well-being of the persons confined or incarcerated in the facility. A limited license under subdivision 1a may be issued for purposes of effectuating a facility closure. The commissioner may grant licensure up to two years. Unless otherwise specified by statute, all licenses issued under this chapter expire at 12:01 a.m. on the day after the expiration date stated on the license.

The commissioner shall have access to the buildings, grounds, books, records, staff, and to persons confined or incarcerated 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. Notwithstanding chapter 13 or any other state law classifying or restricting access to data, the officers in charge of these facilities must furnish all data available to the facility that the commissioner deems necessary to conduct a review of any emergency or unusual occurrence at the facility. Failure to provide or grant access to relevant information or statistics necessary to fulfill inspection or emergency or unusual occurrence reviews, as requested by the commissioner, may be grounds for the commissioner to take action against a correctional facility's license under subdivision 1a, 1b, or 1c.

All facility administrators of correctional facilities are required to report all deaths of individuals who died while committed to the custody of the facility, regardless of whether the death occurred at the facility or after removal from the facility for medical care stemming from an incident or need for medical care at the correctional facility, as soon as practicable, but no later than 24 hours of receiving knowledge of the death, including any demographic information as required by the commissioner.

All facility administrators of correctional facilities are required to report all other emergency or unusual occurrences as defined by rule, including uses of force by facility staff that result in substantial bodily harm or suicide attempts, to the commissioner of corrections within ten days from the occurrence, including any demographic information as required by the commissioner. The commissioner of corrections shall consult with the Minnesota Sheriffs' Association and a representative from the Minnesota Association of Community

Corrections Act Counties who is responsible for the operations of an adult correctional facility to define "use of force" that results in substantial bodily harm for reporting purposes.

The commissioner may require that any or all such information be provided through the Department of Corrections detention information system. The commissioner shall post each inspection report publicly and on the department's website within 30 days of completing the inspection. The education program offered in a correctional facility for the confinement or incarceration of juvenile offenders must be approved by the commissioner of education before the commissioner of corrections may grant a license to the facility.

(b) 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.

(c) 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 chapter 401, or to require counties to comply with operating standards the commissioner establishes as a condition precedent for counties to receive that funding.

(d) The department's inspection unit must report directly to a division head outside of the correctional institutions division.

Subd. 1a. **Correction order; conditional license.** (a) When the commissioner finds that any facility described in subdivision 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 and the nonconformance does not present an imminent risk of life-threatening harm or serious physical injury to the persons confined or incarcerated in the facility, the commissioner shall promptly notify the facility administrator and the governing board of the facility of the deficiencies and must issue a correction order or a conditional license order that the deficiencies be remedied within a reasonable and specified period of time.

The conditional license order may restrict the use of any facility which does not substantially conform to minimum standards, including imposition of conditions limiting operation of the facility or parts of the facility, reducing facility capacity, limiting intake, limiting length of detention for individuals, or imposing detention limitations based on the needs of the individuals being confined or incarcerated therein.

The correction order or conditional license order must clearly state the following:

(1) the specific minimum standards violated, noting the implicated rule or law;

(2) the findings that constitute a violation of minimum standards;

(3) the corrective action needed;

(4) time allowed to correct each violation; and

(5) if a license is made conditional, the length and terms of the conditional license, any conditions limiting operation of the facility, and the reasons for making the license conditional.

(b) The facility administrator may request review of the findings noted in the conditional license order on the grounds that satisfactory progress toward substantial compliance with minimum standards has been made, supported by evidence of correction, and, if appropriate, may include a written schedule for compliance. The commissioner shall review the evidence of correction and the progress made toward substantial

compliance with minimum standards within a reasonable period of time, not to exceed ten business days. When the commissioner has assurance that satisfactory progress toward substantial compliance with minimum standards is being made, the commissioner shall lift any conditions limiting operation of the facility or parts of the facility or remove the conditional license order.

(c) Nothing in this section prohibits the commissioner from ordering a revocation under subdivision 1b prior to issuing a correction order or conditional license order.

Subd. 1b. **License revocation order.** (a) When, after due notice to the facility administrator of the commissioner's intent to issue a revocation order, the commissioner finds that any facility described in this subdivision, except county jails and lockups subject to active condemnation proceedings or orders 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 with minimum standards, and the nonconformance does not present an imminent risk of life-threatening harm or serious physical injury to the persons confined or incarcerated in the facility, the commissioner may issue an order revoking the license of that facility.

The notice of intent to issue a revocation order shall include:

(1) the citation to minimum standards that have been violated;

(2) the nature and severity of each violation;

(3) whether the violation is recurring or nonrecurring;

(4) the effect of the violation on persons confined or incarcerated in the correctional facility;

(5) an evaluation of the risk of harm to persons confined or incarcerated in the correctional facility;

(6) relevant facts, conditions, and circumstances concerning the operation of the licensed facility, including at a minimum:

(i) specific facility deficiencies that endanger the health or safety of persons confined or incarcerated in the correctional facility;

(ii) substantiated complaints relating to the correctional facility; or

(iii) any other evidence that the correctional facility is not in compliance with minimum standards.

(b) The facility administrator must submit a written response within 30 days of receipt of the notice of intent to issue a revocation order with any information related to errors in the notice, ability to conform to minimum standards within a set period of time including but not limited to a written schedule for compliance, and any other information the facility administrator deems relevant for consideration by the commissioner. The written response must also include a written plan indicating how the correctional facility will ensure the transfer of confined or incarcerated individuals and records if the correctional facility closes. Plans must specify arrangements the correctional facility will make to transfer confined or incarcerated individuals to another licensed correctional facility for continuation of detention.

(c) When revoking a license, the commissioner shall consider the nature, chronicity, or severity of the violation of law or rule and the effect of the violation on the health, safety, or rights of persons confined or incarcerated in the correctional facility.

(d) If the facility administrator does not respond within 30 days to the notice of intent to issue a revocation order or if the commissioner does not have assurance that satisfactory progress toward substantial compliance

with minimum standards will be made, the commissioner shall issue a revocation order. The revocation order must be sent to the facility administrator and the governing board of the facility, clearly stating:

(1) the specific minimum standards violated, noting the implicated rule or law;

(2) the findings that constitute a violation of minimum standards and the nature, chronicity, or severity of those violations;

(3) the corrective action needed;

(4) any prior correction or conditional license orders issued to correct violations; and

(5) the date at which the license revocation shall take place.

A revocation order may authorize use until a certain date, not to exceed the duration of the current license, unless a limited license is issued by the commissioner for purposes of effectuating a facility closure and continued operation does not present an imminent risk of life-threatening harm or is not likely to result in serious physical injury to the persons confined or incarcerated in the facility.

(e) After revocation of the facility's licensure, that facility shall not be used until the license is renewed. When the commissioner is satisfied that satisfactory progress toward substantial compliance with minimum standards is being made, the commissioner may, at the request of the facility administrator supported by a written schedule for compliance, reinstate the license.

Subd. 1c. **Temporary license suspension.** The commissioner shall act immediately to temporarily suspend a license issued under this chapter if:

(1) the correctional facility's failure to comply with applicable minimum standards or the conditions in the correctional facility pose an imminent risk of life-threatening harm or serious physical injury to persons confined or incarcerated in the facility, staff, law enforcement, visitors, or the public; and

(i) if the imminent risk of life-threatening harm or serious physical injury cannot be promptly corrected through a different type of order under this section; and

(ii) the correctional facility cannot or has not corrected the violation giving rise to the imminent risk of life-threatening harm or serious physical injury; or

(2) while the correctional facility continues to operate pending due notice and opportunity for written response to the commissioner's notice of intent to issue an order of revocation, the commissioner identifies one or more subsequent violations of minimum standards which may adversely affect the health or safety of persons confined or incarcerated in the facility, staff, law enforcement, visitors, or the public.

A notice stating the reasons for the immediate suspension informing the facility administrator must be delivered by personal service to the correctional facility administrator and the governing board of the facility.

Subd. 1d. **Public notice of restriction, revocation, or suspension.** If the license of a facility under this section is revoked or suspended, or use of the facility is restricted for any reason under a conditional license order, or a correction order is issued to a facility, the commissioner shall post the facility, the status of the facility's license, and the reason for the correction order, restriction, revocation, or suspension publicly and on the department's website.

Subd. 1e. **Reconsideration of orders; appeals.** (a) If the facility administrator believes the correction order, conditional license order, or revocation order is in error, the facility administrator may ask the

Department of Corrections to reconsider the parts of the order or action that are alleged to be in error. The request for reconsideration must:

(1) be made in writing;

(2) be postmarked and sent to the commissioner no later than 30 calendar days after receipt of the correction order, conditional license order, or revocation order;

(3) specify the parts of the order that are alleged to be in error;

(4) explain why the correction order, conditional license order, or revocation order is in error; and

(5) include documentation to support the allegation of error.

The commissioner shall issue a disposition within 60 days of receipt of the facility administrator's response to correction, conditional license, or revocation order violations. A request for reconsideration does not stay any provisions or requirements of the order.

(b) The facility administrator may request reconsideration of an order immediately suspending a license. The request for reconsideration of an order immediately suspending a license must be made in writing and sent by certified mail, personal service, or other means expressly stated in the commissioner's order. If mailed, the request for reconsideration must be postmarked and sent to the commissioner no later than five business days after the facility administrator receives notice that the license has been immediately suspended. If a request is made by personal service, it must be received by the commissioner no later than five business days after the facility administrator received the order. The request for reconsideration must:

(1) specify the parts of the order that are alleged to be in error;

(2) explain why they are in error; and

(3) include documentation to support the allegation of error.

A facility administrator and the governing board of the facility shall discontinue operation of the correctional facility upon receipt of the commissioner's order to immediately suspend the license.

(c) Within five business days of receipt of the facility administrator's timely request for reconsideration of a temporary immediate suspension, the commissioner shall review the request for reconsideration. The scope of the review shall be limited solely to the issue of whether the temporary immediate suspension order should remain in effect pending the written response to commissioner's notice of intent to issue a revocation order.

The commissioner's disposition of a request for reconsideration of correction, conditional license, temporary immediate suspension, or revocation order is final and subject to appeal. The facility administrator must request reconsideration as required by this section of any correction, conditional license, temporary immediate suspension, or revocation order prior to appeal.

No later than 60 days after the postmark date of the mailed notice of the commissioner's decision on a request for reconsideration, the facility administrator may appeal the decision by filing for a writ of certiorari with the court of appeals under section 606.01 and Minnesota Rules of Civil Appellate Procedure, Rule 115.

Subd. 1f. **Report.** By February 15, 2022, and by February 15 each year thereafter, the commissioner of corrections shall report to the chairs and ranking minority members of the house of representatives and senate committees and divisions with jurisdiction over public safety and judiciary on the status of the

implementation of the provisions in sections 241.011 to 241.021 over the prior year, particularly the health and safety of individuals confined or incarcerated in local adult correctional facilities under this section, local correctional facilities under section 241.011, and state correctional facilities. This report shall include but not be limited to data regarding:

(1) the number of confined or incarcerated persons who died while committed to the custody of the facility, regardless of whether the death occurred at the facility or after removal from the facility for medical care stemming from an incident or need for medical care at the correctional facility, including aggregated demographic information and the correctional facilities' most recent inspection reports and any corrective orders or conditional licenses, revocations, or temporary immediate suspensions;

(2) the aggregated results of the death reviews by facility as required by subdivision 8 or section 241.011, subdivision 8, including any implemented policy changes;

(3) the number of uses of force by facility staff on persons confined or incarcerated in the correctional facility, including but not limited to whether those uses of force were determined to be justified by the facility, for which the commissioner of corrections shall consult with the Minnesota Sheriffs' Association and a representative from the Minnesota Association of Community Corrections Act Counties who is responsible for the operations of an adult correctional facility to develop criteria for reporting and define reportable uses of force;

(4) the number of suicide attempts, number of people transported to a medical facility, and number of people placed in segregation;

(5) the number of persons committed to the commissioner of corrections' custody that the commissioner is housing in facilities licensed under subdivision 1 and section 241.011, including but not limited to:

(i) aggregated demographic data of those individuals;

(ii) length of time spent housed in a licensed correctional facility; and

(iii) any contracts the Department of Corrections has with correctional facilities to provide housing; and

(6) summary data from state correctional facilities regarding complaints involving alleged on-duty staff misconduct, including but not limited to the:

(i) total number of misconduct complaints and investigations;

(ii) total number of complaints by each category of misconduct, as defined by the commissioner of corrections;

(iii) number of allegations dismissed as unfounded;

(iv) number of allegations dismissed on grounds that the allegation was unsubstantiated; and

(v) number of allegations substantiated, any resulting disciplinary action, and the nature of the discipline.

Subd. 1g. MS 2024 [Repealed, 2026 c 97 art 5 s 10]

Subd. 1h. MS 2024 [Repealed, 2026 c 97 art 5 s 10]

Subd. 1i. **Definition.** As used in this section, "correctional facility" means any facility, including a jail, lockup, workhouse, or work farm under chapter 641, 642, or 643.

Subd. 2. MS 2025 Supp [Repealed, 2026 c 97 art 5 s 10]

Subd. 2a. MS 2024 [Repealed, 2026 c 97 art 5 s 10]

Subd. 2b. MS 2024 [Repealed, 2026 c 97 art 5 s 10]

Subd. 3. MS 2024 [Repealed, 2026 c 97 art 5 s 10]

Subd. 4. [Renumbered 241.74, subdivision 1]

Subd. 4a. [Renumbered 241.39]

Subd. 4b. [Renumbered 241.74, subd 2, para (a)]

Subd. 4c. [Renumbered 241.74, subd 2, para (b)]

Subd. 4d. [Renumbered 241.74, subd 3]

Subd. 4e. [Renumbered 241.254]

Subd. 4f. **Provision of medications in correctional facilities.** (a) Correctional facilities licensed by the commissioner shall administer to confined and incarcerated persons the same medications prescribed to those individuals prior to their confinement or incarceration upon such prescriptions being verified as current and valid by the correctional facility based on information reasonably available to the facility's staff at the time of intake and documented in the person's medical records. A facility must make a reasonable attempt to verify a prescription as current and valid and staff must document their efforts to verify the prescription. A reasonable attempt will be considered to have been made if a licensed health care professional or facility staff seeks to confirm the prescription through one or more reliable sources, including but not limited to the confined or incarcerated person, prescription records, pharmacies, health care providers, or prescription monitoring programs.

(b) Unless a confined or incarcerated person is subject to a Jarvis order, which is an order issued under section 253B.092, subdivision 8, that dictates otherwise, paragraph (a) does not apply when:

(1) a licensed health care professional determines, after making reasonable efforts to consult with the health care professional who prescribed the medication, that the prescribed medication is not medically appropriate for the person based on the person's current medical condition or status;

(2) a licensed health care professional determines that the medication should be changed to a different medication available to treat the condition that is at least as effective as the current medication the person is prescribed and reasonable attempts were made to consult the health care professional who prescribed the medication;

(3) the physical or mental condition of the person creates a medical or mental health emergency that requires an immediate medication change based on circumstances that either exist or would be caused by the continuation of current medications when those circumstances are identified and documented by a licensed health care professional; or

(4) the person informs the licensed health care professional who is responsible for inmate health care at the correctional facility or the licensed health care professional's designee that the person no longer desires to take the medication and the decision is documented in the person's medical records.

(c) As used in this subdivision, "licensed health care professional" means a physician licensed under chapter 147, physician assistant licensed under chapter 147A, or advanced practice registered nurse as defined in section 148.171, subdivision 3.

Subd. 5. MS 2006 [Repealed, 2007 c 54 art 6 s 20]

Subd. 6. MS 2024 [Repealed, 2026 c 97 art 5 s 10]

Subd. 7. **Intake release of information.** All correctional facilities that confine or incarcerate adults are required at intake to provide each person an authorization form to release information related to that person's health or mental health condition and when that information should be shared. This release form shall allow the individual to select if the individual wants to require the correctional facility to make attempts to contact the designated person to facilitate the sharing of health condition information upon incapacitation or if the individual becomes unable to communicate or direct the sharing of this information, so long as contact information was provided and the incapacitated individual or individual who is unable to communicate or direct the sharing of this information is not subject to a court order prohibiting contact with the designated person.

Subd. 8. **Death review teams.** In the event a correctional facility receives information of the death of an individual while committed to the custody of the facility, regardless of whether the death occurred at the facility or after removal from the facility for medical care stemming from an incident or need for medical care at the correctional facility, the administrator of the facility, minimally including a medical expert of the facility's choosing who did not provide medical services to the individual, and, if appropriate, a mental health expert, shall review the circumstances of the death and assess for preventable mortality and morbidity, including recommendations for policy or procedure change, within 90 days of death. The investigating law enforcement agency may provide documentation, participate in, or provide documentation and participate in the review in instances where criminal charges were not brought. A preliminary autopsy report must be provided as part of the review and any subsequent autopsy findings as available. The facility administrator shall provide notice to the commissioner of corrections via the Department of Corrections detention information system that the correctional facility has conducted a review and identify any recommendations for changes in policy, procedure, or training that will be implemented. Any report or other documentation created for purposes of a facility death review is confidential as defined in section 13.02, subdivision 3. Nothing in this section relieves the facility administrator from complying with the notice of death to the commissioner as required by subdivision 1, paragraph (a).

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; 1995 c 12 s 1,2; 1998 c 367 art 10 s 1; 1999 c 241 art 2 s 52; 2000 c 299 s 1; 2001 c 197 s 2; 2001 c 210 s 4-8; 2002 c 374 art 10 s 2; 2003 c 15 art 1 s 33; 2003 c 130 s 12; 2004 c 288 art 2 s 1; 2007 c 133 art 2 s 13; 2008 c 252 s 2-4; 2014 c 286 art 8 s 29; 2015 c 78 art 4 s 61; 2016 c 158 art 1 s 82; 2018 c 182 art 2 s 5; 2020 c 110 s 2; 1Sp2021 c 11 art 9 s 5-16; 2022 c 98 art 4 s 51; 2023 c 52 art 11 s 3-6; art 17 s 34; 2023 c 61 art 5 s 2; 2024 c 123 art 8 s 2-4; 2025 c 21 s 28; 2025 c 35 art 5 s 6,7; 2026 c 84 s 1; 2026 c 97 art 4 s 1; art 5 s 5-7,9*

241.0215 JUVENILE DETENTION FACILITIES; RESTRICTIONS ON STRIP SEARCHES AND DISCIPLINE.

Subdivision 1. **Applicability.** This section applies to juvenile facilities licensed by the commissioner of corrections under section 241.021, subdivision 2.

Subd. 2. **Definitions.** (a) As used in this section, the following terms have the meanings given.

(b) "Health care professional" means an individual who is licensed or permitted by a Minnesota health-related licensing board, as defined in section 214.01, subdivision 2, to perform health care services in Minnesota within the professional's scope of practice.

(c) "Strip search" means a visual inspection of a juvenile's unclothed breasts, buttocks, or genitalia.

Subd. 3. **Searches restricted.** (a) A staff person working in a facility may not conduct a strip search unless:

(1) a specific, articulable, and immediate contraband concern is present;

(2) other search techniques and technology cannot be used or have failed to identify the contraband; and

(3) the facility's chief administrator or designee has reviewed the situation and approved the strip search.

(b) A strip search must be conducted by:

(1) a health care professional; or

(2) a staff person working in a facility who has received training on trauma-informed search techniques and other applicable training under Minnesota Rules, chapter 2960.

(c) A strip search must be documented in writing and describe the contraband concern, summarize other inspection techniques used or considered, and verify the approval from the facility's chief administrator or, in the temporary absence of the chief administrator, the staff person designated as the person in charge of the facility. A copy of the documentation must be provided to the commissioner within 24 hours of the strip search.

(d) Nothing in this section prohibits or limits a strip search as part of a health care procedure conducted by a health care professional.

Subd. 4. **Discipline restricted.** (a) A staff person working in a facility may not discipline a juvenile by physically or socially isolating the juvenile.

(b) Nothing in this subdivision restricts a facility from isolating a juvenile for the juvenile's safety, staff safety, or the safety of other facility residents when the isolation is consistent with rules adopted by the commissioner.

Subd. 5. **Commissioner action.** The commissioner may take any action authorized under section 241.021, subdivisions 2 and 3, to address a violation of this section.

Subd. 6. **Report.** (a) By February 15 each year, the commissioner must report to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over public safety finance and policy on the use of strip searches and isolation.

(b) The report must consist of summary data from the previous calendar year and must, at a minimum, include:

(1) how often strip searches were performed;

(2) how often juveniles were isolated;

(3) the length of each period of isolation used and, for juveniles isolated in the previous year, the total cumulative amount of time that the juvenile was isolated that year; and

(4) any injury to a juvenile related to a strip search or isolation, or both, that was reportable as a critical incident.

(c) Data in the report must provide information on the demographics of juveniles who were subject to a strip search and juveniles who were isolated. At a minimum, data must be disaggregated by age, race, and gender.

(d) The report must identify any facility that performed a strip search or used isolation, or both, in a manner that did not comply with this section or rules adopted by the commissioner in conformity with this section.

History: *2023 c 52 art 11 s 7*

241.022 MS 2012 [Repealed, 2014 c 218 s 10]

241.0221 MS 2012 [Repealed, 2014 c 218 s 10]

241.0222 CONTRACTS WITH NEWLY CONSTRUCTED JAIL FACILITIES THAT PROVIDE ACCESS TO SUBSTANCE USE DISORDER TREATMENT PROGRAMS.

Notwithstanding section 16C.05, subdivision 2, the commissioner may enter into contracts, up to five years in duration, with a county or group of counties to house inmates committed to the custody of the commissioner in newly constructed county or regional jail facilities that provide inmates access to substance use disorder treatment programs licensed by the Department of Human Services. A contract entered into under this section may contain an option to renew the contract for a term of up to five years.

History: *2006 c 258 s 37; 2006 c 260 art 4 s 4; 2007 c 13 art 2 s 21; 2022 c 98 art 4 s 51*

241.023 MS 1975 Supp [Repealed, 1976 c 149 s 63]

241.023 DESIGNATION OF STATE CORRECTIONAL FACILITIES.

Subdivision 1. **Reference change.** 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. **Geographical area designation.** 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*

241.024 MS 2012 [Repealed, 2014 c 218 s 10]

PEACE AND CORRECTIONAL OFFICERS

241.025 FUGITIVE APPREHENSION UNIT.

Subdivision 1. **Authorization.** The commissioner of corrections may appoint peace officers, as defined in section 626.84, subdivision 1, paragraph (c), who shall serve in the classified service subject to the provisions of section 43A.01, subdivision 2, and establish a law enforcement agency, as defined in section 626.84, subdivision 1, paragraph (f), known as the Department of Corrections Fugitive Apprehension Unit, to perform the duties necessary to make statewide arrests under sections 629.30 and 629.34. The jurisdiction

of the law enforcement agency is primarily the arrest of Department of Corrections' discretionary and statutory released violators and Department of Corrections' escapees and this must be its primary focus. The Department of Corrections Fugitive Apprehension Unit may respond to a law enforcement agency's request to exercise general law enforcement duties during the course of official duties by carrying out law enforcement activities at the direction of the law enforcement agency of jurisdiction. In addition, the unit may investigate criminal offenses in agency-operated correctional facilities and surrounding property.

Subd. 2. **Limitations.** The initial processing of a person arrested by the fugitive apprehension unit for an offense is the responsibility of the fugitive apprehension unit unless otherwise directed by the law enforcement agency with primary jurisdiction. A subsequent investigation is the responsibility of the law enforcement agency of the jurisdiction unless the law enforcement agency authorizes the fugitive apprehension unit to assume the subsequent investigation. At the request of the primary jurisdiction, the fugitive apprehension unit may assist in subsequent investigations or law enforcement efforts being carried out by the primary jurisdiction. Persons arrested for violations that the fugitive apprehension unit determines are not within the agency's jurisdiction must be referred to the appropriate local law enforcement agency for further investigation or disposition.

Subd. 3. **Policies.** The fugitive apprehension unit must develop and file all policies required under state law for law enforcement agencies. The fugitive apprehension unit also must develop a policy for contacting law enforcement agencies in a city or county before initiating any fugitive surveillance, investigation, or apprehension within the city or county. Revisions of any of these policies must be filed with the board within ten days of the effective date of the revision. The Department of Corrections shall train all of its peace officers regarding the application of these policies.

Subd. 4. **Chief law enforcement officer.** The commissioner of corrections shall appoint a full-time peace officer, who shall serve in the classified service subject to the provisions of section 43A.01, subdivision 2, to be the chief law enforcement officer and to be responsible for the management of the fugitive apprehension unit. The chief law enforcement officer shall possess the necessary police and management experience to manage a law enforcement agency. The chief law enforcement officer will have supervisory responsibility for all fugitive apprehension unit members as defined in section 179A.03, subdivision 17. Supervisory personnel must be available any time fugitive apprehension unit members are on duty. The chief law enforcement officer may not hire part-time peace officers as defined in section 626.84, subdivision 1, paragraph (d).

Subd. 5. **Emergencies.** (a) The commissioner of corrections shall ensure that all emergency vehicles used by the fugitive apprehension unit are equipped with radios capable of receiving and transmitting on the same frequencies used by the law enforcement agencies that have primary jurisdiction.

(b) When the fugitive apprehension unit receives an emergency call, it shall notify the public safety agency with primary jurisdiction and coordinate the appropriate response.

(c) Fugitive apprehension unit officers shall notify the primary jurisdiction of their response to the emergency.

Subd. 6. **Compliance.** Except as otherwise provided in this section, the fugitive apprehension unit shall comply with all other statutes to include all deadly force training requirements as defined in section 626.8452 and all administrative rules relating to the operation and management of a law enforcement agency.

History: *2000 c 291 s 1; 2005 c 10 art 2 s 4; 2012 c 155 s 2; 2023 c 52 art 11 s 8-10*

241.026 CORRECTIONAL OFFICERS DISCIPLINE PROCEDURES.

Subdivision 1. **Definitions.** (a) For purposes of this section, the terms defined in this subdivision have the meanings given them.

(b) "Administrative hearing" means a nonjudicial hearing or arbitration authorized to modify, approve, or deny discipline.

(c) "Correctional officer" and "officer" mean a person employed by the state, a state correctional facility, or a local correctional or detention facility in a security capacity.

(d) "Formal statement" means the questioning of the subject officer for the purpose of obtaining information to be used as a basis for discipline of the officer or as evidence in a disciplinary proceeding against the officer.

Subd. 2. **Applicability.** The procedures and provisions of this section apply to state and local correctional authorities.

Subd. 3. **Governing formal statement procedures.** The formal statement of an officer must be taken according to subdivisions 4, 4a, 4b, 4c, 4d, 4e, and 5.

Subd. 4. **Place of formal statement.** The formal statement must be taken at a facility of the employing or investigating agency or at a place agreed to by the investigating individual and the investigated officer.

Subd. 4a. **Complaint.** An officer's formal statement may not be taken unless there is filed with the employing or investigating agency a written complaint signed by the complainant stating the complainant's knowledge, and the officer has been given a summary of the allegations. Complaints stating the signer's knowledge also may be filed by members of the employing agency. Before an administrative hearing is begun, the officer must be given a copy of the signed complaint.

Subd. 4b. **Witnesses; investigative reports.** Upon request, the investigating agency or the officer shall provide the other party with a list of witnesses that the agency or officer expects to testify at the administrative hearing and the substance of the testimony. A party is entitled to copies of any witness statements in the possession of the other party and an officer is entitled to a copy of the investigating agency's investigative report, provided that any references in a witness statement or investigative report that would reveal the identity of confidential informants need not be disclosed except upon order of the person presiding over the administrative hearing for good cause shown.

Subd. 4c. **Sessions.** Sessions at which a formal statement is taken must be of reasonable duration and must give the officer reasonable periods for rest and personal necessities. When practicable, sessions must be held during the officer's regularly scheduled work shift. If the session is not held during the officer's regularly scheduled work shift, the officer must be paid by the employing agency at the officer's current compensation rate for time spent attending the session.

Subd. 4d. **Record.** A complete record of sessions at which a formal statement is taken must be made by electronic recording. Upon written request of the officer whose statement is taken, a complete copy or transcript must be made available to the officer without charge or undue delay. The session may be tape recorded by the investigating officer and by the officer under investigation.

Subd. 4e. **Presence of attorney and union representative.** The officer whose formal statement is taken has the right to have a union representative or an attorney retained by the officer, or both, present during the session. The officer may request the presence of the union representative or attorney, or both, at any time

before or during the session. When a request under this subdivision is made, no formal statement may be taken until a reasonable opportunity is provided for the officer to obtain the presence of the union representative or attorney.

Subd. 5. **Admissions.** Before an officer's formal statement is taken, the officer shall be advised in writing or on the record that admissions made in the course of the formal statement may be used as evidence of misconduct or as a basis for discipline.

Subd. 6. **Disclosure of financial records.** No employer may require an officer to produce or disclose the officer's personal financial records except pursuant to a valid search warrant or subpoena.

Subd. 7. **Release of photographs.** No state or local correctional facility or governmental unit may publicly release photographs of an officer without the written permission of the officer, except that the facility or unit may display a photograph of an officer to a prospective witness as part of an agency or unit investigation.

Subd. 8. **Disciplinary letter.** No disciplinary letter or reprimand may be included in an officer's personnel record unless the officer has been given a copy of the letter or reprimand.

Subd. 9. **Retaliatory action prohibited.** No officer may be discharged, disciplined, or threatened with discharge or discipline as retaliation for or solely by reason of the officer's exercise of the rights provided by this section.

Subd. 10. **Rights not reduced.** The rights of officers provided by this section are in addition to and do not diminish the rights and privileges of officers that are provided under an applicable collective bargaining agreement or any other applicable law.

Subd. 11. **Action for damages.** Notwithstanding section 3.736 or 466.03, a political subdivision or state agency that violates this section is liable to the officer for actual damages resulting from the violation, plus costs and reasonable attorney fees. The political subdivision or the state is deemed to have waived any immunity to a cause of action brought under this subdivision, except that the monetary limits on liability under section 3.736, subdivision 4, or 466.04 apply.

History: *2005 c 136 art 13 s 3; 2026 c 59 s 1-8*

241.03 MS 1971 [Repealed, 1973 c 654 s 14]

241.04 MS 1971 [Repealed, 1973 c 654 s 14]

241.045 Subdivision 1. MS 1982 [Repealed, 1983 c 274 s 19]

Subd. 2. MS 1982 [Repealed, 1983 c 274 s 19]

Subd. 3. MS 1982 [Repealed, 1983 c 274 s 19]

Subd. 3a. MS 1982 [Repealed, 1983 c 274 s 19]

Subd. 4. MS 1982 [Repealed, 1983 c 274 s 19]

Subd. 5. MS 1974 [Repealed, 1976 c 134 s 79; 1983 c 274 s 19]

Subd. 6. MS 1982 [Repealed, 1983 c 274 s 19]

Subd. 7. MS 1982 [Repealed, 1983 c 274 s 19]

Subd. 8. MS 1982 [Repealed, 1983 c 274 s 19]

RELIGION

241.05 RELIGIOUS ACTIVITIES.

The commissioner of corrections shall allow inmates of all prisons and reformatories under the commissioner's control to participate in religious activities, 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 them. No officer or employee of the institution shall attempt to influence the religious belief of any inmate, and no inmate 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; 1998 c 367 art 9 s 5*

RECORDS AND RELEASE OR TRANSFER OF INMATES

241.06 RECORD OF INMATES; COMMISSIONER OF CORRECTIONS.

Subdivision 1. **General.** 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.

Subd. 2. **Sex offender information provided to supervising corrections agency.** When an offender who is required to register as a predatory offender under section 243.166 is being released from prison, the commissioner shall provide to the corrections agency that will supervise the offender, the offender's prison records relating to psychological assessments, medical and mental health issues, and treatment.

Subd. 3. **Substance abuse information provided to supervising corrections agency.** When an offender is being released from prison, the commissioner shall provide to the corrections agency that will supervise the offender prison records relating to that offender's prison-based substance abuse assessments, treatment, and any other substance abuse-related services provided to the offender. If the offender did not participate

in the prison-based substance abuse program to which the offender was directed, the commissioner shall provide the supervising agency with an explanation of the reasons.

History: *1961 c 750 s 13 subd 2; 1979 c 102 s 13; 1986 c 444; 1994 c 631 s 31; 2005 c 136 art 3 s 3; 2006 c 260 art 4 s 5*

241.062 COLLECTION OF INCARCERATED PERSON'S ADDRESS.

(a) As part of an incarcerated person's intake process, the commissioner of corrections must make all reasonable efforts to ensure that the information listed in section 2.93, subdivision 3, clauses (1) to (5), is collected and recorded. The information must be collected in compliance with the format and guidelines developed pursuant to section 2.93, subdivision 5. An incarcerated person who was participating in the Safe at Home program established in chapter 5B, who has safety concerns about providing a last residential address, or who has safety concerns for people residing at that address may decline to provide an address.

(b) The incarcerated person's last residential address and the information listed in section 2.93, subdivision 3, clauses (1) to (5), collected on intake and maintained by the commissioner are private data on individuals as defined in section 13.02, subdivision 12.

(c) Beginning in 2030, the commissioner must provide the information described in this section electronically to the director of the Legislative Coordinating Commission as required in section 2.93.

History: *2024 c 112 art 5 s 3*

241.065 CONDITIONAL RELEASE DATA SYSTEM.

Subdivision 1. **Definition.** As used in this section, "conditional release" means probation, conditional release, and supervised release.

Subd. 2. **Establishment; access to data.** (a) The Department of Corrections shall administer and maintain a computerized data system for the purpose of assisting criminal justice agencies in conducting official duties and in monitoring and enforcing the conditions of conditional release imposed on criminal offenders by a sentencing court or the commissioner of corrections.

(b) The adult data and juvenile data, as defined in section 260B.171, in the statewide supervision system are private data on individuals, as defined in section 13.02, subdivision 12. Subject to paragraph (c), the data are accessible to:

(1) criminal justice agencies as defined in section 13.02, subdivision 3a;

(2) the Minnesota Sex Offender Program as provided in section 246B.04, subdivision 3;

(3) public defenders as provided in section 611.272;

(4) all trial courts and appellate courts; and

(5) criminal justice agencies in other states.

(c) Case planning data in the statewide supervision system are private data on individuals, as defined in section 13.02, subdivision 12. Case planning data are accessible to state prison facility staff, correction staff in community corrections act counties and county probation counties, and Department of Corrections field services staff for purposes of monitoring and enforcing conditions of conditional release. A finalized case plan may be provided to community service providers for the purposes described under paragraph (a).

(d) Adult data in the statewide supervision system are accessible to the secretary of state for the purposes described in section 201.145.

Subd. 3. **Authority to enter or retrieve data.** Only criminal justice agencies may submit data to the statewide supervision system and only persons who are authorized users under subdivision 2 may obtain data from the system. The commissioner of corrections may require that any or all information be submitted to the statewide supervision system. A consent to the release of data in the statewide supervision system from the individual who is the subject of the data is not effective.

Subd. 4. **Procedures.** (a) The Department of Corrections shall adopt procedures to provide for the orderly collection, entry, retrieval, and deletion of data contained in the statewide supervision system.

(b) The Department of Corrections shall establish and implement audit requirements to ensure that authorized users comply with applicable data practices laws governing access to and use of the data.

History: *1998 c 367 art 7 s 6; 2000 c 377 s 2,3; 1Sp2001 c 8 art 6 s 4; 2002 c 233 s 3-5; 2009 c 111 s 4; 2013 c 82 s 18; 2013 c 131 art 3 s 6; 2017 c 83 art 1 s 5; 2017 c 92 art 1 s 28*

241.067 RELEASE OF INMATES; DUTIES OF COMMISSIONER.

Subdivision 1. **Duties upon release.** When releasing an inmate from prison, the commissioner shall:

(1) provide the inmate with a copy of the inmate's unofficial criminal history compiled by the department and marked as unofficial;

(2) provide information to the inmate on how to obtain the inmate's full official criminal history from the Bureau of Criminal Apprehension;

(3) provide general information to the inmate describing the laws and processes for obtaining an expungement of the inmate's criminal record;

(4) provide general information on the inmate's right to vote;

(5) provide the inmate with current information on local career workforce centers in the county in which the inmate will reside and, upon the inmate's request, other counties;

(6) provide the inmate with a record of the programs that the inmate completed while in prison;

(7) provide the inmate with an accounting of any court-ordered payments, fines, and fees owed by the inmate upon release of which the department has knowledge;

(8) provide assistance to the inmate in obtaining a Social Security card;

(9) provide the inmate with a medical discharge summary;

(10) provide the inmate with information on how the inmate may obtain a complete copy of the inmate's medical record at no charge to the inmate; and

(11) provide the inmate with general information on the Supplemental Nutrition Assistance Program (SNAP) benefits, eligibility criteria, and application process.

Subd. 2. **Assistance relating to birth certificate and identification cards.** (a) Upon the request of an inmate, the commissioner shall assist the inmate in obtaining a copy of the inmate's birth certificate at no cost to the inmate. This assistance does not apply to inmates who (1) upon intake have six months or less remaining in their term of imprisonment, (2) already have an accessible copy of their birth certificate available

or other valid identification, or (3) already have a valid photograph on file with the Department of Public Safety that may be used as proof of identity for renewing an identification document.

(b) The commissioner, in collaboration with the Department of Public Safety, shall facilitate the provision of a state identification card to an inmate at no cost to the inmate under the same criteria described in paragraph (a) relating to birth certificates, provided the inmate possesses the necessary qualifying documents to obtain the card.

(c) The commissioner shall inform inmates of the commissioner's duties under paragraphs (a) and (b) upon intake and again upon the initiation of release planning.

Subd. 3. **Medical assistance or MinnesotaCare application.** At least 45 days before the scheduled release of an inmate, the commissioner shall offer to assist the inmate in completing an application for medical assistance or MinnesotaCare and shall provide the assistance if the inmate accepts the offer.

Subd. 4. **Medications.** (a) When releasing an inmate from prison, the commissioner shall provide the inmate with a one-month supply of any non-narcotic medications that have been prescribed to the inmate and a prescription for a 30-day supply of these medications that may be refilled twice.

(b) Paragraph (a) applies only to the extent the requirement is consistent with clinical guidelines and permitted under state and federal law.

(c) Nothing in this subdivision overrides the requirements in section 244.054.

Subd. 5. **Exception; release violators.** With the exception of subdivision 4, this section does not apply to inmates who are being imprisoned for a release violation. The requirements in subdivision 4 apply to all inmates being released.

History: *2021 c 24 s 2*

241.068 HOMELESSNESS MITIGATION PLAN; ANNUAL REPORTING ON HOMELESSNESS.

Subdivision 1. **Homelessness mitigation plan; report.** (a) The commissioner of corrections shall develop and implement a homelessness mitigation plan for individuals released from prison. At minimum, the plan must include:

(1) redesigning of business practices and policies to boost efforts to prevent homelessness for all persons released from prison;

(2) efforts to increase interagency and intergovernmental collaboration between state and local governmental units to identify and leverage shared resources; and

(3) development of internal metrics for the agency to report on its progress toward implementing the plan and achieving the plan's goals.

(b) The commissioner shall submit the plan to the chairs and ranking minority members of the legislative committees having jurisdiction over criminal justice policy and finance and housing finance and policy by October 31, 2022.

Subd. 2. **Reporting on individuals released to homelessness.** (a) By February 15 of each year beginning in 2022, the commissioner shall report to the chairs and ranking minority members of the legislative committees having jurisdiction over criminal justice policy and finance and housing finance and policy the following information on adults, disaggregated by race, gender, and county of release:

(1) the total number released to homelessness from prison;

(2) the total number released to homelessness by each Minnesota correctional facility;

(3) the total number released to homelessness by county of release; and

(4) the total number under supervised, intensive supervised, or conditional release following release from prison who reported experiencing homelessness or a lack of housing stability.

(b) Beginning with the 2024 report and continuing until the 2033 report, the commissioner shall include in the report required under paragraph (a) information detailing progress, measures, and challenges to the implementation of the homelessness mitigation plan required by subdivision 1.

History: *2021 c 24 s 3*

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 Direct Care and Treatment executive board 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 Direct Care and Treatment executive board 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; 2024 c 79 art 10 s 3*

MONEY AND FUNDS

241.08 MONEY OF INMATES OF CORRECTIONAL INSTITUTIONS.

Subdivision 1. **Commissioner custodian of money.** 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 commissioner of management and budget. On receipt of such statement, the commissioner shall transmit the same to the commissioner of management and budget, together with such check. 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

commissioner of management and budget 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. **Inmate bank deposits.** 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; 2003 c 112 art 2 s 28; 2009 c 101 art 2 s 109*

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 commissioner of management and budget 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 commissioner of management and budget 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; 2003 c 112 art 2 s 50; 2009 c 101 art 2 s 109*

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 the

statement, the commissioner shall transmit the same to the commissioner of management and budget, who shall deliver 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; 2003 c 112 art 2 s 29; 2009 c 101 art 2 s 109*

241.105 SOCIAL SECURITY ADMINISTRATION INCENTIVE PAYMENTS; INMATE DISCHARGE PLANNING.

Money received by the commissioner of corrections from the Social Security Administration as a result of the incentive payment agreement under the Personal Responsibility and Work Opportunity Reconciliation Act, Public Law 104-193, section 1611(e)(1), and Public Law 106-170, section 202(x)(3), is appropriated to the commissioner of corrections for discharge planning for inmates with mental illness.

History: *2006 c 260 art 4 s 6*

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 MS 1971 [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 management and budget for a payment 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 Thistledew 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; 2003 c 112 art 2 s 30; 2009 c 101 art 2 s 109; 1Sp2019 c 10 art 3 s 40*

EMPLOYMENT PHYSICAL EXAMINATION

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 Management and Budget, 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; 2008 c 204 s 42; 2009 c 101 art 2 s 109*

241.15 MS 1980 [Repealed, 1981 c 192 s 21]

CEMETERY AND BURIAL

241.16 CEMETERY AT CORRECTIONAL FACILITIES.

Subdivision 1. **Cemetery establishment.** 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. **Surveyance.** The land shall be surveyed and a plat thereof made.

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

Subd. 4. **Plat; lots.** 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. **Certification of plat.** The surveyor shall certify as to the correctness of the plat by an endorsement thereon.

Subd. 6. **Plat recorded.** 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. **Removal of buried person.** 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. **Petition for removal.** 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. **Hearing.** 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 completion 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*

241.19 MS 2000 [Repealed, 2001 c 210 s 30]

INMATE WORK, EDUCATION, AND ACTIVITIES

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 MS 1961 [Repealed, 1963 c 753 art 2 s 17]

241.241 PRISON GARDENING PROGRAM.

The commissioner shall establish a gardening program for inmates at each correctional facility where space and security allows for operation of a garden. The garden shall be primarily tended by inmates. The commissioner shall strive to raise produce that can be used to feed inmates in state correctional facilities. The commissioner shall donate any portion of the harvest that cannot be used to feed inmates to food shelves and charities located near the correctional facility where the produce was grown.

History: *2012 c 155 s 3*

241.25 MS 1992 [Repealed, 1993 c 326 art 8 s 17]

241.251 PRESS AND MEDIA ACCESS FOR INMATES.

Subdivision 1. **Right of press access.** 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. **Right of correspondence.** 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. **News media interviews.** 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. **Definition; news media representative.** 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. **Definition; emergency.** 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*

241.252 FREE COMMUNICATION SERVICES FOR INCARCERATED PERSONS.

Subdivision 1. **Free communication services.** (a) A state adult or juvenile facility under the control of the commissioner of corrections must provide incarcerated persons with voice communication services. A facility may supplement voice communication services with other communication services, including but not limited to video communication and email or electronic messaging services. A facility must at least continue to offer the services the facility offered as of January 1, 2023.

(b) To the extent that voice communication services are provided, which must not be limited beyond program participation and routine facility policies and procedures, neither the individual initiating the communication nor the individual receiving the communication must be charged for the service.

Subd. 2. **Voice communication services restrictions.** Nothing in this section allows an incarcerated person to violate an active protection order, harassment restraining order, or other no-contact order or directive.

Subd. 3. **State revenue prohibited.** A state agency must not receive revenue from the provision of voice communication services or any other communication services under this section, but an agency may collect commissions on communication services provided under any contract entered into before January 1, 2023.

Subd. 4. **Visitation programs.** (a) Facilities shall maintain in-person visits for incarcerated persons, and communication services must not be used to replace a facility's in-person visitation program.

(b) Notwithstanding paragraph (a), the commissioner may waive the in-person visitation program requirement under this subdivision if there is:

(1) a declared emergency under section 12.31; or

(2) a local-, state-, or federal-declared natural disaster.

Subd. 5. **Reporting.** The Department of Corrections must include the following information covering the previous calendar year in its annual performance report required under section 241.016:

(1) its efforts to renegotiate the agency's communication contracts, including the rates the agency is paying or charging incarcerated people or community members for any and all services in the contracts;

(2) a complete and detailed accounting of how legislatively appropriated funds for communication services are spent, including spending on expenses previously covered by commissions; and

(3) data on usage of all communication services, including monthly call and message volume.

Subd. 6. **Definitions.** For the purposes of this section, the following terms have the meanings given:

(1) "voice communications" means real-time, audio-only communication services, namely phone calls made over wireline telephony, voice over Internet protocol, or any other technology infrastructure; and

(2) "other communication services" means communication services other than voice communications, including but not limited to video calls and electronic messages.

History: *2023 c 52 art 11 s 11*

241.253 REPORTING ON INMATE COMMUNICATION SERVICES REQUIRED.

(a) By February 28 of each year, each county and regional correctional facility in the state, including a jail, juvenile detention center, workhouse, or lockup, must report to the commissioner of corrections on their communications contracts for incarcerated people. The report must include the total number of phone calls, phone call minutes, video visits, and e-messages initiated or received by incarcerated people in such facilities during the preceding calendar year. The report must also include the total amount of revenue generated by vendors at each facility in the preceding calendar year. The report must also include the total amount of commissions earned by each county and regional correctional facility, including a jail, juvenile detention center, workhouse, or lockup, during the preceding calendar year. The report must also include how the commissions were spent.

(b) For the purposes of this section, "commission" means any form of monetary payment, in-kind payment requirement, gift, exchange of services or goods, fee, or technology allowance.

(c) By March 21 of each year, the commissioner must compile the county and regional jail communications data collected under paragraph (a) into a single report and submit the report to the chairs and ranking minority members of the legislative committees with jurisdiction over criminal justice policy.

History: *2024 c 123 art 8 s 5*

241.254 LANGUAGE ACCESS.

The commissioner of corrections shall take reasonable steps to provide meaningful access to limited English proficient (LEP) individuals incarcerated, detained, or supervised by the Department of Corrections. The commissioner shall develop written policy and annual training to implement language access for LEP individuals.

History: *2023 c 52 art 11 s 6 ; 2026 c 97 art 5 s 9*

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) 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.

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; 1999 c 126 s 6*

241.265 MS 2022 [Repealed, 2024 c 123 art 8 s 32]

241.267 PRISON EDUCATION PARTNERSHIPS.

The commissioner may not enter into an agreement or establish a prison education partnership with a higher education institution that:

(1) is organized as a private, for-profit postsecondary institution as described in section 136A.62, subdivision 3, clause (2), item (ii); or

(2) charges incarcerated students a higher per-credit rate than the rate for nonincarcerated students.

History: *2024 c 123 art 8 s 6*

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

Subdivision 1. **Establishment of Minnesota correctional industries; MINNCOR industries.** For the purpose of providing adequate, regular and suitable employment, educational 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, educational training and development of proper work habits of the inmates of state correctional facilities. The industrial and commercial activities authorized by this section are designated MINNCOR industries and shall be for the primary purpose of sustaining and ensuring MINNCOR industries' self-sufficiency, providing educational 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 solely as competitive business ventures. The net profits from these activities shall be used for the benefit of the inmates as it relates to education, self-sufficiency skills, and transition services and not to fund non-inmate-related activities or mandates. 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 Education, the state Apprenticeship Council, the state Department of Labor and Industry, the Department of Employment and Economic Development, 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 educational 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. 1a. **Marketing plan.** The commissioner of corrections shall develop, implement, and maintain a formal marketing plan to attract private sector businesses and industries and state and local government agencies to employ incarcerated offenders through MINNCOR industries. The plan shall be reviewed and updated annually by the commissioner of corrections.

Subd. 1b. **Definition.** "Private business" means an entity organized under the laws of this state or a foreign jurisdiction, but does not include a governmental unit.

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 services, materials, and commodities used in and held for resale are not subject to the competitive bidding procedures of section 16C.06, but are subject to all other provisions of chapters 16B and 16C. When practical, purchases must be made from small targeted group businesses designated under section 16C.16. Additionally, the expenses of inmate educational training, self-sufficiency skills, transition services, and the inmate release fund may be financed from the correctional industries revolving fund in an amount to be determined by the commissioner or the MINNCOR chief executive officer as duly appointed 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. An amount deposited in the state treasury equal to six months of net operating cash as determined by the prior 12 months of revenue and cash flow statements, shall be restricted for use only by correctional industries as described under subdivision 2. For purposes of this subdivision, "net operating cash" means net income minus sales plus cost of goods sold. Cost of goods sold include all direct costs of correctional industry products attributable to their production. 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, six months of net operating cash as determined by the previous 12 months of the correctional industries' revenue and cash flow statements.

When the commissioner of corrections shall certify to the commissioner of management and budget 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, and the commissioner of management and budget may, in the commissioner's 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 commissioner of management and budget, together with interest thereon at such rate as shall be specified by the commissioner of management and budget, not exceeding four percent per annum. When any transfer shall so have been made to the correctional industries revolving fund, the commissioner of management and budget 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.

Subd. 6. **Reports and financial statements.** (a) MINNCOR shall include its full costs for inmate wages and the money it receives from the department for inmate confinement costs in its annual financial statements and reports. In addition, MINNCOR shall disclose in its annual report:

(1) how the money it receives from the department for inmate confinement costs affects its profitability; and

(2) a calculation of the profitability of each contract MINNCOR has with private businesses consistent with the requirements set forth in subdivision 7, paragraph (a).

(b) MINNCOR must post on the agency's public-facing website the Prison Industry Enhancement Certification Program wage for each region of the state where MINNCOR is contracting with a private business.

Subd. 7. **Interactions with private businesses.** (a) MINNCOR must participate in the United States Bureau of Justice Assistance's Prison Industry Enhancement Certification Program (PIECP). When implementing the PIECP, MINNCOR must:

(1) calculate the PIECP wage, which is the prevailing wage rate for each region of the state where MINNCOR is contracting with a private business based on the Department of Employment and Economic Development's wage survey, and set the rate at the 50th percentile for each region;

(2) separately track wages paid to inmates at either the PIECP wage or the non-PIECP wage, which is a wage rate that is exempt from the PIECP's prevailing wage requirement;

(3) not use a blended wage rate that combines PIECP wages and non-PIECP wages when assessing and evaluating contract costs, profitability, and potential partnerships with private businesses; and

(4) classify and document each inmate's MINNCOR position as either a PIECP wage position or a non-PIECP wage position.

(b) MINNCOR must not subsidize private businesses, including but not limited to using the costs of confinement to offset contract costs, to manipulate a contract's profitability calculation, or to otherwise reduce a private business' operating expenses.

(c) MINNCOR must account for all labor, manufacturing, general, and administrative costs when establishing standard contract rates.

(d) MINNCOR must recapture the fair market value for use of Department of Corrections floor space and storage that is dedicated to a private business.

(e) When entering into a contract and calculating labor costs, MINNCOR must use the prevailing wage rate for the industry in which the inmates are working as determined by the Department of Employment and Economic Development.

(f) Before entering a contract with MINNCOR, a private business must disclose to MINNCOR the total number of full-time equivalent positions the private business employs and must update that number at least

quarterly during the contract term. The number of positions filled by incarcerated persons under a contract with the private business may not exceed four incarcerated persons for every one full-time equivalent employee of the private business.

(g) MINNCOR shall use revenue contracts or purchase orders on forms approved by the Department of Administration whenever it allows private businesses to use inmate labor. MINNCOR shall determine whether to use a revenue contract or a purchase order according to criteria that the Department of Corrections has approved having taken into account the recommendations of the legislative auditor contained in its 2009 report on MINNCOR.

(h) MINNCOR shall develop a uniform method to report sales and expenditure data related to individual labor arrangements with private businesses. MINNCOR shall review the data annually to assess how the arrangements, both individually and collectively, affect MINNCOR achieving its goals of high inmate participation in industry and profitability.

Subd. 8. **Contracts or purchase orders; work on projects before and after.** MINNCOR may not begin work on a project until a contract or purchase order has been signed and may not continue work on a project after a contract or purchase order has expired.

Subd. 9. **Displacement of private sector workers; verification.** The commissioner of employment and economic development must verify that each PIECP contract MINNCOR enters will not result in the displacement of employed private sector workers in the geographic region where MINNCOR facilities are located and the geographic region where the private business is located.

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; 1Sp1995 c 3 art 16 s 13; 1998 c 386 art 2 s 72; 2003 c 112 art 2 s 50; 2003 c 130 s 12; 2007 c 54 art 6 s 6-9; 2008 c 299 s 3; 2009 c 78 art 2 s 33; 2009 c 83 art 3 s 7-10; 2009 c 101 art 2 s 109; 2026 c 97 art 4 s 2-5*

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*

241.272 MS 2022 [Repealed, 2023 c 52 art 17 s 35]

241.275 PRODUCTIVE DAY INITIATIVE PROGRAMS; CORRECTIONAL FACILITIES.

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.

Subd. 3. **Eligibility.** The administrators of each productive day program shall develop criteria for offender 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. MS 1998 [Repealed, 1999 c 216 art 4 s 17]

History: *1994 c 636 art 6 s 4; 1996 c 408 art 8 s 3; 1999 c 216 art 4 s 5,6*

241.277 MS 1998 [Repealed, 1999 c 216 art 4 s 17]

241.278 AGREEMENTS FOR WORK FORCE OF STATE OR COUNTY JAIL INMATES.

The commissioner of corrections, in the interest of inmate rehabilitation or to promote programs under section 241.275, subdivision 2, may enter into interagency agreements with state, county, or municipal agencies, or contract with nonprofit agencies to manage, fund, or partially fund the cost of programs that use state or county jail inmates as a work force. The commissioner is authorized to receive funds via these agreements and these funds are appropriated to the commissioner for community service programming or when prison industries are party to the agreement, shall be deposited in the Minnesota correctional industries revolving fund for use as described under section 241.27, subdivision 2.

History: *1998 c 367 art 9 s 9; 2007 c 54 art 6 s 10*

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 rendition 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 243.1605, fingerprints and thumbprints of the inmate, parolee, or probationer are obtained and forwarded by electronic entry into a Bureau of Criminal Apprehension-managed searchable database within 24 hours of receipt. The bureau shall convert the fingerprints and thumbprints into an electronic format for entry into the searchable database within three business days of receipt if the data is not entered by the commissioner.

History: *1992 c 571 art 13 s 2; 2008 c 299 s 4; 2013 c 86 art 4 s 1*

COMMUNITY CORRECTIONS PROGRAMS

241.31 ESTABLISHMENT AND OPERATION BY MUNICIPALITY.

Subdivision 1. **Establishment of program.** 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. **Administration.** 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. **Acquisition of premises by purchase, lease, or gift.** 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. **Funds.** 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. **Minimum standards.** 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. Community corrections programs must maintain a supply of opiate antagonists, as defined in section 604A.04, subdivision 1, at each correctional site to be administered in compliance with section 151.37, subdivision 12. Each site must have at least two doses of an opiate antagonist on site. Staff must be trained on how and when to administer opiate antagonists.

Subd. 6. **Lease of hospital buildings.** With the approval of the Direct Care and Treatment executive board 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. **Grants.** 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; 2023 c 61 art 5 s 3; 2024 c 79 art 10 s 3*

241.32 ESTABLISHMENT AND OPERATION BY STATE.

Subdivision 1. **Community correctional programs.** 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. **Custodial control.** 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. **Acquisition of program funds.** 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.

Subd. 4. **Emergency housing rental agreements.** The commissioner of corrections may enter into rental agreements per industry standards for emergency housing for inmates.

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; 1Sp2001 c 9 art 18 s 10; 2002 c 379 art 1 s 113*

BLOOD-BORNE PATHOGENS; CORRECTIONS EMPLOYEE EXPOSURE

241.33 DEFINITIONS.

Subdivision 1. **Scope of definitions.** For purposes of sections 241.33 to 241.342, the following terms have the meanings given them.

Subd. 2. **Blood-borne pathogens.** "Blood-borne pathogens" means pathogenic microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV), hepatitis C virus (HCV), and human immunodeficiency virus (HIV).

Subd. 3. **Correctional facility.** "Correctional facility" means a state or local correctional facility.

Subd. 4. **Corrections employee.** "Corrections employee" means an employee of a state or local correctional agency.

Subd. 5. **Inmate.** "Inmate" means an individual who is in the custody or under the jurisdiction of the commissioner of corrections or a local correctional authority and is confined in a state or local correctional facility either before or after conviction.

Subd. 6. **Significant exposure.** "Significant exposure" means contact likely to transmit a blood-borne pathogen, in a manner supported by the most current guidelines and recommendations of the United States Public Health Service at the time an evaluation takes place, that includes:

(1) percutaneous injury, contact of mucous membrane or nonintact skin, or prolonged contact of intact skin; and

(2) contact, in a manner that may transmit a blood-borne pathogen, with blood, tissue, or potentially infectious body fluids.

History: *2000 c 422 s 27*

241.331 CONDITIONS FOR APPLICABILITY OF PROCEDURES.

Subdivision 1. **Request for procedures.** A corrections employee may request that the procedures of sections 241.33 to 241.342 be followed when the corrections employee may have experienced a significant exposure to an inmate.

Subd. 2. **Conditions.** The correctional facility shall follow the procedures in sections 241.33 to 241.342 when all of the following conditions are met:

(1) a licensed physician determines that a significant exposure has occurred following the protocol under section 241.341;

(2) the licensed physician for the corrections employee needs the inmate's blood-borne pathogens test results to begin, continue, modify, or discontinue treatment in accordance with the most current guidelines of the United States Public Health Service, because of possible exposure to a blood-borne pathogen; and

(3) the corrections employee consents to providing a blood sample for testing for a blood-borne pathogen.

History: *2000 c 422 s 28*

241.332 INFORMATION REQUIRED TO BE GIVEN TO INDIVIDUALS.

Subdivision 1. **Information to inmate.** (a) Before seeking any consent required by the procedures under sections 241.33 to 241.342, a correctional facility shall inform the inmate that the inmate's blood-borne pathogen test results, without the inmate's name or other uniquely identifying information, shall be reported to the corrections employee if requested and that test results collected under sections 241.33 to 241.342 are for medical purposes as set forth in section 241.338 and may not be used as evidence in any criminal proceedings or civil proceedings, except for procedures under sections 144.4171 to 144.4186.

(b) The correctional facility shall inform the inmate of the insurance protections in section 72A.20, subdivision 29.

(c) The correctional facility shall inform the inmate that the inmate may refuse to provide a blood sample and that the inmate's refusal may result in a request for a court order to require the inmate to provide a blood sample.

(d) The correctional facility shall inform the inmate that the correctional facility will advise the corrections employee of the confidentiality requirements and penalties before the employee's health care provider discloses any test results.

Subd. 2. **Information to corrections employee.** (a) Before disclosing any information about the inmate, the correctional facility shall inform the corrections employee of the confidentiality requirements of section 241.339.

(b) The correctional facility shall inform the corrections employee of the insurance protections in section 72A.20, subdivision 29.

History: *2000 c 422 s 29; 2015 c 21 art 1 s 34*

241.333 DISCLOSURE OF POSITIVE BLOOD-BORNE PATHOGEN TEST RESULTS.

If the conditions of sections 241.331 and 241.332 are met, the correctional facility shall ask the inmate if the inmate has ever had a positive test for a blood-borne pathogen. The correctional facility must attempt to get existing test results under this section before taking any steps to obtain a blood sample or to test for blood-borne pathogens. The correctional facility shall disclose the inmate's blood-borne pathogen test results to the corrections employee without the inmate's name or other uniquely identifying information.

History: *2000 c 422 s 30*

241.334 CONSENT PROCEDURES GENERALLY.

(a) For purposes of sections 241.33 to 241.342, whenever the correctional facility is required to seek consent, the correctional facility shall obtain consent from an inmate or an inmate's representative consistent with other law applicable to consent.

(b) Consent is not required if the correctional facility has made reasonable efforts to obtain the representative's consent and consent cannot be obtained within 24 hours of a significant exposure.

(c) If testing of available blood occurs without consent because the inmate is unconscious or unable to provide consent, and a representative cannot be located, the correctional facility shall provide the information required in section 241.332 to the inmate or representative whenever it is possible to do so.

(d) If an inmate dies before an opportunity to consent to blood collection or testing under sections 241.33 to 241.342, the correctional facility does not need consent of the inmate's representative for purposes of sections 241.33 to 241.342.

History: *2000 c 422 s 31*

241.335 TESTING OF AVAILABLE BLOOD.

Subdivision 1. **Procedures with consent.** If a sample of the inmate's blood is available, the correctional facility shall ensure that blood is tested for blood-borne pathogens with the consent of the inmate, provided the conditions in sections 241.331 and 241.332 are met.

Subd. 2. **Procedures without consent.** If the inmate has provided a blood sample, but does not consent to blood-borne pathogens testing, the correctional facility shall ensure that the blood is tested for blood-borne pathogens if the corrections employee requests the test, provided all of the following criteria are met:

(1) the corrections employee and correctional facility have documented exposure to blood or body fluids during performance of the employee's work duties;

(2) a licensed physician has determined that a significant exposure has occurred under section 241.341 and has documented that blood-borne pathogen test results are needed for beginning, modifying, continuing, or discontinuing medical treatment for the corrections employee as recommended by the most current guidelines of the United States Public Health Service;

(3) the corrections employee provides a blood sample for testing for blood-borne pathogens as soon as feasible;

(4) the correctional facility asks the inmate to consent to a test for blood-borne pathogens and the inmate does not consent;

(5) the correctional facility has provided the inmate and the corrections employee with all of the information required by section 241.332; and

(6) the correctional facility has informed the corrections employee of the confidentiality requirements of section 241.339.

Subd. 3. **Follow-up.** The correctional facility shall inform the inmate whose blood was tested of the results. The correctional facility shall inform the corrections employee's health care provider of the inmate's test results without the inmate's name or other uniquely identifying information.

History: *2000 c 422 s 32; 2015 c 21 art 1 s 35*

241.336 BLOOD SAMPLE COLLECTION FOR TESTING.

Subdivision 1. **Procedures with consent.** (a) If a blood sample is not otherwise available, the correctional facility shall obtain consent from the inmate before collecting a blood sample for testing for blood-borne pathogens. The consent process shall include informing the inmate that the inmate may refuse to provide a

blood sample and that the inmate's refusal may result in a request for a court order under subdivision 2 to require the inmate to provide a blood sample.

(b) If the inmate consents to provide a blood sample, the correctional facility shall collect a blood sample and ensure that the sample is tested for blood-borne pathogens.

(c) The correctional facility shall inform the corrections employee's health care provider about the inmate's test results without the inmate's name or other uniquely identifying information. The correctional facility shall inform the inmate of the test results.

(d) If the inmate refuses to provide a blood sample for testing, the correctional facility shall inform the corrections employee of the inmate's refusal.

Subd. 2. **Procedures without consent.** (a) A correctional facility or a corrections employee may bring a petition for a court order to require an inmate to provide a blood sample for testing for blood-borne pathogens. The petition shall be filed in the district court in the county where the inmate is confined. The correctional facility shall serve the petition on the inmate three days before a hearing on the petition. The petition shall include one or more affidavits attesting that:

(1) the correctional facility followed the procedures in sections 241.33 to 241.342 and attempted to obtain blood-borne pathogen test results according to those sections;

(2) a licensed physician knowledgeable about the most current recommendations of the United States Public Health Service has determined that a significant exposure has occurred to the corrections employee under section 241.341; and

(3) a physician has documented that the corrections employee has provided a blood sample and consented to testing for blood-borne pathogens and blood-borne pathogen test results are needed for beginning, continuing, modifying, or discontinuing medical treatment for the corrections employee under section 241.341.

(b) Facilities shall cooperate with petitioners in providing any necessary affidavits to the extent that facility staff can attest under oath to the facts in the affidavits.

(c) The court may order the inmate to provide a blood sample for blood-borne pathogen testing if:

(1) there is probable cause to believe the corrections employee has experienced a significant exposure to the inmate;

(2) the court imposes appropriate safeguards against unauthorized disclosure that must specify the persons who have access to the test results and the purposes for which the test results may be used;

(3) a licensed physician for the corrections employee needs the test results for beginning, continuing, modifying, or discontinuing medical treatment for the corrections employee; and

(4) the court finds a compelling need for the test results. In assessing compelling need, the court shall weigh the need for the court-ordered blood collection and test results against the interests of the inmate, including, but not limited to, privacy, health, safety, or economic interests. The court shall also consider whether involuntary blood collection and testing would serve the public interests.

(d) The court shall conduct the proceeding in camera unless the petitioner or the inmate requests a hearing in open court and the court determines that a public hearing is necessary to the public interest and the proper administration of justice.

(e) The inmate may arrange for counsel in any proceeding brought under this subdivision.

Subd. 3. **Procedures without consent; expedited process.** (a) As used in this subdivision, "qualified physician" means a person who:

(1) is a licensed physician employed by or under contract with the correctional facility to provide services to employees and inmates; and

(2) is an infectious disease specialist or consults with an infectious disease specialist or a hospital infectious disease officer.

(b) An inmate in a correctional facility is subject to the release of medical information related to blood-borne pathogen infections or the collection and testing of a blood sample if a significant exposure occurs as determined by procedures in section 241.331, subdivision 2, clause (1). In the absence of affirmative consent and cooperation in the release of medical information or collection of a blood sample, the head of a correctional facility, having reported to and consulted with the state epidemiologist, may order an inmate to provide release of medical information related to blood-borne pathogen infections or a blood sample for testing for blood-borne pathogens if:

(1) the correctional facility followed the procedures in sections 241.33 to 241.336, subdivision 1, and 241.337 to 241.342 and attempted to obtain blood-borne pathogen test results according to those sections;

(2) a qualified physician has determined that a significant exposure has occurred to the corrections employee under section 241.341;

(3) a qualified physician has documented that the corrections employee has received vaccinations for preventing blood-borne pathogens, provided a blood sample, and consented to testing for blood-borne pathogens, and that blood-borne pathogen test results are needed for beginning, continuing, modifying, or discontinuing medical treatment for the corrections employee under section 241.341;

(4) the head of the correctional facility has received affidavits from qualified physicians, treating the corrections worker and the inmate, attesting that a significant exposure has occurred to the corrections employee under section 241.341;

(5) the correctional facility imposes appropriate safeguards against unauthorized disclosure and use of medical information or samples consistent with those established in sections 241.331 to 241.339;

(6) a qualified physician for the corrections employee needs the test results for beginning, continuing, modifying, or discontinuing medical treatment for the corrections employee; and

(7) the head of the correctional facility finds a compelling need for the medical information or test results.

In assessing whether a compelling need exists under clause (7), the head of the correctional facility shall weigh the officer's need for the exchange of medical information or blood collection and test results against the interests of the inmate, including, but not limited to, privacy, health, safety, or economic interests. The head of the correctional facility shall also consider whether release of medical information or involuntary blood collection and testing would serve or harm public health interests.

(c) Each state and local correctional facility shall adopt a plan for implementing by July 1, 2006, policies and procedures for:

(1) the education and treatment of corrections employees and inmates that are consistent with those established by the Department of Corrections;

(2) ensuring that corrections employees and inmates are routinely offered and are provided voluntary vaccinations to prevent blood-borne pathogen infections;

(3) ensuring that corrections employees and inmates are routinely offered and are provided with voluntary postexposure prophylactic treatments for blood-borne pathogen infections in accordance with the most current guidelines of the United States Public Health Service; and

(4) ensuring voluntary access to treatment for blood-borne pathogen infections in accordance with the most current guidelines of the United States Public Health Service for corrections workers or inmates who are determined to have a blood-borne pathogen infection through procedures established in sections 241.331 to 241.339.

(d) The commissioner of corrections and the director of each local correctional facility shall provide written notice to each inmate through the inmate handbook, or a comparable document, of the provisions of this subdivision.

History: *2000 c 422 s 33; 2004 c 252 s 1; 2015 c 21 art 1 s 36*

241.337 NO CARE OR TREATMENT WITHHELD.

A correctional facility shall not withhold care or treatment on the requirement that the inmate consent to blood-borne pathogen testing under sections 241.33 to 241.342.

History: *2000 c 422 s 34*

241.338 USE OF TEST RESULTS.

Blood-borne pathogen test results of an inmate obtained under sections 241.33 to 241.342 are for diagnostic purposes and to determine the need for treatment or medical care specific to a blood-borne pathogen-related illness. The test results may not be used as evidence in any criminal proceedings or civil proceedings, except for procedures under sections 144.4171 to 144.4186.

History: *2000 c 422 s 35*

241.339 TEST INFORMATION CONFIDENTIALITY.

Test results obtained under sections 241.33 to 241.342 are private data as defined in sections 13.02, subdivision 12, and 13.85, subdivision 2, but shall be released as provided by sections 241.33 to 241.342.

History: *2000 c 422 s 36*

241.34 MS 2012 [Repealed, 2014 c 218 s 10]

241.341 PROTOCOL FOR EXPOSURE TO BLOOD-BORNE PATHOGENS.

(a) Correctional facilities shall follow applicable Occupational Safety and Health Administration guidelines under Code of Federal Regulations, title 29, part 1910.1030, for blood-borne pathogens.

(b) Every correctional facility shall adopt and follow a postexposure protocol for corrections employees who have experienced a significant exposure. The postexposure protocol must adhere to the most current recommendations of the United States Public Health Service and include, at a minimum, the following:

(1) a process for corrections employees to report an exposure in a timely fashion;

(2) a process for an infectious disease specialist, or a licensed physician who is knowledgeable about the most current recommendations of the United States Public Health Service in consultation with an infectious disease specialist, (i) to determine whether a significant exposure to one or more blood-borne pathogens has occurred, and (ii) to provide, under the direction of a licensed physician, a recommendation or recommendations for follow-up treatment appropriate to the particular blood-borne pathogen or pathogens for which a significant exposure has been determined;

(3) if there has been a significant exposure, a process to determine whether the inmate has a blood-borne pathogen through disclosure of test results, or through blood collection and testing as required by sections 241.33 to 241.342;

(4) a process for providing appropriate counseling prior to and following testing for a blood-borne pathogen regarding the likelihood of blood-borne pathogen transmission and follow-up recommendations according to the most current recommendations of the United States Public Health Service, recommendations for testing, and treatment;

(5) a process for providing appropriate counseling under clause (4) to the corrections employee and inmate; and

(6) compliance with applicable state and federal laws relating to data practices, confidentiality, informed consent, and the patient bill of rights.

History: *2000 c 422 s 38*

241.342 IMMUNITY.

A correctional facility, licensed physician, and designated health care personnel are immune from liability in any civil, administrative, or criminal action relating to the disclosure of test results of an inmate to a corrections employee and the testing of a blood sample from the inmate for blood-borne pathogens if a good faith effort has been made to comply with sections 241.33 to 241.342.

History: *2000 c 422 s 39*

241.39 SUBSTANCE USE DISORDER TREATMENT PROGRAMS.

All substance use disorder treatment programs operated by the commissioner of corrections to treat individuals committed to the commissioner's custody or to treat juveniles in state-operated juvenile correctional facilities that have a correctional program services certification per Minnesota Rules, chapter 2960, must comply with the standards mandated in chapter 245G for treatment programs operated by community-based treatment facilities. When the commissioners of corrections and human services agree that these established standards for community-based programs cannot reasonably apply to correctional facilities, alternative equivalent standards shall be developed by the commissioners and established through an interagency agreement.

History: *1992 c 571 art 11 s 1; 2001 c 210 s 6; 2016 c 158 art 1 s 82; 2018 c 182 art 2 s 5; 2022 c 98 art 4 s 51; 2026 c 84 s 1; 2026 c 97 art 5 s 9*

TREATMENT PROGRAMS

241.40 PERIODIC REVIEWS OF SUBSTANCE ABUSE ASSESSMENT PROCESS.

By January 15, 2007, and at least once every three years thereafter, the commissioner shall ensure that an outside entity conducts an independent review of the department's prison-based substance abuse assessment activities.

History: *2006 c 260 art 4 s 7*

241.41 MS 2002 [Repealed, 1Sp2003 c 2 art 5 s 18]

241.415 RELEASE PLANS; SUBSTANCE ABUSE.

The commissioner shall cooperate with community-based corrections agencies to determine how best to address the substance abuse treatment needs of offenders who are being released from prison. The commissioner shall ensure that an offender's prison release plan adequately addresses the offender's needs for substance abuse assessment, treatment, or other services following release, within the limits of available resources. The commissioner must provide individuals with known or stated histories of opioid use disorder with emergency opiate antagonist rescue kits upon release.

History: *2006 c 260 art 4 s 8; 2023 c 61 art 5 s 4*

241.416 SUBSTANCE ABUSE PROGRAMS; RECORD KEEPING.

The commissioner shall keep adequate records regarding inmate participation in substance abuse treatment programs. For inmates who did not comply with directives to participate in substance abuse treatment programs, these records must include the reasons why the inmate did not do so.

History: *2006 c 260 art 4 s 9*

241.42 Subdivision 1. MS 2002 [Repealed, 1Sp2003 c 2 art 5 s 18]

Subd. 2. MS 2002 [Repealed, 1Sp2003 c 2 art 5 s 18]

Subd. 3. MS 2002 [Repealed, 1Sp2003 c 2 art 5 s 18]

Subd. 4. MS 1974 [Repealed, 1976 c 318 s 18; 1Sp2003 c 2 art 5 s 18]

241.43 MS 2002 [Repealed, 1Sp2003 c 2 art 5 s 18]

241.44 MS 2002 [Repealed, 1Sp2003 c 2 art 5 s 18]

241.441 MS 2002 [Repealed, 1Sp2003 c 2 art 5 s 18]

241.45 MS 2002 [Repealed, 1Sp2003 c 2 art 5 s 18]

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]

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 1i.

(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.** (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 develop a plan to provide for residential and outpatient sex offender programming and aftercare when required for conditional release under section 609.3455, subdivision 3a, or as a condition of supervised release. The plan may include co-payments from the offender, third-party payers, local agencies, or other funding sources as they are identified.

Subd. 4. **Programs for juvenile offenders.** 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.

Subd. 5. MS 1992 [Repealed, 1993 c 326 art 8 s 17]

Subd. 6. **Corrections agents and probation officers training.** 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 postsecondary educational curriculum.

When an adult sex offender is placed on supervised release or is sentenced to probationary 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 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.** (a) For the purposes of this subdivision, 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 which would require registration under section 243.166.

(b) The commissioner shall:

(1) collect follow-up information on each sex offender for a period of three years following the offender's completion of or termination from treatment for the purpose of providing periodic reports to the legislature;

(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 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 on how best to implement the requirements of this subdivision.

Subd. 9. **Information on sex offender treatment.** (a) All sex offender treatment facilities that provide treatment to sex offenders who begin treatment as a condition of probation shall provide the commissioner relevant information on the treatment of those offenders as the commissioner requests for the purpose of this evaluation. The information disclosed to the commissioner shall only be reported in aggregate and that information must not be used to designate additional sanctions for any individual offender.

(b) All county corrections agencies or court services officers shall provide the commissioner information as requested regarding juveniles and adults as defined in subdivision 8, paragraph (a), for the purpose of completing the requirements of subdivision 8.

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; 1998 c 367 art 6 s 15; 1998 c 396 s 1,2; 1999 c 139 art 4 s 2; 2001 c 210 s 9; 2005 c 136 art 3 s 4-6; 2006 c 260 art 1 s 47; 2024 c 85 s 51*

241.671 MS 1992 [Repealed, 1993 c 326 art 8 s 17]

241.69 MENTAL HEALTH UNIT; ESTABLISHMENT.

Subdivision 1. **Authority; rules.** The commissioner of corrections shall, in accordance with applicable rules and standards prescribed by the Department of Human Services, establish, staff, equip, maintain, and operate in at least one of the adult correctional institutions under the commissioner's control a mental health 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 person who is mentally ill, the director of psychological services, or warden 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 mental health professional available to the institution.

Subd. 3. **Transfer.** If the licensed mental health professional finds the person to be a person who is mentally ill and in need of short-term care, assessment, evaluation, or stabilization, the licensed mental health professional may recommend transfer by the commissioner of corrections to a mental health unit established pursuant to subdivision 1.

Subd. 4. **Commitment.** If the licensed mental health professional finds the person to be a person who is mentally ill and in need of long-term care in a hospital, the director of psychological services of the institution or the mental health professional shall initiate proceedings for judicial commitment as provided in section 253B.07. Upon the recommendation of the licensed mental health professional and upon completion of the hearing and consideration of the record, the court may commit the person to a mental health 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 a person who is mentally ill and in need of treatment may be committed to the commissioner of corrections and placed in a mental health unit established in subdivision 1.

Subd. 5. **Discharge.** The director of psychological services of a mental health unit established under this section may, subject to the provisions of chapter 253B, provisionally discharge any inmate patient admitted as a person who is 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 director of psychological services of the facility certifies that a patient is no longer in need of institutional care for mental illness the director of psychological services 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 a mental health unit established under this section should expire before the person recovers and is discharged therefrom, and, in the judgment of the director of psychological services 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 Direct Care and Treatment executive board, 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; 2001 c 210 s 10; 2002 c 221 s 11-14; 2007 c 54 art 6 s 11,12; 2024 c 79 art 10 s 3; 2026 c 84 s 2-6*

FEMALE OFFENDER PROGRAMS AND TASK FORCE

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:

(1) respond in a rehabilitative way to the type of offenses female offenders generally commit;

(2) respond to the problems of female offenders with dependent children;

(3) respond to the importance of developing independent living skills;

(4) assist female offenders to overcome their own extreme degree of dependency; and

(5) 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:

(1) review all county plans for programs for female offenders;

(2) review grant-in-aid applications or proposals for model programs and award grants for programs;

(3) 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;

(4) consult with the state advisory task force on the female offender in corrections before making a choice of the programs to be awarded funding;

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

(6) 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*

241.74 HEALTH CARE.

Subdivision 1. **Generally.** 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. All reimbursements for these health care services shall be deposited in the general fund. The commissioner of corrections is authorized to contract with or reimburse entities, including health care management companies, to provide health care to inmates, at reimbursement rates equal to medical assistance unless otherwise negotiated. With respect to these contracts, these entities shall not be regulated as, or otherwise considered to be, health plan companies as defined in section 62Q.01, subdivision 4.

Subd. 2. **Health care peer review committee.** (a) The commissioner of corrections shall establish a health care peer review committee. Sections 145.61 to 145.67 apply to the committee. The committee shall gather, review, and evaluate information relating to the on-site and off-site quality of care and treatment of offenders. The committee shall consist of:

(1) the department medical director;

(2) the regional medical director of the contracted health care vendor;

(3) the department director of nursing or a designee;

(4) a physician from the contracting hospital provider;

(5) another physician who provides health care to offenders on site at a correctional facility;

(6) one or more licensed physicians or nurse practitioners from the community, in person or by telephone, with expertise in the most appropriate clinical area;

(7) the director of psychiatry of the contracted vendor;

(8) the pharmacist liaison of the contracted vendor's pharmacy vendor;

(9) the clinical pharmacist of the contracted vendor;

(10) in cases of suicide or unanticipated death, a representative from the Office of Special Investigations; and

(11) other ad hoc members as indicated at the discretion of the Department of Corrections medical director or chief medical officer.

(b) The peer review committee under paragraph (a) does not expire.

Subd. 3. **Feminine hygiene.** Feminine hygiene products, including at a minimum sanitary napkins and tampons, shall be provided at no cost to individuals housed in state correctional facilities used for the general confinement of female inmates. The commissioner of corrections shall develop a written policy to implement a process whereby a reasonable number of feminine hygiene products are available to female inmates.

History: *1981 c 360 art 1 s 16; 2000 c 299 s 1; 2001 c 210 s 5,7; 2008 c 252 s 2; 2014 c 286 art 8 s 29; 2020 c 110 s 2; 2022 c 98 art 4 s 51; 2024 c 123 art 8 s 4; 2026 c 97 art 5 s 9*

HEALTH CARE DECISIONS

241.75 INMATE HEALTH CARE DECISIONS.

Subdivision 1. **Definitions.** (a) Except as provided in paragraph (b), the definitions in chapter 145C apply to this section.

(b) "Health care" means any care, treatment, service, or procedure to maintain, diagnose, or otherwise affect a person's physical or mental condition.

Subd. 2. **Health care decisions.** The medical director of the Department of Corrections, or the medical director's designee, who must be a physician licensed under chapter 147, may make a health care decision for an inmate incarcerated in a state correctional facility or placed in an outside facility on conditional medical release if the inmate's attending physician determines that the inmate lacks decision-making capacity and:

(1) there is not a documented health care agent designated by the inmate or the health care agent is not reasonably available to make the health care decision;

(2) if there is a documented health care directive, the decision is consistent with that directive;

(3) the decision is consistent with reasonable medical practice and other applicable law; and

(4) the medical director has made a good faith attempt to consult with the inmate's next of kin or emergency contact person in making the decision, to the extent those persons are reasonably available.

Subd. 3. **Disagreement regarding health care; guardianship petition.** If the medical director consults with an inmate's next of kin under subdivision 2, clause (4), and the inmate's next of kin and the medical director are not in agreement with respect to a health care decision, the commissioner may bring a petition under section 524.5-303 for appointment of a guardian with authority to make health care decisions for the inmate.

History: *2006 c 260 art 4 s 10; 2020 c 71 art 2 s 10; 2024 c 123 art 8 s 7*

241.76 OPIATE ANTAGONISTS.

(a) The commissioner must maintain a supply of opiate antagonists, as defined in section 604A.04, subdivision 1, at each state correctional facility to be administered in compliance with section 151.37, subdivision 12.

(b) The commissioner must store an ample number of doses of nasal opiate antagonists throughout each facility so that staff can rapidly respond to opioid overdoses.

(c) The commissioner, in consultation with the commissioner of health, shall provide training to employees of the department on recognizing the symptoms of an opiate overdose and how to administer nasal opiate antagonists.

History: *2025 c 35 art 7 s 1*

AMERICAN INDIAN CULTURAL PROGRAM

241.80 AMERICAN INDIAN CULTURAL PROGRAM.

Subdivision 1. **Authority.** The commissioner of corrections shall develop a policy to provide the cultural programming services listed in subdivision 2 to American Indian incarcerated individuals 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 the cultural programming services.

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

(1) the development of education and training needed for postincarceration self-sufficiency;

(2) the development of strengthened American Indian identity;

(3) improved understanding of American Indian culture, traditions, and spiritual practices for Department of Corrections staff;

(4) the development of partnerships with Tribal Nations to address the unique needs of American Indian incarcerated individuals and promote approaches to rehabilitation specific to this population;

(5) increased availability of American Indian spiritual leaders to teach American Indian incarcerated individuals about American Indian history and cultural and spiritual practices;

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

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

History: *1985 c 113 s 1; 2020 c 110 s 3; 2025 c 35 art 7 s 2*

EDUCATIONAL ASSESSMENTS

241.85 EDUCATIONAL ASSESSMENTS.

Subdivision 1. **Assessments; programming plans.** The commissioner of corrections shall develop an educational assessment to determine the educational status and needs of adults and juveniles in Department of Corrections facilities. The commissioner shall ensure that assessments are conducted on all individuals both upon their admittance and prior to their discharge from a facility. The commissioner shall create a programming plan for individuals on whom an admission assessment was conducted if the individual is admitted to an educational program. The plan must address any special needs identified by the assessment. The commissioner shall also determine methods to measure the educational progress of individuals during their stay at a facility.

Subd. 2. MS 2006 [Repealed, 2007 c 54 art 6 s 20]

History: *1998 c 367 art 9 s 10*

MENTORING GRANT FOR CHILDREN OF INCARCERATED

241.86 MENTORING GRANT FOR CHILDREN OF INCARCERATED PARENTS.

Subdivision 1. **Mentoring grant.** The commissioner of corrections shall award a grant to nonprofit organizations that provide one-to-one mentoring relationships to youth enrolled between the ages of seven to 13 whose parent or other significant family member is incarcerated in a county workhouse, county jail,

state prison, or other type of correctional facility or is subject to correctional supervision. The intent of the grant is to provide children with adult mentors to strengthen developmental outcomes, including enhanced self-confidence and esteem; improved academic performance; and improved relationships with peers, family, and other adults that may prevent them from entering the juvenile justice system.

Subd. 2. **Grant criteria.** As a condition of receiving grants, the grant recipients shall do the following:

(1) collaborate with other organizations that have a demonstrated history of providing services to youth and families in disadvantaged situations;

(2) implement procedures to ensure that 100 percent of the mentors pose no safety risk to the child and have the skills to participate in a mentoring relationship;

(3) provide enhanced training to mentors focusing on asset building and family dynamics when a parent is incarcerated; and

(4) provide an individual family plan and aftercare.

Subd. 3. **Program evaluation.** Grant recipients shall submit an evaluation plan to the commissioner delineating the program and student outcome goals and activities implemented to achieve the stated outcomes. The goals must be clearly stated and measurable. Grant recipients shall collect, analyze, and report on participation and outcome data that enable the department to verify that the program goals were met.

History: *2007 c 54 art 1 s 16*

INCARCERATED PREGNANT WOMEN

241.87 DEFINITIONS.

As used in sections 241.88 and 241.89, the following terms have the meanings given:

(1) "certified doula" has the meaning given in section 148.995, subdivision 2;

(2) "correctional facility" has the meaning given in section 241.021, subdivision 1;

(3) "doula services" has the meaning given in section 148.995, subdivision 4;

(4) "postpartum" means the period of time following the birth of an infant to six months after the birth; and

(5) "restrain" means the use of a mechanical or other device to constrain the movement of a person's body or limbs.

History: *2014 c 234 s 1*

241.88 RESTRAINING AN INCARCERATED PREGNANT WOMAN.

Subdivision 1. **Restraint.** (a) A representative of a correctional facility may not restrain a woman known to be pregnant unless the representative makes an individualized determination that restraints are reasonably necessary for the legitimate safety and security needs of the woman, correctional staff, other inmates, or the public. If restraints are determined to be necessary, the restraints must be the least restrictive available and the most reasonable under the circumstances.

(b) A representative of a correctional facility may not restrain a woman known to be pregnant while the woman is being transported if the restraint is through the use of waist chains or other devices that cross or otherwise touch the woman's abdomen or handcuffs or other devices that cross or otherwise touch the woman's wrists when affixed behind the woman's back. If used, wrist restraints should be applied in such a way that the pregnant woman may be able to protect herself and her fetus in the event of a forward fall.

(c) A representative of a correctional facility may restrain a woman who is in labor or who has given birth within the preceding three days only if:

(1) there is a substantial flight risk or some other extraordinary medical or security circumstance that dictates restraints be used to ensure the safety and security of the woman, the staff of the correctional or medical facility, other inmates, or the public;

(2) the representative has made an individualized determination that restraints are necessary to prevent escape or injury;

(3) there is no objection from the treating medical care provider; and

(4) the restraints used are the least restrictive type and are used in the least restrictive manner.

(d) Section 645.241 does not apply to this section.

Subd. 2. **Required training.** The head of each correctional facility shall ensure that staff members of the facility who come in contact with pregnant women incarcerated in the facility are provided training on the provisions of this section.

Subd. 3. **Required annual report.** By February 15 of each year, the commissioner shall report to the chairs and ranking minority members of the senate and house of representatives committees and divisions having jurisdiction over criminal justice policy and funding on the use of restraints on pregnant women, women in labor, and women who have given birth in the preceding three days, who are incarcerated in state and local correctional facilities during the preceding calendar year. For reporting purposes, the use of restraints does not include use of handcuffs on the front of the body of a pregnant woman.

History: *2014 c 234 s 2; 2015 c 65 art 5 s 2,3*

241.89 REQUIREMENTS FOR AN INCARCERATED WOMAN.

Subdivision 1. **Applicability.** This section applies only to a woman:

(1) incarcerated following conviction; or

(2) incarcerated before conviction beyond the period specified for the woman's initial appearance before the court in Rules of Criminal Procedure, rules 3.02, 4.01, and 4.02.

Subd. 2. **Requirements.** (a) The head of each correctional facility shall ensure that every woman incarcerated at the facility:

(1) is tested for pregnancy on or before day 14 of incarceration, if under 50 years of age unless the inmate refuses the test;

(2) if pregnant, is provided the prevailing standard of care or current practice by the medical care provider's peer group;

(3) if pregnant or has given birth in the past six weeks, is provided appropriate educational materials and resources related to pregnancy, childbirth, breastfeeding, and parenting;

(4) if pregnant or has given birth in the past six weeks, has access to doula services if these services are provided by a certified doula without charge to the correctional facility or the incarcerated woman pays for the certified doula services;

(5) if pregnant or has given birth in the past six months, has access to a mental health assessment and, if necessary, treatment;

(6) if pregnant or has given birth in the past six months and determined to be suffering from a mental illness, has access to evidence-based mental health treatment including psychotropic medication;

(7) if pregnant or has given birth in the past six months and determined to be suffering from postpartum depression, has access to evidence-based therapeutic care for the depression; and

(8) if pregnant or has given birth in the past six months, is advised, orally or in writing, of applicable laws and policies governing incarcerated pregnant women.

(b) The commissioner of corrections, in consultation with the commissioner of health, may award grants to nonprofit organizations to provide access to doula services by a certified doula in accordance with paragraph (a), clause (4).

History: *2014 c 234 s 3; 2015 c 65 art 5 s 4,5*

OFFICE OF OMBUDSPERSON

241.90 OFFICE OF OMBUDSPERSON; CREATION; QUALIFICATIONS; FUNCTION.

The Office of Ombudsperson for the Department of Corrections is hereby created. The ombudsperson shall be appointed by the governor in the unclassified service and may be removed only for just cause. The ombudsperson 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 ombudsperson while holding any other public office. The ombudsperson for 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: *1Sp2019 c 5 art 3 s 3; 2023 c 52 art 11 s 12*

241.91 DEFINITION.

For the purposes of sections 241.90 to 241.95, "administrative agency" or "agency" means any division, official, or employee of the Department of Corrections, including the commissioner of corrections, charged with the care and custody of inmates and any regional or local correctional facility licensed or inspected by the commissioner of corrections, whether public or private, established and operated for the detention and confinement of adults or juveniles, including but not limited to programs or facilities operating under chapter 401, secure juvenile detention facilities, municipal holding facilities, juvenile temporary holdover facilities, regional or local jails, lockups, work houses, work farms, and detention facilities, but does not include:

(1) any court or judge;

(2) any member of the senate or house of representatives;

(3) the governor or the governor's personal staff;

(4) any instrumentality of the federal government;

(5) any interstate compact; or

(6) any person responsible for the supervision of offenders placed on supervised release, parole, or probation.

History: *1Sp2019 c 5 art 3 s 4*

241.92 ORGANIZATION OF OFFICE OF OMBUDSPERSON.

Subdivision 1. **Employee selection.** The ombudsperson may select, appoint, and compensate out of available funds assistants and employees as deemed necessary to discharge responsibilities. The ombudsperson and full-time staff shall be members of the Minnesota State Retirement Association.

Subd. 2. **Assistant ombudsperson.** The ombudsperson may appoint an assistant ombudsperson in the unclassified service.

Subd. 3. **Delegation of duties.** The ombudsperson may delegate to staff members any of the ombudsperson'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: *1Sp2019 c 5 art 3 s 5*

241.93 POWERS OF OMBUDSPERSON; INVESTIGATIONS; ACTION ON COMPLAINTS; RECOMMENDATIONS.

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

(1) prescribe the methods by which complaints are to be made, reviewed, and acted upon; provided, however, that the ombudsperson may not levy a complaint fee;

(2) determine the scope and manner of investigations to be made;

(3) 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 necessary, request and receive information from the ombudsperson. Neither the ombudsperson nor any member of the ombudsperson's staff shall be compelled to testify or to produce evidence in any judicial or administrative proceeding with respect to any matter involving the exercise of the ombudsperson's official duties except as may be necessary to enforce the provisions of sections 241.90 to 241.95;

(4) investigate, upon a complaint or upon personal initiative, any action of an administrative agency;

(5) request and be given access to information in the possession of an administrative agency deemed necessary for the discharge of responsibilities;

(6) examine the records and documents of an administrative agency;

(7) enter and inspect, at any time, premises within the control of an administrative agency;

(8) subpoena any person to appear, give testimony, or produce documentary or other evidence that the ombudsperson 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 shall possess the same privileges reserved to a witness in the courts or under the laws of this state;

(9) bring an action in an appropriate state court to provide the operation of the powers provided in this subdivision. The ombudsperson may use the services of legal assistance to Minnesota prisoners for legal counsel. The provisions of sections 241.90 to 241.95 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 241.90 to 241.95 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

(10) be present at commissioner of corrections parole, supervised release, and parole revocation hearings and deliberations.

Subd. 2. **Actions against ombudsperson.** No proceeding or civil action except removal from office or a proceeding brought pursuant to chapter 13 shall be commenced against the ombudsperson for actions taken under the provisions of sections 241.90 to 241.95, unless the act or omission is actuated by malice or is grossly negligent.

Subd. 3. **Matters appropriate for investigation.** (a) In selecting matters for attention, the ombudsperson should particularly address actions of an administrative agency that may 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; or

(5) inefficiently performed.

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

Subd. 4. **Complaints.** (a) The ombudsperson may receive a complaint from any source concerning an action of an administrative agency. The ombudsperson may, on personal motion or at the request of another, investigate any action of an administrative agency.

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

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

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

(e) 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 ombudsperson.

Subd. 5. **Investigation of adult local jails and detention facilities.** Either the ombudsperson or the jail inspection unit of the Department of Corrections may investigate complaints involving local adult jails and detention facilities. The ombudsperson and Department of Corrections must enter into an arrangement with one another that ensures they are not duplicating services.

Subd. 6. **Recommendations.** (a) If, after duly considering a complaint and whatever material the ombudsperson deems pertinent, the ombudsperson is of the opinion that the complaint is valid, the ombudsperson 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 that the ombudsperson recommends to the administrative agency involved.

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

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

(c) If the ombudsperson 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 that are unfair or otherwise objectionable, the ombudsperson shall bring to the attention of the governor and the legislature the ombudsperson's view concerning desirable statutory change.

Subd. 7. **Grants.** The ombudsperson may apply for and receive grants from public and private entities for purposes of carrying out the ombudsperson's powers and duties under sections 241.90 to 241.95.

History: *1Sp2019 c 5 art 3 s 6*

241.94 ACCESS BY OMBUDSPERSON TO DATA.

Notwithstanding section 13.384 or 13.85, the ombudsperson 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 ombudsperson to perform the powers under section 241.93.

History: *1Sp2019 c 5 art 3 s 7*

241.95 PUBLICATION OF RECOMMENDATIONS; REPORTS.

Subdivision 1. **Publication.** The ombudsperson 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 ombudsperson shall consult with that agency or person. When publishing an opinion adverse to an administrative agency or any person, the ombudsperson shall include in the publication any statement of reasonable length made to the ombudsperson by that agency or person in defense or mitigation of the action.

Subd. 2. **Annual report.** In addition to whatever reports the ombudsperson may make on an ad hoc basis, the ombudsperson shall report to the governor and the senate and house committee chairs and ranking minority members for the committees and divisions with fiscal and policy jurisdiction over public safety and corrections at the end of each year on the ombudsperson's functions during the preceding year.

History: *1Sp2019 c 5 art 3 s 8*