CHAPTER 243

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243.01 MS 1961 [Repealed, 1963 c 753 art 2 s 17]

243.02 MS 1971 [Repealed, 1973 c 654 s 14]

243.03 MS 1971 [Repealed, 1973 c 654 s 14]

243.04 MS 1971 [Repealed, 1973 c 654 s 14]

243.041 MS 2006 [Renumbered 15.001]

GENERALLY

243.05 COMMISSIONER OF CORRECTIONS; POWERS, LIMITATIONS.

Subdivision 1. **Conditional release.** (a) The Supervised Release Board may parole any person sentenced to confinement in any state correctional facility for adults under the control of the commissioner of corrections, provided that:

(1) no inmate serving a life sentence for committing murder before May 1, 1980, other than murder committed in violation of clause (1) of section 609.185 who has not been previously convicted of a felony shall be paroled without having served 20 years, less the diminution that would have been allowed for good conduct had the sentence been for 20 years;

(2) no inmate serving a life sentence for committing murder before May 1, 1980, who has been previously convicted of a felony or though not previously convicted of a felony is serving a life sentence for murder in the first degree committed in violation of clause (1) of section 609.185 shall be paroled without having served 25 years, less the diminution which would have been allowed for good conduct had the sentence been for 25 years;

(3) any inmate sentenced prior to September 1, 1963, who would be eligible for parole had the inmate been sentenced after September 1, 1963, shall be eligible for parole; and

(4) any new rule or policy or change of rule or policy adopted by the commissioner of corrections which has the effect of postponing eligibility for parole has prospective effect only and applies only with respect to persons committing offenses after the effective date of the new rule or policy or change.

(b) Upon being paroled and released, an inmate is and remains in the legal custody and under the control of the commissioner, subject at any time to be returned to a facility of the Department of Corrections established by law for the confinement or treatment of convicted persons and the parole rescinded by the commissioner.

(c) The written order of the commissioner of corrections, is sufficient authority for any peace officer, state correctional investigator, or state parole and probation agent to retake and place in actual custody any person on parole or supervised release. In addition, when it appears necessary in order to prevent escape or enforce discipline, any state parole and probation agent or state correctional investigator may, without order of warrant, take and detain a parolee or person on supervised release or work release and bring the person to the commissioner for action.

(d) The written order of the commissioner of corrections is sufficient authority for any peace officer, state correctional investigator, or state parole and probation agent to retake and place in actual custody any person on probation under the supervision of the commissioner pursuant to section 609.135. Additionally, when it appears necessary in order to prevent escape or enforce discipline, any state parole and probation agent or state correctional investigator may, without an order, retake and detain a probationer and bring the probationer before the court for further proceedings under section 609.14.

(e) The written order of the commissioner of corrections is sufficient authority for any peace officer, state correctional investigator, or state parole and probation agent to detain any person on pretrial release who absconds from pretrial release or fails to abide by the conditions of pretrial release.

(f) Persons conditionally released, and those on probation under the supervision of the commissioner of corrections pursuant to section 609.135 may be placed within or outside the boundaries of the state at the

discretion of the commissioner of corrections or the court, and the limits fixed for these persons may be enlarged or reduced according to their conduct.

(g) Except as otherwise provided in subdivision 1b, in considering applications for conditional release or discharge, the commissioner is not required to hear oral argument from any attorney or other person not connected with an adult correctional facility of the Department of Corrections in favor of or against the parole or release of any inmates. The commissioner may institute inquiries by correspondence, taking testimony, or otherwise, as to the previous history, physical or mental condition, and character of the inmate and, to that end, has the authority to require the attendance of the chief executive officer of any state adult correctional facility and the production of the records of these facilities, and to compel the attendance of witnesses. The commissioner is authorized to administer oaths to witnesses for these purposes.

(h) Before revoking a nonviolent controlled substance offender's parole or probation based on a technical violation, when the offender does not present a risk to the public and the offender is amenable to continued supervision in the community, a parole or probation agent must identify community options to address and correct the violation including, but not limited to, inpatient substance use disorder treatment. If a probation or parole agent determines that community options are appropriate and available in the state, the agent must seek to restructure the offender's terms of release to incorporate those options. If an offender on probation stipulates in writing to restructure the terms of release, a probation agent must forward a report to the district court containing:

(1) the specific nature of the technical violation of probation;

(2) the recommended restructure to the terms of probation; and

(3) a copy of the offender's signed stipulation indicating that the offender consents to the restructuring of probation.

(i) The recommended restructuring of probation becomes effective when confirmed by a judge. The order of the court is proof of confirmation and amends the terms of the sentence imposed by the court under section 609.135.

(j) If a nonviolent controlled substance offender's parole or probation is revoked, the offender's agent must first attempt to place the offender in a local jail.

(k) For purposes of paragraphs (h) to (k):

(1) "nonviolent controlled substance offender" means a person who meets the criteria described under section 244.0513, subdivision 2, clauses (1), (2), and (5); and

(2) "technical violation" means any violation of a court order of probation or a condition of parole, except an allegation of a subsequent criminal act that is alleged in a formal complaint, citation, or petition.

Subd. 1a. **Detention of felons who flee pending sentencing.** The commissioner of corrections shall assist law enforcement agencies in locating and taking into custody any person who has been convicted of a felony for which a prison sentence is presumed under the Sentencing Guidelines and applicable statutes, and who absconds pending sentencing in violation of the conditions of release imposed by the court under rule 27.01 of the Rules of Criminal Procedure. The written order of the commissioner of corrections is sufficient authority for any state parole and probation agent to take the person into custody without a warrant and to take the person before the court without further delay.

Subd. 1b. **Victim's rights.** (a) This subdivision applies to parole decisions relating to inmates convicted of first-degree murder who are described in subdivision 1, clauses (a) and (b). As used in this subdivision, "victim" has the meaning given in section 611A.01, paragraph (b).

(b) The commissioner shall make reasonable efforts to notify the victim, in advance, of the time and place of the inmate's parole review hearing. The victim has a right to submit an oral or written statement at the review hearing. The statement may summarize the harm suffered by the victim as a result of the crime and give the victim's recommendation on whether the inmate should be paroled at that time. The commissioner must consider the victim's statement when making the parole decision.

Subd. 2. **Rules.** The commissioner of corrections may adopt rules in accordance with chapter 14, the Administrative Procedure Act, governing the procedures for granting of conditional release and final discharge. The rules may provide for the conduct and employment of persons conditionally released, and other matters necessary to implement the duties conferred by law upon the commissioner with respect to conditional release and discharge of persons. For purposes of this subdivision, "conditional release" means a person on parole, work release, or supervised release.

Subd. 3. **Duty of board; final discharge.** It is the duty of the Supervised Release Board to keep in communication, as far as possible, with all persons who are on parole and with their employers. The board may grant a person on parole a final discharge from any sentence when:

(1) the person on parole has complied with the conditions of parole for a period of time sufficient to satisfy the board that the parolee is reliable and trustworthy;

(2) the board is satisfied the person on parole will remain at liberty without violating the law; and

(3) final discharge is not incompatible with the welfare of society.

Upon the granting of a final discharge, the board shall issue a certificate of final discharge to the person discharged and also cause a record of the acts of the inmate to be made. The record shall show the date of the inmate's confinement, the inmate's record while in prison, the date of parole, the inmate's record while on parole, reasons underlying the decision for final discharge, and other facts which the board regards as appropriate. Nothing in this section or section 244.05 shall be construed as impairing the power of the board of pardons to grant a pardon or commutation in any case.

Subd. 4. **Hearing officers; powers; duties.** To carry out the powers and duties conferred by this section, the commissioner of corrections may designate from among staff members, one or more hearing officers and delegate to them any of the powers and duties conferred by this section. In the exercise of their delegated powers and duties the hearing officers shall be subject to the rules prescribed by the commissioner of corrections.

Subd. 5. **Deputization of out-of-state agents.** The commissioner of corrections may deputize any person regularly employed by another state to act as an officer and agent of this state in effecting the return of any person who has violated the terms and conditions of parole or probation as granted by this state. In any matter relating to the return of that person, any agent so deputized has all the powers of a police officer of this state. Any deputization pursuant to this subdivision shall be in writing and carried by the agent as formal evidence of deputization and must be produced upon demand. Subject to the approval of the commissioner of management and budget, the commissioner of corrections may enter into contracts with similar officials of any other state for the purpose of sharing an equitable portion of the cost of effecting the return of any person who has violated the terms and conditions of release or probation as granted by this state.

Subd. 6. **Supervision by commissioner of corrections; agents.** (a) The commissioner of corrections, as far as possible, shall exercise supervision over persons released on parole or probation pursuant to this section and section 242.19.

(b) The commissioner of corrections shall exercise supervision over probationers as provided in section 609.135, and over persons conditionally released pursuant to section 241.26.

(c) For the purposes of clauses (a) and (b), and sections 609.115 and 609.135, subdivision 1, the commissioner shall appoint state agents who shall be in the classified service of the state civil service. The commissioner may also appoint suitable persons in any part of the state or enter into agreements with individuals and public or private agencies, for the same purposes, and pay the costs incurred under the agreements. Each agent or person shall perform the duties the commissioner may prescribe in behalf of or in the supervision of those persons described in clause (b). In addition, each agent or person shall act under the orders of the commissioner in the supervision of those persons conditionally released as provided in clause (a). Agents shall provide assistance to conditionally released persons in obtaining employment, and shall conduct relevant investigations and studies of persons under supervision upon the request of the commissioner. Regional supervisors may also supervise state parole agents as directed by the commissioner of corrections. This duty shall not interfere with the supervisor's responsibility under the County Probation Act, Laws 1959, chapter 698.

History: *(10770) 1911 c 298 s 6; 1931 c 161 s 4; 1935 c 110 s 2; 1951 c 682 s 1; 1955 c 261 s 1; 1959 c 263 s 3; 1959 c 590 s 1; 1963 c 753 art 2 s 2; 1967 c 398 s 4; 1967 c 426 s 2; 1971 c 59 s 1; 1971 c 204 s 1; 1973 c 654 s 15; 1975 c 271 s 6; 1979 c 102 s 13; 1980 c 417 s 9; 1981 c 192 s 12; 1983 c 274 s 4; 1986 c 444; 1989 c 290 art 2 s 2; 1994 c 636 art 6 s 6-8; 1998 c 367 art 7 s 1; 2001 c 210 s 12; 2009 c 101 art 2 s 109; 2017 c 95 art 3 s 6; 2022 c 98 art 4 s 51; 2023 c 52 art 17 s 1; art 18 s 13; 2024 c 123 art 2 s 1*

243.055 COMPUTER RESTRICTIONS.

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

(1) prohibit the individual from possessing or using a computer with access to an Internet service or online service without the prior written approval of the commissioner;

(2) prohibit the individual from possessing or using any data encryption technique or program;

(3) require the individual to consent to periodic unannounced examinations of the individual's computer equipment by a parole or probation agent, including the retrieval and copying of all data from the computer and any internal or external peripherals and removal of such equipment to conduct a more thorough inspection;

(4) require consent of the individual to have installed on the individual's computer, at the individual's expense, one or more hardware or software systems to monitor computer use; and

(5) any other restrictions the commissioner deems necessary.

Subd. 2. **Restrictions on computer use.** If the commissioner believes a significant risk exists that a parolee, state-supervised probationer, or individual on supervised release may use a computer to engage in

criminal activity or to associate with individuals who are likely to encourage the individual to engage in criminal activity, the commissioner may impose one or more of the following restrictions:

(1) prohibit the individual from accessing through a computer any material, information, or data that relates to the activity involved in the offense for which the individual is on probation, parole, or supervised release;

(2) require the individual to maintain a daily log of all addresses the individual accesses through computer other than for authorized employment and to make this log available to the individual's parole or probation agent;

(3) provide all personal and business telephone records to the individual's parole or probation agent upon request, including written authorization allowing the agent to request a record of all of the individual's outgoing and incoming telephone calls from any telephone service provider;

(4) prohibit the individual from possessing or using a computer that contains an internal modem and from possessing or using an external modem without the prior written consent of the commissioner;

(5) prohibit the individual from possessing or using any computer, except that the individual may, with the prior approval of the individual's parole or probation agent, use a computer in connection with authorized employment;

(6) require the individual to consent to disclosure of the computer-related restrictions that the commissioner has imposed to any employer or potential employer; and

(7) any other restrictions the commissioner deems necessary.

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

History: *1997 c 239 art 9 s 18*

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

243.07 MS 1982 [Repealed, 1983 c 274 s 19]

243.08 MS 1967 [Repealed, 1969 c 9 s 98]

243.09 MS 1982 [Repealed, 1983 c 274 s 19]

243.10 MS 1982 [Repealed, 1983 c 274 s 19]

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

243.12 MS 1982 [Repealed, 1983 c 274 s 19]

243.13 [Expired]

243.14 MS 1982 [Repealed, 1983 c 274 s 19]

243.15 FEMALE PRISONERS; PREGNANT.

When it shall be made to appear by the properly verified petition of any woman, who has been sentenced to imprisonment in a penal institution in this state and is in prison thereunder, that she is about to give birth

to a child, the commissioner of corrections, if satisfied of the truth of the petition, shall order the transfer of such woman to a public hospital to be designated in the order, there to be detained under such guard and under such rules as the commissioner shall make in the order of transfer until the birth of the child and the recovery of the mother to such an extent that the imprisonment may be resumed without danger of serious impairment of her health.

The commissioner of corrections shall adopt such proper rules as may be necessary to carry out the purposes of this section.

History: *(10771) 1923 c 165 s 1; 1959 c 263 s 2; 1985 c 248 s 70; 1986 c 444*

243.16 MS 2004 [Repealed, 2002 c 268 s 7]

INTERSTATE ADULT OFFENDER SUPERVISION

243.1605 INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION.

ARTICLE I

PURPOSE

The compacting states to this interstate compact recognize that each state is responsible for the supervision of adult offenders in the community who are authorized pursuant to the bylaws and rules of this compact to travel across state lines both to and from each compacting state in such a manner as to track the location of offenders, transfer supervision authority in an orderly and efficient manner, and when necessary return offenders to the originating jurisdictions. The compacting states also recognize that Congress, by enacting the Crime Control Act under United States Code, title 4, section 112 (1965), has authorized and encouraged compacts for cooperative efforts and mutual assistance in the prevention of crime. It is the purpose of this compact and the interstate commission created hereunder, through means of joint and cooperative action among the compacting states:

(1) to provide the framework for the promotion of public safety and protect the rights of victims through the control and regulation of the interstate movement of offenders in the community;

(2) to provide for the effective tracking, supervision, and rehabilitation of these offenders by the sending and receiving states; and

(3) to equitably distribute the costs, benefits, and obligations of the compact among the compacting states.

In addition, this compact will:

(1) create an interstate commission which will establish uniform procedures to manage the movement between states of adults placed under community supervision and released to the community under the jurisdiction of courts, paroling authorities, corrections, or other criminal justice agencies which will promulgate rules to achieve the purpose of this compact;

(2) ensure an opportunity for input and timely notice to victims and to jurisdictions where defined offenders are authorized to travel or to relocate across state lines;

(3) establish a system of uniform data collection, access to information on active cases by authorized criminal justice officials, and regular reporting of compact activities to heads of state councils; state executive, judicial, and legislative branches; and criminal justice administrators;

(4) monitor compliance with rules governing interstate movement of offenders and initiate interventions to address and correct noncompliance; and

(5) coordinate training and education regarding regulations of interstate movement of offenders for officials involved in such activity.

The compacting states recognize that there is no "right" of any offender to live in another state and that duly accredited officers of a sending state may at all times enter a receiving state and there apprehend and retake any offender under supervision subject to the provisions of this compact and bylaws and rules promulgated hereunder. It is the policy of the compacting states that the activities conducted by the Interstate Commission created herein are the formation of public policies and are therefore public business.

ARTICLE II

DEFINITIONS

As used in this compact, unless the context clearly requires a different construction:

(1) "adult" means both individuals legally classified as adults and juveniles treated as adults by court order, statute, or operation of law;

(2) "bylaws" mean those bylaws established by the interstate commission for its governance, or for directing or controlling the Interstate Commission's actions or conduct;

(3) "commissioner" means the voting representative of each compacting state appointed pursuant to article III of this compact;

(4) "compact administrator" means the individual in each compacting state appointed pursuant to the terms of this compact responsible for the administration and management of the state's supervision and transfer of offenders subject to the terms of this compact, the rules adopted by the Interstate Commission, and policies adopted by the state council under this compact;

(5) "compacting state" means any state which has enacted the enabling legislation for this compact, the rules adopted by the Interstate Commission, and policies adopted by the state council under this compact;

(6) "Interstate Commission" means the Interstate Commission for adult offender supervision established by this compact;

(7) "member" means the commissioner of a compacting state or a designee, who shall be a person officially connected with the commissioner;

(8) "noncompacting state" means any state which has not enacted the enabling legislation for this compact;

(9) "offender" means an adult placed under, or subject to supervision as the result of, the commission of a criminal offense and released to the community under the jurisdiction of courts, paroling authorities, corrections, or other criminal justice agencies;

(10) "person" means any individual, corporation, business enterprise, or other legal entity, either public or private;

(11) "rules" mean acts of the Interstate Commission, duly promulgated pursuant to article VIII of this compact, substantially affecting interested parties in addition to the Interstate Commission, which shall have the force and effect of law in the compacting states;

(12) "state" means a state of the United States, the District of Columbia, and any other territorial possessions of the United States; and

(13) "state council" means the resident members of the state council for interstate adult offender supervision created by each state under article IV of this compact.

ARTICLE III

THE COMPACT COMMISSION

The compacting states hereby create the Interstate Commission for adult offender supervision. The Interstate Commission shall be a body corporate and joint agency of the compacting states. The Interstate Commission shall have all the responsibilities, powers, and duties set forth herein, including the power to sue and be sued, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting states in accordance with the terms of this compact.

The Interstate Commission shall consist of commissioners selected and appointed by resident members of a state council for interstate adult offender supervision for each state.

In addition to the commissioners who are the voting representatives of each state, the Interstate Commission shall include individuals who are not commissioners but who are members of interested organizations; such noncommissioner members must include a member of the national organizations of governors, legislators, state chief justices, attorneys general, and crime victims. All noncommissioner members of the Interstate Commission shall be ex officio (nonvoting) members. The Interstate Commission may provide in its bylaws for such additional, ex officio, nonvoting members as it deems necessary.

Each compacting state represented at any meeting of the Interstate Commission is entitled to one vote. A majority of the compacting states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the Interstate Commission. The Interstate Commission shall meet at least once each calendar year. The chairperson may call additional meetings and, upon the request of 27 or more compacting states, shall call additional meetings. Public notice shall be given of all meetings and meetings shall be open to the public.

The Interstate Commission shall establish an executive committee which shall include commission officers, members, and others as shall be determined by the bylaws. The executive committee shall have the power to act on behalf of the interstate commission during periods when the Interstate Commission is not in session, with the exception of rulemaking and/or amendment to the compact. The executive committee oversees the day-to-day activities managed by the executive director and Interstate Commission staff; administers enforcement and compliance with the provisions of the compact, its bylaws, and as directed by the Interstate Commission; and performs other duties as directed by the Interstate Commission or set forth in the bylaws.

ARTICLE IV

THE STATE COUNCIL

Each member state shall create a state council for interstate adult offender supervision which shall be responsible for the appointment of the commissioner who shall serve on the Interstate Commission from that state. Each state council shall appoint as its commissioner the compact administrator from that state to serve on the Interstate Commission in such capacity under or pursuant to applicable law of the member state. While each member state may determine the membership of its own state council, its membership must include at least one representative from the legislative, judicial, and executive branches of government;

victims groups; and compact administrators. Each compacting state retains the right to determine the qualifications of the compact administrator, who shall be appointed by the state council or by the governor in consultation with the legislature and the judiciary. In addition to appointment of its commissioner to the national Interstate Commission, each state council shall exercise oversight and advocacy concerning its participation in Interstate Commission activities and other duties as may be determined by each member state, including, but not limited to, development of policy concerning operations and procedures of the compact within that state.

ARTICLE V

POWERS AND DUTIES OF THE INTERSTATE COMMISSION

The Interstate Commission shall have the following powers:

(1) to adopt a seal and suitable bylaws governing the management and operation of the Interstate Commission;

(2) to promulgate rules which shall have the force and effect of statutory law and shall be binding in the compacting states to the extent and in the manner provided in this compact;

(3) to oversee, supervise, and coordinate the interstate movement of offenders subject to the terms of this compact and any bylaws adopted and rules promulgated by the compact commission;

(4) to enforce compliance with compact provisions, Interstate Commission rules, and bylaws, using all necessary and proper means, including, but not limited to, the use of judicial process;

(5) to establish and maintain offices;

(6) to purchase and maintain insurance and bonds;

(7) to borrow, accept, or contract for services of personnel, including, but not limited to, members and their staffs;

(8) to establish and appoint committees and hire staff which it deems necessary for the carrying out of its functions, including, but not limited to, an executive committee as required by article III, which shall have the power to act on behalf of the Interstate Commission in carrying out its powers and duties hereunder;

(9) to elect or appoint such officers, attorneys, employees, agents, or consultants, and to fix their compensation, define their duties, and determine their qualifications; and to establish the Interstate Commission's personnel policies and programs relating to, among other things, conflicts of interest, rates of compensation, and qualifications of personnel;

(10) to accept any and all donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of same;

(11) to lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve, or use any property, real, personal, or mixed;

(12) to sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed;

(13) to establish a budget and make expenditures and levy dues as provided in article X of this compact;

(14) to sue and be sued;

(15) to provide for dispute resolution among compacting states;

(16) to perform such functions as may be necessary or appropriate to achieve the purposes of this compact;

(17) to report annually to the legislatures, governors, judiciaries, and state councils of the compacting states concerning the activities of the Interstate Commission during the preceding year. Such reports shall also include any recommendations that may have been adopted by the Interstate Commission;

(18) to coordinate education, training, and public awareness regarding the interstate movement of offenders for officials involved in such activity; and

(19) to establish uniform standards for the reporting, collecting, and exchanging of data.

ARTICLE VI

ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

Section A. **Bylaws.**

The Interstate Commission shall, by a majority of the members, within 12 months of the first Interstate Commission meeting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact, including, but not limited to:

(1) establishing the fiscal year of the Interstate Commission;

(2) establishing an executive committee and such other committees as may be necessary;

(3) providing reasonable standards and procedures:

(i) for the establishment of committees; and

(ii) governing any general or specific delegation of any authority or function of the Interstate Commission;

(4) providing reasonable procedures for calling and conducting meetings of the Interstate Commission, and ensuring reasonable notice of each such meeting;

(5) establishing the titles and responsibilities of the officers of the Interstate Commission;

(6) providing reasonable standards and procedures for the establishment of the personnel policies and programs of the Interstate Commission. Notwithstanding any civil service or other similar laws of any compacting state, the bylaws shall exclusively govern the personnel policies and programs of the Interstate Commission;

(7) providing a mechanism for winding up the operations of the Interstate Commission and the equitable return of any surplus funds that may exist upon the termination of the compact after the payment and/or reserving of all of its debts and obligations;

(8) providing transition rules for "start up" administration of the compact; and

(9) establishing standards and procedures for compliance and technical assistance in carrying out the compact.

Section B. **Officers and staff.**

The Interstate Commission shall, by a majority of the members, elect from among its members a chairperson and a vice chairperson, each of whom shall have such authorities and duties as may be specified in the bylaws. The chairperson or, in the chairperson's absence or disability, the vice chairperson shall preside at all meetings of the Interstate Commission. The officers so elected shall serve without compensation or remuneration from the Interstate Commission, provided that subject to the availability of budgeted funds, the officers shall be reimbursed for any actual and necessary costs and expenses incurred by them in the performance of their duties and responsibilities as officers of the Interstate Commission.

The Interstate Commission shall, through its executive committee, appoint or retain an executive director for such period, upon such terms and conditions, and for such compensation as the Interstate Commission may deem appropriate. The executive director shall serve as secretary to the Interstate Commission, and hire and supervise such other staff as may be authorized by the Interstate Commission, but shall not be a member.

Section C. **Corporate records of the interstate commission.**

The Interstate Commission shall maintain its corporate books and records in accordance with the bylaws.

Section D. **Qualified immunity; defense and indemnification.**

The members, officers, executive director, and employees of the Interstate Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused or arising out of any actual or alleged act, error, or omission that occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of any such person.

The Interstate Commission shall defend the commissioner of a compacting state, a commissioner's representatives or employees, or the Interstate Commission's representatives or employees in any civil action seeking to impose liability, arising out of any actual or alleged act, error, or omission that occurred within the scope of Interstate Commission employment, duties, or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional wrongdoing on the part of such person.

The Interstate Commission shall indemnify and hold the commissioner of a compacting state, the appointed designee or employees, or the Interstate Commission's representatives or employees harmless in the amount of any settlement or judgment obtained against such persons arising out of any actual or alleged act, error, or omission that occurred within the scope of Interstate Commission employment, duties, or responsibilities, or that such persons had a reasonable basis for believing had occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from gross negligence or intentional wrongdoing on the part of such person.

ARTICLE VII

ACTIVITIES OF THE INTERSTATE COMMISSION

The Interstate Commission shall meet and take such actions as are consistent with the provisions of this compact.

Except as otherwise provided in this compact and unless a greater percentage is required by the bylaws, in order to constitute an act of the Interstate Commission, such act shall have been taken at a meeting of the Interstate Commission and shall have received an affirmative vote of a majority of the members present.

Each member of the Interstate Commission shall have the right and power to cast a vote to which that compacting state is entitled and to participate in the business and affairs of the Interstate Commission. A member shall vote in person on behalf of the state and shall not delegate a vote to another member state. However, a state council shall appoint another authorized representative, in the absence of the commissioner from that state, to cast a vote on behalf of the member state at a specified meeting. The bylaws may provide for members' participation in meetings by telephone or other means of telecommunication or electronic communication. Any voting conducted by telephone, or other means of telecommunication or electronic communication, shall be subject to the same quorum requirements of meetings where members are present in person.

The Interstate Commission shall meet at least once during each calendar year. The chairperson of the Interstate Commission may call additional meetings at any time and, upon the request of a majority of the members, shall call additional meetings.

The Interstate Commission's bylaws shall establish conditions and procedures under which the Interstate Commission shall make its information and official records available to the public for inspection or copying. The Interstate Commission may exempt from disclosure any information or official records to the extent they would adversely affect personal privacy rights or proprietary interests. In promulgating such rules, the Interstate Commission may make available to law enforcement agencies records and information otherwise exempt from disclosure, and may enter into agreements with law enforcement agencies to receive or exchange information or records subject to nondisclosure and confidentiality provisions.

Public notice shall be given of all meetings and all meetings shall be open to the public, except as set forth in the rules or as otherwise provided in the compact. The Interstate Commission shall promulgate rules consistent with the principles contained in the "Government in Sunshine Act," United States Code, title 5, section 552(b), as may be amended. The Interstate Commission and any of its committees may close a meeting to the public where it determines by two-thirds vote that an open meeting would be likely to:

(1) relate solely to the Interstate Commission's internal personnel practices and procedures;

(2) disclose matters specifically exempted from disclosure by statute;

(3) disclose trade secrets or commercial or financial information which is privileged or confidential;

(4) involve accusing any person of a crime, or formally censuring any person;

(5) disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(6) disclose investigatory records compiled for law enforcement purposes;

(7) disclose information contained in or related to examination, operating, or condition reports prepared by, or on behalf of or for the use of, the Interstate Commission with respect to a regulated entity for the purpose of regulation or supervision of such entity;

(8) disclose information, the premature disclosure of which would significantly endanger the life of a person or the stability of a regulated entity; or

(9) specifically relate to the Interstate Commission's issuance of a subpoena, or its participation in a civil action or proceeding.

For every meeting closed pursuant to this provision, the Interstate Commission's chief legal officer shall publicly certify that, in the officer's opinion, the meeting may be closed to the public, and shall reference each relevant exemptive provision. The Interstate Commission shall keep minutes, which shall fully and clearly describe all matters discussed in any meeting and shall provide a full and accurate summary of any actions taken, and the reasons therefor, including a description of each of the views expressed on any item and the record of any roll call vote (reflected in the vote of each member on the question). All documents considered in connection with any action shall be identified in such minutes.

The Interstate Commission shall collect standardized data concerning the interstate movement of offenders as directed through its bylaws and rules which shall specify the data to be collected, the means of collection, and data exchange and reporting requirements.

ARTICLE VIII

RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

The Interstate Commission shall promulgate rules in order to effectively and efficiently achieve the purposes of the compact, including transition rules governing administration of the compact during the period in which it is being considered and enacted by the states.

Rulemaking shall occur pursuant to the criteria set forth in this article and the bylaws and rules adopted pursuant thereto. Such rulemaking shall substantially conform to the principles of the federal Administrative Procedure Act, United States Code, title 5, section 551 et seq., and the federal Advisory Committee Act, United States Code, title 5, appendix 2, section 1 et seq., as may be amended (hereinafter "APA"). All rules and amendments shall become binding as of the date specified in each rule or amendment.

If a majority of the legislatures of the compacting states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact, then such rule shall have no further force and effect in any compacting state.

When promulgating a rule, the Interstate Commission shall:

(1) publish the proposed rule stating with particularity the text of the rule which is proposed and the reason for the proposed rule;

(2) allow persons to submit written data, facts, opinions, and arguments, which information shall be publicly available;

(3) provide an opportunity for an informal hearing; and

(4) promulgate a final rule and its effective date, if appropriate, based on the rulemaking record.

Not later than 60 days after a rule is promulgated, any interested person may file a petition in the United States District Court for the District of Columbia or in the federal district court where the Interstate Commission's principal office is located for judicial review of such rule. If the court finds that the Interstate Commission's action is not supported by substantial evidence (as defined in the APA), in the rulemaking record, the court shall hold the rule unlawful and set it aside. Subjects to be addressed within 12 months after the first meeting must, at a minimum, include:

(1) notice to victims and opportunity to be heard;

(2) offender registration and compliance;

(3) violations/returns;

(4) transfer procedures and forms;

(5) eligibility for transfer;

(6) collection of restitution and fees from offenders;

(7) data collection and reporting;

(8) the level of supervision to be provided by the receiving state;

(9) transition rules governing the operation of the compact and the Interstate Commission during all or part of the period between the effective date of the compact and the date on which the last eligible state adopts the compact; and

(10) mediation, arbitration, and dispute resolution.

The existing rules governing the operation of the previous compact superseded by this act shall be null and void 12 months after the first meeting of the interstate commission created hereunder.

Upon determination by the Interstate Commission that an emergency exists, it may promulgate an emergency rule which shall become effective immediately upon adoption, provided that the usual rulemaking procedures provided hereunder shall be retroactively applied to said rule as soon as reasonably possible, in no event later than 90 days after the effective date of the rule.

ARTICLE IX

OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION

BY THE INTERSTATE COMMISSION

Section A. **Oversight.**

The Interstate Commission shall oversee the interstate movement of adult offenders in the compacting states and shall monitor such activities being administered in noncompacting states which may significantly affect compacting states.

The courts and executive agencies in each compacting state shall enforce this compact and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent. In any judicial or administrative proceeding in a compacting state pertaining to the subject matter of this compact which may affect the powers, responsibilities, or actions of the Interstate Commission, the Interstate Commission shall be entitled to receive all service of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes.

Section B. **Dispute resolution.**

The compacting states shall report to the Interstate Commission on issues or activities of concern to them, and cooperate with and support the Interstate Commission in the discharge of its duties and responsibilities.

The Interstate Commission shall attempt to resolve any disputes or other issues which are subject to the compact and which may arise among compacting states and noncompacting states.

The Interstate Commission shall enact a bylaw or promulgate a rule providing for both mediation and binding dispute resolution for disputes among the compacting states.

Section C. **Enforcement.**

The Interstate Commission, in the reasonable exercise of its discretion, shall enforce the provisions of this compact using any or all means set forth in article XII, section B, of this compact.

ARTICLE X

FINANCE

The Interstate Commission shall pay or provide for the payment of the reasonable expenses of its establishment, organization, and ongoing activities.

The Interstate Commission shall levy on and collect an annual assessment from each compacting state to cover the cost of the internal operations and activities of the Interstate Commission and its staff, which must be in a total amount sufficient to cover the Interstate Commission's annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Interstate Commission, taking into consideration the population of the state and the volume of interstate movement of offenders in each compacting state and shall promulgate a rule binding upon all compacting states, which governs said assessment.

The Interstate Commission shall not incur any obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Interstate Commission pledge the credit of any of the compacting states, except by and with the authority of the compacting state.

The Interstate Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Interstate Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Interstate Commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the Interstate Commission.

Minnesota's annual assessment shall not exceed $50,000. The interstate compact for adult offender supervision fund is established as a special fund in the Department of Corrections. The fund consists of money appropriated for the purpose of meeting financial obligations imposed on the state as a result of Minnesota's participation in this compact. An assessment levied or any other financial obligation imposed under this compact is effective against the state only to the extent that money to pay the assessment or meet the financial obligation has been appropriated and deposited in the fund established in this paragraph.

ARTICLE XI

COMPACTING STATES, EFFECTIVE DATE, AND AMENDMENT

Any state, as defined in article II of this compact, is eligible to become a compacting state. The compact shall become effective and binding upon legislative enactment of the compact into law by no less than 35 of the states. The initial effective date shall be the latter of July 1, 2001, or upon enactment into law by the 35th jurisdiction. Thereafter, it shall become effective and binding, as to any other compacting state, upon enactment of the compact into law by that state. The governors of nonmember states or their designees will be invited to participate in Interstate Commission activities on a nonvoting basis prior to adoption of the compact by all states and territories of the United States.

Amendments to the compact may be proposed by the Interstate Commission for enactment by the compacting states. No amendment shall become effective and binding upon the Interstate Commission and the compacting states unless and until it is enacted into law by unanimous consent of the compacting states.

ARTICLE XII

WITHDRAWAL, DEFAULT, TERMINATION, AND JUDICIAL ENFORCEMENT

Section A. **Withdrawal.**

Once effective, the compact shall continue in force and remain binding upon each and every compacting state, provided that a compacting state may withdraw from the compact ("withdrawing state") by enacting a statute specifically repealing the statute which enacted the compact into law.

The effective date of withdrawal is the effective date of the repeal.

The withdrawing state shall immediately notify the chairperson of the Interstate Commission in writing upon the introduction of legislation repealing this compact in the withdrawing state.

The Interstate Commission shall notify the other compacting states of the withdrawing state's intent to withdraw within 60 days of its receipt thereof.

The withdrawing state is responsible for all assessments, obligations, and liabilities incurred through the effective date of withdrawal, including any obligations, the performance of which extend beyond the effective date of withdrawal.

Reinstatement following withdrawal of any compacting state shall occur upon the withdrawing state reenacting the compact or upon such later date as determined by the Interstate Commission.

Section B. **Default.**

If the Interstate Commission determines that any compacting state has at any time defaulted ("defaulting state") in the performance of any of its obligations or responsibilities under this compact, the bylaws, or any duly promulgated rules, the Interstate Commission may impose any or all of the following penalties:

(1) fines, fees, and costs in such amounts as are deemed to be reasonable as fixed by the Interstate Commission;

(2) remedial training and technical assistance as directed by the Interstate Commission; and/or

(3) suspension and termination of membership in the compact. Suspension shall be imposed only after all other reasonable means of securing compliance under the bylaws and rules have been exhausted. Immediate notice of suspension shall be given by the Interstate Commission to the governor, the chief justice or chief judicial officer of the state, the majority and minority leaders of the defaulting state's legislature, and the state council.

The grounds for default include, but are not limited to, failure of a compacting state to perform such obligations or responsibilities imposed upon it by this compact, Interstate Commission bylaws, or duly promulgated rules. The Interstate Commission shall immediately notify the defaulting state in writing of the penalty imposed by the Interstate Commission on the defaulting state pending a cure of the default. The Interstate Commission shall stipulate the conditions and the time period within which the defaulting state must cure its default. If the defaulting state fails to cure the default within the time period specified by the Interstate Commission, in addition to any other penalties imposed herein, the defaulting state may be

terminated from the compact upon an affirmative vote of a majority of the compacting states and all rights, privileges, and benefits conferred by this compact shall be terminated from the effective date of suspension. Within 60 days of the effective date of termination of a defaulting state, the Interstate Commission shall notify the governor, the chief justice or chief judicial officer, the majority and minority leaders of the defaulting state's legislature, and the state council of such termination.

The defaulting state is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including any obligations, the performance of which extends beyond the effective date of termination.

The Interstate Commission shall not bear any costs relating to the defaulting state unless otherwise mutually agreed upon between the Interstate Commission and the defaulting state. Reinstatement following termination of any compacting state requires both a reenactment of the compact by the defaulting state and the approval of the Interstate Commission pursuant to the rules.

Section C. **Judicial enforcement.**

The Interstate Commission may, by majority vote of the members, initiate legal action in the United States District Court for the District of Columbia or, at the discretion of the Interstate Commission, in the federal district where the Interstate Commission has its offices to enforce compliance with the provisions of the compact, or its duly promulgated rules and bylaws, against any compacting state in default. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney fees.

Section D. **Dissolution of compact.**

The compact dissolves effective upon the date of the withdrawal or default of the compacting state which reduces membership in the compact to one compacting state.

Upon the dissolution of this compact, the compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Interstate Commission shall be wound up and any surplus funds shall be distributed in accordance with the bylaws.

ARTICLE XIII

SEVERABILITY AND CONSTRUCTION

The provisions of this compact shall be severable, and if any phrase, clause, sentence, or provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable.

The provisions of this compact shall be liberally constructed to effectuate its purposes.

ARTICLE XIV

BINDING EFFECT OF COMPACT AND OTHER LAWS

Section A. **Other laws.**

Nothing herein prevents the enforcement of any other law of a compacting state that is not inconsistent with this compact.

All compacting states' laws conflicting with this compact are superseded to the extent of the conflict.

Section B. **Binding effect of the compact.**

All lawful actions of the Interstate Commission, including all rules and bylaws promulgated by the Interstate Commission, are binding upon the compacting states.

All agreements between the Interstate Commission and the compacting states are binding in accordance with their terms.

Upon the request of a party to a conflict over meaning or interpretation of Interstate Commission actions, and upon a majority vote of the compacting states, the Interstate Commission may issue advisory opinions regarding such meaning or interpretation.

In the event any provision of this compact exceeds the constitutional limits imposed on the legislature of any compacting state, the obligations, duties, powers, or jurisdiction sought to be conferred by such provision upon the Interstate Commission shall be ineffective and such obligations, duties, powers, or jurisdiction shall remain in the compacting state and shall be exercised by the agency thereof to which such obligations, duties, powers, or jurisdiction are delegated by law in effect at the time this compact becomes effective.

ARTICLE XV

ADMINISTRATION OF PAROLEE OR PROBATIONER

Section A. **Retaking of parolee or probationer.**

Where supervision of a parolee or probationer is being administered pursuant to the Interstate Compact for Adult Supervision, the appropriate judicial or administrative authorities in this state shall notify the compact administrator of the sending state whenever, in their view, consideration should be given to retaking or reincarceration for a parole or probation violation. When there is a risk to the offender or public safety, the appropriate officers of this state may take custody of and detain the parolee or probationer involved for a period not to exceed 12 business days prior to a probable cause hearing being held, if it appears to the hearing officer or officers that retaking or reincarceration is likely to follow, for such reasonable period after the hearing or waiver as may be necessary to arrange for the retaking or reincarceration.

Section B. **Hearing.**

Any hearing pursuant to this article may be before any person authorized pursuant to the laws of this state to hear cases of alleged parole or probation violations, except that no hearing officer shall be the person making the allegation of violation.

Section C. **Parolee and probationer hearing rights.**

With respect to any hearing pursuant to this article, the parolee or probationer:

(1) shall have reasonable notice in writing of the nature and content of the allegations to be made, including notice that its purpose is to determine whether there is probable cause to believe that the parolee or probationer has committed a violation that may lead to revocation of parole or probation;

(2) shall be permitted to advise with any person whose assistance the parolee or probationer reasonably desires, prior to the hearing;

(3) shall have the right to confront and examine any persons who have made allegations against the parolee or probationer, unless the hearing officer determines that such confrontation would present a substantial present or subsequent danger of harm to such person or persons; and

(4) may admit, deny, or explain the violation alleged and may present proof, including affidavits and other evidence, in support of the parolee's or probationer's contentions.

Section D. **Record.**

A record of the proceedings shall be made and preserved.

Section E. **Hearing; appropriate judicial officer.**

In any case of alleged parole or probation violation by a person being supervised in another state pursuant to the Interstate Compact for Adult Supervision, any appropriate judicial or administrative officer or agency in another state is authorized to hold a hearing on the alleged violation. Upon receipt of the record of a parole or probation violation hearing held in another state pursuant to a statute substantially similar to this article, such record shall have the same standing and effect as though the proceeding of which it is a record was had before the appropriate officer or officers in this state, and any recommendations contained in or accompanying the record shall be fully considered by the appropriate officer or officers of this state in making disposition of the matter.

History: *2002 c 268 s 1,8; 2004 c 155 s 1,2; 2014 c 218 s 5*

243.1606 ADVISORY COUNCIL ON INTERSTATE ADULT OFFENDER SUPERVISION.

Subdivision 1. **Membership.** The Advisory Council on Interstate Adult Offender Supervision shall be combined with the State Advisory Council for the Interstate Compact for Juveniles established by section 260.515 and consist of the following individuals or their designees:

(1) the governor;

(2) the chief justice of the supreme court;

(3) two senators, one from the majority and the other from the minority party, selected by the Subcommittee on Committees of the senate Committee on Rules and Administration;

(4) two representatives, one from the majority and the other from the minority party, selected by the house speaker;

(5) the compact administrator, selected as provided in section 243.1607;

(6) a representative from the Department of Children, Youth, and Families regarding the Interstate Compact for the Placement of Children;

(7) the executive director of the Office of Justice Programs in the Department of Public Safety;

(8) the deputy compact administrator as defined in section 260.515;

(9) a representative from the State Public Defender's Office;

(10) a representative from the Minnesota County Attorney's Association;

(11) a representative from the Minnesota Sheriff's Association;

(12) a representative from the Minnesota Association of County Probation Officers;

(13) a representative from the Minnesota Association of Community Corrections Act Counties;

(14) a representative from the community at large;

(15) a representative from a community organization working with victims of crimes; and

(16) other members as appointed by the commissioner of corrections.

The council may elect a chair from among its members.

Subd. 2. **Duties.** The council shall oversee and administer the state's participation in both compacts described in sections 243.1605 and 260.515. The council shall appoint the compact administrator as the state's commissioner. In addition to these duties, the council shall develop a model policy concerning the operations and procedures of the compact within the state.

Subd. 3. **Annual report.** By March 1 of each year, the council shall report to the governor and the chairs and ranking minority members of the senate and house of representatives committees having jurisdiction over criminal justice policy on its activities along with providing a copy of the annual report published by the national commission that includes the activities of the interstate commission and executive committee as described in section 243.1605 for the preceding year. The council's annual report must also include information required of the State Advisory Council for the Interstate Compact for Juveniles as described in Article IV in section 260.515.

Subd. 4. **Expiration; expenses.** The provisions of section 15.059 apply to the council.

History: *2002 c 268 s 2,8; 2004 c 155 s 2; 2005 c 136 art 13 s 4; 2008 c 299 s 5; 2013 c 125 art 1 s 43; 2014 c 218 s 6; 2014 c 286 art 8 s 30; 2023 c 52 art 11 s 14; 2024 c 80 art 8 s 70*

243.1607 INTERSTATE ADULT OFFENDER SUPERVISION COMPACT ADMINISTRATOR.

(a) The commissioner of corrections or the commissioner's designee shall serve as the compact administrator.

(b) In addition to fulfilling the duties of compact administrator as described in the compact and under the rules and bylaws adopted to it, the compact administrator shall serve on the Advisory Council on Interstate Adult Offender Supervision described in section 243.1606. The compact administrator shall cooperate with the council and report to it regularly on all aspects of the state's participation in the compact.

(c) The compact administrator shall assess and collect fines, fees, and costs from any state or local entity deemed responsible by the compact administrator for a default as determined by the interstate commissioner under section 243.1605, article XII, section B.

History: *2002 c 268 s 3,8; 2004 c 155 s 2*

243.1608 MS 2004 [Repealed, 2002 c 268 s 7]

243.1609 INTERSTATE ADULT OFFENDER TRANSFER TRANSPORTATION EXPENSES.

Subject to the amount of money appropriated for this purpose, the commissioner of corrections may reimburse sheriffs for transportation expenses related to the return of probationers to the state who are being held in custody under section 243.1605. Reimbursement shall be based on a fee schedule agreed to by the Department of Corrections and the Minnesota Sheriffs' Association. The required return to the state of a probationer in custody as a result of a nationwide warrant issued pursuant to the Interstate Compact for Adult Supervision shall be arranged and supervised by the sheriff of the county in which the court proceedings are to be held and at the expense of the state as provided for in this section. This expense offset is not

applicable to the transport of individuals from pickup locations within 250 miles of the office of the sheriff arranging and supervising the offender's return to the state.

History: *2023 c 52 art 11 s 15*

243.161 RESIDING IN MINNESOTA WITHOUT PERMISSION UNDER INTERSTATE COMPACT; PENALTY.

Subdivision 1. MS 2004 [Repealed, 2002 c 268 s 7]

Subd. 2. **Violation of Compact for Adult Offender Supervision.** Any person who is on parole, probation, or other form of correctional supervision in another state who resides in this state in violation of the terms or rules of the interstate Compact for Adult Offender Supervision described in section 243.1605 may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both.

History: *1997 c 239 art 9 s 19; 2002 c 268 s 5*

243.162 MS 2004 [Repealed, 2005 c 136 art 13 s 20]

243.165 MS 1992 [Repealed, 1993 c 326 art 10 s 18]

PREDATORY OFFENDER REGISTRATION

243.166 REGISTRATION OF PREDATORY OFFENDERS.

Subdivision 1. MS 2004 [Repealed, 2005 c 136 art 3 s 31]

Subd. 1a. **Definitions.** (a) As used in this section, unless the context clearly indicates otherwise, the following terms have the meanings given them.

(b) "Bureau" means the Bureau of Criminal Apprehension.

(c) "Conservator" has the meaning given in chapter 524.

(d) "Corrections agent" means a county or state probation agent or other corrections employee. The term also includes United States Probation and Pretrial Services System employees who work with a person subject to this section.

(e) "Dwelling" means the building where the person lives under a formal or informal agreement to do so. However, dwelling does not include a supervised publicly or privately operated shelter or facility designed to provide temporary living accommodations for homeless individuals as defined in section 116L.361, subdivision 5.

(f) "Guardian" has the meaning given in chapter 524.

(g) "Incarceration" and "confinement" do not include electronic home monitoring.

(h) "Law enforcement authority" or "authority" means the chief of police of a home rule charter or statutory city and the county sheriff of an unincorporated area in that county. An authority must be located in Minnesota.

(i) "Motor vehicle" has the meaning given in section 169.011, subdivision 92.

(j) "Power of attorney" has the meaning given in chapter 523.

(k) "Primary address" means the mailing address of the person's dwelling. If the mailing address is different from the actual location of the dwelling, primary address also includes the physical location of the dwelling described with as much specificity as possible.

(l) "School" includes any public or private educational institution, including any secondary school, trade, or professional institution, or institution of higher education, that the person is enrolled in on a full-time or part-time basis.

(m) "Secondary address" means the mailing address of any place where the person regularly or occasionally stays overnight when not staying at the person's primary address. If the mailing address is different from the actual location of the place, secondary address also includes the physical location of the place described with as much specificity as possible. However, the location of a supervised publicly or privately operated shelter or facility designated to provide temporary living accommodations for homeless individuals as defined in section 116L.361, subdivision 5, does not constitute a secondary address.

(n) "Treatment facility" means a residential facility, as defined in section 244.052, subdivision 1, and residential substance use disorder treatment programs and halfway houses licensed under chapter 245A, including, but not limited to, those facilities directly or indirectly assisted by any department or agency of the United States.

(o) "Work" includes employment that is full time or part time for a period of time exceeding 14 days or for an aggregate period of time exceeding 30 days during any calendar year, whether financially compensated, volunteered, or for the purpose of government or educational benefit.

Subd. 1b. **Registration required.** (a) A person shall register under this section if:

(1) the person was charged with or petitioned for a felony violation of or attempt to violate, or aiding, abetting, or conspiracy to commit, any of the following, and convicted of or adjudicated delinquent for that offense or another offense arising out of the same set of circumstances:

(i) murder under section 609.185, paragraph (a), clause (2);

(ii) kidnapping under section 609.25;

(iii) criminal sexual conduct under section 609.342; 609.343; 609.344; 609.345; 609.3451, subdivision 3, paragraph (b); or 609.3453;

(iv) indecent exposure under section 617.23, subdivision 3; or

(v) surreptitious intrusion under the circumstances described in section 609.746, subdivision 1, paragraph (h);

(2) the person was charged with or petitioned for a violation of, or attempt to violate, or aiding, abetting, or conspiring to commit any of the following and convicted of or adjudicated delinquent for that offense or another offense arising out of the same set of circumstances:

(i) criminal abuse in violation of Minnesota Statutes 2020, section 609.2325, subdivision 1, paragraph (b);

(ii) solicitation, inducement, or promotion of the prostitution of a minor or engaging in the sex trafficking of a minor in violation of section 609.322;

(iii) a prostitution offense in violation of section 609.324, subdivision 1, paragraph (a);

(iv) soliciting a minor to engage in sexual conduct in violation of section 609.352, subdivision 2 or 2a, clause (1);

(v) using a minor in a sexual performance in violation of section 617.246; or

(vi) possessing or disseminating a pornographic work involving a minor in violation of section 617.247;

(3) the person was sentenced as a patterned sex offender under section 609.3455, subdivision 3a; or

(4) the person was charged with or petitioned for, including pursuant to a court martial, violating a law of the United States, including the Uniform Code of Military Justice, similar to an offense or involving similar circumstances to an offense described in clause (1), (2), or (3), and convicted of or adjudicated delinquent for that offense or another offense arising out of the same set of circumstances.

(b) A person also shall register under this section if:

(1) the person was charged with or petitioned for an offense in another state similar to an offense or involving similar circumstances to an offense described in paragraph (a), clause (1), (2), or (3), and convicted of or adjudicated delinquent for that offense or another offense arising out of the same set of circumstances;

(2) the person enters this state to reside, work, or attend school, or enters this state and remains for 14 days or longer or for an aggregate period of time exceeding 30 days during any calendar year; and

(3) ten years have not elapsed since the person was released from confinement or, if the person was not confined, since the person was convicted of or adjudicated delinquent for the offense that triggers registration, unless the person is subject to a longer registration period under the laws of another state in which the person has been convicted or adjudicated, or is subject to lifetime registration.

If a person described in this paragraph is subject to a longer registration period in another state or is subject to lifetime registration, the person shall register for that time period regardless of when the person was released from confinement, convicted, or adjudicated delinquent.

(c) A person also shall register under this section if the person was committed pursuant to a court commitment order under Minnesota Statutes 2012, section 253B.185, chapter 253D, Minnesota Statutes 1992, section 526.10, or a similar law of another state or the United States, regardless of whether the person was convicted of any offense.

(d) A person also shall register under this section if:

(1) the person was charged with or petitioned for a felony violation or attempt to violate any of the offenses listed in paragraph (a), clause (1), or a similar law of another state or the United States, or the person was charged with or petitioned for a violation of any of the offenses listed in paragraph (a), clause (2), or a similar law of another state or the United States;

(2) the person was found not guilty by reason of mental illness or mental deficiency after a trial for that offense, or found guilty but mentally ill after a trial for that offense, in states with a guilty but mentally ill verdict; and

(3) the person was committed pursuant to a court commitment order under section 253B.18 or a similar law of another state or the United States.

[See Note.]

Subd. 2. **Notice.** When a person who is required to register under subdivision 1b, paragraph (a), is sentenced or becomes subject to a juvenile court disposition order, the court shall tell the person of the duty to register under this section and that, if the person fails to comply with the registration requirements, information about the offender may be made available to the public through electronic, computerized, or other accessible means. The court may not modify the person's duty to register in the pronounced sentence or disposition order. The court shall require the person to read and sign a form stating that the duty of the person to register under this section has been explained. The court shall make available the signed court notification form, the complaint, and sentencing documents to the bureau. If a person required to register under subdivision 1b, paragraph (a), was not notified by the court of the registration requirement at the time of sentencing or disposition, the assigned corrections agent shall notify the person of the requirements of this section. If a person required to register under subdivision 1b, paragraph (a), was not notified by the court of the registration requirement at the time of sentencing or disposition and does not have a corrections agent, the law enforcement authority with jurisdiction over the person's primary address shall notify the person of the requirements. When a person who is required to register under subdivision 1b, paragraph (c) or (d), is released from commitment, the treatment facility shall notify the person of the requirements of this section. The treatment facility shall also obtain the registration information required under this section and forward it to the bureau.

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

(b) Except as provided in subdivision 3a, at least five days before the person starts living at a new primary address, including living in another state, the person shall give written notice of the new primary address to the assigned corrections agent or to the law enforcement authority with which the person currently is registered. If the person will be living in a new state and that state has a registration requirement, the person shall also give written notice of the new address to the designated registration agency in the new state. A person required to register under this section shall also give written notice to the assigned corrections agent or to the law enforcement authority that has jurisdiction in the area of the person's primary address that the person is no longer living or staying at an address, immediately after the person is no longer living or staying at that address. The written notice required by this paragraph must be provided in person. The corrections agent or law enforcement authority shall, within two business days after receipt of this information, forward it to the bureau. The bureau shall, if it has not already been done, notify the law enforcement authority having primary jurisdiction in the community where the person will live of the new address. If the person is leaving the state, the bureau shall notify the registration authority in the new state of the new address. The person's registration requirements under this section are suspended after the person begins living in the new state and the bureau has confirmed the address in the other state through the annual verification process on at least one occasion. The bureau may also attempt to confirm the person's address in the other state by the following methods:

(1) receipt of a verification letter from the law enforcement authority having primary jurisdiction in the community where the person is now living, acknowledging the person's address;

(2) receipt of a written communication or verification letter from a criminal justice agency confirming the person's location;

(3) confirmation of the individual's compliance with registration requirements or incarceration status in the new state via an online registry or website, if applicable; or

(4) confirmation of the individual's motor vehicle records under United States Code, title 18, section 2721, in the new state via the new state's documentation.

The bureau is the sole determinant as to whether the information provided by any of the methods in clauses (1) to (3) is sufficient for verification purposes and may use more than one of these methods to satisfy the verification requirement. For purposes of this subdivision, "criminal justice agency" means an agency of a state, a political subdivision, a federally recognized Tribe, a United States territory, or the federal government charged with detection, enforcement, prosecution, adjudication, or incarceration with respect to federal or state criminal laws. The person's registration requirements under this section are reactivated if the person resumes living in Minnesota and the registration time period described in subdivision 6 has not expired.

(c) A person required to register under subdivision 1b, paragraph (b), because the person is working or attending school in Minnesota shall register with the law enforcement authority that has jurisdiction in the area where the person works or attends school. In addition to other information required by this section, the person shall provide the address of the school or of the location where the person is employed. A person shall comply with this paragraph within five days of beginning employment or school. A person's obligation to register under this paragraph terminates when the person is no longer working or attending school in Minnesota.

(d) A person required to register under this section who works or attends school outside of Minnesota shall register as a predatory offender in the state where the person works or attends school. The person's corrections agent, or if the person does not have an assigned corrections agent, the law enforcement authority that has jurisdiction in the area of the person's primary address shall notify the person of this requirement.

Subd. 3a. **Registration procedure when person lacks primary address.** (a) If a person leaves a primary address and does not have a new primary address, the person shall register with the law enforcement authority that has jurisdiction in the area where the person is staying within 24 hours of the time the person no longer has a primary address.

(b) Notwithstanding the time period for registration in paragraphs (a) and (c), a person with a primary address of a correctional facility who is scheduled to be released from the facility and who does not have a new primary address shall register with the law enforcement authority that has jurisdiction in the area where the person will be staying at least three days before the person is released from the correctional facility.

(c) A person who lacks a primary address shall register with the law enforcement authority that has jurisdiction in the area where the person is staying within 24 hours after entering the jurisdiction. Each time a person who lacks a primary address moves to a new jurisdiction without acquiring a new primary address, the person shall register with the law enforcement authority that has jurisdiction in the area where the person is staying within 24 hours after entering the jurisdiction.

(d) Upon registering under this subdivision, the person shall provide the law enforcement authority with all of the information the individual is required to provide under subdivision 4a. However, instead of reporting the person's primary address, the person shall describe the location of where the person is staying with as much specificity as possible.

(e) Except as otherwise provided in paragraph (f), if a person continues to lack a primary address, the person shall report in person on a weekly basis to the law enforcement authority with jurisdiction in the area where the person is staying. This weekly report shall occur between the hours of 9:00 a.m. and 5:00 p.m. The person is not required to provide the registration information required under subdivision 4a each time the offender reports to an authority, but the person shall inform the authority of changes to any information provided under this subdivision or subdivision 4a and shall otherwise comply with this subdivision.

(f) If the law enforcement authority determines that it is impractical, due to the person's unique circumstances, to require a person lacking a primary address to report weekly and in person as required under paragraph (e), the authority may authorize the person to follow an alternative reporting procedure. The authority shall consult with the person's corrections agent, if the person has one, in establishing the specific criteria of this alternative procedure, subject to the following requirements:

(1) the authority shall document, in the person's registration record, the specific reasons why the weekly in-person reporting process is impractical for the person to follow;

(2) the authority shall explain how the alternative reporting procedure furthers the public safety objectives of this section;

(3) the authority shall require the person lacking a primary address to report in person at least monthly to the authority or the person's corrections agent and shall specify the location where the person shall report. If the authority determines it would be more practical and would further public safety for the person to report to another law enforcement authority with jurisdiction where the person is staying, it may, after consulting with the other law enforcement authority, include this requirement in the person's alternative reporting process;

(4) the authority shall require the person to comply with the weekly, in-person reporting process required under paragraph (e), if the person moves to a new area where this process would be practical;

(5) the authority shall require the person to report any changes to the registration information provided under subdivision 4a and to comply with the periodic registration requirements specified under paragraph (g); and

(6) the authority shall require the person to comply with the requirements of subdivision 3, paragraphs (b) and (c), if the person moves to a primary address.

(g) If a person continues to lack a primary address and continues to report to the same law enforcement authority, the person shall provide the authority with all of the information the individual is required to provide under this subdivision and subdivision 4a at least annually, unless the person is required to register under subdivision 1b, paragraph (c), following commitment pursuant to a court commitment under Minnesota Statutes 2012, section 253B.185, chapter 253D, Minnesota Statutes 1992, section 526.10, or a similar law of another state or the United States. If the person is required to register under subdivision 1b, paragraph (c), the person shall provide the law enforcement authority with all of the information the individual is required to report under this subdivision and subdivision 4a at least once every three months.

(h) A law enforcement authority receiving information under this subdivision shall forward registration information and changes to that information to the bureau within two business days of receipt of the information.

(i) For purposes of this subdivision, a person who fails to report a primary address will be deemed to be a person who lacks a primary address, and the person shall comply with the requirements for a person who lacks a primary address.

Subd. 4. **Contents of registration.** (a) The registration provided to the corrections agent or law enforcement authority, must consist of a statement in writing signed by the person, giving information required by the bureau, fingerprints, biological specimen for DNA analysis as defined under section 299C.155, subdivision 1, and photograph of the person taken at the time of the person's release from incarceration or, if the person was not incarcerated, at the time the person initially registered under this section. The registration information also must include a written consent form signed by the person allowing a treatment facility or

residential housing unit or shelter to release information to a law enforcement officer about the person's admission to, or residence in, a treatment facility or residential housing unit or shelter. Registration information on adults and juveniles may be maintained together notwithstanding section 260B.171, subdivision 3.

(b) For persons required to register under subdivision 1b, paragraph (c), following commitment pursuant to a court commitment under Minnesota Statutes 2012, section 253B.185, chapter 253D, Minnesota Statutes 1992, section 526.10, or a similar law of another state or the United States, in addition to other information required by this section, the registration provided to the corrections agent or law enforcement authority must include the person's offense history and documentation of treatment received during the person's commitment. This documentation is limited to a statement of how far the person progressed in treatment during commitment.

(c) Within three days of receipt, the corrections agent or law enforcement authority shall forward the registration information to the bureau. The bureau shall ascertain whether the person has registered with the law enforcement authority in the area of the person's primary address, if any, or if the person lacks a primary address, where the person is staying, as required by subdivision 3a. If the person has not registered with the law enforcement authority, the bureau shall notify that authority.

(d) The corrections agent or law enforcement authority may require that a person required to register under this section appear before the agent or authority to be photographed. The agent or authority shall submit the photograph to the bureau.

(1) Except as provided in clause (2), the agent or authority may photograph any offender at a time and frequency chosen by the agent or authority.

(2) The requirements of this paragraph shall not apply during any period where the person to be photographed is: (i) committed to the commissioner of corrections and incarcerated, (ii) incarcerated in a regional jail or county jail, or (iii) committed to the Direct Care and Treatment executive board and receiving treatment in a secure treatment facility.

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

(1) Except for persons registering under subdivision 3a, the bureau shall mail a verification form to the person's last reported primary address. This verification form must provide notice to the offender that, if the offender does not return the verification form as required, information about the offender may be made available to the public through electronic, computerized, or other accessible means. For persons who are registered under subdivision 3a, the bureau shall mail an annual verification form to the law enforcement authority where the offender most recently reported. The authority shall provide the verification form to the person at the next weekly meeting and ensure that the person completes and signs the form and returns it to the bureau. Notice is sufficient under this paragraph if the verification form is sent by first class mail to the person's last reported primary address, or for persons registered under subdivision 3a, to the law enforcement authority where the offender most recently reported.

(2) The person shall mail the signed verification form back to the bureau within ten days after receipt of the form, stating on the form the current and last address of the person's residence and the other information required under subdivision 4a.

(3) In addition to the requirements listed in this section, an offender who is no longer under correctional supervision for a registration offense, or a failure to register offense, but who resides, works, or attends school in Minnesota, shall have an in-person contact with a law enforcement authority as provided in this section. If the person resides in Minnesota, the in-person contact shall be with the law enforcement authority that has jurisdiction over the person's primary address or, if the person has no address, the location where

the person is staying. If the person does not reside in Minnesota but works or attends school in this state, the person shall have an in-person contact with the law enforcement authority or authorities with jurisdiction over the person's school or workplace. During the month of the person's birth date, the person shall report to the authority to verify the accuracy of the registration information and to be photographed. Within three days of this contact, the authority shall enter information as required by the bureau into the predatory offender registration database and submit an updated photograph of the person to the bureau's predatory offender registration unit.

(4) If the person fails to mail the completed and signed verification form to the bureau within ten days after receipt of the form, or if the person fails to report to the law enforcement authority during the month of the person's birth date, the person is in violation of this section.

(5) For any person who fails to mail the completed and signed verification form to the bureau within ten days after receipt of the form and who has been determined to be subject to community notification pursuant to section 253D.32 or is a risk level III offender under section 244.052, the bureau shall immediately investigate and notify local law enforcement authorities to investigate the person's location and to ensure compliance with this section. The bureau also shall immediately give notice of the person's violation of this section to the law enforcement authority having jurisdiction over the person's last registered primary address.

For persons required to register under subdivision 1b, paragraph (c), following commitment pursuant to a court commitment under Minnesota Statutes 2012, section 253B.185, chapter 253D, Minnesota Statutes 1992, section 526.10, or a similar law of another state or the United States, the bureau shall comply with clause (1) at least two times each year. For persons who, under section 244.052, are assigned to risk level III and who are no longer under correctional supervision for a registration offense or a failure to register offense, the bureau shall comply with clause (1) at least two times each year. For all other persons required to register under this section, the bureau shall comply with clause (1) each year within 30 days of the anniversary date of the person's initial registration.

(f) For persons registered under this section on July 1, 2019, each person, on or before one year from that date, must provide a biological specimen for the purpose of DNA analysis to the probation agency or law enforcement authority where that person is registered. A person who provides or has provided a biological specimen for the purpose of DNA analysis under chapter 299C or section 609.117 meets the requirements of this paragraph.

(g) For persons registered under this section on July 1, 2019, each person, on or before one year from that date, must provide fingerprints to the probation agency or law enforcement authority where that person is registered.

Subd. 4a. **Information required to be provided.** (a) A person required to register under this section shall provide to the corrections agent or law enforcement authority the following information:

(1) the person's primary address;

(2) all of the person's secondary addresses in Minnesota, including all addresses used for residential or recreational purposes;

(3) the addresses of all Minnesota property owned, leased, or rented by the person;

(4) the addresses of all locations where the person is employed;

(5) the addresses of all schools where the person is enrolled;

(6) the year, model, make, license plate number, and color of all motor vehicles owned or regularly driven by the person;

(7) the expiration year for the motor vehicle license plate tabs of all motor vehicles owned by the person; and

(8) all telephone numbers including work, school, and home and any cellular telephone service.

(b) The person shall report to the agent or authority the information required to be provided under paragraph (a), clauses (2) to (8), within five days of the date the clause becomes applicable. If because of a change in circumstances any information reported under paragraph (a), clauses (1) to (8), no longer applies, the person shall immediately inform the agent or authority that the information is no longer valid. If the person leaves a primary address and does not have a new primary address, the person shall register as provided in subdivision 3a.

Subd. 4b. **Health care facility; notice of status.** (a) For the purposes of this subdivision:

(1) "health care facility" means a facility:

(i) licensed by the commissioner of health as a hospital, boarding care home or supervised living facility under sections 144.50 to 144.58, or a nursing home under chapter 144A;

(ii) licensed by the commissioner of health as an assisted living facility as defined in section 144G.01; or

(iii) licensed by the commissioner of human services as a residential facility under chapter 245A to provide adult foster care, adult mental health treatment, substance use disorder treatment to adults, or residential services to persons with disabilities;

(2) "home care provider" has the meaning given in section 144A.43; and

(3) "hospice provider" has the meaning given in section 144A.75.

(b) Prior to admission to a health care facility or home care services from a home care provider or hospice services from a hospice provider, a person required to register under this section shall disclose to:

(1) the health care facility employee or the home care provider or hospice provider processing the admission the person's status as a registered predatory offender under this section; and

(2) the person's corrections agent, or if the person does not have an assigned corrections agent, the law enforcement authority with whom the person is currently required to register, that admission will occur.

(c) A law enforcement authority or corrections agent who receives notice under paragraph (b) or who knows that a person required to register under this section is planning to be admitted and receive, or has been admitted and is receiving health care at a health care facility or home care services from a home care provider or hospice services from a hospice provider, shall notify the administrator of the facility or the home care provider or the hospice provider and deliver a fact sheet to the administrator or provider containing the following information: (1) name and physical description of the offender; (2) the offender's conviction history, including the dates of conviction; (3) the risk level classification assigned to the offender under section 244.052, if any; and (4) the profile of likely victims.

(d) Except for a hospital licensed under sections 144.50 to 144.58, if a health care facility receives a fact sheet under paragraph (c) that includes a risk level classification for the offender, and if the facility

admits the offender, the facility shall distribute the fact sheet to all residents at the facility. If the facility determines that distribution to a resident is not appropriate given the resident's medical, emotional, or mental status, the facility shall distribute the fact sheet to the patient's next of kin or emergency contact.

(e) If a home care provider or hospice provider receives a fact sheet under paragraph (c) that includes a risk level classification for the offender, the provider shall distribute the fact sheet to any individual who will provide direct services to the offender before the individual begins to provide the service.

Subd. 4c. **Notices in writing; signed.** All notices required by this section must be in writing and signed by the person required to register. For purposes of this section, a signature is as defined in section 645.44, subdivision 14, by an electronic method established by the bureau, or by use of a biometric for the person. If a biometric is used, the person must provide a sample that is forwarded to the bureau so that it can be maintained for comparison purposes to verify the person's identity. The bureau shall determine the signature methods available for use and post this determination on the bureau's website.

Subd. 4d. **Guardians, conservators, and power of attorney.** Guardians and conservators of persons required to register shall have the authority to complete all verification and registration paperwork under this section and section 243.167 on the person's behalf. A validly executed power of attorney under chapter 523 grants the attorney in fact the authority to complete all verification and registration paperwork under this section and section 243.167 on behalf of a person required to register.

Subd. 5. **Criminal penalty.** (a) A person required to register under this section who was given notice, knows, or reasonably should know of the duty to register and who:

(1) knowingly commits an act or fails to fulfill a requirement that violates any provision of this section; or

(2) intentionally provides false information to a corrections agent, law enforcement authority, or the bureau is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both.

(b) Except as provided in paragraph (c), a person convicted of violating paragraph (a) shall be committed to the custody of the commissioner of corrections for not less than a year and a day, nor more than five years.

(c) A person convicted of violating paragraph (a), who has previously been convicted of or adjudicated delinquent for violating this section or a similar statute of another state or the United States, shall be committed to the custody of the commissioner of corrections for not less than two years, nor more than five years.

(d) Prior to the time of sentencing, the prosecutor may file a motion to have the person sentenced without regard to the mandatory minimum sentence established by this subdivision. The motion must be accompanied by a statement on the record of the reasons for it. When presented with the motion, or on its own motion, the court may sentence the person without regard to the mandatory minimum sentence if the court finds substantial and compelling reasons to do so. Sentencing a person in the manner described in this paragraph is a departure from the Sentencing Guidelines.

(e) A person convicted and sentenced as required by this subdivision is not eligible for probation, parole, discharge, work release, conditional release, or supervised release, until that person has served the full term of imprisonment as provided by law, notwithstanding the provisions of sections 241.26, 242.19, 243.05, 244.04, 609.12, and 609.135.

Subd. 5a. **Ten-year conditional release for violations committed by level III offenders.** Notwithstanding the statutory maximum sentence otherwise applicable to the offense or any

provision of the sentencing guidelines, when a court commits a person to the custody of the commissioner of corrections for violating subdivision 5 and, at the time of the violation, the person was assigned to risk level III under section 244.052, the court shall provide that after the person has been released from prison, the commissioner shall place the person on conditional release for ten years. The terms of conditional release are governed by section 609.3455, subdivision 8.

Subd. 6. **Registration period.** (a) Notwithstanding the provisions of section 609.165, subdivision 1, and except as provided in paragraphs (b), (c), and (d), a person required to register under this section shall continue to comply with this section until ten years have elapsed since the person initially registered in connection with the offense, or until the probation, supervised release, or conditional release period expires, whichever occurs later. For a person required to register under this section who is committed under section 253B.18, Minnesota Statutes 2012, section 253B.185, or chapter 253D, the ten-year registration period does not include the period of commitment.

(b) If a person required to register under this section fails to provide the person's primary address as required by subdivision 3, paragraph (b), fails to comply with the requirements of subdivision 3a, fails to provide information as required by subdivision 4a, or fails to return the verification form referenced in subdivision 4 within ten days, the commissioner of public safety shall require the person to continue to register for an additional period of five years. This five-year period is added to the end of the offender's registration period.

(c) If a person required to register under this section is incarcerated due to a conviction for a new offense that requires registration under this section or section 243.167 or following a revocation of probation, supervised release, or conditional release for an offense that requires registration under this section or section 243.167, the person shall continue to register until ten years have elapsed since the person was last released from incarceration or until the person's probation, supervised release, or conditional release period expires, whichever occurs later.

(d) A person shall continue to comply with this section for the life of that person:

(1) if the person is convicted of or adjudicated delinquent for any offense for which registration is required under subdivision 1b, or any offense from another state or any federal offense similar to the offenses described in subdivision 1b, and the person has a prior conviction or adjudication for an offense for which registration was or would have been required under subdivision 1b, or an offense from another state or a federal offense similar to an offense described in subdivision 1b;

(2) if the person is required to register based upon a conviction or delinquency adjudication for an offense under section 609.185, paragraph (a), clause (2), or a similar statute from another state or the United States;

(3) if the person is required to register based upon a conviction for an offense under section 609.342, subdivision 1, clause (a) to (c) or (e), or subdivision 1a, clause (a) to (e) or (h); 609.343, subdivision 1, clause (a) to (c) or (e), or subdivision 1a, clause (a) to (e) or (h); 609.344, subdivision 1, clause (a) or (c), or subdivision 1a, clause (a), (c), (g), or (h); or 609.345, subdivision 1, clause (a) or (c), or subdivision 1a, clause (a), (c), (g), or (h); or a statute from another state or the United States similar to the offenses described in this clause; or

(4) if the person is required to register under subdivision 1b, paragraph (c), following commitment pursuant to a court commitment under Minnesota Statutes 2012, section 253B.185, chapter 253D, Minnesota Statutes 1992, section 526.10, or a similar law of another state or the United States.

(e) A person described in subdivision 1b, paragraph (b), who is required to register under the laws of a state in which the person has been previously convicted or adjudicated delinquent, shall register under this section for the time period required by the state of conviction or adjudication unless a longer time period is required elsewhere in this section.

Subd. 7. **Use of data.** (a) Except as otherwise provided in subdivision 4b or 7a or sections 244.052 and 299C.093, the data provided under this section is private data on individuals under section 13.02, subdivision 12.

(b) The data may be used only by law enforcement and corrections agencies for law enforcement and corrections purposes. Law enforcement or a corrections agent may disclose the status of an individual as a predatory offender to a child protection worker with a local welfare agency for purposes of doing an investigation or family assessment under chapter 260E. A corrections agent may also disclose the status of an individual as a predatory offender to comply with section 244.057.

(c) The commissioner of human services is authorized to have access to the data for purposes of completing background studies under chapter 245C.

(d) The Direct Care and Treatment executive board is authorized to have access to data for any service, program, or facility owned or operated by the state of Minnesota and under the programmatic direction and fiscal control of the executive board for purposes described in section 246.13, subdivision 2, paragraph (b).

Subd. 7a. **Availability of information on offenders who are out of compliance with registration law.** (a) The bureau may make information available to the public about offenders who are 16 years of age or older and who are out of compliance with this section for 30 days or longer for failure to provide the offenders' primary or secondary addresses. This information may be made available to the public through electronic, computerized, or other accessible means. The amount and type of information made available is limited to the information necessary for the public to assist law enforcement in locating the offender.

(b) An offender who comes into compliance with this section after the bureau discloses information about the offender to the public may send a written request to the bureau requesting the bureau to treat information about the offender as private data, consistent with subdivision 7. The bureau shall review the request and promptly take reasonable action to treat the data as private, if the offender has complied with the requirement that the offender provide the offender's primary and secondary addresses, or promptly notify the offender that the information will continue to be treated as public information and the reasons for the bureau's decision.

(c) If an offender believes the information made public about the offender is inaccurate or incomplete, the offender may challenge the data under section 13.04, subdivision 4.

(d) The bureau is immune from any civil or criminal liability that might otherwise arise, based on the accuracy or completeness of any information made public under this subdivision, if the bureau acts in good faith.

Subd. 8. MS 2004 [Repealed, 2005 c 136 art 3 s 31]

Subd. 9. **Offenders from other states.** (a) When the state accepts an offender from another state under a reciprocal agreement under the interstate compact authorized by section 243.1605, or under any authorized interstate agreement, the acceptance is conditional on the offender agreeing to register under this section when the offender is living in Minnesota.

(b) The Bureau of Criminal Apprehension shall notify the commissioner of corrections:

(1) when the bureau receives notice from a local law enforcement authority that a person from another state who is subject to this section has registered with the authority, unless the bureau previously received information about the offender from the commissioner of corrections;

(2) when a registration authority, corrections agent, or law enforcement agency in another state notifies the bureau that a person from another state who is subject to this section is moving to Minnesota; and

(3) when the bureau learns that a person from another state is in Minnesota and allegedly in violation of subdivision 5 for failure to register.

(c) When a local law enforcement agency notifies the bureau of an out-of-state offender's registration, the agency shall provide the bureau with information on whether the person is subject to community notification in another state and the risk level the person was assigned, if any.

(d) The bureau must forward all information it receives regarding offenders covered under this subdivision from sources other than the commissioner of corrections to the commissioner.

(e) When the bureau receives information directly from a registration authority, corrections agent, or law enforcement agency in another state that a person who may be subject to this section is moving to Minnesota, the bureau must ask whether the person entering the state is subject to community notification in another state and the risk level the person has been assigned, if any.

(f) When the bureau learns that a person subject to this section intends to move into Minnesota from another state or has moved into Minnesota from another state, the bureau shall notify the law enforcement authority with jurisdiction in the area of the person's primary address and provide all information concerning the person that is available to the bureau.

(g) The commissioner of corrections must determine the parole, supervised release, or conditional release status of persons who are referred to the commissioner under this subdivision. If the commissioner determines that a person is subject to parole, supervised release, or conditional release in another state and is not registered in Minnesota under the applicable interstate compact, the commissioner shall inform the local law enforcement agency that the person is in violation of section 243.161. If the person is not subject to supervised release, the commissioner shall notify the bureau and the local law enforcement agency of the person's status.

Subd. 10. MS 2000 [Repealed, 1Sp2001 c 8 art 9 s 8]

Subd. 10. **Venue; aggregation.** (a) A violation of this section may be prosecuted in any jurisdiction where an offense takes place. However, the prosecutorial agency in the jurisdiction where the person last registered a primary address is initially responsible to review the case for prosecution.

(b) When a person commits two or more offenses in two or more counties, the accused may be prosecuted for all of the offenses in any county in which one of the offenses was committed.

Subd. 11. **Certified copies as evidence.** Certified copies of predatory offender registration records are admissible as substantive evidence when necessary to prove the commission of a violation of this section.

History: *1991 c 285 s 3; 1993 c 326 art 10 s 1-7; 1994 c 636 art 4 s 5-8; 1Sp1994 c 1 art 3 s 1,2; 1995 c 226 art 4 s 3; 1996 c 408 art 5 s 2,3; 1997 c 239 art 5 s 1-3; 1998 c 367 art 3 s 1-3; art 6 s 15; 1999 c 127 s 1; 1999 c 139 art 4 s 2; 1999 c 233 s 1-3; 2000 c 260 s 28; 2000 c 311 art 2 s 1-10; 1Sp2001 c 8 art 9 s 1-4; 2002 c 222 s 1; 2003 c 116 s 2; 1Sp2003 c 2 art 8 s 4,5; 2005 c 136 art 3 s 8; art 5 s 1; 1Sp2005 c 4 art 1 s 2,3; 2006 c 260 art 1 s 47; art 3 s 7-10; 2008 c 299 s 6,7; 2009 c 59 art 1 s 1; 2009 c 86 art 1 s 35-37; 2010 c 251 s 1,2; 2011 c 28 s 2; 2013 c 49 s 22; 2013 c 96 s 1; 2013 c 108 art 5 s 2; art 8 s 3; 2014*

c 259 s 1-4; 2016 c 136 s 1,2; 2016 c 189 art 4 s 11; 1Sp2019 c 5 art 5 s 2-10; 1Sp2020 c 2 art 8 s 39; 7Sp2020 c 1 art 6 s 25; 2021 c 20 s 1; 1Sp2021 c 11 art 2 s 11; art 4 s 2,31; 2022 c 98 art 4 s 51; 2023 c 52 art 4 s 1; 2024 c 79 art 9 s 5; art 10 s 3; 2024 c 115 art 18 s 10; 2024 c 123 art 7 s 1-5

NOTE: Subdivision 1b, paragraph (a), clause (1), was found to be unconstitutional in violation of the Due Process Clause of Article I, section 7, of the Minnesota Constitution as applied to a defendant who is required to register as a predatory offender after being acquitted at trial of the charge giving rise to the registration requirement in *Siegel v. Evans*, --- N.W.3d ---, 2026 WL 2444296 (Minn. 2026).

243.167 REGISTRATION UNDER PREDATORY OFFENDER REGISTRATION LAW FOR OTHER OFFENSES.

Subdivision 1. **Definition.** As used in this section, "crime against the person" means a violation of any of the following or a similar law of another state or of the United States: section 609.165; 609.185; 609.19; 609.195; 609.20; 609.205; 609.221; 609.222; 609.223; 609.2231; 609.224, subdivision 2 or 4; 609.2242, subdivision 2 or 4; 609.2247; 609.235; 609.245, subdivision 1; 609.25; 609.255; 609.3451, subdivision 2; 609.498, subdivision 1 or 1b; 609.582, subdivision 1; or 617.23, subdivision 2; or any felony-level violation of section 609.229; 609.377; 609.749; or 624.713.

Subd. 2. **When required.** (a) In addition to the requirements of section 243.166, a person also shall register under section 243.166 if:

(1) the person is convicted of a crime against the person; and

(2) the person was previously convicted of or adjudicated delinquent for an offense listed in section 243.166, or a comparable offense in another state, but was not required to register for the offense because the registration requirements of that section did not apply to the person at the time the offense was committed or at the time the person was released from imprisonment.

(b) A person who was previously required to register in any state and who has completed the registration requirements of that state shall again register under section 243.166 if the person commits a crime against the person.

History: *2000 c 311 art 2 s 11; 1Sp2001 c 8 art 9 s 5; 2005 c 136 art 3 s 9; 2007 c 54 art 7 s 2; 2008 c 299 s 8; 2024 c 123 art 6 s 3*

INMATES; FACILITIES

243.17 SHERIFF, EXPENSES CONVEYING PRISONERS.

Subdivision 1. **Allowed expenses.** The commissioner of management and budget shall pay out of the state treasury to the commissioner of corrections each fiscal year the amount necessary to offset expenses incurred to convey convicted persons and children adjudicated delinquent and committed to the custody of the commissioner of corrections to the appropriate adult or juvenile correctional facility as designated by the commissioner of corrections. The total amount of payments shall not exceed $500,000 each fiscal year. Payments shall be made one or two times each fiscal year based on a fee schedule agreed to by the Department of Corrections and the Minnesota Sheriffs' Association.

Subd. 2. **Transportation of prisoners.** The conveyance of prisoners to and from court in connection with postconviction, habeas corpus, or intrastate mandatory disposition of detainers proceedings shall be by

the sheriff of the county in which the proceedings are to be held and at the expense of the state as provided in subdivision 1.

History: *(10826) 1909 c 70 s 1; 1945 c 327 s 1; 1951 c 339 s 3; 1959 c 630 s 3; 1971 c 905 s 1; 1973 c 492 s 14; 1979 c 102 s 13; 1983 c 264 s 5; 1994 c 636 art 6 s 33; 2009 c 101 art 2 s 109; 2017 c 95 art 3 s 7*

243.18 Subdivision 1. [Renumbered 244.04, subd 1a]

Subd. 2. MS 2012 [Repealed, 2014 c 218 s 10]

Subd. 3. MS 1993 Supp [Repealed, 1994 c 636 art 6 s 34]

243.19 MS 1978 [Repealed, 1979 c 129 s 4]

243.20 DISCHARGE; CLOTHING; MONEY.

Upon the release by discharge or on parole of any inmate of an adult correctional facility under the control of the commissioner of corrections, the chief executive officer thereof, at the expense of the state, shall furnish each inmate released with one good, serviceable outfit of clothing, and, when released during the winter months between approximately October 1 and March 31 following, with a good, serviceable overcoat.

History: *(10838) 1917 c 159 s 1; 1943 c 430 s 3; 1967 c 398 s 4; 1979 c 102 s 13; 1981 c 192 s 13*

243.205 NOTICE OF RESTORATION OF RIGHT TO VOTE.

Subdivision 1. **Correctional facilities; designation of official.** The chief executive officer of each state and local correctional facility shall designate an official within the facility to provide the notice and application required under this section to a person to whom the civil right to vote is restored by reason of the person's release from actual incarceration. The official shall maintain an adequate supply of voter registration applications and informational materials for this purpose.

Subd. 2. **Notice requirement.** A notice of restoration of the civil right to vote and a voter registration application must be provided as follows:

(1) the chief executive officer of each state and local correctional facility shall provide the notice and application to a person being released from the facility following incarceration for a felony-level offense; and

(2) a probation officer or supervised release agent shall provide the notice and application to all individuals under correctional supervision for a felony-level offense.

Subd. 3. MS 2023 Supp [Repealed, 2024 c 112 art 2 s 81]

Subd. 3a. **Form of notice.** The notice required by subdivision 2 must include all of the following information:

(1) the statement "Your right to vote has been restored.";

(2) a statement that says the person is eligible to vote if the person meets the eligibility requirements;

(3) a list of the eligibility requirements to vote;

(4) a statement that a voter registration application is attached to the notice and information on all the ways to register to vote;

(5) information on where to find a list of documents to be used to provide current proof of residence;

(6) the statement "If you violate the conditions of release, the commissioner may revoke your release after due process and reimprison you. If that occurs, your right to vote is lost again while you are in prison."; and

(7) information on where the person may find more information about voting rights.

Subd. 4. **Failure to provide notice.** A failure to provide proper notice as required by this section does not prevent the restoration of the person's civil right to vote.

History: *2023 c 12 s 6; 2024 c 112 art 2 s 65*

243.21 TRESPASSING UPON INSTITUTION GROUNDS; DETENTION.

Subdivision 1. **Prohibition.** No person shall trespass or loiter upon the grounds of any state correctional facility, upon any farm or camp or other establishments belonging to a state correctional facility, or upon the grounds of any other institution or facility under the control of the commissioner of corrections without the consent of the chief executive officer thereof; nor shall any person communicate or in any way assist in establishing communication with any inmate of a state correctional facility or other institution or facility except as permitted by law or authorized by the chief executive officer thereof. Whoever violates any of the provisions hereof shall be guilty of a misdemeanor.

Subd. 2. **Custody; arrest.** Any person found to be trespassing or loitering upon the grounds of a state correctional facility in violation of subdivision 1 or who, being lawfully upon the grounds, introduces or attempts to introduce contraband prohibited by section 243.55 or anything usable in making an escape, or assaults or attempts to assault an officer or employee of the facility, may be taken into custody by the chief executive officer or a designated agent and detained for no more than two hours, pending surrender to any peace officer having the power of arrest.

History: *1959 c 394; 1967 c 398 s 4; 1971 c 10 s 1; 1979 c 102 s 3; 1986 c 444*

243.211 UNAUTHORIZED COMMUNICATION WITH PRISONERS.

Every person who, not being authorized by law or by written permission from the commissioner of corrections, or by consent of the chief executive officer of a state correctional facility under the control of the commissioner of corrections, has any verbal communication with an inmate thereof, or brings into or conveys out of the facility any writing, clothing, food, tobacco, or other article whatsoever, to or from any inmate under sentence, is guilty of a misdemeanor.

History: *(10049) RL s 4861; 1959 c 263 s 2; 1979 c 102 s 13; 1981 c 192 s 14*

243.212 CO-PAYMENTS FOR HEALTH SERVICES.

Any inmate of an adult correctional facility under the control of the commissioner of corrections shall incur co-payment obligations for health care services provided except for mental health services. The co-payment shall be at least $5 per visit to a health care provider. The co-payment will be paid from the inmate account of earnings and other funds, as provided in section 243.23, subdivision 3. The funds paid

under this subdivision are appropriated to the commissioner of corrections for the delivery of health care services to inmates.

History: *1995 c 226 art 5 s 3; 1996 c 408 art 8 s 4; 1Sp2011 c 1 art 2 s 1; 2016 c 112 s 1*

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

243.23 COMPENSATION PAID TO INMATES.

Subdivision 1. **Compensation.** Notwithstanding any law to the contrary, the commissioner of corrections may provide for the payment to inmates of correctional facilities under the commissioner's management and control any pecuniary compensation the commissioner deems proper, the amount of compensation to depend upon the quality and character of the work performed as determined by the commissioner of corrections and the chief executive officer. Inmates who because of illness or physical disability cannot work may be paid a minimal amount per day as determined by the commissioner. These earnings shall be paid out of the fund provided for the carrying on of the work in which the inmate is engaged when employed on state account, or from the current expense fund of the facility as the commissioner of corrections determines.

Subd. 2. **Inmate payment of board and room.** The commissioner may promulgate rules requiring the inmates of adult correctional facilities under the commissioner's control to pay all or a part of the cost of their board, room, clothing, medical, dental and other correctional services. These costs are payable from any earnings of the inmate, including earnings from private industry established at state correctional facilities pursuant to section 243.88. All sums of money received pursuant to the payments made for correctional services as authorized in this subdivision are available for use by the commissioner during the current and subsequent fiscal year, and are appropriated to the commissioner of corrections for the purposes of the fund from which the earnings were paid.

Subd. 3. **Exceptions.** Notwithstanding sections 241.26, subdivision 5, and 243.24, subdivision 1, the commissioner may make deductions from funds earned under subdivision 1, or other funds in an inmate account, and section 243.88, subdivision 2. The commissioner shall make deductions for the following expenses in the following order of priority:

(1) federal and state taxes;

(2) repayment of advances;

(3) gate money as provided in section 243.24;

(4) support of families and dependent relatives of the respective inmates;

(5) payment of court-ordered restitution;

(6) room and board or other costs of confinement;

(7) medical expenses incurred under section 243.212;

(8) payment of fees and costs in a civil action commenced by an inmate;

(9) payment of fines, surcharges, or other fees assessed or ordered by a court;

(10) contribution to the Crime Victims Reparations Board created under section 611A.55, provided that the contribution shall not be more than 20 percent of an inmate's gross wages;

(11) the payment of restitution to the commissioner ordered by prison disciplinary hearing officers for damage to property caused by an inmate's conduct;

(12) restitution to staff ordered by a prison disciplinary hearing officer for damage to property caused by an inmate's conduct;

(13) restitution to another inmate ordered by a prison disciplinary hearing officer for personal injury to another caused by an inmate's conduct; and

(14) discharge of any legal obligations arising out of litigation under this subdivision.

The commissioner may authorize the payment of court-ordered restitution from an inmate's wages when the restitution was ordered by the court 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. An inmate of an adult correctional facility under the control of the commissioner is subject to actions for the enforcement of support obligations and reimbursement of any public assistance rendered the dependent family and relatives. The commissioner may conditionally release an inmate who is a party to an action under this subdivision and provide for the inmate's detention in a local detention facility convenient to the place of the hearing when the inmate is not engaged in preparation and defense.

History: *(10820) 1909 c 304 s 1; 1943 c 430 s 1; 1955 c 661 s 1; 1959 c 263 s 2; 1967 c 398 s 4; 1967 c 424 s 1; 1973 c 307 s 1; 1977 c 392 s 7; 1979 c 102 s 13; 1983 c 262 art 2 s 2; 1985 c 220 s 3; 1986 c 444; 1987 c 252 s 5; 1993 c 326 art 8 s 8; 1993 c 375 art 17 s 5; 1994 c 636 art 6 s 11; 1995 c 226 art 5 s 4; 1999 c 126 s 7*

243.24 MONEY, HOW USED; FORFEITURE.

Subdivision 1. **Sole benefit of inmate.** Any money arising under section 243.23 shall be and remain under the control of the commissioner of corrections and shall be for the sole benefit of the inmate, unless by special order of the commissioner of corrections it shall be used as designated in section 243.23, subdivisions 2 and 3, or for rendering assistance to the inmate's family or dependent relatives, under such rules as to time, manner, and amount of disbursements as the commissioner of corrections may prescribe. Unless ordered disbursed as hereinbefore prescribed or for an urgency determined in each case by the chief executive officer of the facility, a portion of such earnings in an amount to be determined by the commissioner shall be set aside and kept by the facility in the public welfare fund of the state for the benefit of the inmate and for the purpose of assisting the inmate when leaving the facility and if released on parole said sum to be disbursed to the inmate in such amounts and at such times as the commissioner of corrections may authorize and on final discharge, if any portion remains undisbursed, it shall be transmitted to the inmate.

Subd. 2. **Chief executive officer to increase fund to $100.** If the fund standing to the credit of the prisoner on the prisoner's leaving the facility by discharge, supervised release, or on parole be less than $100, the warden or chief executive officer is directed to pay out of the current expense fund of the facility sufficient funds to make the total of said earnings the sum of $100. Offenders who have previously received the $100 upon their initial release from incarceration will not receive the $100 on any second or subsequent release from incarceration for that offense. Offenders who were sentenced as short-term offenders under section 609.105 shall not receive gate money.

Subd. 3. **Forfeiture of contraband money or property.** Money or property received by or in the possession of an inmate that is determined by the head of the institution after an institutional disciplinary hearing to be contraband within the meaning of rules adopted by the commissioner of corrections may be seized by the institution head or by the head's designee. Property seized under this subdivision may be sold

or destroyed if the property is not claimed by its rightful owner within 30 days. Proceeds from a sale or money seized pursuant to this subdivision must be deposited in the inmate social welfare fund for the benefit of the inmates of the facility. The commissioner of corrections shall adopt rules consistent with this section. The state or an official, employee, or agent of the state is not liable for any damages due to the disposal of personal property or use of money in accordance with this section.

History: *(10821) 1909 c 304 s 2; 1943 c 430 s 2; 1955 c 261 s 1; 1959 c 263 s 2,3; 1971 c 878 s 1; 1979 c 102 s 13; 1980 c 417 s 3; 1985 c 248 s 70; 1986 c 444; 1987 c 252 s 6,7; 1987 c 384 art 2 s 57; 1994 c 636 art 6 s 12; 2005 c 136 art 13 s 5*

243.241 CIVIL ACTION MONEY DAMAGES.

Money damages recovered in a civil action by an inmate confined in a state correctional facility or released from a state correctional facility under section 244.065 or 244.07 shall be deposited in the inmate's inmate account and disbursed according to the priorities in section 243.23, subdivision 3.

History: *1995 c 226 art 6 s 4*

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

243.251 POSTTRAUMATIC STRESS DISORDER.

(a) "Veteran" means a person who served in the United States armed forces in a combat zone. "Civilian medical staff" means a nurse or other person with medical training who provided medical care and assistance in a combat zone to members of the United States armed forces.

(b) When an inmate who is a veteran or served as a civilian medical staff person is confined in an adult correctional institution under the control of the commissioner of corrections, the chief executive officer shall require the director of inmate classification to determine if the inmate's military duty or civilian medical service was unusually stressful. If the director determines that the inmate's military duty or civilian medical service was unusually stressful, the director shall consider that fact in developing a corrections plan for the inmate.

History: *1989 c 124 s 1*

243.255 PRIVATE INSURANCE POLICIES; SUBROGATION.

Subdivision 1. **Definitions.** As used in this section:

(a) "commissioner" means the commissioner of corrections;

(b) "inmate" means a person who has been sentenced to incarceration in a state or local correctional facility, including persons committed in accordance with section 631.425 or released for employment under section 241.26; and

(c) "private insurance coverage" means coverage for medical care or services under any insurance plan regulated by chapter 62A, 62C, 62D, 64B, or 65B. Private insurance coverage also includes any self-insurance plan providing medical care or services.

Subd. 2. **Subrogation rights.** When the commissioner or a county agency provides medical care or services pursuant to section 241.74, subdivision 1, or any rule adopted under it to any inmate having private insurance coverage, the commissioner or county agency shall be subrogated, to the extent of the cost of

services provided, to any rights the inmate may have under the terms of any private insurance coverage. This provision supersedes any inconsistent policy provision.

Subd. 3. **Civil action.** The county attorney may institute a civil action against the carrier of the private insurance coverage to recover under this section on behalf of the county agency.

Subd. 4. **Policy exclusions prohibited.** The provisions of section 62A.044 apply to this section.

History: *1988 c 656 s 5; 2026 c 97 art 5 s 9*

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

243.40 MINNESOTA CORRECTIONAL FACILITY-STILLWATER.

There is established the Minnesota Correctional Facility-Stillwater at Stillwater, Minnesota, in which may be placed persons committed to the commissioner of corrections by the courts of this state who, in the opinion of the commissioner, may benefit from the programs available thereat. The general control and management of the facility shall be under the commissioner of corrections.

History: *(10787) RL s 5432; 1939 c 431 art 7 s 3; 1959 c 263 s 2; 1979 c 102 s 4*

243.41 MS 1978 [Repealed, 1979 c 129 s 4]

243.42 MS 1978 [Repealed, 1979 c 129 s 4]

243.43 MS 1978 [Repealed, 1979 c 129 s 4]

243.44 MS 1978 [Repealed, 1979 c 129 s 4]

243.45 MS 1978 [Repealed, 1979 c 129 s 4]

243.46 MS 1978 [Repealed, 1979 c 129 s 4]

243.465 DIVERSIFIED LABOR ACCOUNTS.

Money received in payment for the services of inmate labor employed in the industries carried on at any state correctional facility under the control of the commissioner of corrections is appropriated to the commissioner of corrections to be added to the revolving funds of these facilities. The commissioner of corrections may set aside a portion of the revolving fund of any correctional facility to be used as a diversified labor account for the introduction and encouragement of industries that in the commissioner's judgment may be beneficial to the inmates of the facilities.

History: *1977 c 410 s 18; 1979 c 102 s 13; 1981 c 192 s 15; 1986 c 444*

243.47 MS 1978 [Repealed, 1979 c 129 s 4]

243.48 VISITORS; STATE CORRECTIONAL FACILITIES.

Subdivision 1. **General searches.** The commissioner of corrections, the state correctional facilities audit group, the governor, lieutenant governor, members of the legislature, state officers, and the ombudsperson for corrections may visit the inmates at pleasure, but no other persons without permission of the chief executive officer of the facility, under rules prescribed by the commissioner. A moderate fee may be required of visitors, other than those allowed to visit at pleasure. All fees so collected shall be reported and remitted to the commissioner of management and budget under rules as the commissioner may deem proper, and when so remitted shall be placed to the credit of the general fund.

Subd. 2. **Legal assistance.** Duly licensed attorneys may visit at pleasure and have reasonable access to offender clients. Law students, paralegals and other agents working under the supervision of duly licensed attorneys, shall have reasonable access to offenders during normal business hours for the purpose of providing legal services, provided they are properly identified as representing or being the agent of a duly licensed attorney.

History: *(10795) RL s 5434; 1909 c 241 s 1; 1959 c 263 s 2; 1979 c 102 s 5; 1990 c 594 art 3 s 9; 2003 c 112 art 2 s 50; 1Sp2003 c 2 art 5 s 3; 2009 c 101 art 2 s 109; 1Sp2019 c 5 art 3 s 9; 1Sp2021 c 11 art 9 s 17*

243.49 COMMITMENT PAPERS; DUTY OF COURT ADMINISTRATOR.

Upon a plea of guilty or finding of guilty after trial, the court administrator of every court which sentences a defendant for a felony or gross misdemeanor to the custody of the commissioner of corrections or to the superintendent of the workhouse or work farm, shall provide the officer or person having custody of the defendant a certified record for commitment, including a copy of the indictment and plea. The record shall also include the trial judge's impressions of the defendant's mental and physical condition, general character, capacity, disposition, habits and special needs. The certified record for commitment may be used as evidence in any postconviction proceeding brought by the defendant. The court administrator shall also deliver to the sheriff or other officer or person conveying the defendant to the correctional facility, workhouse, or work farm designated by the commissioner of corrections or the judge a warrant of commitment together with a certified copy of the warrant directing the conveyor to deliver the person and the certified record for commitment to the principal officer in charge of the correctional facility, workhouse, or work farm. Upon the delivery of any person, the principal officer in charge of the correctional facility, workhouse, or work farm shall keep the certified copy of the warrant of commitment and endorse the principal officer's receipt upon the original, which shall be filed with the sentencing court. The court administrator shall retain a recording and the court reporter's notes of all proceedings.

History: *(10797) RL s 5436; 1911 c 228 s 1; 1961 c 602 s 1; 1965 c 869 s 15; 1967 c 696 s 1; 1969 c 448 s 2; 1973 c 654 s 15; 1975 c 271 s 6; 1983 c 40 s 1; 1985 c 38 s 1; 1986 c 444; 1Sp1986 c 3 art 1 s 82; 2017 c 95 art 2 s 4*

243.50 PAYMENT OF COURT REPORTER.

Such transcripts and tapes shall be furnished by the court reporter who shall be paid therefor by the state courts, on certificates duly certified to by the judge presiding at the sentence, the same fee per folio provided by statute for transcripts of testimony furnished to parties ordering the same in civil proceedings and for tapes on a costs basis.

History: *(10798) 1911 c 228 s 2; 1965 c 869 s 16; 1986 c 444; 1999 c 216 art 7 s 18*

243.51 UNITED STATES PRISONERS; PRISONERS FROM OTHER STATES.

Subdivision 1. **Contracting with other states and federal government.** The commissioner of corrections is hereby authorized to contract with agencies and bureaus of the United States and with the proper officials of other states or a county of this state for the custody, care, subsistence, education, treatment and training of persons convicted of criminal offenses constituting felonies in the courts of this state, the United States, or other states of the United States. The contracts shall provide for reimbursing the state of Minnesota for all costs or other expenses involved, and, to the extent possible, require payment to the Department of Corrections of a per diem amount that is substantially equal to or greater than the per diem for the cost of housing Minnesota inmates at the same facility. This per diem cost shall be based on the assumption that

the facility is at or near capacity. Funds received under the contracts shall be deposited in the state treasury and are appropriated to the commissioner of corrections for correctional purposes. Any prisoner transferred to the state of Minnesota pursuant to this subdivision shall be subject to the terms and conditions of the prisoner's original sentence as if the prisoner were serving the same within the confines of the state in which the conviction and sentence was had or in the custody of the United States. Nothing herein shall deprive the inmate of the right to parole or the rights to legal process in the courts of this state.

Subd. 2. **Transfer of inmates to federal government.** The commissioner of corrections may transfer to the custody of the United States attorney general any inmate of a Minnesota correctional facility whose presence is seriously detrimental to the internal discipline and well-being of the facility, or whose personal safety cannot be reasonably secured therein or in any other state facility, provided the attorney general of the United States accept such transfer. Such transfer shall be accomplished in the manner prescribed by United States Code, title 18, section 5003, and acts amendatory thereof, and the commissioner of corrections may execute such contracts as therein provided. The reimbursement of the federal government for all costs and expenses incurred for the care, custody, subsistence, education, treatment, and training of such transferee shall be paid from the appropriation for the operation of the Minnesota correctional facility from which the inmate was transferred.

The chief executive officer of the transferring facility shall attach to such contract a duly certified copy of the warrant of commitment under which such inmate is held, together with copies of such other commitment papers as are required by section 243.49, and such other data relating to the character and condition of such inmates as the officer may deem necessary or may be required by the federal prison authorities. Such copy of the warrant of commitment and accompanying papers shall constitute sufficient authority for the United States to hold such inmate on behalf of the state of Minnesota.

Any inmate so transferred under this subdivision shall be subject to the terms and conditions of the inmate's original sentence as if the inmate were serving the same within the confines of the facility from which transferred. Nothing herein contained shall deprive such inmate of the right to parole or the rights to legal process in the courts of this state.

Subd. 3. **Temporary detention.** The commissioner of corrections is authorized to contract with agencies and bureaus of the United States and with the appropriate officials of any other state or county of this state for the temporary detention of any person in custody pursuant to any process issued under the authority of the United States, other states of the United States, or the district courts of this state. The contract shall provide for reimbursement to the state of Minnesota for all costs and expenses involved, and, to the extent possible, require payment to the Department of Corrections of a per diem amount that is substantially equal to or greater than the per diem for the cost of housing Minnesota inmates at the same facility. This per diem cost shall be based on the assumption that the facility is at or near capacity. Funds received under the contracts shall be deposited in the state treasury and are appropriated to the commissioner of corrections for correctional purposes.

Subd. 4. MS 1998 [Repealed, 1998 c 367 art 9 s 24]

Subd. 5. MS 2012 [Repealed, 2013 c 86 art 3 s 15]

History: *(10799) RL s 5437; 1967 c 398 s 4; 1967 c 399 s 1; 1979 c 102 s 13; 1Sp1982 c 2 s 1; 1983 c 274 s 5; 1986 c 444; 1995 c 226 art 1 s 19,20; 1997 c 239 art 9 s 20-22; 1998 c 367 art 9 s 13-15; 2001 c 210 s 13; 1Sp2001 c 9 art 18 s 13,14; 2002 c 379 art 1 s 113; 2013 c 86 art 3 s 1,2*

243.515 TRANSFER UNDER TREATY; EXTRADITION UNDER TREATY.

Whenever a treaty is in force between the United States and a foreign country providing for the transfer or exchange of convicted offenders to the country of which they are citizens or nationals, and for the extradition of persons residing in the territory of the United States who have been charged with or convicted of crime committed within the territory of that foreign country, the governor may, on behalf of the state and subject to the terms of the appropriate treaty, authorize the commissioner of corrections to: (1) consent to the transfer or exchange of offenders; and (2) deliver any inmate of a state correctional facility for whom an extradition demand has been made pursuant to this section to the custody of the appropriate officials of the United States for surrender to the proper officials of that foreign country. The commissioner of corrections shall take any other action necessary to implement the participation of this state in the treaty.

The extradition of any convicted offender from the custody of the commissioner of corrections shall not diminish the effect of any sentence pursuant to which the offender was committed to the custody of the commissioner of corrections. The sentence shall continue to run during the time that the offender is in the custody of the appropriate officials of the United States or the foreign country to which extradited. The offender shall not be subject to return to the territory of the United States and to the custody of the commissioner of corrections pursuant to this section unless there remains an unserved portion of the Minnesota sentence.

History: *1981 c 238 s 1; 1985 c 74 s 1*

243.52 DISCIPLINE; PREVENTION OF ESCAPE; DUTY TO REPORT.

Subdivision 1. **Discipline and prevention of escape.** If any person confined or incarcerated in any adult correctional facility either under the control of the commissioner of corrections or licensed by the commissioner of corrections under section 241.021 assaults any correctional officer or any other person, the assaulted person may use force in defense of the assault, except as limited in this section. If any confined or incarcerated person attempts to damage the buildings or appurtenances, resists the lawful authority of any correctional officer, refuses to obey the correctional officer's reasonable demands, or attempts to escape, the correctional officer may enforce obedience and discipline or prevent escape by the use of force. If any confined or incarcerated person resisting lawful authority is wounded or killed by the use of force by the correctional officer or assistants, that conduct is authorized under this section.

Subd. 2. **Use of force.** (a) Use of force must not be applied maliciously or sadistically for the purpose of causing harm to a confined or incarcerated person.

(b) Unless the use of deadly force is justified in this section, a correctional officer working in an adult correctional facility either under the control of the commissioner of corrections or licensed by the commissioner under section 241.021 may not use any of the following restraints:

(1) a choke hold;

(2) a prone restraint;

(3) tying all of a person's limbs together behind the person's back to render the person immobile; or

(4) securing a person in any way that results in transporting the person face down in a vehicle, except as directed by a medical professional.

(c) For the purposes of this subdivision, the following terms have the meanings given them:

(1) "choke hold" means a method by which a person applies sufficient pressure to a person to make breathing difficult or impossible, and includes but is not limited to any pressure to the neck, throat, or windpipe that may prevent or hinder breathing or reduce intake of air. Choke hold also means applying pressure to a person's neck on either side of the windpipe, but not to the windpipe itself, to stop the flow of blood to the brain via the carotid arteries;

(2) "prone restraint" means the use of manual restraint that places a person in a face-down position; and

(3) "deadly force" has the meaning given in section 609.066, subdivision 1.

(d) Use of deadly force is justified only if an objectively reasonable correctional officer would believe, based on the totality of the circumstances known to the officer at the time and without the benefit of hindsight, that deadly force is necessary:

(1) to protect the correctional officer or another from death or great bodily harm, provided that the threat:

(i) can be articulated with specificity;

(ii) is reasonably likely to occur absent action by the correctional officer; and

(iii) must be addressed through the use of deadly force without unreasonable delay; or

(2) to effect the capture or prevent the escape of a person when the officer reasonably believes that the person will cause death or great bodily harm to another person under the threat criteria in clause (1), unless immediately apprehended.

Subd. 3. **Duty to report.** (a) Regardless of tenure or rank, staff working in an adult correctional facility either under the control of the commissioner of corrections or licensed by the commissioner under section 241.021 who observe another employee engage in neglect or use force that exceeds the degree of force permitted by law must report the incident in writing as soon as practicable, but no later than 24 hours to the administrator of the correctional facility that employs the reporting staff member.

(b) A staff member who fails to report neglect or excessive use of force within 24 hours is subject to disciplinary action or sanction by the correctional facility that employs them. Staff members shall suffer no reprisal for reporting another staff member engaged in excessive use of force or neglect.

(c) For the purposes of this subdivision, "neglect" means:

(1) the knowing failure or omission to supply a person confined or incarcerated in the facility with care or services, including but not limited to food, clothing, health care, or supervision that is reasonable and necessary to obtain or maintain the person's physical or mental health or safety; or

(2) the absence or likelihood of absence of care or services, including but not limited to food, clothing, health care, or supervision necessary to maintain the physical and mental health of the person that a reasonable person would deem essential for health, safety, or comfort.

History: *(10800) RL s 5438; 1983 c 264 s 6; 1985 c 220 s 4; 1986 c 444; 1994 c 636 art 6 s 33; 1995 c 70 s 1; 1Sp2021 c 11 art 9 s 18; 2024 c 123 art 8 s 8*

243.521 ADMINISTRATIVE AND DISCIPLINARY SEGREGATION.

Subdivision 1. **Authorization.** In any adult correctional facility under the control of the commissioner of corrections, the commissioner may require an inmate to be placed on disciplinary segregation status for rule violations or on administrative segregation status when the continued presence of the inmate in general

population would pose a serious threat to life, property, self, staff, or other inmates or to the security or orderly running of the institution. Inmates pending investigation for trial on a criminal act or pending transfer may be included, provided the warden's written approval is sought and granted within seven business days of placing the inmate in restrictive housing under this provision. The warden of each facility must document any time approval is granted and the reason for it, and submit a quarterly report to the commissioner of corrections.

Subd. 2. **Conditions in segregated housing.** The restrictive housing unit shall provide living conditions that are approximate to those offenders in general population, including reduced lighting during nighttime hours.

Subd. 3. **Review of disciplinary segregation status.** The commissioner of corrections shall receive notification of all inmates with consecutive placement in a restrictive housing setting for more than 30 days. This notification shall occur on a monthly basis. In the event an inmate is placed into restrictive housing for more than 120 days, the reason for the placement and the behavior management plan for the inmate shall be submitted to the commissioner of corrections.

Subd. 4. **Graduated interventions.** The commissioner shall design and implement a continuum of interventions, including informal sanctions, administrative segregation, formal discipline, disciplinary segregation, and step-down management. The commissioner shall implement a method of due process for all offenders with formal discipline proceedings.

Subd. 5. **Mental health screening.** (a) If it is apparent that the inmate is exhibiting serious symptoms of a mental illness that prevents the inmate from understanding or fully participating in the disciplinary process, a mental health professional shall be consulted regarding appropriate treatment and placement. For other inmates placed in a restrictive setting, an inmate shall be screened by a health services staff member within 24 hours of placement in a restrictive housing setting. If the screening indicates symptoms of a mental illness, a qualified mental health professional shall be consulted regarding appropriate treatment and placement. The health services staff member shall document any time an inmate screens in for symptoms of a mental health illness and whether or not the health services staff member connected with a mental health professional.

(b) If mental health staff believe the inmate's behavior may be more appropriately treated through alternative interventions or programming, or determine that the inmate's actions were the result of mental illness, this information must be considered during the disciplinary process.

Subd. 6. **Mental health care within segregated housing.** A health services staff member shall perform a daily wellness round in the restrictive housing setting. If a health services staff member indicates symptoms of a mental illness, a qualified mental health professional shall be consulted regarding appropriate treatment and placement.

Subd. 7. **Incentives for return to the general population.** The commissioner shall design and implement a system of incentives so that an inmate who demonstrates appropriate behavior can earn additional privileges and an accelerated return to the general population.

Subd. 8. **Discharge from segregated housing.** An inmate shall not be released into the community directly from a stay in restrictive housing for 60 or more days absent a compelling reason. In cases where there is a compelling reason, the commissioner of corrections or deputy commissioner shall directly authorize the inmate's release into the community from restrictive housing.

Subd. 9. **Reporting.** (a) By January 15, 2020, and by January 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 this section. This report shall include but not be limited to data regarding:

(1) the number of inmates in each institution placed in restrictive housing during the past year;

(2) the ages of inmates placed in restrictive housing during the past year;

(3) the number of inmates transferred from restrictive housing to the mental health unit;

(4) disciplinary sanctions by infraction;

(5) the lengths of terms served in restrictive housing, including terms served consecutively; and

(6) the number of inmates by race in restrictive housing.

(b) The Department of Corrections shall submit a qualitative report detailing outcomes, measures, and challenges to implementation of a step-down management program by April 1, 2020.

History: *1Sp2019 c 5 art 3 s 10*

243.53 CORRECTIONAL INSTITUTIONS; OCCUPANCY LIMITS OF CELLS.

Subdivision 1. **Separate cells.** (a) When there are sufficient cells available, each inmate shall be confined in a separate cell. Each inmate shall be confined in a separate cell in institutions classified by the commissioner as custody level five institutions.

(b) Correctional institutions classified by the commissioner as custody level one, two, three, or four institutions must permit multiple occupancy, except segregation units, to the greatest extent possible not to exceed the limits of facility infrastructure and programming space.

Subd. 2. MS 1996 [Repealed, 1997 c 238 s 6]

History: *(10801) RL s 5439; 1992 c 571 art 11 s 2; 1997 c 238 s 2; 2001 c 210 s 14; 1Sp2003 c 2 art 5 s 4; 2004 c 156 s 1*

243.54 MS 1978 [Repealed, 1979 c 102 s 14]

243.55 CONTRABAND ARTICLES; EXCEPTIONS; PENALTY.

Subdivision 1. **Contraband; bringing into correctional facility; felony.** Any person who brings, sends, or in any manner causes to be introduced into any state correctional facility or state hospital, or within or upon the grounds belonging to or land or controlled by any such facility or hospital, or is found in possession of any controlled substance as defined in section 152.01, subdivision 4, or any firearms, weapons or explosives of any kind, without the consent of the chief executive officer thereof, shall be guilty of a felony and, upon conviction thereof, punished by imprisonment for a term of not more than ten years. Any person who brings, sends, or in any manner causes to be introduced into any state correctional facility or within or upon the grounds belonging to or land controlled by the facility, or is found in the possession of any intoxicating or alcoholic liquor or malt beverage of any kind without the consent of the chief executive officer thereof, shall be guilty of a gross misdemeanor. The provisions of this section shall not apply to physicians carrying drugs or introducing any of the above described liquors into such facilities for use in the practice of their profession; nor to sheriffs or other peace officers carrying revolvers or firearms as such officers in the discharge of duties.

Subd. 2. **Search for contraband.** The chief executive officer of any state correctional facility may, under rules prescribed by the commissioner of corrections, provide for the search of all persons admitted into the facility or upon the grounds thereof. The head of any state hospital may, under rules prescribed by the Direct Care and Treatment executive board, provide for the search of all persons admitted into the hospital or upon the grounds thereof. Any contraband as described in subdivision 1 is subject to confiscation by the chief executive officer of a facility or the head of a hospital.

Subd. 3. **State hospital or hospital; definition.** As used in this section, "state hospital" or "hospital" means any state-operated facility or hospital under the authority of the Direct Care and Treatment executive board for (a) persons with mental illness, developmental disability, or substance use disorder, (b) sex offenders, (c) persons with a sexual psychopathic personality, or (d) sexually dangerous person.

History: *(10803) 1913 c 196 s 1; 1915 c 241 s 1; 1923 c 391 s 1; 1959 c 85 s 1; 1974 c 291 s 1; 1979 c 102 s 6; 1980 c 390 s 1; 1984 c 654 art 5 s 58; 1985 c 21 s 2; 1989 c 290 art 3 s 24; 1Sp1994 c 1 art 2 s 21; 2004 c 288 art 3 s 6; 2005 c 56 s 1; 2022 c 98 art 4 s 51; 2024 c 79 art 10 s 3*

243.552 UNMANNED AERIAL VEHICLE PROHIBITION.

Subdivision 1. **Definition.** For the purposes of this section, an "unmanned aerial vehicle" means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

Subd. 2. **Crimes.** (a) A person is guilty of a misdemeanor who knowingly flies an unmanned aerial vehicle in the airspace over a state correctional facility or over the grounds belonging to or land controlled by the facility without the written consent of the commissioner of corrections or designee.

(b) A person is guilty of a gross misdemeanor if the person violates paragraph (a) and uses the vehicle to:

(1) record images, including but not limited to video and photographs, of the correctional facility or its grounds; or

(2) introduce or attempt to introduce any items that are not contraband under section 243.55.

History: *2020 c 110 s 5*

243.555 SMOKING BY INMATES PROHIBITED.

No inmate in a state correctional facility may possess or use tobacco or a tobacco-related device. For the purposes of this section, "tobacco" and "tobacco-related device" have the meanings given in section 609.685, subdivision 1. This section does not prohibit the possession or use of tobacco or a tobacco-related device by an adult as a part of a traditional Indian spiritual or cultural ceremony. For purposes of this section, an Indian is a person who is a member of an Indian Tribe as defined in section 260.755, subdivision 12.

History: *1996 c 408 art 8 s 5; 1999 c 139 art 4 s 2*

243.556 RESTRICTIONS ON INMATES' COMPUTER ACCESS.

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

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

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

History: *1997 c 239 art 9 s 23*

243.557 INMATE MEALS.

Where inmates in a state correctional facility are not routinely absent from the facility for work or other purposes, the commissioner must make three meals available Monday through Friday, excluding holidays, and at least two meals available on Saturdays, Sundays, and holidays.

History: *1Sp2003 c 2 art 5 s 5*

243.56 COMMUNICATION WITH CHIEF EXECUTIVE OFFICER AND COMMISSIONER.

Every inmate of a state correctional facility may communicate, in writing, with the chief executive officer of the facility and the commissioner of corrections, under rules prescribed by the commissioner for that purpose.

History: *(10804) RL s 5441; 1959 c 263 s 2; 1979 c 102 s 7*

243.57 CONTAGIOUS DISEASE; REMOVAL OF INMATES.

In case of an epidemic of any infectious or contagious disease in any state correctional facility under control of the commissioner of corrections, by which the health or lives of the inmates may be endangered, the chief executive officer thereof, with the approval of the commissioner of corrections may cause the inmates so affected to be removed to some other secure and suitable place or places for care and treatment; and, if the facility is destroyed, in whole or in part, by fire or other casualty and becomes unsuitable for proper detention and custody of the inmates, the chief executive officer, with the approval of the commissioner, may remove them, or any number of inmates, to another safe and appropriate place as may be provided.

History: *(10805) RL s 5442; 1959 c 263 s 2; 1979 c 102 s 13; 1981 c 192 s 16*

243.58 ISSUING WARRANT FOR ESCAPED INMATE OR CONVICTED DEFENDANT.

If an inmate escapes from any state correctional facility under the control of the commissioner of corrections, the commissioner shall issue a warrant directed to any peace officer requiring that the fugitive be taken into immediate custody and returned to any state correctional facility designated by the commissioner. The commissioner may also issue such a warrant when a convicted defendant fails to report postsentencing to their county authority or to a state correctional facility. The chief executive officer of the facility from which the escape occurred shall use all proper means to apprehend and return the escapee, which may include the offer of a reward of not more than $100 to be paid from the state treasury, for information leading to the arrest and return to custody of the escapee.

History: *(10806) RL s 5443; 1959 c 263 s 2; 1979 c 102 s 13; 1981 c 192 s 17; 1983 c 264 s 7; 2023 c 52 art 11 s 16*

243.59 COMMUNICATION WITH INMATES.

No person, without the consent of the chief executive officer, shall bring into or carry out of any state correctional facility any writing or any information to or from any inmate thereof. Every violation of this

provision shall be a misdemeanor, and punished accordingly. On discovery, such person may be arrested by any prison officer without warrant.

History: *(10807) RL s 5444; 1979 c 102 s 8*

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

243.61 CONTRACT LABOR; TOOLS AND MACHINERY.

No contracts for leasing the labor of prisoners confined in any such institution, at a certain rate per diem, giving the contractor full control of the labor of the prisoners, shall be made; but such prisoners shall be employed, under rules established by the commissioner of corrections, in such industries as shall, from time to time, be fixed upon by the officers in charge and the commissioner, or in the manufacture of articles by the piece, under the so-called "piece price system," by contracts with persons furnishing the materials. The chief officer, under the direction of the commissioner, shall purchase such tools, implements, and machinery as the officer shall deem necessary for the work.

History: *(10810) RL s 5447; 1959 c 263 s 2; 1985 c 248 s 70; 1986 c 444*

243.62 SELLING OF LABOR OF INMATES PROHIBITED.

It is unlawful for the commissioner of corrections, or the chief executive officer of any state adult correctional facility, or any person exercising control of or supervision over any inmate sentenced to and confined in the facility to enter into any contract or agreement, or any arrangement, in which the labor or service of the inmate is either sold or leased or otherwise disposed of for hire to any person or to any party.

History: *(10811) 1909 c 481 s 1; 1959 c 263 s 2; 1979 c 102 s 13; 1983 c 264 s 8*

243.63 MS 1978 [Repealed, 1979 c 129 s 4]

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

243.65 MS 1971 [Repealed, 1973 c 512 s 3]

243.66 MS 1978 [Repealed, 1979 c 129 s 4]

243.67 MS 1978 [Repealed, 1979 c 129 s 4]

243.68 MS 1978 [Repealed, 1979 c 129 s 4]

243.69 MS 1971 [Repealed, 1973 c 512 s 3]

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

243.75 MINNESOTA CORRECTIONAL FACILITY-ST. CLOUD.

There is established the Minnesota Correctional Facility-St. Cloud at St. Cloud, Minnesota, in which may be placed persons committed to the commissioner of corrections by the courts of this state who, in the opinion of the commissioner, may benefit from the programs available thereat. The general control and management of the facility shall be under the commissioner of corrections.

History: *(10823) RL s 5453; 1945 c 565 s 4; 1947 c 80 s 1; 1949 c 127 s 1; 1951 c 292 s 1; 1953 c 255 s 1; 1955 c 244 s 1; 1959 c 263 s 2; 1961 c 750 s 14 subd 3; 1963 c 214 s 1; 1979 c 102 s 9*

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

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

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

243.79 MS 1961 [Repealed, 1965 c 45 s 73]

243.80 MS 1978 [Repealed, 1979 c 129 s 4]

243.81 MS 1971 [Repealed, 1973 c 512 s 3]

243.82 MS 1971 [Repealed, 1973 c 512 s 3]

243.83 MS 1961 [Repealed, 1965 c 45 s 73]

243.84 MS 1978 [Repealed, 1979 c 129 s 4]

243.85 MS 1978 [Repealed, 1979 c 129 s 4]

243.86 MS 1971 [Repealed, 1973 c 512 s 3]

243.87 GOODS MADE FOR NATIONAL DEFENSE.

Nothing in section 241.27 shall be construed to prevent the production or sale of any article for purposes of national defense during times of national emergency where such production or sale is otherwise permitted by the laws of the United States or the state of Minnesota.

History: *1953 c 616 s 4; 1Sp1981 c 4 art 1 s 102*

243.88 PRIVATE INDUSTRY ON GROUNDS OF CORRECTIONAL INSTITUTIONS.

Subdivision 1. **Lease correctional buildings.** Notwithstanding the provisions of any law to the contrary, the commissioner of administration, with the approval of the governor, may lease one or more buildings or portions thereof on the grounds of any state adult correctional institution, together with the real estate needed for reasonable access to and egress from the leased buildings, for a term not to exceed 20 years, to a private corporation for the purpose of establishing and operating a factory for the manufacture and processing of goods, wares or merchandise, or any other business or commercial enterprise deemed by the commissioner of corrections to be consistent with the proper training and rehabilitation of inmates.

Subd. 2. **Private industry employment.** Any corporation operating a factory or other business or commercial enterprise under this section may employ selected inmates of the correctional institution upon whose grounds it operates and persons conditionally released subject to the provisions of section 241.26. Persons conditionally released as provided in this subdivision shall be deemed to be parolees within the purview of United States Code, title 49, section 60.

Except as prohibited by applicable provisions of the United States Code, inmates of state correctional institutions may be employed in the manufacture and processing of goods, wares and merchandise for introduction into interstate commerce, provided that they are paid no less than the prevailing minimum wages for work of a similar nature performed by employees with similar skills in the locality in which the work is being performed.

Under rules prescribed by the commissioner of corrections a portion of the wages of each inmate employed as authorized by this subdivision, in an amount to be determined by the commissioner, shall be set aside and kept by the chief executive officer of the facility in the public welfare fund of the state for the benefit of the inmate and for the purpose of assisting the inmate when leaving the facility on conditional

release or by final discharge. Any portion remaining undisbursed at the time of the inmate's final discharge shall be given to the inmate upon final discharge.

Subd. 3. **Private enterprise.** Any factory established under the provisions of this section shall be deemed a private enterprise and subject to all the laws and rules of this state governing the operation of similar business enterprises elsewhere in this state.

Subd. 4. **Authority not diminished.** The authority of the commissioner of corrections over the institutions of the Department of Corrections and the inmates thereof shall not be diminished by this section.

Subd. 5. **Deductions.** Notwithstanding any other law to the contrary, any compensation paid to inmates under this section is subject to section 243.23, subdivisions 2 and 3, and rules of the commissioner of corrections.

History: *1973 c 145 s 1; 1975 c 304 s 6,7; 1976 c 2 s 82; 1980 c 417 s 4; 1985 c 248 s 70; 1986 c 444; 1995 c 226 art 5 s 5*

243.90 MINNESOTA CORRECTIONAL FACILITY-SHAKOPEE.

There is established the Minnesota Correctional Facility-Shakopee at Shakopee, Minnesota, in which may be placed persons committed to the commissioner of corrections by the courts of this state who, in the opinion of the commissioner, may benefit from the programs thereat. The general control and management of the facility shall be under the commissioner.

History: *(10839) 1915 c 324 s 1; 1921 c 29 s 1; 1937 c 75 s 1; 1955 c 261 s 1; 1959 c 263 s 3; 1967 c 398 s 1; 1979 c 102 s 10*

243.91 TRANSFER OF FEMALE OFFENDERS.

When special circumstances warrant, or when the chief executive officer of any county jail, workhouse or work farm shall determine that any female inmate of such facility over the age of 18 years cannot be safely maintained therein or whose presence is detrimental to the internal discipline and well-being of such institution or that such inmate can benefit from the treatment, care and training available at the Minnesota Correctional Facility-Shakopee, the officer may, with the consent of the commissioner of corrections and the sentencing court, transfer such female inmate to the facility for confinement, care, treatment and training therein according to the sentence imposed by the court. Such transfer shall be made in accordance with rules prescribed by the commissioner.

The commissioner of corrections may contract with the political subdivisions operating and maintaining the jails, workhouses or work farms from which such selected female inmates are transferred to the state facility for reimbursement to the state for all costs and expenses incurred for the care, custody, subsistence, treatment, and training of such transferees.

The chief executive officer of the transferring institution shall send with such transferee a duly certified copy of the warrant or order of commitment under which such inmate is held, together with such other data as the commissioner of corrections may require, and such warrant or order of commitment shall constitute sufficient authority for the commissioner to hold such inmate on behalf of the sending institution.

History: *(10835) 1919 c 106 s 1; 1967 c 398 s 2; 1979 c 102 s 13; 1986 c 444*

243.92 MS 1978 [Repealed, 1979 c 102 s 14]

243.93 CORRECTIONAL FACILITY SITE SELECTION COMMITTEE.

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

(1) commissioner of corrections or the commissioner's designee;

(2) deputy commissioner of corrections who has supervision and control over correctional facilities;

(3) commissioner of transportation or the commissioner's designee;

(4) commissioner of administration or the commissioner's designee;

(5) chairs of the senate Crime Prevention Committee and Crime Prevention Finance Division and the ranking members of that committee and division from the minority political caucus, or the chairs' and ranking members' designees; and

(6) chairs of the house of representatives Judiciary Committee and Judiciary Finance Division and the ranking members of that committee and division from the minority political caucus or the chairs' and ranking members' designees.

(b) The chairs of the senate Crime Prevention Finance Division and house of representatives Judiciary Finance Division, or the chairs' designees, shall chair the committee.

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

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

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

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

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

History: *1997 c 239 art 9 s 24*

243.94 MINNESOTA CORRECTIONAL FACILITY-RUSH CITY.

There is established the Minnesota Correctional Facility-Rush City at Rush City, Minnesota, in which may be placed persons committed to the commissioner of corrections by the courts of this state who, in the

opinion of the commissioner, may benefit from the programs available in the facility. The general control and management of the facility shall be under the commissioner of corrections.

History: *1999 c 216 art 4 s 8*

243.95 PRIVATE PRISON CONTRACTS PROHIBITED.

(a) The commissioner may not contract with privately owned and operated prisons for the care, custody, and rehabilitation of inmates committed to the custody of the commissioner.

(b) Notwithstanding section 43A.047, nothing in this section prohibits the commissioner from contracting with privately owned residential facilities, such as halfway houses, group homes, work release centers, or treatment facilities, to provide for the care, custody, and rehabilitation of inmates who have been released from prison under section 241.26, 244.05, 244.0513, 244.065, or 244.172, or any other form of supervised or conditional release.

History: *2023 c 52 art 11 s 17*