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244.001 MS 2006 [Renumbered 15.001]

DEFINITIONS AND GENERAL PROVISIONS

244.01 DEFINITIONS.

Subdivision 1. **Scope.** For purposes of sections 244.01 to 244.11, the following terms shall have the meanings given them.

Subd. 2. **Inmate.** "Inmate" means any person who is convicted of a felony, is committed to the custody of the commissioner of corrections and is confined in a state correctional facility or released from a state correctional facility pursuant to section 244.065 or 244.07.

Subd. 3. **Commissioner.** "Commissioner" means the commissioner of corrections or a designee.

Subd. 4. **Correctional facility.** "Correctional facility" means any state facility under the operational authority of the commissioner of corrections.

Subd. 5. **Good time.** "Good time" means the period of time by which an inmate's term of imprisonment is reduced pursuant to section 244.04.

Subd. 6. **Commission.** "Commission" means the Minnesota Sentencing Guidelines Commission established pursuant to section 244.09.

Subd. 7. **Supervised release.** "Supervised release" means the release of an inmate pursuant to section 244.05.

Subd. 8. **Term of imprisonment.** "Term of imprisonment," as applied to inmates whose crimes were committed before August 1, 1993, is the period of time for which an inmate is committed to the custody of the commissioner of corrections minus earned good time. "Term of imprisonment," as applied to inmates whose crimes were committed on or after August 1, 1993, is the period of time equal to two-thirds of the inmate's executed sentence.

Subd. 9. **Executed sentence.** "Executed sentence" means the total period of time for which an inmate is committed to the custody of the commissioner of corrections.

History: *1978 c 723 art 1 s 1; 1979 c 102 s 13; 1980 c 417 s 12,13; 1984 c 589 s 1,2; 1986 c 444; 1992 c 571 art 2 s 1; 1993 c 326 art 9 s 3,4*

244.02 MS 1998 [Repealed, 1999 c 126 s 13]

244.03 REHABILITATIVE PROGRAMS.

Subdivision 1. **Commissioner responsibility.** (a) For individuals committed to the commissioner's authority, the commissioner must develop, implement, and provide, as appropriate:

(1) substance use disorder treatment programs;

(2) sexual offender treatment programming;

(3) domestic abuse programming;

(4) medical and mental health services;

(5) spiritual and faith-based programming;

(6) culturally responsive programming;

(7) vocational, employment and career, and educational programming; and

(8) other rehabilitative programs.

(b) While evidence-based programs must be prioritized, selecting, designing, and implementing programs under this section are the sole responsibility of the commissioner, acting within the limitations imposed by the funds appropriated for the programs under this section.

Subd. 2. **Challenge prohibited.** No action challenging the level of expenditures for rehabilitative programs authorized under this section, nor any action challenging the selection, design, or implementation of these programs, including employee assignments, may be maintained by an inmate in any court in this state.

Subd. 3. **Disciplinary sanctions.** The commissioner may impose disciplinary sanctions on any inmate who refuses to participate in rehabilitative programs.

History: *1978 c 723 art 1 s 3; 1986 c 444; 1992 c 571 art 2 s 2; 1999 c 126 s 8; 1999 c 208 s 1; 2023 c 52 art 12 s 1*

244.035 SANCTIONS RELATED TO LITIGATION.

(a) As used in this section, "board" means a licensing or certification board.

(b) The commissioner shall develop disciplinary sanctions to provide infraction penalties for an inmate who submits a frivolous or malicious claim to a court or board, or who is determined by the court or board to have testified falsely or to have submitted false evidence to a court or board. Infraction penalties may include loss of privileges, punitive segregation, loss of good time, or adding discipline confinement time. The determination of the commissioner regarding disciplinary sanctions under this section is limited to the nature and extent of the infraction penalty to be imposed. The commissioner is bound by the finding of the court or board that the inmate submitted a frivolous or malicious claim, testified falsely, or submitted false evidence.

(c) The court or board shall determine whether a claim is frivolous or malicious under section 563.02, subdivision 3.

History: *1995 c 226 art 6 s 5; 1997 c 33 s 1; 1999 c 208 s 2*

244.04 GOOD TIME.

Subdivision 1. **Reduction of sentence; inmates sentenced for crimes committed before 1993.** Notwithstanding the provisions of section 609.11, subdivision 6, and Minnesota Statutes 2004, section 609.109, subdivision 1, the term of imprisonment of any inmate sentenced to a presumptive fixed sentence after May 1, 1980, and whose crime was committed before August 1, 1993, shall be reduced in duration by one day for each two days during which the inmate violates none of the disciplinary offense rules promulgated by the commissioner. The reduction shall accrue to the period of supervised release to be served by the inmate, except that the period of supervised release for a sex offender conditionally released by the commissioner under section 609.3455 is governed by that provision.

Except as otherwise provided in subdivision 2, if an inmate whose crime was committed before August 1, 1993, violates a disciplinary offense rule promulgated by the commissioner, good time earned prior to the violation may not be taken away, but the inmate may be required to serve an appropriate portion of the term of imprisonment after the violation without earning good time.

Subd. 1a. **Reduction of sentence; inmates sentenced before 1980.** Every inmate sentenced before May 1, 1980, for any term other than life, confined in a state adult correctional facility or on parole therefrom, may diminish the maximum term of sentence one day for each two days during which the inmate has not violated any facility rule or discipline.

The commissioner of corrections, in view of the aggravated nature and frequency of offenses, may take away any or all of the good time previously gained, and, in consideration of mitigating circumstances or ignorance on the part of the inmate, may afterwards restore the inmate, in whole or in part, to the standing the inmate possessed before such good time was taken away.

Subd. 2. **Loss of good time.** By May 1, 1980, the commissioner shall promulgate rules specifying disciplinary offenses which may result in the loss of good time and the amount of good time which may be lost as a result of each disciplinary offense, including provision for restoration of good time. In no case shall an individual disciplinary offense result in the loss of more than 90 days of good time; except that no inmate confined in segregation for violation of a disciplinary rule shall be placed on supervised release until discharged or released from punitive segregation confinement, nor shall an inmate in segregation for violation of a disciplinary rule for which the inmate could also be prosecuted under the criminal laws earn good time while in segregation. The loss of good time shall be considered to be a disciplinary sanction imposed upon an inmate, and the procedure for the loss of good time and the rights of the inmate in the procedure shall be those in effect for the imposition of other disciplinary sanctions at each state correctional institution.

Subd. 3. **Provisions not applicable to certain inmates.** The provisions of this section do not apply to an inmate serving a mandatory life sentence or to persons whose crimes were committed on or after August 1, 1993.

History: *1978 c 723 art 1 s 4; 1980 c 417 s 14; 1983 c 274 s 6; 1984 c 381 s 1,2; 1986 c 444; 1989 c 290 art 4 s 3; 1992 c 571 art 2 s 3,4; 1994 c 636 art 6 s 33; 1998 c 367 art 6 s 15; 2005 c 136 art 2 s 1; 2007 c 13 art 3 s 37*

244.049 SUPERVISED RELEASE BOARD.

Subdivision 1. **Establishment; membership.** (a) The Supervised Release Board is established to review eligible cases and make release and final discharge decisions for:

(1) inmates serving life sentences with the possibility of parole or supervised release under sections 243.05, subdivision 1, and 244.05, subdivision 5;

(2) inmates serving indeterminate sentences for crimes committed on or before April 30, 1980; and

(3) inmates eligible for early supervised release under section 244.05, subdivision 4a.

(b) Beginning July 1, 2024, the authority to grant discretionary release and final discharge previously vested in the commissioner under sections 243.05, subdivisions 1, paragraph (a), and 3; 244.08; and 609.12 is transferred to the board.

(c) The board consists of the following members:

(1) four individuals appointed by the governor who meet at least one of the following qualifications:

(i) a degree from an accredited law school or a bachelor's, master's, or doctorate degree in criminology, corrections, social work, or a related social science;

(ii) five years of experience in corrections, a criminal justice or community corrections field, rehabilitation programming, behavioral health, or criminal law; or

(iii) demonstrated knowledge of victim issues and correctional processes;

(2) two individuals appointed by the governor with an academic degree in neurology, psychology, or a comparable field and who have expertise in the neurological development of juveniles; and

(3) the commissioner, who serves as chair.

(d) The majority leader of the senate, minority leader of the senate, speaker of the house, and minority leader of the house shall each recommend two candidates for appointment to the positions described in paragraph (c), clause (1).

Subd. 2. **Terms; compensation.** (a) Appointed board members serve four-year staggered terms, but the terms of the initial members are as follows:

(1) three members must be appointed for terms that expire January 1, 2026; and

(2) three members must be appointed for terms that expire January 1, 2028.

(b) An appointed member is eligible for reappointment and a vacancy must be filled according to subdivision 1.

(c) For appointed members, compensation and removal are as provided in section 15.0575, but the compensation rate is $250 a day or part of the day spent on board activities.

Subd. 3. **Quorum; compensation; administrative duties.** (a) To make release and final discharge decisions for eligible cases described in subdivision 1, paragraph (a), clause (1), when the inmate was 18 years of age or older at the time of the commission of the offense, and clause (2), the board must comprise a majority of the five members identified in subdivision 1, paragraph (c), clauses (1) and (3). The members described in subdivision 1, paragraph (c), clause (2), are ineligible to vote on those cases.

(b) To make release and final discharge decisions for eligible cases described in subdivision 1, paragraph (a), clause (1), when the inmate was under 18 years of age at the time of the commission of the offense, and clause (3), the board must comprise a majority of all seven members and include at least one member identified in subdivision 1, paragraph (c), clause (2).

(c) An appointed board member must visit at least one state correctional facility every 12 months.

(d) The commissioner must provide the board with personnel, supplies, equipment, office space, and other administrative services necessary and incident to fulfilling the board's functions.

Subd. 4. **Limitation.** Nothing in this section:

(1) supersedes the commissioner's authority to set conditions of release or revoke an inmate's release for violating any of the conditions; or

(2) impairs the power of the Board of Pardons to grant a pardon or commutation in any case.

Subd. 5. **Report.** (a) Beginning February 15, 2025, and each February 15 thereafter, the board must submit to the chairs and ranking minority members of the legislative committees with jurisdiction over criminal justice policy a written report that:

(1) details the number of inmates reviewed;

(2) identifies inmates granted release or final discharge in the preceding year;

(3) specifies the length of time served by individuals granted release or final discharge in the preceding year before that release or discharge;

(4) identifies any individual granted release or final discharge in the preceding year who will remain in custody as the result of a consecutive sentence;

(5) identifies the number of prior reviews of inmates who were granted release or final discharge and inmates who were denied release or final discharge;

(6) specifies the underlying offense of inmates who were granted release or final discharge and inmates who were denied release or final discharge; and

(7) provides demographic data of inmates who were granted release or final discharge and inmates who were denied release or final discharge, including whether any of the individuals were under 18 years of age at the time of committing the offense.

(b) The report must also include the board's recommendations to the commissioner for policy modifications that influence the board's duties.

History: *2023 c 52 art 18 s 1*

RELEASE

244.05 SUPERVISED RELEASE TERM.

Subdivision 1. **Supervised release required.** Except as provided in subdivisions 1b, 4, and 5, every inmate shall serve a supervised release term upon completion of the inmate's term of imprisonment as reduced by any good time earned by the inmate or extended by confinement in punitive segregation pursuant to section 244.04, subdivision 2. Except for a sex offender conditionally released under Minnesota Statutes 2004, section 609.108, subdivision 5, the supervised release term shall be equal to the period of good time the inmate has earned, and shall not exceed the length of time remaining in the inmate's sentence.

Subd. 1a. **Release on certain days.** Notwithstanding the amount of good time earned by an inmate whose crime was committed before August 1, 1992, if the inmate's scheduled release date occurs on a Friday, Saturday, Sunday, or holiday, the inmate's supervised release term shall begin on the last day before the inmate's scheduled release date that is not a Friday, Saturday, Sunday, or holiday. For an inmate whose crime was committed on or after August 1, 1992, if the inmate's scheduled release date occurs on a Friday, Saturday, Sunday, or holiday, the inmate's supervised release term shall begin on the first day after the inmate's scheduled release date that is not a Friday, Saturday, Sunday, or holiday.

Subd. 1b. **Supervised release; inmates who commit crimes on or after August 1, 1993.** (a) Except as provided in subdivisions 4, 4a, and 5, every inmate sentenced to prison for a felony offense committed on or after August 1, 1993, shall serve a supervised release term upon completion of the inmate's term of imprisonment and any disciplinary confinement period imposed by the commissioner due to the inmate's

violation of any disciplinary rule adopted by the commissioner or refusal to participate in a rehabilitative program required under section 244.03. The amount of time the inmate serves on supervised release is equal to one-third of the inmate's fixed executed sentence, less any disciplinary confinement period imposed by the commissioner and regardless of any earned incentive release credit applied toward the individual's term of imprisonment under section 244.44.

(b) No inmate who violates a disciplinary rule or refuses to participate in a rehabilitative program as required under section 244.03 shall be placed on supervised release until the inmate has served the disciplinary confinement period for that disciplinary sanction or until the inmate is discharged or released from punitive restrictive-housing confinement, whichever is later. The imposition of a disciplinary confinement period shall be considered to be a disciplinary sanction imposed upon an inmate, and the procedure for imposing the disciplinary confinement period and the rights of the inmate in the procedure shall be those in effect for the imposition of other disciplinary sanctions at each state correctional institution.

(c) For purposes of this subdivision, "earned incentive release credit" has the meaning given in section 244.41, subdivision 7.

Subd. 1c. **Release to residential program; escort required.** The commissioner shall provide an escort for any inmate on parole or supervised release status who is released to a halfway house or other residential community program. The escort shall be an employee of the commissioner or a person acting as the commissioner's agent for this purpose.

Subd. 1d. **Electronic surveillance.** (a) If the commissioner orders electronic surveillance of an inmate placed on supervised release, the commissioner may require that the inmate be kept in custody, or that the inmate's probation agent, or the agent's designee, directly supervise the offender until electronic surveillance is activated.

(b) It is the responsibility of the inmate placed on electronic surveillance to ensure that the inmate's residence is properly equipped and the inmate's telecommunications system is properly configured to support electronic surveillance prior to being released from custody or the direct supervision of a probation agent. An inmate who fails to comply with this paragraph may be found in violation of the inmate's conditions of release after a revocation hearing.

Subd. 2. **Rules.** (a) The commissioner of corrections shall adopt by rule standards and procedures for the establishment of conditions of release and the revocation of supervised or conditional release, and shall specify the period of revocation for each violation of release. Procedures for the revocation of release shall provide due process of law for the inmate.

(b) The commissioner may prohibit an inmate placed on parole, supervised release, or conditional release from using adult-use cannabis flower as defined in section 342.01, subdivision 3, or adult-use cannabis products as defined in section 342.01, subdivision 3, hemp-derived consumer products as defined in section 342.01, subdivision 35, or lower-potency hemp edibles as defined in section 342.01, subdivision 48, if the inmate undergoes a chemical use assessment and abstinence is consistent with a recommended level of care for the defendant in accordance with the criteria under section 254B.04, subdivision 4.

(c) The commissioner of corrections shall not prohibit an inmate placed on parole, supervised release, or conditional release from participating in the registry program as defined in section 342.01, subdivision 61, as a condition of release or revoke a patient's parole, supervised release, or conditional release or otherwise sanction a patient on parole, supervised release, or conditional release solely for participating in the registry program or for a positive drug test for cannabis components or metabolites.

Subd. 3. **Revoking supervised release; alternative interventions.** (a) If a supervised individual violates the conditions of supervised release imposed on that individual by the commissioner, the commissioner may:

(1) continue the individual's supervised release term with or without:

(i) modifying or enlarging the conditions imposed on the individual; or

(ii) transferring the individual's case to a specialized caseload; or

(2) revoke the supervised individual's supervised release and reimprison that individual for the appropriate period.

(b) Before revoking an individual's supervised release because of a technical violation that would result in reimprisonment, the commissioner must identify alternative interventions to address and correct the violation only if:

(1) the individual does not present a risk to the public; and

(2) the individual is amenable to continued supervision in the community.

(c) If alternative interventions are appropriate and available, the commissioner must restructure the supervised individual's terms of release to incorporate the alternative interventions.

(d) The period for which supervised release may be revoked may not exceed the period remaining in the supervised individual's sentence, but if a sex offender is sentenced and conditionally released under Minnesota Statutes 2004, section 609.108, subdivision 5, the period for which conditional release may be revoked may not exceed the balance of the conditional release term.

(e) For purposes of this subdivision:

(1) "supervised individual" has the meaning given to "inmate" in section 244.01; and

(2) "technical violation" means a violation of a condition of supervised release, except an allegation of a subsequent criminal act that is alleged in a formal complaint, citation, or petition.

Subd. 4. **Minimum imprisonment, life sentence.** (a) An inmate serving a mandatory life sentence under section 609.106, subdivision 2, or 609.3455, subdivision 2, paragraph (a), must not be given supervised release under this section.

(b) Except as provided in paragraph (f), an inmate serving a mandatory life sentence under section 609.185, paragraph (a), clause (3), (5), or (6), or section 609.2661, clause (3); or Minnesota Statutes 2004, section 609.109, subdivision 3, must not be given supervised release under this section without having served a minimum term of 30 years.

(c) Except as provided in paragraph (f), an inmate serving a mandatory life sentence under section 609.385 must not be given supervised release under this section without having served a minimum term of imprisonment of 17 years.

(d) An inmate serving a mandatory life sentence under section 609.3455, subdivision 3 or 4, must not be given supervised release under this section without having served the minimum term of imprisonment specified by the court in its sentence.

(e) An inmate serving a mandatory life sentence under section 609.106, subdivision 3, or 609.3455, subdivision 2, paragraph (c), must not be given supervised release under this section without having served a minimum term of imprisonment specified in subdivision 4b.

(f) An inmate serving a mandatory life sentence for a crime described in paragraph (b) or (c) who was under 18 years of age at the time of the commission of the offense must not be given supervised release under this section without having served a minimum term of imprisonment specified in subdivision 4b.

Subd. 4a. **Eligibility for early supervised release; offenders who were under 18 at the time of offense.** Notwithstanding any other provision of law, any person who was under the age of 18 at the time of the commission of an offense is eligible for early supervised release if the person is serving an executed sentence that exceeds the minimum term of imprisonment specified in subdivision 4b.

Subd. 4b. **Offenders who were under 18 at the time of offense; minimum terms of imprisonment.** Any person serving one or more mandatory life sentences or any combination of sentences that include combined terms of imprisonment that exceed the applicable minimum term specified in this section is eligible for supervised release if the person was under the age of 18 at the time of the commission of the relevant offenses and has served a minimum of:

(1) 15 years if the person:

(i) received a determinate sentence with a period of imprisonment of more than 15 years;

(ii) received separate, consecutive, executed determinate sentences for two or more crimes that include combined terms of imprisonment that total more than 15 years and do not involve separate victims; or

(iii) was sentenced to one mandatory life sentence that is not consecutive to any other sentence involving a separate victim and to which no other sentence involving a separate victim is consecutive;

(2) 20 years if the person:

(i) received separate, consecutive, executed determinate sentences for two or more crimes that include combined terms of imprisonment that total more than 20 years and involved separate victims;

(ii) was sentenced to one mandatory life sentence that is consecutive to any determinate sentence involving a separate victim or to which a determinate sentence involving a separate victim is consecutive; or

(iii) was sentenced to two consecutive mandatory life sentences; or

(3) 30 years if the person was sentenced to three or more consecutive life sentences.

Subd. 5. **Supervised release, life and indeterminate sentences.** (a) The board may, under rules adopted by the commissioner, grant supervised release or parole as follows:

(1) to an inmate serving a mandatory life sentence after the inmate has served the minimum term of imprisonment specified in subdivision 4 or section 243.05, subdivision 1, paragraph (a);

(2) at any time for an inmate serving a nonlife indeterminate sentence for a crime committed on or before April 30, 1980; or

(3) to an inmate eligible for early supervised release under subdivision 4a after the inmate has served the minimum term of imprisonment.

(b) For cases involving multiple sentences, the board must grant or deny supervised release as follows:

(1) if an inmate is serving multiple sentences that are concurrent to one another, the board must grant or deny supervised release on all unexpired sentences; and

(2) notwithstanding any other law to the contrary, if an inmate who was under the age of 18 at the time of the commission of the relevant offenses and has served the minimum term of imprisonment specified in subdivision 4b is serving multiple sentences that are consecutive to one another, the board may grant or deny supervised release on one or more sentences.

(c) No less than three years before an inmate has served the applicable minimum term of imprisonment, the board must assess the inmate's status and make programming recommendations relevant to the inmate's release review. The commissioner must ensure that any board programming recommendations are followed and implemented.

(d) The board must conduct a supervised release review hearing as soon as practicable before an inmate has served the applicable minimum term of imprisonment.

(e) The board shall require the preparation of a community investigation report. The report shall:

(1) reflect the sentiment of the various elements of the community toward the inmate, both at the time of the offense and at the present time;

(2) include the views of the sentencing judge, the prosecutor, any law enforcement personnel who may have been involved in the case, and any successors to these individuals who may have information relevant to the supervised release decision; and

(3) include the views of the victim and the victim's family unless the victim or the victim's family chooses not to participate.

(f) The board shall require the preparation of a development report when making a supervised release decision regarding an inmate who was under 18 years of age at the time of the commission of the offense. The report must be prepared by a mental health professional qualified to provide services to a client under section 245I.04, subdivision 2, clause (1) to (4) or (6), and must address the inmate's cognitive, emotional, and social maturity. The board may use a previous report that was prepared within 12 months immediately preceding the hearing.

(g) The board shall make reasonable efforts to notify the victim, in advance, of the time and place of the inmate's release review hearing. The victim has a right to submit an oral or written statement at the review hearing. Notwithstanding chapter 13D, the board may meet in closed session to receive and review a victim's statement, at the request of the victim. 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 given supervised release at this time.

(h) The board shall permit a prosecutor from the office that prosecuted the case to submit a written statement in advance of the review hearing.

(i) When considering whether to grant supervised release or parole to an inmate serving a life sentence or indeterminate sentence, the board shall consider, at a minimum, the following:

(1) the report prepared pursuant to paragraph (e);

(2) the report prepared pursuant to paragraph (f), if applicable;

(3) a victim statement under paragraph (g), if submitted;

(4) the statement of a prosecutor under paragraph (h), if submitted;

(5) the risk the inmate poses to the community if released;

(6) the inmate's progress in treatment, if applicable;

(7) the inmate's behavior while incarcerated;

(8) psychological or other diagnostic evaluations of the inmate;

(9) information on the inmate's rehabilitation while incarcerated;

(10) the inmate's criminal history;

(11) if the inmate was under 18 years of age at the time of the commission of the offense, relevant science on the neurological development of juveniles and information on the inmate's maturity and development while incarcerated; and

(12) any other relevant conduct of the inmate while incarcerated or before incarceration.

(j) The board may not grant supervised release or parole to an inmate unless:

(1) while in prison:

(i) the inmate has successfully completed appropriate sex offender treatment, if applicable;

(ii) the inmate has been assessed for substance use disorder needs and, if appropriate, has successfully completed substance use disorder treatment; and

(iii) the inmate has been assessed for mental health needs and, if appropriate, has successfully completed mental health treatment; and

(2) a comprehensive individual release plan is in place for the inmate that:

(i) ensures that, after release, the inmate will have suitable housing and receive appropriate aftercare and community-based treatment; and

(ii) includes a postprison employment or education plan for the inmate.

(k) Supervised release or parole must be granted with a majority vote of the quorum required under section 244.049, subdivision 3. If there is a tie vote, supervised release or parole is granted only if the commissioner votes in favor of granting supervised release or parole.

(l) Within 30 days after a supervised release review hearing, the board must issue a decision on granting release, including an explanation for the decision. If an inmate is serving multiple sentences that are concurrent to one another, the board must grant or deny supervised release on all sentences.

(m) If the board does not grant supervised release, upon request of the inmate, the board shall conduct a subsequent supervised release hearing within three years of the initial hearing. If release is denied at the subsequent hearing, upon request of the inmate, the board shall continue to hold hearings at least once every three years. If the board denies an inmate's release under this paragraph, the explanation of that decision must identify specific steps that the inmate can take to increase the likelihood that release will be granted at a future hearing.

(n) When granting supervised release under this subdivision, the board must set prerelease conditions to be followed by the inmate, if time permits, before their actual release or before constructive parole becomes effective. If the inmate violates any of the prerelease conditions, the commissioner may rescind the grant of supervised release without a hearing at any time before the inmate's release or before constructive parole becomes effective. A grant of constructive parole becomes effective once the inmate begins serving the consecutive sentence.

(o) If the commissioner rescinds a grant of supervised release or parole, the board:

(1) must set a release review date that occurs within 90 days of the commissioner's rescission; and

(2) by majority vote, may set a new supervised release date or set another review date.

(p) If the commissioner revokes supervised release or parole for an inmate serving a life sentence, the revocation is not subject to the limitations under section 244.30 and the board:

(1) must set a release review date that occurs within one year of the commissioner's final revocation decision; and

(2) by majority vote, may set a new supervised release date or set another review date.

(q) The board may, by a majority vote, grant a person on supervised release or parole for a life or indeterminate sentence a final discharge from their sentence in accordance with section 243.05, subdivision 3. In no case, however, may a person subject to a mandatory lifetime conditional release term under section 609.3455, subdivision 7, be discharged from that term.

(r) For purposes of this subdivision:

(1) "board" means the Supervised Release Board under section 244.049;

(2) "constructive parole" means the status of an inmate who has been paroled from an indeterminate sentence to begin serving a consecutive sentence in prison; and

(3) "victim" has the meaning given in section 611A.01, paragraph (b).

Subd. 6. **Intensive supervised release.** (a) The commissioner may order that an inmate be placed on intensive supervised release for:

(1) all or part of the inmate's supervised release or parole term; or

(2) all of the inmate's conditional or supervised release term if the inmate was:

(i) convicted of a sex offense under section 609.342, 609.343, 609.344, 609.345, or 609.3453; or

(ii) sentenced under section 609.3455, subdivision 3a.

(b) The commissioner must order that all level III predatory offenders be placed on intensive supervised release for the entire supervised release, conditional release, or parole term.

(c) The commissioner may impose appropriate conditions of release on an inmate, including but not limited to:

(1) unannounced searches by an intensive supervision agent of the inmate's person, vehicle, premises, computer, or other electronic devices capable of accessing the Internet;

(2) compliance with court-ordered restitution, if any;

(3) random drug testing;

(4) house arrest;

(5) daily curfews;

(6) frequent face-to-face contacts with an assigned intensive supervision agent;

(7) work, education, or treatment requirements; and

(8) electronic surveillance.

(d) A sex offender placed on intensive supervised release may be ordered to participate in an appropriate sex offender program as a condition of release.

(e) If electronic surveillance is directed for an inmate on intensive supervised release, the commissioner must require that until electronic surveillance is activated:

(1) the inmate be kept in custody; or

(2) the inmate's intensive supervision agent, or the agent's designee, directly supervise the inmate.

(f) Before being released from custody or the direct supervision of an intensive supervision agent, an inmate placed on electronic surveillance must ensure that:

(1) the inmate's residence is properly equipped to support electronic surveillance; and

(2) the inmate's telecommunications system is properly configured to support electronic surveillance.

(g) An inmate who fails to comply with paragraph (f) may be found in violation of the inmate's conditions of release after a revocation hearing.

(h) As a condition of release for an inmate required to register under section 243.166 who is placed on intensive supervised release under this subdivision, the commissioner shall prohibit the inmate from accessing, creating, or maintaining a personal web page, profile, account, password, or username for (1) a social networking website, or (2) an instant messaging or chat room program, any of which permits persons under the age of 18 to become a member or to create or maintain a personal web page.

(i) An intensive supervision agent may modify the prohibition under paragraph (h) if:

(1) the modification would not jeopardize public safety; and

(2) the modification is specifically described and agreed to in advance by the agent.

(j) If an inmate violates the conditions of intensive supervised release, the commissioner may impose sanctions as provided in subdivision 3 and section 609.3455.

Subd. 7. **Sex offenders; civil commitment determination.** (a) Before the commissioner releases from prison any inmate convicted under section 609.342, 609.343, 609.344, 609.345, or 609.3453, or sentenced as a patterned offender under section 609.3455, subdivision 3a, and determined by the commissioner to be in a high risk category, the commissioner shall make a preliminary determination whether, in the commissioner's opinion, a petition under chapter 253D may be appropriate. The commissioner's opinion must be based on a recommendation of a Department of Corrections screening committee and a legal review

and recommendation from independent counsel knowledgeable in the legal requirements of the civil commitment process. The commissioner may retain a retired judge or other attorney to serve as independent counsel.

(b) In making this decision, the commissioner shall have access to the following data only for the purposes of the assessment and referral decision:

(1) private medical data under section 13.384 or sections 144.291 to 144.298, or welfare data under section 13.46 that relate to medical treatment of the offender;

(2) private and confidential court services data under section 13.84;

(3) private and confidential corrections data under section 13.85; and

(4) private criminal history data under section 13.87.

(c) If the commissioner determines that a petition may be appropriate, the commissioner shall forward this determination, along with a summary of the reasons for the determination, to the county attorney in the county where the inmate was convicted no later than 12 months before the inmate's release date. If the inmate is received for incarceration with fewer than 12 months remaining in the inmate's term of imprisonment, or if the commissioner receives additional information less than 12 months before release that makes the inmate's case appropriate for referral, the commissioner shall forward the determination as soon as is practicable. Upon receiving the commissioner's preliminary determination, the county attorney shall proceed in the manner provided in chapter 253D. The commissioner shall release to the county attorney all requested documentation maintained by the department.

Subd. 8. **Conditional medical and epidemic release.** (a) Notwithstanding subdivisions 4 and 5, the commissioner may order that an inmate be placed on conditional medical release before their scheduled supervised release date or target release date if:

(1) the inmate suffers from a grave illness or medical condition; and

(2) the release poses no threat to the public.

(b) If there is an epidemic of any potentially fatal infectious or contagious disease in the community or in a state correctional facility, the commissioner may also release an inmate to home confinement before the inmate's scheduled supervised release date or target release date if:

(1) the inmate has a medical condition or state of health that would make the inmate particularly vulnerable to the disease; and

(2) release to home confinement poses no threat to the public.

(c) When deciding whether to release an inmate according to this subdivision, the commissioner must consider:

(1) the inmate's age and medical condition, health care needs, and custody classification and level of risk of violence;

(2) the appropriate level of community supervision; and

(3) alternative placements that may be available for the inmate.

(d) An inmate may not be released under this subdivision unless the commissioner has determined that the inmate's health costs are likely to be borne by:

(1) the inmate; or

(2) medical assistance, Medicaid, veteran's benefits, or any other federal or state medical assistance programs.

(e) The commissioner may rescind conditional medical release without a hearing if the commissioner considers that the inmate's medical condition has improved to the extent that:

(1) the illness or condition is no longer grave or can be managed by correctional health care options; or

(2) the epidemic that precipitated release has subsided or effective vaccines or other treatments have become available.

(f) Release under this subdivision may also be revoked in accordance with subdivisions 2 and 3 if the inmate violates any conditions of release imposed by the commissioner.

Subd. 9. **Public notice of release hearing for killers of peace officers.** (a) At least 30 days before a hearing to consider the release of an inmate sentenced to life imprisonment for committing murder in the first degree involving the killing of a peace officer or a guard employed at a Minnesota or local correctional facility, the commissioner shall post on the department's website information about the hearing. The information posted may include only public information about the inmate, the circumstances of the case, and the scheduled hearing.

(b) A member of the public may submit a written statement at the review hearing. Nothing in this subdivision may be interpreted to circumvent or limit the rights of the victim, the victim's family, the inmate, or the criminal justice community specified elsewhere in law to notice of the hearing or the right to participate in it.

History: *1978 c 723 art 1 s 5; 1983 c 274 s 7; 1984 c 381 s 3; 1986 c 444; 1989 c 290 art 2 s 5-7; art 4 s 4,5; 1990 c 568 art 2 s 32; 1991 c 258 s 1; 1992 c 571 art 1 s 3-7; art 2 s 5,6; art 3 s 3; art 11 s 3; 1993 c 326 art 4 s 5,6; art 8 s 9; art 9 s 5; 1994 c 636 art 6 s 13; 1Sp1994 c 1 art 2 s 22; 1997 c 239 art 9 s 25; 1998 c 367 art 3 s 4; art 6 s 15; 1999 c 126 s 9; 2002 c 273 s 1; 2005 c 10 art 1 s 40,41; 2005 c 136 art 2 s 2-4; art 3 s 10,11; 2006 c 260 art 1 s 47; 2007 c 13 art 3 s 37; 2007 c 147 art 10 s 15; 2009 c 59 art 1 s 2; 2012 c 218 s 1; 2013 c 49 s 22; 2015 c 21 art 1 s 37; 2015 c 65 art 5 s 6; 2016 c 158 art 2 s 42; 2017 c 95 art 3 s 8; 2018 c 182 art 1 s 42; 2022 c 98 art 4 s 51; 2023 c 52 art 11 s 18,19; art 12 s 2; art 17 s 2; art 18 s 2-6; 2023 c 63 art 4 s 34; 2024 c 123 art 8 s 9*

244.051 EARLY REPORTS OF MISSING OFFENDERS.

All programs serving inmates on supervised release following a prison sentence shall notify the appropriate probation officer, appropriate law enforcement agency, and the Department of Corrections within two hours after an inmate in the program fails to make a required report or after program officials receive information indicating that an inmate may have left the area in which the inmate is required to remain or may have otherwise violated conditions of the inmate's supervised release. The Department of Corrections and county corrections agencies shall ensure that probation offices are staffed on a 24-hour basis or make available a 24-hour telephone number to receive the reports.

History: *1992 c 571 art 11 s 4*

244.0513 CONDITIONAL RELEASE OF NONVIOLENT CONTROLLED SUBSTANCE OFFENDERS; TREATMENT.

Subdivision 1. **Conditional release authority.** The commissioner of corrections has the authority to release offenders committed to the commissioner's custody who meet the requirements of this section and of any rules adopted by the commissioner.

Subd. 2. **Conditional release of certain nonviolent controlled substance offenders.** An offender who has been committed to the commissioner's custody may petition the commissioner for conditional release from prison before the offender's scheduled supervised release date or target release date if:

(1) the offender is serving a sentence for violating section 152.021, subdivision 2 or 2a; 152.022, subdivision 2; 152.023, subdivision 2; 152.024; or 152.025;

(2) the offender committed the crime as a result of a controlled substance use disorder;

(3) the offender has served at least:

(i) 18 months or one-half of the offender's term of imprisonment, whichever is less, if the offense for which the offender is seeking conditional release is a violation of section 152.024 or 152.025; or

(ii) 36 months or one-half of the offender's term of imprisonment, whichever is less, if the offense for which the offender is seeking conditional release is a violation of section 152.021, subdivision 2 or 2a, 152.022, subdivision 2, or 152.023, subdivision 2;

(4) the offender successfully completed treatment recommendations as determined by a comprehensive substance use disorder assessment while incarcerated;

(5) the offender has not previously been conditionally released under this section; and

(6) the offender has not within the past ten years been convicted or adjudicated delinquent for a violent crime as defined in section 609.1095 other than the current conviction for the controlled substance offense.

Subd. 3. **Offer of substance use disorder treatment.** The commissioner shall offer all offenders meeting the criteria described in subdivision 2, clauses (1), (2), (5), and (6), the opportunity to begin a suitable substance use disorder treatment program of the type described in this section within 160 days after the offender's term of imprisonment begins or as soon after 160 days as possible.

Subd. 4. **Substance use disorder treatment program components.** (a) The substance use disorder treatment program described in subdivisions 2 and 3 must:

(1) contain a structured schedule for the offender;

(2) contain individual or group counseling or both to help the offender identify and address needs related to substance use and develop strategies to avoid harmful substance use after discharge and to help the offender obtain the services necessary to establish a lifestyle free of the harmful effects of substance use disorder;

(3) contain programs designed to promote the offender's self-worth and the offender's acceptance of responsibility for the consequences of the offender's own decisions;

(4) be designed to serve the inmate population; and

(5) require that each offender submit to a substance use disorder assessment and that the offender receive the appropriate level of treatment as indicated by the assessment.

(b) The commissioner may expel from the substance use disorder treatment program any offender who:

(1) commits a material violation of or repeatedly fails to follow the rules of the program;

(2) commits any criminal offense while in the program; or

(3) presents any risk to other inmates based on the offender's behavior or attitude.

Subd. 5. **Additional requirements.** To be eligible for release under this section, an offender shall sign a written contract with the commissioner agreeing to comply with the requirements of this section and the conditions imposed by the commissioner. In addition, the offender shall agree to submit to random drug and alcohol tests and electronic or home monitoring as determined by the commissioner or the offender's supervising agent. The commissioner may impose additional requirements on the offender that are necessary to carry out the goals of this section.

Subd. 6. MS 2014 [Repealed, 2016 c 160 s 22]

Subd. 7. **Release procedures.** The commissioner may deny conditional release to an offender under this section if the commissioner determines that the offender's release may reasonably pose a danger to the public or an individual. In making this determination, the commissioner shall follow the procedures in section 244.05, subdivision 5, and the rules adopted by the commissioner under that subdivision. The commissioner shall consider whether the offender was involved in criminal gang activity during the offender's prison term. The commissioner shall also consider the offender's custody classification and level of risk of violence and the availability of appropriate community supervision for the offender. Conditional release granted under this section continues until the offender's sentence expires, unless release is rescinded under subdivision 8. The commissioner may not grant conditional release unless a release plan is in place for the offender that addresses, at a minimum, plans for aftercare, community-based substance use disorder treatment, gaining employment, and securing housing.

Subd. 8. **Conditional release.** The conditions of release granted under this section are governed by the statutes and rules governing supervised release under this chapter, except that release may be rescinded without hearing by the commissioner if the commissioner determines that continuation of the conditional release poses a danger to the public or to an individual. If the commissioner rescinds an offender's conditional release, the offender shall be returned to prison and shall serve the remaining portion of the offender's sentence.

Subd. 9. **Offenders serving other sentences.** An offender who is serving both a sentence for an offense described in subdivision 2 and an offense not described in subdivision 2 is not eligible for release under this section unless the offender has completed the offender's full term of imprisonment for the other offense.

Subd. 10. **Notice.** Upon receiving an offender's petition for release under subdivision 2, the commissioner shall notify the prosecuting authority responsible for the offender's conviction and the sentencing court. The commissioner shall give the authority and court a reasonable opportunity to comment on the offender's potential release. If the authority or court elects to comment, the comments must specify the reasons for the authority or court's position.

History: *2013 c 86 art 3 s 3; 2016 c 160 s 11,12; 2022 c 98 art 4 s 51; 2023 c 52 art 11 s 20,21*

PREDATORY OFFENDERS; RELEASE

244.052 PREDATORY OFFENDERS; NOTICE.

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

(1) "confinement" means confinement in a state correctional facility or a state treatment facility;

(2) "immediate household" means any and all individuals who live in the same household as the offender;

(3) "law enforcement agency" means the law enforcement agency having primary jurisdiction over the location where the offender expects to reside upon release;

(4) "residential facility" means a regional treatment center operated by the Direct Care and Treatment executive board or a facility that is licensed as a residential program, as defined in section 245A.02, subdivision 14, by the commissioner of human services under chapter 245A, or the commissioner of corrections under section 241.021, whose staff are trained in the supervision of sex offenders; and

(5) "predatory offender" and "offender" mean a person who is required to register as a predatory offender under section 243.166. However, the terms do not include persons required to register based solely on a delinquency adjudication.

Subd. 2. **Risk assessment scale.** By January 1, 1997, the commissioner of corrections shall develop a risk assessment scale which assigns weights to the various risk factors listed in subdivision 3, paragraph (g), and specifies the risk level to which offenders with various risk assessment scores shall be assigned. In developing this scale, the commissioner shall consult with county attorneys, treatment professionals, law enforcement officials, and probation officers.

Subd. 3. **End-of-confinement review committee.** (a) The commissioner of corrections shall establish and administer end-of-confinement review committees at each state correctional facility and at each state treatment facility where predatory offenders are confined. The committees shall assess on a case-by-case basis the public risk posed by predatory offenders who are about to be released from confinement.

(b) Each committee shall be a standing committee and shall consist of the following members appointed by the commissioner:

(1) the chief executive officer or head of the correctional or treatment facility where the offender is currently confined, or that person's designee;

(2) a law enforcement officer;

(3) a treatment professional who is trained in the assessment of sex offenders;

(4) a caseworker experienced in supervising sex offenders; and

(5) a victim's services professional.

Members of the committee, other than the facility's chief executive officer or head, shall be appointed by the commissioner to two-year terms. The chief executive officer or head of the facility or designee shall act as chair of the committee and shall use the facility's staff, as needed, to administer the committee, obtain necessary information from outside sources, and prepare risk assessment reports on offenders.

(c) The committee shall have access to the following data on a predatory offender only for the purposes of its assessment and to defend the committee's risk assessment determination upon administrative review under this section:

(1) private medical data under section 13.384 or sections 144.291 to 144.298, or welfare data under section 13.46 that relate to medical treatment of the offender;

(2) private and confidential court services data under section 13.84;

(3) private and confidential corrections data under section 13.85; and

(4) private criminal history data under section 13.87.

Data collected and maintained by the committee under this paragraph may not be disclosed outside the committee, except as provided under section 13.05, subdivision 3 or 4. The predatory offender has access to data on the offender collected and maintained by the committee, unless the data are confidential data received under this paragraph.

(d)(i) Except as otherwise provided in items (ii), (iii), and (iv), at least 90 days before a predatory offender is to be released from confinement, the commissioner of corrections shall convene the appropriate end-of-confinement review committee for the purpose of assessing the risk presented by the offender and determining the risk level to which the offender shall be assigned under paragraph (e). The offender and the law enforcement agency that was responsible for the charge resulting in confinement shall be notified of the time and place of the committee's meeting. The offender has a right to be present and be heard at the meeting. The law enforcement agency, agent, and victim may provide material in writing that is relevant to the offender's risk level to the chair of the committee. The committee shall use the risk factors described in paragraph (g) and the risk assessment scale developed under subdivision 2 to determine the offender's risk assessment score and risk level. Offenders scheduled for release from confinement shall be assessed by the committee established at the facility from which the offender is to be released.

(ii) If an offender is received for confinement in a facility with less than 90 days remaining in the offender's term of confinement, the offender's risk shall be assessed at the first regularly scheduled end of confinement review committee that convenes after the appropriate documentation for the risk assessment is assembled by the committee. The commissioner shall make reasonable efforts to ensure that offender's risk is assessed and a risk level is assigned or reassigned at least 30 days before the offender's release date.

(iii) If the offender is subject to a mandatory life sentence under section 609.3455, subdivision 3 or 4, the commissioner of corrections shall convene the appropriate end-of-confinement review committee at least nine months before the offender's minimum term of imprisonment has been served. If the offender is received for confinement in a facility with less than nine months remaining before the offender's minimum term of imprisonment has been served, the committee shall conform its procedures to those outlined in item (ii) to the extent practicable.

(iv) If the offender is granted supervised release, the commissioner of corrections shall notify the appropriate end-of-confinement review committee that it needs to review the offender's previously determined risk level at its next regularly scheduled meeting. The commissioner shall make reasonable efforts to ensure that the offender's earlier risk level determination is reviewed and the risk level is confirmed or reassigned at least 60 days before the offender's release date. The committee shall give the report to the offender and to the law enforcement agency, and the commissioner shall provide notice of the risk level assignment to the victim, if requested, at least 60 days before an offender is released from confinement.

(e) The committee shall assign to risk level I a predatory offender whose risk assessment score indicates a low risk of reoffense. The committee shall assign to risk level II an offender whose risk assessment score indicates a moderate risk of reoffense. The committee shall assign to risk level III an offender whose risk assessment score indicates a high risk of reoffense.

(f) Before the predatory offender is released from confinement, the committee shall prepare a risk assessment report which specifies the risk level to which the offender has been assigned and the reasons underlying the committee's risk assessment decision. Except for an offender subject to a mandatory life sentence under section 609.3455, subdivision 3 or 4, who has not been granted supervised release, the committee shall give the report to the offender and to the law enforcement agency, and the commissioner shall provide notice of the risk level assignment to the victim, if requested, at least 60 days before an offender is released from confinement. If the offender is subject to a mandatory life sentence and has not yet served the entire minimum term of imprisonment, the committee shall give the report to the offender and to the commissioner at least six months before the offender is first eligible for release. If the risk assessment is performed under the circumstances described in paragraph (d), item (ii), the report shall be given to the offender and the law enforcement agency as soon as it is available. The committee also shall inform the offender of the availability of review under subdivision 6.

(g) As used in this subdivision, "risk factors" includes, but is not limited to, the following factors:

(1) the seriousness of the offense should the offender reoffend. This factor includes consideration of the following:

(i) the degree of likely force or harm;

(ii) the degree of likely physical contact; and

(iii) the age of the likely victim;

(2) the offender's prior offense history. This factor includes consideration of the following:

(i) the relationship of prior victims to the offender;

(ii) the number of prior offenses or victims;

(iii) the duration of the offender's prior offense history;

(iv) the length of time since the offender's last prior offense while the offender was at risk to commit offenses; and

(v) the offender's prior history of other antisocial acts;

(3) the offender's characteristics. This factor includes consideration of the following:

(i) the offender's response to prior treatment efforts; and

(ii) the offender's history of substance abuse;

(4) the availability of community supports to the offender. This factor includes consideration of the following:

(i) the availability and likelihood that the offender will be involved in therapeutic treatment;

(ii) the availability of residential supports to the offender, such as a stable and supervised living arrangement in an appropriate location;

(iii) the offender's familial and social relationships, including the nature and length of these relationships and the level of support that the offender may receive from these persons; and

(iv) the offender's lack of education or employment stability;

(5) whether the offender has indicated or credible evidence in the record indicates that the offender will reoffend if released into the community; and

(6) whether the offender demonstrates a physical condition that minimizes the risk of reoffense, including but not limited to, advanced age or a debilitating illness or physical condition.

(h) Upon the request of the law enforcement agency or the offender's corrections agent, the commissioner may reconvene the end-of-confinement review committee for the purpose of reassessing the risk level to which an offender has been assigned under paragraph (e). In a request for a reassessment, the law enforcement agency which was responsible for the charge resulting in confinement or agent shall list the facts and circumstances arising after the initial assignment or facts and circumstances known to law enforcement or the agent but not considered by the committee under paragraph (e) which support the request for a reassessment. The request for reassessment by the law enforcement agency must occur within 30 days of receipt of the report indicating the offender's risk level assignment. The offender's corrections agent, in consultation with the chief law enforcement officer in the area where the offender resides or intends to reside, may request a review of a risk level at any time if substantial evidence exists that the offender's risk level should be reviewed by an end-of-confinement review committee. This evidence includes, but is not limited to, evidence of treatment failures or completions, evidence of exceptional crime-free community adjustment or lack of appropriate adjustment, evidence of substantial community need to know more about the offender or mitigating circumstances that would narrow the proposed scope of notification, or other practical situations articulated and based in evidence of the offender's behavior while under supervision. Upon review of the request, the end-of-confinement review committee may reassign an offender to a different risk level. If the offender is reassigned to a higher risk level, the offender has the right to seek review of the committee's determination under subdivision 6.

(i) An offender may request the end-of-confinement review committee to reassess the offender's assigned risk level after three years have elapsed since the committee's initial risk assessment and may renew the request once every two years following subsequent denials. In a request for reassessment, the offender shall list the facts and circumstances which demonstrate that the offender no longer poses the same degree of risk to the community. In order for a request for a risk level reduction to be granted, the offender must demonstrate full compliance with supervised release conditions, completion of required post-release treatment programming, and full compliance with all registration requirements as detailed in section 243.166. The offender must also not have been convicted of any felony, gross misdemeanor, or misdemeanor offenses subsequent to the assignment of the original risk level. The committee shall follow the process outlined in paragraphs (a) to (c) in the reassessment. An offender who is incarcerated may not request a reassessment under this paragraph.

(j) Offenders returned to prison as release violators shall not have a right to a subsequent risk reassessment by the end-of-confinement review committee unless substantial evidence indicates that the offender's risk to the public has increased.

(k) If the committee assigns a predatory offender to risk level III, the committee shall determine whether residency restrictions shall be included in the conditions of the offender's release based on the offender's pattern of offending behavior.

Subd. 3a. **Offenders from other states and offenders released from federal facilities.** (a) Except as provided in paragraph (b), the commissioner shall establish an end-of-confinement review committee to assign a risk level:

(1) to offenders who are released from a federal correctional facility in Minnesota or a federal correctional facility in another state and who intend to reside in Minnesota;

(2) to offenders who are accepted from another state under the interstate compact authorized by section 243.1605 or any other authorized interstate agreement; and

(3) to offenders who are referred to the committee by local law enforcement agencies under paragraph (f).

(b) This subdivision does not require the commissioner to convene an end-of-confinement review committee for a person coming into Minnesota who is subject to probation under another state's law. The probation or court services officer and law enforcement officer shall manage such cases in accordance with section 244.10, subdivision 8.

(c) The committee shall make reasonable efforts to conform to the same timelines applied to offenders released from a Minnesota correctional facility and shall collect all relevant information and records on offenders assessed and assigned a risk level under this subdivision. However, for offenders who were assigned the most serious risk level by another state, the committee must act promptly to collect the information required under this paragraph.

The end-of-confinement review committee must proceed in accordance with all requirements set forth in this section and follow all policies and procedures applied to offenders released from a Minnesota correctional facility in reviewing information and assessing the risk level of offenders covered by this subdivision, unless restrictions caused by the nature of federal or interstate transfers prevent such conformance. All of the provisions of this section apply to offenders who are assessed and assigned a risk level under this subdivision.

(d) If a local law enforcement agency learns or suspects that a person who is subject to this section is living in Minnesota and a risk level has not been assigned to the person under this section, the law enforcement agency shall provide this information to the Bureau of Criminal Apprehension and the commissioner of corrections within three business days.

(e) If the commissioner receives reliable information from a local law enforcement agency or the bureau that a person subject to this section is living in Minnesota and a local law enforcement agency so requests, the commissioner must determine if the person was assigned a risk level under a law comparable to this section. If the commissioner determines that the law is comparable and public safety warrants, the commissioner, within three business days of receiving a request, shall notify the local law enforcement agency that it may, in consultation with the department, proceed with notification under subdivision 4 based on the person's out-of-state risk level. However, if the commissioner concludes that the offender is from a state with a risk level assessment law that is not comparable to this section, the extent of the notification may not exceed that of a risk level II offender under subdivision 4, paragraph (b), unless the requirements of paragraph (f) have been met. If an assessment is requested from the end-of-confinement review committee under paragraph (f), the local law enforcement agency may continue to disclose information under subdivision 4 until the committee assigns the person a risk level. After the committee assigns a risk level to an offender pursuant to a request made under paragraph (f), the information disclosed by law enforcement shall be consistent with the risk level assigned by the end-of-confinement review committee. The commissioner of

corrections, in consultation with legal advisers, shall determine whether the law of another state is comparable to this section.

(f) If the local law enforcement agency wants to make a broader disclosure than is authorized under paragraph (e), the law enforcement agency may request that an end-of-confinement review committee assign a risk level to the offender. The local law enforcement agency shall provide to the committee all information concerning the offender's criminal history, the risk the offender poses to the community, and other relevant information. The department shall attempt to obtain other information relevant to determining which risk level to assign the offender. The committee shall promptly assign a risk level to an offender referred to the committee under this paragraph.

Subd. 4. **Law enforcement agency; disclosure of information to public.** (a) The law enforcement agency in the area where the predatory offender resides, expects to reside, is employed, or is regularly found, shall disclose to the public any information regarding the offender contained in the report forwarded to the agency under subdivision 3, paragraph (f), that is relevant and necessary to protect the public and to counteract the offender's dangerousness, consistent with the guidelines in paragraph (b). The extent of the information disclosed and the community to whom disclosure is made must relate to the level of danger posed by the offender, to the offender's pattern of offending behavior, and to the need of community members for information to enhance their individual and collective safety.

(b) The law enforcement agency shall employ the following guidelines in determining the scope of disclosure made under this subdivision:

(1) if the offender is assigned to risk level I, the agency may maintain information regarding the offender within the agency and may disclose it to other law enforcement agencies. Additionally, the agency may disclose the information to any victims of or witnesses to the offense committed by the offender. The agency shall disclose the information to victims of the offense committed by the offender who have requested disclosure and to adult members of the offender's immediate household;

(2) if the offender is assigned to risk level II, the agency also may disclose the information to agencies and groups that the offender is likely to encounter for the purpose of securing those institutions and protecting individuals in their care while they are on or near the premises of the institution. These agencies and groups include the staff members of public and private educational institutions, day care establishments, and establishments and organizations that primarily serve individuals likely to be victimized by the offender. The agency also may disclose the information to individuals the agency believes are likely to be victimized by the offender. The agency's belief shall be based on the offender's pattern of offending or victim preference as documented in the information provided by the Department of Corrections, the Department of Human Services, or Direct Care and Treatment. The agency may disclose the information to property assessors, property inspectors, code enforcement officials, and child protection officials who are likely to visit the offender's home in the course of their duties;

(3) if the offender is assigned to risk level III, the agency shall disclose the information to the persons and entities described in clauses (1) and (2) and to other members of the community whom the offender is likely to encounter, unless the law enforcement agency determines that public safety would be compromised by the disclosure or that a more limited disclosure is necessary to protect the identity of the victim.

Notwithstanding the assignment of a predatory offender to risk level II or III, a law enforcement agency may not make the disclosures permitted or required by clause (2) or (3), if: the offender is placed or resides in a residential facility. However, if an offender is placed or resides in a residential facility, the offender and the head of the facility shall designate the offender's likely residence upon release from the facility and the

head of the facility shall notify the commissioner of corrections, the commissioner of human services, or the Direct Care and Treatment executive board of the offender's likely residence at least 14 days before the offender's scheduled release date. The commissioner shall give this information to the law enforcement agency having jurisdiction over the offender's likely residence. The head of the residential facility also shall notify the commissioner of corrections, the commissioner of human services, or the Direct Care and Treatment executive board within 48 hours after finalizing the offender's approved relocation plan to a permanent residence. Within five days after receiving this notification, the appropriate commissioner shall give to the appropriate law enforcement agency all relevant information the commissioner has concerning the offender, including information on the risk factors in the offender's history and the risk level to which the offender was assigned. After receiving this information, the law enforcement agency shall make the disclosures permitted or required by clause (2) or (3), as appropriate.

(c) As used in paragraph (b), clauses (2) and (3), "likely to encounter" means that:

(1) the organizations or community members are in a location or in close proximity to a location where the offender lives or is employed, or which the offender visits or is likely to visit on a regular basis, other than the location of the offender's outpatient treatment program; and

(2) the types of interaction which ordinarily occur at that location and other circumstances indicate that contact with the offender is reasonably certain.

(d) A law enforcement agency or official who discloses information under this subdivision shall make a good faith effort to make the notification within 14 days of receipt of a confirmed address from the Department of Corrections indicating that the offender will be, or has been, released from confinement, or accepted for supervision, or has moved to a new address and will reside at the address indicated. If a change occurs in the release plan, this notification provision does not require an extension of the release date.

(e) A law enforcement agency or official who discloses information under this subdivision shall not disclose the identity or any identifying characteristics of the victims of or witnesses to the offender's offenses.

(f) A law enforcement agency shall continue to disclose information on an offender as required by this subdivision for as long as the offender is required to register under section 243.166. This requirement on a law enforcement agency to continue to disclose information also applies to an offender who lacks a primary address and is registering under section 243.166, subdivision 3a.

(g) A law enforcement agency that is disclosing information on an offender assigned to risk level III to the public under this subdivision shall inform the commissioner of corrections what information is being disclosed and forward this information to the commissioner within two days of the agency's determination. The commissioner shall post this information on the Internet as required in subdivision 4b.

(h) A city council may adopt a policy that addresses when information disclosed under this subdivision must be presented in languages in addition to English. The policy may address when information must be presented orally, in writing, or both in additional languages by the law enforcement agency disclosing the information. The policy may provide for different approaches based on the prevalence of non-English languages in different neighborhoods.

(i) An offender who is the subject of a community notification meeting held pursuant to this section may not attend the meeting.

(j) When a school, day care facility, or other entity or program that primarily educates or serves children receives notice under paragraph (b), clause (3), that a level III predatory offender resides or works in the surrounding community, notice to parents must be made as provided in this paragraph. If the predatory

offender identified in the notice is participating in programs offered by the facility that require or allow the person to interact with children other than the person's children, the principal or head of the entity must notify parents with children at the facility of the contents of the notice received pursuant to this section. The immunity provisions of subdivision 7 apply to persons disclosing information under this paragraph.

(k) When an offender for whom notification was made under this subdivision no longer resides, is employed, or is regularly found in the area, and the law enforcement agency that made the notification is aware of this, the agency shall inform the entities and individuals initially notified of the change in the offender's status. If notification was made under paragraph (b), clause (3), the agency shall provide the updated information required under this paragraph in a manner designed to ensure a similar scope of dissemination. However, the agency is not required to hold a public meeting to do so.

Subd. 4a. **Level III offenders; location of residence.** (a) When an offender assigned to risk level III is released from confinement or a residential facility to reside in the community or changes residence while on supervised or conditional release, the agency responsible for the offender's supervision shall:

(1) take into consideration the proximity of the offender's residence to that of other level III offenders if the proximity presents a risk of reoffending;

(2) take into consideration the proximity of the offender's residence to the following locations if the locations present a risk of reoffending:

(i) schools;

(ii) child care facilities or family or group family day care programs;

(iii) licensed residences for vulnerable adults;

(iv) attractions within public parks that are regularly used by minors, including but not limited to playgrounds or athletic fields; and

(v) community centers and recreation centers that are regularly used in youth athletic activities or offer regularly scheduled indoor playtimes or access to gymnasiums and other facilities that are restricted to minors; and

(3) to the greatest extent feasible, mitigate the concentration of level III offenders and concentration of level III offenders near the locations listed in clause (2) when the concentration presents a risk of reoffending.

(b) If the owner or property manager of a hotel, motel, lodging establishment, or apartment building has an agreement with an agency that arranges or provides shelter for victims of domestic abuse, the owner or property manager may not knowingly rent rooms to both level III offenders and victims of domestic abuse at the same time. If the owner or property manager has an agreement with an agency to provide housing to domestic abuse victims and discovers or is informed that a tenant is a level III offender after signing a lease or otherwise renting to the offender, the owner or property manager may evict the offender.

Subd. 4b. **Level III offenders; mandatory posting of information on Internet.** The commissioner of corrections shall create and maintain an Internet website and post on the site the information about offenders assigned to risk level III forwarded by law enforcement agencies under subdivision 4, paragraph (g). This information must be updated in a timely manner to account for changes in the offender's address and maintained for the period of time that the offender remains subject to community notification as a level III offender.

Subd. 4c. **Law enforcement agency; disclosure of information to a health care facility.** (a) The law enforcement agency in the area where a health care facility is located shall disclose the registrant status of any predatory offender registered under section 243.166 to the health care facility if the registered offender is receiving inpatient care in that facility.

(b) As used in this section, "health care facility" means a hospital or other entity licensed under sections 144.50 to 144.58, a nursing home licensed to serve adults under section 144A.02, or a licensed setting authorized to provide housing support under section 256I.04 or an intermediate care facility for the developmentally disabled licensed under chapter 245A.

Subd. 5. **Relevant information provided to law enforcement.** At least 60 days before a predatory offender is released from confinement, the Department of Corrections or Direct Care and Treatment, in the case of a person who was committed under chapter 253D or Minnesota Statutes 1992, section 526.10, shall give to the law enforcement agency that investigated the offender's crime of conviction or, where relevant, the law enforcement agency having primary jurisdiction where the offender was committed, all relevant information that the department and agency have concerning the offender, including information on risk factors in the offender's history. Within five days after receiving the offender's approved release plan from the hearings and release unit, the appropriate department or agency shall give to the law enforcement agency having primary jurisdiction where the offender plans to reside all relevant information the department or agency has concerning the offender, including information on risk factors in the offender's history and the risk level to which the offender was assigned. If the offender's risk level was assigned under the circumstances described in subdivision 3, paragraph (d), item (ii), the appropriate department or agency shall give the law enforcement agency all relevant information that the department or agency has concerning the offender, including information on the risk factors in the offender's history and the offender's risk level within five days of the risk level assignment or reassignment.

Subd. 6. **Administrative review.** (a) An offender assigned or reassigned to risk level II or III under subdivision 3, paragraph (e) or (h), has the right to seek administrative review of an end-of-confinement review committee's risk assessment determination. The offender must exercise this right within 14 days of receiving notice of the committee's decision by notifying the chair of the committee. Upon receiving the request for administrative review, the chair shall notify: (1) the offender; (2) the victim or victims of the offender's offense who have requested disclosure or their designee; (3) the law enforcement agency that investigated the offender's crime of conviction or, where relevant, the law enforcement agency having primary jurisdiction where the offender was committed; (4) the law enforcement agency having jurisdiction where the offender expects to reside, providing that the release plan has been approved by the hearings and release unit of the Department of Corrections; and (5) any other individuals the chair may select. The notice shall state the time and place of the hearing. A request for a review hearing shall not interfere with or delay the notification process under subdivision 4 or 5, unless the administrative law judge orders otherwise for good cause shown.

(b) An offender who requests a review hearing must be given a reasonable opportunity to prepare for the hearing. The review hearing shall be conducted on the record before an administrative law judge. The review hearing shall be conducted at the correctional facility in which the offender is currently confined. If the offender no longer is incarcerated, the administrative law judge shall determine the place where the review hearing will be conducted. The offender has the burden of proof to show, by a preponderance of the evidence, that the end-of-confinement review committee's risk assessment determination was erroneous. The attorney general or a designee shall defend the end-of-confinement review committee's determination. The offender has the right to be present, to present evidence in support of the offender's position, to call supporting witnesses, and to cross-examine witnesses testifying in support of the committee's determination.

(c) After the hearing is concluded, the administrative law judge shall decide whether the end-of-confinement review committee's risk assessment determination was erroneous and, based on this decision, shall either uphold or modify the review committee's determination. The judge's decision shall be in writing and shall include the judge's reasons for the decision. The judge's decision shall be final and a copy of it shall be given to the offender, the victim, the law enforcement agency, and the chair of the end-of-confinement review committee.

(d) The review hearing is subject to the contested case provisions of chapter 14.

(e) The administrative law judge may seal any portion of the record of the administrative review hearing to the extent necessary to protect the identity of a victim of or witness to the offender's offense.

Subd. 7. **Immunity from liability.** (a) A state or local agency or official, or a private organization or individual authorized to act on behalf of a state or local agency or official, is not criminally liable for disclosing or failing to disclose information as permitted by this section.

(b) A state or local agency or official, or a private organization or individual authorized to act on behalf of a state or local agency or official, is not civilly liable for failing to disclose information under this section.

(c) A state or local agency or official, or a private organization or individual authorized to act on behalf of a state or local agency or official, is not civilly liable for disclosing information as permitted by this section. However, this paragraph applies only to disclosure of information that is consistent with the offender's conviction history. It does not apply to disclosure of information relating to conduct for which the offender was not convicted.

Subd. 8. **Limitation on scope.** Nothing in this section imposes a duty upon a person licensed under chapter 82, or an employee of the person, to disclose information regarding an offender who is required to register under section 243.166, or about whom notification is made under this section.

History: *1996 c 408 art 5 s 4; 1997 c 239 art 5 s 4-7; 1998 c 396 s 3-6; 1999 c 86 art 1 s 82; 1999 c 216 art 6 s 2-5; 1999 c 227 s 22; 1999 c 233 s 4,5; 2000 c 311 art 2 s 12; 2001 c 210 s 15; 2002 c 385 s 1-3; 2005 c 56 s 1; 2005 c 136 art 3 s 12-15; art 16 s 13; 2006 c 260 art 3 s 11; 2007 c 147 art 10 s 15; 2009 c 59 art 1 s 3; 2009 c 86 art 1 s 38; 2012 c 212 s 1; 2013 c 49 s 22; 1Sp2017 c 6 art 2 s 39; 1Sp2019 c 5 art 5 s 11; 2024 c 79 art 10 s 3; 2024 c 123 art 2 s 2; art 7 s 6,7; 2024 c 125 art 5 s 42; 2024 c 127 art 50 s 42; 2025 c 38 art 3 s 27*

244.0521 TRAINING MATERIALS ON THE DANGERS OF PREDATORY OFFENDERS.

By October 1, 2010, the commissioner of corrections, in consultation with the commissioner of public safety, shall develop training materials on the dangers of predatory offenders for programs and officials who care for and educate children and vulnerable adults. The training materials must include information on the predatory offender community notice requirements under section 244.052, the predatory offender registration requirements under section 243.166, and the dangers that predatory offenders pose to children and vulnerable adults. The training materials shall be developed in a format that permits self-study or facilitator-assisted training that can be completed in approximately one hour. Upon development of these training materials, the commissioner of corrections shall provide notice of completion and electronic access to the training to the commissioner of human services and the commissioner of health. Training materials required by this section must be developed by the Department of Corrections.

History: *2009 c 59 art 1 s 4*

244.053 NOTICE OF RELEASE OF CERTAIN OFFENDERS.

Subdivision 1. **Notice of impending release.** At least 60 days before the release of any inmate convicted of an offense requiring registration under section 243.166, the commissioner of corrections shall send written notice of the impending release to the sheriff of the county and the police chief of the city in which the inmate will reside or in which placement will be made in a work release program. The sheriff of the county where the offender was convicted also shall be notified of the inmate's impending release.

Subd. 2. **Additional notice.** The same notice shall be sent to the following persons concerning a specific inmate convicted of an offense requiring registration under section 243.166:

(1) the victim of the crime for which the inmate was convicted or a deceased victim's next of kin if the victim or deceased victim's next of kin requests the notice in writing;

(2) any witnesses who testified against the inmate in any court proceedings involving the offense, if the witness requests the notice in writing; and

(3) any person specified in writing by the prosecuting attorney.

The notice sent to victims under clause (1) must inform the person that the person has the right to request and receive information about the offender authorized for disclosure under the community notification provisions of section 244.052.

If the victim or witness is under the age of 16, the notice required by this section shall be sent to the parents or legal guardian of the child. The commissioner shall send the notices required by this provision to the last address provided to the commissioner by the requesting party. The requesting party shall furnish the commissioner with a current address. Information regarding witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice are private data on individuals, as defined in section 13.02, subdivision 12, and are not available to the inmate.

The notice to victims provided under this subdivision does not limit the victim's right to request notice of release under section 611A.06.

Subd. 3. **No extension of release date.** The existence of the notice requirements contained in this section shall in no event require an extension of the release date.

History: *1996 c 408 art 5 s 5*

MENTALLY ILL OFFENDERS; DISCHARGE AND RELEASE

244.054 DISCHARGE PLANS; MENTALLY ILL OFFENDERS.

Subdivision 1. **Offer to develop plan.** The commissioner of human services, in collaboration with the commissioner of corrections, shall offer to develop a discharge plan for community-based services for every offender with serious and persistent mental illness, as defined in section 245.462, subdivision 20, paragraph (c), who is being released from a correctional facility. If an offender is being released pursuant to section 244.05, the offender may choose to have the discharge plan made one of the conditions of the offender's supervised release and shall follow the conditions to the extent that services are available and offered to the offender.

Subd. 2. **Content of plan.** If an offender chooses to have a discharge plan developed, the commissioner of human services shall develop and implement a discharge plan, which must include at least the following:

(1) at least 90 days before the offender is due to be discharged, the commissioner of human services shall designate an agent of the Department of Human Services with mental health training to serve as the primary person responsible for carrying out discharge planning activities;

(2) at least 75 days before the offender is due to be discharged, the offender's designated agent shall:

(i) obtain informed consent and releases of information from the offender that are needed for transition services;

(ii) contact the county human services department in the community where the offender expects to reside following discharge, and inform the department of the offender's impending discharge and the planned date of the offender's return to the community; determine whether the county or a designated contracted provider will provide case management services to the offender; refer the offender to the case management services provider; and confirm that the case management services provider will have opened the offender's case prior to the offender's discharge; and

(iii) refer the offender to appropriate staff in the county human services department in the community where the offender expects to reside following discharge, for enrollment of the offender if eligible in medical assistance, using special procedures established by process and Department of Human Services bulletin;

(3) at least 2-1/2 months before discharge, the offender's designated agent shall secure timely appointments for the offender with a psychiatrist no later than 30 days following discharge, and with other program staff at a community mental health provider that is able to serve former offenders with serious and persistent mental illness;

(4) at least 30 days before discharge, the offender's designated agent shall convene a predischarge assessment and planning meeting of key staff from the programs in which the offender has participated while in the correctional facility, the offender, the supervising agent, and the mental health case management services provider assigned to the offender. At the meeting, attendees shall provide background information and continuing care recommendations for the offender, including information on the offender's risk for relapse; current medications, including dosage and frequency; therapy and behavioral goals; diagnostic and assessment information, including results of a substance use disorder evaluation; confirmation of appointments with a psychiatrist and other program staff in the community; a relapse prevention plan; continuing care needs; needs for housing, employment, and finance support and assistance; and recommendations for successful community integration, including substance use disorder treatment or support if substance use disorder is a risk factor. Immediately following this meeting, the offender's designated agent shall summarize this background information and continuing care recommendations in a written report;

(5) immediately following the predischarge assessment and planning meeting, the provider of mental health case management services who will serve the offender following discharge shall offer to make arrangements and referrals for housing, financial support, benefits assistance, employment counseling, and other services required in sections 245.461 to 245.486;

(6) at least ten days before the offender's first scheduled postdischarge appointment with a mental health provider, the offender's designated agent shall transfer the following records to the offender's case management services provider and psychiatrist: the predischarge assessment and planning report, medical records, and pharmacy records. These records may be transferred only if the offender provides informed consent for their release;

(7) upon discharge, the offender's designated agent shall ensure that the offender leaves the correctional facility with at least a ten-day supply of all necessary medications; and

(8) upon discharge, the prescribing authority at the offender's correctional facility shall telephone in prescriptions for all necessary medications to a pharmacy in the community where the offender plans to reside. The prescriptions must provide at least a 30-day supply of all necessary medications, and must be able to be refilled once for one additional 30-day supply.

History: *1Sp2001 c 9 art 9 s 4; 2002 c 220 art 6 s 9; 2002 c 379 art 1 s 113; 2016 c 158 art 2 s 43; 2022 c 98 art 4 s 51*

244.055 MS 2010 [Expired, 2005 c 136 art 13 s 6; 2006 c 260 art 4 s 12; 2009 c 83 art 3 s 11]

PREDATORY OFFENDERS; HOUSING

244.056 PREDATORY OFFENDER; SEEKING HOUSING IN DIFFERENT JURISDICTION.

If a corrections agency supervising an offender who is required to register as a predatory offender under section 243.166 and who is classified by the department as a public risk monitoring case has knowledge that the offender is seeking housing arrangements in a location under the jurisdiction of another corrections agency, the agency shall notify the other agency of this and initiate a supervision transfer request.

History: *2005 c 136 art 3 s 16*

244.057 PREDATORY OFFENDER; HOUSEHOLD WITH CHILDREN.

A corrections agency supervising an offender required to register as a predatory offender under section 243.166 shall notify the appropriate child protection agency before authorizing the offender to live in a household where children are residing.

History: *2005 c 136 art 3 s 17*

244.06 MS 1996 [Repealed, 1997 c 239 art 9 s 52]

INMATE EMPLOYMENT; FURLOUGHS

244.065 PRIVATE EMPLOYMENT OF INMATES OR SPECIALIZED PROGRAMMING FOR PREGNANT INMATES OF STATE CORRECTIONAL INSTITUTIONS IN COMMUNITY.

Subdivision 1. **Work.** When consistent with the public interest and the public safety, the commissioner of corrections may conditionally release an inmate to work at paid employment, seek employment, or participate in a vocational training or educational program, as provided in section 241.26, if the inmate has served at least one half of the term of imprisonment.

Subd. 2. **Pregnancy.** (a) In the furtherance of public interest and community safety, the commissioner of corrections may conditionally release:

(1) for up to one year postpartum, an inmate who gave birth within eight months of the date of commitment; and

(2) for the duration of the pregnancy and up to one year postpartum, an inmate who is pregnant.

(b) The commissioner may conditionally release an inmate under paragraph (a) to community-based programming for the purpose of participation in prenatal or postnatal care programming and to promote mother-child bonding in addition to other programming requirements as established by the commissioner, including evidence-based parenting skills programming; working at paid employment; seeking employment; or participating in vocational training, an educational program, or substance use disorder or mental health treatment services.

(c) The commissioner shall develop policy and criteria to implement this subdivision according to public safety and generally accepted correctional practice.

(d) By April 1 of each year, the commissioner shall report to the chairs and ranking minority members of the house of representatives and senate committees with jurisdiction over corrections on the number of inmates released and the duration of the release under this subdivision for the prior calendar year.

History: *1980 c 417 s 11; 1983 c 274 s 9; 1986 c 444; 1993 c 326 art 13 s 14; 2021 c 17 s 1; 2022 c 98 art 4 s 51*

244.07 FURLOUGHS.

Subdivision 1. **Authority.** If consistent with the public interest, the commissioner may, under rules prescribed by the commissioner, furlough any inmate in custody to any point within the state for up to five days. A furlough may be granted to assist the inmate with family needs, personal health needs, or reintegration into society. No inmate may receive more than three furloughs under this section within any 12-month period. The provisions of this section shall also apply to those inmates convicted of offenses prior to May 1, 1980.

Subd. 2. **Health care.** Notwithstanding the provisions of subdivision 1, if the commissioner determines that the inmate requires health care not available at the state correctional institution, the commissioner may grant the inmate the furloughs necessary to provide appropriate noninstitutional or extrainstitutional health care.

History: *1978 c 723 art 1 s 7; 1981 c 192 s 19; 1986 c 444*

COMMISSIONER DUTIES

244.08 SUPERVISED RELEASE BOARD.

Subdivision 1. **Authority; duties; powers.** Effective May 1, 1980, the Supervised Release Board shall have only those powers and duties in sections 244.01 to 244.11, 609.10, 609.145, subdivision 1, and 609.165, subdivision 2, with relation to persons sentenced for crimes committed on or after May 1, 1980.

The Supervised Release Board shall retain all powers and duties presently vested in and imposed upon the board with relation to persons sentenced for crimes committed on or before April 30, 1980.

The Supervised Release Board shall take into consideration, but not be bound by, the sentence terms embodied in the Sentencing Guidelines promulgated by the Minnesota Sentencing Guidelines Commission and the penal philosophy embodied in sections 244.01 to 244.11, 609.10, 609.145, subdivision 1, and 609.165, subdivision 2, in its deliberations relative to parole, probation, release, or other disposition of inmates who commit the crimes giving rise to their sentences on or before April 30, 1980.

Subd. 2. **No limitation intent.** Nothing in sections 244.01 to 244.11, 609.10, 609.145, subdivision 1, and 609.165, subdivision 2, shall be deemed to limit the powers and duties otherwise provided by law to

the Supervised Release Board with regard to the management of correctional institutions or the disposition of inmates unless those powers and duties are inconsistent with the provisions of sections 244.01 to 244.11, 609.10, 609.145, subdivision 1, and 609.165, subdivision 2, in which case those powers and duties shall be superseded by sections 244.01 to 244.11, 609.10, 609.145, subdivision 1, and 609.165, subdivision 2.

History: *1978 c 723 art 1 s 8; 1980 c 417 s 15; 1983 c 274 s 18; 1986 c 444; 1998 c 367 art 6 s 15; 2008 c 277 art 1 s 31; 2023 c 52 art 18 s 13*

244.085 FELONY DWI REPORT.

By January 15 of each year, the commissioner shall report to the chairs and ranking minority members of the house of representatives and senate committees having jurisdiction over criminal justice policy and funding on the implementation and effects of the felony level driving while impaired offense. The report must include the following information on felony level driving while impaired offenses involving offenders committed to the commissioner's custody:

(1) the number of persons committed;

(2) the county of conviction;

(3) the offenders' ages and gender;

(4) the offenders' prior impaired driving histories and prior criminal histories;

(5) the number of offenders:

(i) given an executed prison sentence upon conviction and the length of the sentence;

(ii) given an executed prison sentence upon revocation of probation, the reasons for revocation, and the length of sentence;

(iii) who successfully complete treatment in prison;

(iv) placed on intensive supervision following release from incarceration;

(v) placed in the challenge incarceration program, the number of offenders released from prison under this program, and the number of these offenders who violate their release conditions and the consequences imposed; and

(vi) who violate supervised release and the consequences imposed;

(6) per diem costs, including treatment costs, for offenders incarcerated under the felony sentence provisions; and

(7) any other information the commissioner deems relevant to estimating future costs.

History: *2009 c 83 art 3 s 12*

SENTENCING

244.09 MINNESOTA SENTENCING GUIDELINES COMMISSION.

Subdivision 1. **Commission; establishment.** There is hereby established the Minnesota Sentencing Guidelines Commission which shall be comprised of 11 members.

Subd. 2. **Members.** The Sentencing Guidelines Commission shall consist of the following:

(1) the chief justice of the supreme court or a designee;

(2) one judge of the court of appeals, appointed by the chief judge of the appellate court;

(3) one district court judge appointed by the Judicial Council upon recommendation of the Minnesota District Judges Association;

(4) one public defender appointed by the governor upon recommendation of the state public defender;

(5) one county attorney appointed by the governor upon recommendation of the board of directors of the Minnesota County Attorneys Association;

(6) the commissioner of corrections or a designee;

(7) one peace officer as defined in section 626.84 appointed by the governor;

(8) one probation officer or supervised release officer appointed by the governor;

(9) one person who works for an organization that provides treatment or rehabilitative services for individuals convicted of felony offenses appointed by the governor;

(10) one person who is an academic with a background in criminal justice or corrections appointed by the governor; and

(11) three public members appointed by the governor, one of whom shall be a person who has been the victim of a crime defined as a felony or a victims' advocate, and one of whom shall be a person who has been formerly convicted of and discharged from a felony-level sentence.

When an appointing authority selects individuals for membership on the commission, the authority shall make reasonable efforts to appoint qualified members of protected groups, as defined in section 43A.02, subdivision 33.

One of the members shall be designated by the governor as chair of the commission.

Subd. 3. **Appointment terms.** (a) Except as provided in paragraph (b), each appointed member shall be appointed for four years and shall continue to serve during that time as long as the member occupies the position which made the member eligible for the appointment. Each member shall continue in office until a successor is duly appointed. Members shall be eligible for reappointment, and appointment may be made to fill an unexpired term.

(b) The term of any member appointed or reappointed by the governor before the first Monday in January 2027 expires on that date. The terms of members appointed or reappointed by the governor to fill the vacancies that occur on the first Monday in January 2027 shall be staggered so that five members shall be appointed for initial terms of four years and four members shall be appointed for initial terms of two years.

(c) The members of the commission shall elect any additional officers necessary for the efficient discharge of their duties.

Subd. 4. **Reimbursement.** Each member of the commission shall be reimbursed for all reasonable expenses actually paid or incurred by that member in the performance of official duties in the same manner as other employees of the state. The public members of the commission shall be compensated at the rate of $50 for each day or part thereof spent on commission activities.

Subd. 5. **Promulgation of Sentencing Guidelines.** The commission shall promulgate Sentencing Guidelines for the district court. The guidelines shall be based on reasonable offense and offender characteristics. The guidelines promulgated by the commission shall be advisory to the district court and shall establish:

(1) the circumstances under which imprisonment of an offender is proper; and

(2) a presumptive, fixed sentence for offenders for whom imprisonment is proper, based on each appropriate combination of reasonable offense and offender characteristics. The guidelines shall provide for an increase of 20 percent and a decrease of 15 percent in the presumptive, fixed sentence.

The Sentencing Guidelines promulgated by the commission may also establish appropriate sanctions for offenders for whom imprisonment is not proper. Any guidelines promulgated by the commission establishing sanctions for offenders for whom imprisonment is not proper shall make specific reference to noninstitutional sanctions, including but not limited to the following: payment of fines, day fines, restitution, community work orders, work release programs in local facilities, community based residential and nonresidential programs, incarceration in a local correctional facility, and probation and the conditions thereof.

Although the Sentencing Guidelines are advisory to the district court, the court shall follow the procedures of the guidelines when it pronounces sentence in a proceeding to which the guidelines apply by operation of statute. Sentencing pursuant to the Sentencing Guidelines is not a right that accrues to a person convicted of a felony; it is a procedure based on state public policy to maintain uniformity, proportionality, rationality, and predictability in sentencing.

In establishing and modifying the Sentencing Guidelines, the primary consideration of the commission shall be public safety. The commission shall also consider current sentencing and release practices; correctional resources, including but not limited to the capacities of local and state correctional facilities; and the long-term negative impact of the crime on the community.

The provisions of sections 14.001 to 14.69 do not apply to the promulgation of the Sentencing Guidelines, and the Sentencing Guidelines, including severity levels and criminal history scores, are not subject to review by the legislative commission to review administrative rules. However, the commission shall adopt rules pursuant to sections 14.001 to 14.69 which establish procedures for the promulgation of the Sentencing Guidelines, including procedures for the promulgation of severity levels and criminal history scores, and these rules shall be subject to review by the Legislative Coordinating Commission.

Subd. 6. **Clearinghouse and information center.** The commission, in addition to establishing Sentencing Guidelines, shall serve as a clearinghouse and information center for the collection, preparation, analysis and dissemination of information on state and local sentencing practices, and shall conduct ongoing research regarding Sentencing Guidelines, use of imprisonment and alternatives to imprisonment, plea bargaining, and other matters relating to the improvement of the criminal justice system. The commission shall from time to time make recommendations to the legislature regarding changes in the Criminal Code, criminal procedures, and other aspects of sentencing.

This information shall include information regarding the impact of statutory changes to the state's criminal laws related to controlled substances, including those changes enacted by the legislature in Laws 2016, chapter 160.

Subd. 7. **Study.** After the implementation of the Sentencing Guidelines promulgated by the commission, the commission shall study their impact and review the powers and duties of the commissioner of corrections.

Subd. 8. **Administrative services.** The commissioner of corrections shall provide adequate office space and administrative services for the commission, and the commission shall reimburse the commissioner for the space and services provided. The commission may also utilize, with their consent, the services, equipment, personnel, information and resources of other state agencies; and may accept voluntary and uncompensated services, contract with individuals, public and private agencies, and request information, reports and data from any agency of the state, or any of its political subdivisions, to the extent authorized by law.

Subd. 9. **Funds acceptance.** When any person, corporation, the United States government, or any other entity offers funds to the Sentencing Guidelines Commission to carry out its purposes and duties, the commission may accept the offer by majority vote and upon acceptance the chair shall receive the funds subject to the terms of the offer, but no money shall be accepted or received as a loan nor shall any indebtedness be incurred except in the manner and under the limitations otherwise provided by law.

Subd. 10. **Research director.** The commission may select and employ a research director who shall perform the duties the commission directs, including the hiring of any clerical help and other employees as the commission shall approve. The research director shall be in the unclassified service of the state. The compensation of the research director and other staff shall be established pursuant to chapter 43A. They shall be reimbursed for the expenses necessarily incurred in the performance of their official duties in the same manner as other state employees.

Subd. 11. **Modification.** The commission shall meet as necessary for the purpose of modifying and improving the guidelines. Any modification which amends the Sentencing Guidelines grid, including severity levels and criminal history scores, or which would result in the reduction of any sentence or in the early release of any inmate, with the exception of a modification mandated or authorized by the legislature or relating to a crime created or amended by the legislature in the preceding session, shall be submitted to the legislature by January 15 of any year in which the commission wishes to make the change and shall be effective on August 1 of that year, unless the legislature by law provides otherwise. All other modifications shall take effect according to the procedural rules of the commission. On or before January 15 of each year, the commission shall submit a written report to the committees of the senate and the house of representatives with jurisdiction over criminal justice policy that identifies and explains all modifications made during the preceding 12 months and all proposed modifications that are being submitted to the legislature that year.

Subd. 11a. MS 1996 [Repealed, 1997 c 239 art 3 s 25; 1Sp1997 c 5 s 5]

Subd. 12. **Submission of guidelines.** The guidelines shall be submitted to the legislature on January 1, 1980, and shall be effective May 1, 1980, unless the legislature provides otherwise.

Subd. 13. **Rulemaking power.** The commission shall have authority to promulgate rules to carry out the purposes of subdivision 5.

Subd. 14. **Report on mandatory minimum sentences.** The Sentencing Guidelines Commission shall include in its annual report to the legislature a summary and analysis of reports received from county attorneys under section 609.11, subdivision 10.

Subd. 15. **Report on sentencing adjustments.** The Sentencing Guidelines Commission shall include in its annual report to the legislature a summary and analysis of sentence adjustments issued under section 609.133. At a minimum, the summary and analysis must include information on the counties where a

sentencing adjustment was granted and on the race, sex, and age of individuals who received a sentence adjustment.

History: *1978 c 723 art 1 s 9; 1982 c 424 s 130; 1982 c 536 s 1-3; 1982 c 642 s 3; 1983 c 216 art 1 s 35; 1983 c 274 s 10,18; 1983 c 299 s 24; 1984 c 589 s 3-6; 1984 c 640 s 32; 1986 c 444; 1987 c 377 s 1-3; 1987 c 384 art 2 s 1; 1988 c 618 s 1; 1989 c 290 art 2 s 8; 1990 c 422 s 10; 1991 c 258 s 6; 1994 c 636 art 3 s 1; art 6 s 14; 1996 c 408 art 3 s 11; 1997 c 7 art 2 s 31; art 5 s 21; 1997 c 96 s 1; 1998 c 254 art 1 s 66; 2005 c 136 art 16 s 1,2; 2016 c 160 s 13; 2022 c 76 s 1; 2023 c 52 art 6 s 1-3*

244.095 MS 1990 [Repealed, 1991 c 279 s 41]

244.10 SENTENCING HEARING; DEVIATION FROM GUIDELINES.

Subdivision 1. **Sentencing hearing.** Whenever a person is convicted of a felony, the court, upon motion of either the defendant or the state, shall hold a sentencing hearing. The hearing shall be scheduled so that the parties have adequate time to prepare and present arguments regarding the issue of sentencing. The parties may submit written arguments to the court prior to the date of the hearing and may make oral arguments before the court at the sentencing hearing. Prior to the hearing, the court shall transmit to the defendant or the defendant's attorney and the prosecuting attorney copies of the presentence investigation report.

At the conclusion of the sentencing hearing or within 20 days thereafter, the court shall issue written findings of fact and conclusions of law regarding the issues submitted by the parties, and shall enter an appropriate order.

Subd. 2. **Deviation from guidelines.** Whether or not a sentencing hearing is requested pursuant to subdivision 1, the district court shall make written findings of fact as to the reasons for departure from the Sentencing Guidelines in each case in which the court imposes or stays a sentence that deviates from the Sentencing Guidelines applicable to the case.

Subd. 2a. MS 2004 [Repealed, 2005 c 136 art 16 s 16; Renumbered subd 8]

Subd. 3. MS 2004 [Repealed, 2005 c 136 art 16 s 16; Renumbered subd 9]

Subd. 4. **Aggravated departures.** In bringing a motion for an aggravated sentence, the state is not limited to factors specified in the Sentencing Guidelines provided the state provides reasonable notice to the defendant and the district court prior to sentencing of the factors on which the state intends to rely.

Subd. 5. **Procedures in cases where state intends to seek an aggravated departure.** (a) When the prosecutor provides reasonable notice under subdivision 4, the district court shall allow the state to prove beyond a reasonable doubt to a jury of 12 members the factors in support of the state's request for an aggravated departure from the Sentencing Guidelines or the state's request for an aggravated sentence under any sentencing enhancement statute or the state's request for a mandatory minimum under section 609.11 as provided in paragraph (b) or (c).

(b) The district court shall allow a unitary trial and final argument to a jury regarding both evidence in support of the elements of the offense and evidence in support of aggravating factors when the evidence in support of the aggravating factors:

(1) would be admissible as part of the trial on the elements of the offense; or

(2) would not result in unfair prejudice to the defendant.

The existence of each aggravating factor shall be determined by use of a special verdict form.

Upon the request of the prosecutor, the court shall allow bifurcated argument and jury deliberations.

(c) The district court shall bifurcate the proceedings, or impanel a resentencing jury, to allow for the production of evidence, argument, and deliberations on the existence of factors in support of an aggravated departure after the return of a guilty verdict when the evidence in support of an aggravated departure:

(1) includes evidence that is otherwise inadmissible at a trial on the elements of the offense; and

(2) would result in unfair prejudice to the defendant.

Subd. 5a. **Aggravating factors.** (a) As used in this section, "aggravating factors" include, but are not limited to, situations where:

(1) the victim was particularly vulnerable due to age, infirmity, or reduced physical or mental capacity, which was known or should have been known to the offender;

(2) the victim was treated with particular cruelty for which the offender should be held responsible;

(3) the current conviction is for a criminal sexual conduct offense or an offense in which the victim was otherwise injured and there is a prior felony conviction for a criminal sexual conduct offense or an offense in which the victim was otherwise injured;

(4) the offense was a major economic offense, identified as an illegal act or series of illegal acts committed by other than physical means and by concealment or guile to obtain money or property, to avoid payment or loss of money or property, or to obtain business or professional advantage. The presence of two or more of the circumstances listed below are aggravating factors with respect to the offense:

(i) the offense involved multiple victims or multiple incidents per victim;

(ii) the offense involved an attempted or actual monetary loss substantially greater than the usual offense or substantially greater than the minimum loss specified in the statutes;

(iii) the offense involved a high degree of sophistication or planning or occurred over a lengthy period of time;

(iv) the offender used the offender's position or status to facilitate the commission of the offense, including positions of trust, confidence, or fiduciary relationships; or

(v) the offender had been involved in other conduct similar to the current offense as evidenced by the findings of civil or administrative law proceedings or the imposition of professional sanctions;

(5) the offense was a major controlled substance offense, identified as an offense or series of offenses related to trafficking in controlled substances under circumstances more onerous than the usual offense. The presence of two or more of the circumstances listed below are aggravating factors with respect to the offense:

(i) the offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to do so;

(ii) the offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use;

(iii) the offense involved the manufacture of controlled substances for use by other parties;

(iv) the offender knowingly possessed a firearm during the commission of the offense;

(v) the circumstances of the offense reveal the offender to have occupied a high position in the drug distribution hierarchy;

(vi) the offense involved a high degree of sophistication or planning or occurred over a lengthy period of time or involved a broad geographic area of disbursement; or

(vii) the offender used the offender's position or status to facilitate the commission of the offense, including positions of trust, confidence, or fiduciary relationships;

(6) the offender committed, for hire, a crime against the person;

(7) the offender is sentenced according to section 609.3455, subdivision 3a;

(8) the offender is a dangerous offender who committed a third violent crime, as described in section 609.1095, subdivision 2;

(9) the offender is a career offender as described in section 609.1095, subdivision 4;

(10) the offender committed the crime as part of a group of three or more persons who all actively participated in the crime;

(11) the offender intentionally selected the victim or the property against which the offense was committed, in whole or in part, because of the victim's, the property owner's, or another's actual or perceived race, color, religion, sex, sexual orientation, disability, age, or national origin;

(12) the offender used another's identity without authorization to commit a crime. This aggravating factor may not be used when the use of another's identity is an element of the offense;

(13) the offense was committed in the presence of a child;

(14) an adult offender intentionally deceived a minor victim into believing the offender was also a minor in order to facilitate the commission of the offense; and

(15) the offense was committed in a location in which the victim had an expectation of privacy.

(b) Notwithstanding section 609.04 or 609.035, or other law to the contrary, when a court sentences an offender for a felony conviction, the court may order an aggravated sentence beyond the range specified in the sentencing guidelines grid based on any aggravating factor arising from the same course of conduct.

(c) Nothing in this section limits a court from ordering an aggravated sentence based on an aggravating factor not described in paragraph (a).

Subd. 6. **Defendants to present evidence and argument.** In either a unitary or bifurcated trial under subdivision 5, a defendant shall be allowed to present evidence and argument to the jury or fact finder regarding whether facts exist that would justify an aggravated departure or an aggravated sentence under any sentencing enhancement statute or a mandatory minimum sentence under section 609.11. A defendant is not allowed to present evidence or argument to the jury or fact finder regarding facts in support of a mitigated departure during the trial, but may present evidence and argument in support of a mitigated departure to the judge as fact finder during a sentencing hearing.

Subd. 7. **Waiver of jury determination.** The defendant may waive the right to a jury determination of whether facts exist that would justify an aggravated sentence. Upon receipt of a waiver of a jury trial on this issue, the district court shall determine beyond a reasonable doubt whether the factors in support of the state's

motion for aggravated departure or an aggravated sentence under any sentencing enhancement statute or a mandatory minimum sentence under section 609.11 exist.

Subd. 8. **Notice of information regarding predatory offenders.** (a) Subject to paragraph (b), in any case in which a person is convicted of an offense and the presumptive sentence under the Sentencing Guidelines is commitment to the custody of the commissioner of corrections, if the court grants a dispositional departure and stays imposition or execution of sentence, the probation or court services officer who is assigned to supervise the offender shall provide in writing to the following the fact that the offender is on probation and the terms and conditions of probation:

(1) a victim of and any witnesses to the offense committed by the offender, if the victim or the witness has requested notice; and

(2) the chief law enforcement officer in the area where the offender resides or intends to reside.

The law enforcement officer, in consultation with the offender's probation officer, may provide all or part of this information to any of the following agencies or groups the offender is likely to encounter: public and private educational institutions, day care establishments, and establishments or organizations that primarily serve individuals likely to be victimized by the offender. The law enforcement officer, in consultation with the offender's probation officer, also may disclose the information to individuals the officer believes are likely to be victimized by the offender. The officer's belief shall be based on the offender's pattern of offending or victim preference as documented in the information provided by the Department of Corrections or Direct Care and Treatment.

The probation officer is not required under this subdivision to provide any notice while the offender is placed or resides in a residential facility that is licensed under section 241.021 or 245A.02, subdivision 14, if the facility staff is trained in the supervision of sex offenders.

(b) Paragraph (a) applies only to offenders required to register under section 243.166, as a result of the conviction.

(c) The notice authorized by paragraph (a) shall be limited to data classified as public under section 13.84, subdivision 6, unless the offender provides informed consent to authorize the release of nonpublic data or unless a court order authorizes the release of nonpublic data.

(d) Nothing in this subdivision shall be interpreted to impose a duty on any person to use any information regarding an offender about whom notification is made under this subdivision.

Subd. 9. **Computation of criminal history score.** If the defendant contests the existence of or factual basis for a prior conviction in the calculation of the defendant's criminal history score, proof of it is established by competent and reliable evidence, including a certified court record of the conviction.

History: *1978 c 723 art 1 s 10; 1986 c 444; 1988 c 520 s 1; 1996 c 408 art 5 s 6; 2000 c 311 art 2 s 13; 2005 c 136 art 3 s 18; art 16 s 3-8,13; 1Sp2005 c 7 s 17; 2006 c 260 art 1 s 1-3; 2009 c 59 art 5 s 8; 2024 c 125 art 5 s 42; 2024 c 127 art 50 s 42; 2026 c 97 art 6 s 1*

244.101 SENTENCING OF FELONY OFFENDERS WHO COMMIT OFFENSES ON AND AFTER AUGUST 1, 1993.

Subdivision 1. **Executed sentences.** Except as provided in section 244.05, subdivision 4a, when a felony offender is sentenced to a fixed executed sentence for an offense committed on or after August 1, 1993, the executed sentence consists of two parts: (1) a specified minimum term of imprisonment that is equal to

two-thirds of the executed sentence; and (2) a specified maximum supervised release term that is equal to one-third of the executed sentence. The amount of time the inmate actually serves in prison and on supervised release is subject to the provisions of section 244.05, subdivision 1b.

Subd. 2. **Explanation of sentence.** When a court pronounces an executed sentence under this section, it shall explain: (1) the total length of the executed sentence; (2) the amount of time the defendant will serve in prison; and (3) the amount of time the defendant will serve on supervised release, assuming the defendant commits no disciplinary offense in prison that results in the imposition of a disciplinary confinement period. The court shall also explain that the amount of time the defendant actually serves in prison may be extended by the commissioner if the defendant commits any disciplinary offenses in prison and that this extension could result in the defendant's serving the entire executed sentence in prison. The court's explanation shall be included in a written summary of the sentence.

Subd. 3. **No right to supervised release.** Notwithstanding the court's explanation of the potential length of a defendant's supervised release term, the court's explanation creates no right of a defendant to any specific, minimum length of a supervised release term.

Subd. 4. **Application of statutory mandatory minimum sentences.** If the defendant is convicted of any offense for which a statute imposes a mandatory minimum sentence of imprisonment, the statutory mandatory minimum sentence governs the length of the entire executed sentence pronounced by the court under this section.

History: *1992 c 571 art 2 s 7; art 9 s 6; 2023 c 52 art 18 s 7*

244.11 APPELLATE REVIEW OF SENTENCE.

Subdivision 1. **Generally.** An appeal to the court of appeals may be taken by the defendant or the state from any sentence imposed or stayed by the district court according to the Rules of Criminal Procedure for the district court of Minnesota. Except as otherwise provided in subdivision 3, a dismissal or a resolution of an appeal brought under this section shall not prejudice an appeal brought under any other section or rule.

Subd. 2. **Procedure.** (a) When an appeal taken under this section is filed, the court administrator of the district court shall certify the transcript of the proceedings and any files or records relating to the defendant, the offense, and the sentence imposed or stayed, that the supreme court by rule or order may require.

(b) On an appeal pursuant to this section, the court may review the sentence imposed or stayed to determine whether the sentence is inconsistent with statutory requirements, unreasonable, inappropriate, excessive, unjustifiably disparate, or not warranted by the findings of fact issued by the district court. This review shall be in addition to all other powers of review presently existing. The court may dismiss or affirm the appeal, vacate or set aside the sentence imposed or stayed and direct entry of an appropriate sentence or order further proceedings to be had as the court may direct.

Subd. 3. **Limitation on defendant's right to seek sentence modification.** (a) As used in this subdivision, "appeal" means:

(1) an appeal of a sentence under rule 28 of the Rules of Criminal Procedure; and

(2) an appeal from a denial of a sentence modification motion brought under rule 27.03, subdivision 9, of the Rules of Criminal Procedure.

(b) If a defendant agrees to a plea agreement and is given a stayed sentence, which is a dispositional departure from the presumptive sentence under the Minnesota Sentencing Guidelines, the defendant may appeal the sentence only if the appeal is taken:

(1) within 90 days of the date sentence was pronounced; or

(2) before the date of any act committed by the defendant resulting in revocation of the stay of sentence;

whichever occurs first.

(c) A defendant who is subject to paragraph (b) who has failed to appeal as provided in that paragraph may not file a petition for postconviction relief under chapter 590 regarding the sentence.

(d) Nothing in this subdivision shall be construed to:

(1) alter the time period provided for the state to appeal a sentence under rule 28 of the Rules of Criminal Procedure; or

(2) affect the court's authority to correct errors under rule 27.03, subdivision 10, of the Rules of Criminal Procedure.

[See Note.]

Subd. 4. **Release pending appeal.** This section shall not be construed to confer or enlarge any right of a defendant to be released pending an appeal.

History: *1978 c 723 art 1 s 11; 1983 c 247 s 103; 1Sp1986 c 3 art 1 s 82; 1997 c 96 s 2; 2011 c 76 art 3 s 1*

NOTE: Subdivision 3 was found unconstitutional in *State v. Losh*, 721 N.W.2d 886 (Minn. 2006), cert. denied, 127 S.Ct. 2437 (2007).

INTENSIVE SUPERVISION

244.12 INTENSIVE COMMUNITY SUPERVISION.

Subdivision 1. **Generally.** The commissioner may order that an offender who meets the eligibility requirements of subdivisions 2 and 3 be placed on intensive community supervision, as described in sections 244.14 and 244.15, for all or part of the offender's sentence if the offender agrees to participate in the program and the commissioner notifies the sentencing court.

Subd. 2. **Eligibility.** The commissioner must limit the intensive community supervision program to the following persons:

(1) offenders who are committed to the commissioner's custody following revocation of a stayed sentence; and

(2) offenders who are committed to the commissioner's custody for a sentence of 30 months or less, who did not receive a dispositional departure under the Sentencing Guidelines, and who have already served a period of incarceration as a result of the offense for which they are committed.

Subd. 3. **Offenders not eligible.** The following are not eligible to be placed on intensive community supervision, under subdivision 2, clause (2):

(1) offenders who were committed to the commissioner's custody under a statutory mandatory minimum sentence;

(2) offenders who were committed to the commissioner's custody following a conviction for murder, manslaughter, criminal sexual conduct, or criminal vehicular homicide or operation resulting in death; and

(3) offenders whose presence in the community would present a danger to public safety.

History: *1990 c 568 art 2 s 33; 1991 c 258 s 2; 1992 c 571 art 1 s 8; 1994 c 636 art 6 s 15,16*

244.13 INTENSIVE COMMUNITY SUPERVISION AND INTENSIVE SUPERVISED RELEASE.

Subdivision 1. **Establishment.** The commissioner of corrections shall establish programs for those designated by the commissioner to serve all or part of a sentence on intensive community supervision or all or part of a supervised release or parole term on intensive supervised release. The adoption and modification of policies and procedures to implement sections 244.05, subdivision 6, and 244.12 to 244.15 are not subject to the rulemaking procedures of chapter 14 because these policies and procedures are excluded from the definition of a rule under section 14.03, subdivision 3, paragraph (b), clause (1). The commissioner shall locate the programs so that at least one-half of the money appropriated for the programs in each year is used for programs in Community Corrections Act counties. In awarding contracts for intensive supervision programs in Community Corrections Act counties, the commissioner shall give first priority to programs that utilize county employees as intensive supervision agents and shall give second priority to programs that utilize state employees as intensive supervision agents. The commissioner may award contracts to other providers in Community Corrections Act counties only if doing so will result in a significant cost savings or a significant increase in the quality of services provided, and only after notifying the chairs of the committees in the senate and house of representatives with jurisdiction over criminal justice policy.

Subd. 2. **Training.** The commissioner shall develop specialized training programs for intensive supervision agents assigned to the intensive community supervision and intensive supervised release programs. The agent caseload shall not exceed the ratio of 30 offenders to two intensive supervision agents. An intensive supervision agent must have qualifications comparable to those for a state corrections agent.

Subd. 3. **Evaluation.** The commissioner shall develop a system for gathering and analyzing information concerning the value and effectiveness of the intensive community supervision and intensive supervised release programs.

Subd. 4. **Definition.** For purposes of section 244.05, subdivision 6, and sections 244.12 to 244.15, "intensive supervision agent" means a probation officer, a corrections agent, or any other qualified person employed in supervising offenders serving a period of intensive community supervision or intensive supervised release.

History: *1990 c 568 art 2 s 34; 1991 c 258 s 3; 1994 c 636 art 6 s 17,18; 1997 c 7 art 2 s 32; 1997 c 187 art 2 s 9; 2003 c 2 art 1 s 24*

244.14 MS 2022 [Repealed, 2023 c 52 art 11 s 35]

244.15 MS 2022 [Repealed, 2023 c 52 art 11 s 35]

DAY-FINES

244.16 DAY-FINES.

Subdivision 1. **Model system.** The Sentencing Guidelines Commission shall develop a model day-fine system. The commission shall report its model system to the legislature by February 1, 1993. Upon request of a judicial district, the commission may establish one pilot project for the development of a day-fine system.

Subd. 2. **Components.** A day-fine system adopted under this section must provide for a two-step sentencing procedure for those receiving a fine as part of a probationary felony, gross misdemeanor, or misdemeanor sentence. In the first step, the court determines how many punishment points a person will receive, taking into account the severity of the offense and the criminal history of the offender. The second step is to multiply the punishment points by a factor that accounts for the offender's financial circumstances. The goal of the system is to provide a fine that is proportional to the seriousness of the offense and largely equal in impact among offenders with different financial circumstances. The system may provide for community service in lieu of fines for offenders whose means are so limited that the payment of a fine would be unlikely.

History: *1990 c 568 art 2 s 102; 1991 c 292 art 8 s 6*

CHALLENGE INCARCERATION PROGRAM

244.17 CHALLENGE INCARCERATION PROGRAM.

Subdivision 1. **Generally.** (a) The commissioner may select offenders who meet the eligibility requirements of subdivisions 2 and 3 to participate in a challenge incarceration program described in sections 244.171 and 244.172 for all or part of the offender's sentence if the offender agrees to participate in the program and signs a written contract with the commissioner agreeing to comply with the program's requirements.

(b) The commissioner shall strive to select sufficient numbers of eligible offenders to ensure that the program operates as close to capacity as possible. The commissioner shall include specific information on how close to capacity the program is operating in the department's performance report described in section 241.016.

Subd. 2. **Eligibility.** (a) The commissioner must limit the challenge incarceration program to the following persons:

(1) offenders who are committed to the commissioner's custody following revocation of a stayed sentence; and

(2) offenders who are committed to the commissioner's custody, who have 48 months or less in or remaining in their term of imprisonment, and who did not receive a dispositional departure under the Sentencing Guidelines.

(b) If there is insufficient space for an eligible person, the commissioner may place the person's name on a waiting list and offer the person the chance to participate when space becomes available if the person is still eligible under this section.

Subd. 3. **Offenders not eligible.** The following offenders are not eligible to be placed in the challenge incarceration program:

(1) offenders who are committed to the commissioner's custody following a conviction for murder, manslaughter, criminal sexual conduct, assault, kidnapping, robbery, carjacking, arson, or any other offense involving death or intentional personal injury;

(2) offenders who were convicted within the preceding ten years of an offense described in clause (1) and were committed to the custody of the commissioner;

(3) offenders who have been convicted or adjudicated delinquent within the past five years for a violation of section 609.485;

(4) offenders who are committed to the commissioner's custody for an offense that requires registration under section 243.166;

(5) offenders who are the subject of a current arrest warrant or detainer;

(6) offenders who have fewer than 180 days remaining until their supervised release date;

(7) offenders who have had disciplinary confinement time added to their sentence or who have been placed in segregation, unless 90 days have elapsed from the imposition of the additional disciplinary confinement time or the last day of segregation;

(8) offenders who have received a suspended formal disciplinary sanction, unless the suspension has expired; and

(9) offenders whose governing sentence is for an offense from another state or the United States.

History: *1992 c 513 art 9 s 3; 1992 c 571 art 11 s 5,17; 1993 c 326 art 8 s 10; 1996 c 408 art 8 s 6; 1997 c 7 art 1 s 93; 1997 c 239 art 9 s 26; 2009 c 83 art 3 s 13; 2012 c 155 s 4,5; 2023 c 52 art 20 s 4; 2024 c 123 art 8 s 10*

244.171 CHALLENGE INCARCERATION PROGRAM; BASIC ELEMENTS.

Subdivision 1. **Requirements.** The commissioner shall administer an intensive, structured, and disciplined program with a high level of offender accountability and control and direct and related consequences for failure to meet behavioral expectations. The program shall have the following goals:

(1) to punish and hold the offender accountable;

(2) to protect the safety of the public;

(3) to treat offenders with substance use disorder; and

(4) to prepare the offender for successful reintegration into society.

Subd. 2. **Program components.** The program shall contain all of the components described in paragraphs (a) to (e).

(a) The program shall contain a highly structured daily schedule for the offender.

(b) The program shall contain a rigorous physical program designed to teach personal discipline and improve the physical and mental well-being of the offender. It shall include skills designed to teach the offender how to reduce and cope with stress.

(c) The program shall contain individualized educational programs designed to improve the basic educational skills of the offender and to provide vocational training.

(d) The program shall contain programs designed to promote the offender's self-worth and the offender's acceptance of responsibility for the consequences of the offender's own decisions.

(e) The program shall contain culturally sensitive substance use disorder programs, licensed by the Department of Human Services and designed to serve the inmate population. It shall require that each offender submit to a chemical use assessment and that the offender receive the appropriate level of treatment as indicated by the assessment.

Subd. 3. **Good time not available.** An offender in the challenge incarceration program whose crime was committed before August 1, 1993, does not earn good time during phases I and II of the program, notwithstanding section 244.04.

Subd. 4. **Sanctions.** (a) The commissioner shall impose severe and meaningful sanctions for violating the conditions of the challenge incarceration program. The commissioner shall remove an offender from the challenge incarceration program if the offender:

(1) commits a material violation of or repeatedly fails to follow the rules of the program;

(2) commits any misdemeanor, gross misdemeanor, or felony offense; or

(3) presents a risk to the public, based on the offender's behavior, attitude, or abuse of alcohol or controlled substances. The removal of an offender from the challenge incarceration program is governed by the procedures in the commissioner's rules adopted under section 244.05, subdivision 2.

(b) An offender who is removed from the challenge incarceration program shall be imprisoned for a time period equal to the offender's term of imprisonment, minus earned good time if any, but in no case for longer than the time remaining in the offender's sentence. "Term of imprisonment" means a time period equal to two-thirds of the sentence originally executed by the sentencing court, minus jail credit, if any.

(c) Notwithstanding paragraph (b), an offender who has been removed from the challenge incarceration program but who remains otherwise eligible for acceptance into the program may be readmitted at the commissioner's discretion. An offender readmitted to the program under this paragraph must participate from the beginning and complete all of the program's phases.

Subd. 5. **Training.** The commissioner shall develop specialized training for correctional employees who supervise and are assigned to the challenge incarceration program.

History: *1992 c 513 art 9 s 4; 1992 c 571 art 11 s 6,17; 1993 c 326 art 9 s 8; art 13 s 17; 2022 c 98 art 4 s 51; 2023 c 52 art 11 s 22*

244.172 CHALLENGE INCARCERATION PROGRAM; PHASES I TO III.

Subdivision 1. **Phase I.** Phase I of the program lasts at least six months. The offender must be confined at the Minnesota Correctional Facility - Willow River/Moose Lake, the Minnesota Correctional Facility - Togo, or the Minnesota Correctional Facility - Shakopee and must successfully participate in all intensive treatment, education, and work programs required by the commissioner. The offender must also submit on demand to random drug and alcohol testing at time intervals set by the commissioner. Throughout phase I, the commissioner must severely restrict the offender's telephone and visitor privileges.

Subd. 2. **Phase II.** Phase II of the program lasts at least six months. The offender shall serve this phase of the offender's sentence in an intensive supervision and surveillance program established by the commissioner. The commissioner may impose such requirements on the offender as are necessary to carry out the goals of the program. Throughout phase II, the offender must be required to submit to drug and

alcohol tests randomly or for cause, on demand of the supervising agent. The commissioner shall also require the offender to report daily to a challenge incarceration agent or program staff.

Subd. 3. **Phase III.** Phase III continues until the commissioner determines that the offender has successfully completed the program or until the offender's sentence, minus jail credit, expires, whichever comes first. If an offender successfully completes phase III of the challenge incarceration program before the offender's sentence expires, the offender shall be placed on supervised release for the remainder of the sentence. The commissioner shall set the level of the offender's supervision based on the public risk presented by the offender.

History: *1992 c 513 art 9 s 5; 1992 c 571 art 11 s 7,17; 1993 c 326 art 8 s 11,12; 1994 c 636 art 6 s 20; 1996 c 408 art 8 s 7; 2000 c 299 s 5; 2009 c 83 art 3 s 14; 2023 c 52 art 11 s 23*

244.173 CHALLENGE INCARCERATION PROGRAM; EVALUATION AND REPORT.

The commissioner shall develop a system for gathering and analyzing information concerning the value and effectiveness of the challenge incarceration program.

History: *1992 c 513 art 9 s 6; 1992 c 571 art 11 s 8,17; 1994 c 636 art 6 s 21; 2001 c 210 s 16*

OFFENDER FEES

244.18 CORRECTIONAL FEES; SCHEDULE, COLLECTION, AND USE.

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

(b) "Correctional fees":

(1) effective August 1, 2029, means fees charged or contracted for by a probation agency or the commissioner of corrections for court-ordered or community-provided correctional services, including but not limited to drug testing, electronic home monitoring, treatment, and programming; and

(2) effective August 1, 2023, through July 31, 2029, include fees for the following correctional services:

(i) community service work placement and supervision;

(ii) restitution collection;

(iii) supervision;

(iv) court-ordered investigations;

(v) any other court-ordered service;

(vi) postprison supervision or other form of release; and

(vii) supervision or other probation-related services provided by a probation agency or by the Department of Corrections for individuals supervised by the commissioner of corrections.

(c) "Probation" has the meaning given in section 609.02, subdivision 15.

(d) "Probation agency" means a probation agency, including a Tribal Nation, organized under section 244.19 or chapter 401.

Subd. 2. **Fee schedule.** A probation agency or the commissioner of corrections may establish a schedule of correctional fees to charge individuals under the supervision and control of the agency or the commissioner, including individuals on supervised release, to defray costs associated with correctional services. The correctional fees on an agency's and the commissioner's schedule must be reasonably related to defendants' abilities to pay and the actual cost of correctional services.

Subd. 3. **Imposing and collecting fees.** (a) The chief executive officer of a probation agency or the commissioner may impose and collect a correctional fee from individuals under the supervision and control of the agency or the commissioner. The probation agency or commissioner may collect the fee at any time while the individual is under sentence or after the sentence has been discharged.

(b) A probation agency may not impose a fee under this section on an individual under the agency's supervision and control if:

(1) the individual is supervised by the commissioner; and

(2) the commissioner imposes and collects a fee under this section.

(c) The agency or the commissioner may use any available civil means of debt collection to collect a correctional fee.

Subd. 4. **Waiving fee.** The chief executive officer of a probation agency or the commissioner must waive a correctional fee for an individual under the agency's or commissioner's supervision and control if the officer or commissioner determines that:

(1) the individual does not have the ability to pay the fee;

(2) the prospects for payment are poor; or

(3) there are extenuating circumstances justifying a waiver.

(b) Instead of waiving a fee, the chief executive officer or commissioner may:

(1) require the individual to perform community work service in lieu of paying the fee; or

(2) credit the individual's involvement in programming at a rate established by the chief executive officer or commissioner.

Subd. 5. **Prioritizing restitution payment.** If a defendant has been ordered by a court to pay restitution, the defendant must pay the restitution before paying a correctional fee. However, if the defendant is making reasonable payments to satisfy the restitution obligation, the probation agency or commissioner may simultaneously collect a correctional fee, subject to subdivision 4.

Subd. 6. **Using fees.** (a) Except as provided under paragraph (b), clause (1), for a probation agency and the Department of Corrections, correctional fees must be used by the agency or the department to pay the costs of local correctional services but must not be used to supplant existing local funding for local correctional services.

(b) Correctional fees must be deposited as follows:

(1) correctional fees collected by Department of Corrections agents providing felony supervision under section 244.20 go to the general fund; and

(2) all other correctional fees collected by Department of Corrections agents and probation agents go to the county or Tribal Nation treasurer in the county or Tribal Nation where supervision is provided, as applicable under section 244.19, subdivision 1f.

Subd. 7. **Annual report.** (a) By January 15 each year, the commissioner must submit an annual report on implementing the commissioner's duties under this section to the chairs and ranking minority members of the senate and house of representatives committees and divisions with jurisdiction over criminal justice funding and policy. At a minimum, the report must include information on the types of correctional services for which fees were imposed, the aggregate amount of fees imposed, and the amount of fees collected.

(b) This subdivision expires August 1, 2029.

Subd. 8. **Treatment fee for sex offenders.** (a) The commissioner may authorize providers of sex offender treatment to charge and collect treatment co-pays from all offenders in their treatment program, with a co-pay assessed to each offender based on a fee schedule approved by the commissioner.

(b) Fees collected under this subdivision must be used by the treatment provider to fund the cost of treatment.

Subd. 9. **Sunsetting supervision fees; sunset plan.** (a) By August 1, 2025, each probation agency must provide to the commissioner a written plan for phasing out supervision fees for individuals under the agency's supervision and control, and the commissioner must review and approve the plan by August 1, 2029. By August 1, 2029, the commissioner must develop a written plan for phasing out supervision fees for individuals under the commissioner's supervision and control.

(b) A copy of an approved plan must be provided to all individuals under the supervision and control of the agency or the commissioner and in a language and manner that each individual can understand.

(c) Supervision fees must not be increased from August 1, 2023, through July 31, 2029.

(d) This subdivision expires August 1, 2029.

History: *1992 c 571 art 11 s 9; 1997 c 239 art 9 s 51; 1999 c 111 s 1-3; 1999 c 216 art 4 s 9; 2001 c 210 s 17; 2005 c 136 art 13 s 7; 2009 c 86 art 1 s 39; 2023 c 52 art 17 s 3; 2025 c 35 art 7 s 3-5*

PROBATION OFFICERS

244.19 PROBATION SERVICES AND OFFICERS.

Subdivision 1. **Probation services; how provided for CPO and non-CPO jurisdictions.** (a) If a county or Tribal Nation is not a Community Corrections Act jurisdiction under chapter 401, the county must, or the Tribal Nation may, provide adult misdemeanant and juvenile probation services to district courts according to subdivision 1b.

(b) This section applies to CPO and non-CPO jurisdictions.

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

(b) "CPO jurisdiction" means:

(1) a county or Tribal Nation providing probation services under subdivision 1b, paragraph (b); or

(2) a group of counties or Tribal Nations providing probation services under subdivision 1b, paragraph (c).

(c) "Non-CPO jurisdiction" means a county, Tribal Nation, group of counties, or group of Tribal Nations receiving probation services under subdivision 1b, paragraph (d).

(d) "Tribal Nation" means a federally recognized Tribal Nation within the boundaries of the state of Minnesota.

Subd. 1b. **CPO and non-CPO jurisdictions; establishment.** (a) Adult misdemeanant and juvenile probation services for CPO and non-CPO jurisdictions must be provided according to this subdivision.

(b) The court, with the approval of the county boards or respective Tribal Nation governments, may appoint one or more salaried county or Tribal probation officers to serve at the pleasure of the court.

(c) If two or more counties or Tribal Nations offer probation services, the district court through the county boards or respective Tribal Nation governments may appoint common salaried county or Tribal probation officers to serve in the counties or Tribal Nations, or both, if applicable.

(d) A county or Tribal Nation may request the commissioner of corrections to furnish probation services in accordance with this section, and the commissioner must furnish the services to any county or Tribal Nation that fails to provide its own probation officer according to paragraph (b) or (c).

(e) If a county or Tribal Nation providing probation services under paragraph (b) or (c) asks the commissioner to furnish probation services or the legislature mandates the commissioner to furnish probation services, the probation officers and other employees displaced by the changeover must be employed by the commissioner at no loss of salary. Years of service in the county or Tribal probation department are to be given full credit for future sick leave and vacation accrual purposes. This paragraph applies to the extent consistent with state and Tribal law.

(f) If a county or Tribal Nation receiving probation services under paragraph (d) decides to provide the services under paragraph (b) or (c), the probation officers and other employees displaced by the changeover must be employed by the county or Tribal Nation at no loss of salary. Years of service in the state are to be given full credit for future sick leave and vacation accrual purposes. This paragraph applies to the extent consistent with state and Tribal law.

(g) In accordance with this section, a Tribal Nation may elect to provide probation services to the following individuals in any Tribal Nation or county in which the individuals reside:

(1) an individual who is enrolled or eligible to be enrolled in a Tribal Nation; and

(2) an individual who resides in an enrolled member's household.

Subd. 1c. **Community supervision funding; eligibility for funding formula.** (a) A CPO jurisdiction:

(1) must collaborate with the commissioner to develop a comprehensive plan under section 401.06; and

(2) is subject to all applicable eligibility provisions under chapter 401 necessary to receive a subsidy under section 401.10.

(b) A non-CPO jurisdiction is eligible to receive a subsidy under section 401.10 but is not a Community Corrections Act jurisdiction under chapter 401. Except as provided under section 401.115, the commissioner is appropriated the jurisdiction's share of funding under section 401.10 for providing probation services.

Subd. 1d. **Commissioner of corrections; reimbursing CPO jurisdiction.** As calculated by the community supervision formula under section 401.10, the commissioner must reimburse a CPO jurisdiction for the cost that the jurisdiction assumes under this section for providing probation services, including supervising juveniles committed to the commissioner of corrections.

Subd. 1e. **Commissioner of management and budget.** (a) The commissioner of management and budget must place employees transferred to state service under subdivision 1b, paragraph (e), in the proper classifications in the classified service. Each employee is appointed without examination at no loss in salary or accrued vacation or sick leave benefits, but no additional accrual of vacation or sick leave benefits may occur until the employee's total accrued vacation or sick leave benefits fall below the maximum permitted by the state for the employee's position.

(b) An employee appointed under subdivision 1b, paragraph (e), must serve a six-month probationary period. If an employee is not certified after the probationary period, the employee may appeal for a hearing within ten days to the commissioner of management and budget, who may uphold the decision not to certify, extend the probationary period, or certify the employee. An employee may not appeal the commissioner's initial decision until after exhausting labor contract remedies, and the commissioner's decision is final after appeal.

(c) The state must negotiate the employees' seniority with the exclusive representative for the bargaining unit to which the employees are transferred. For purposes of computing seniority among those employees transferring from one county unit only, a transferred employee retains the same seniority position as the employee had within that county's probation office.

Subd. 1f. **Tribal Nations; sovereignty; state consultation.** (a) Nothing in this chapter relating to probation services is intended to infringe on the sovereignty of a Tribal Nation. Notwithstanding any other law to the contrary and to the extent consistent with a Tribal Nation's sovereignty, a Tribal Nation is subject to the same requirements and has the same authority as a county providing or receiving probation services under this section.

(b) The Department of Corrections and Minnesota Management and Budget must consult with Tribal Nations and offer guidance as necessary to implement and fulfill the purposes of this chapter.

Subd. 2. MS 2022 [Repealed by amendment, 2023 c 52 art 17 s 4]

Subd. 3. **Probation officers; powers and duties.** All county and Tribal Nation probation officers serving a district court:

(1) must:

(i) act under the orders of the court in reference to any person committed to their care by the court;

(ii) provide probation services, including supervising juveniles committed to the commissioner of corrections, for all individuals on probation who reside in the counties and Tribal Nations that the officers serve;

(iii) act under the orders of the commissioner in reference to any juvenile committed to their care by the commissioner;

(iv) under the direction of the authority having power to appoint them, initiate programs for the welfare of persons coming within the jurisdiction of the court to prevent delinquency and crime and to rehabilitate

within the community persons who come within the jurisdiction of the court and are properly subject to efforts to accomplish prevention and rehabilitation; and

(v) under the direction of the court, cooperate with all law enforcement agencies, schools, child welfare agencies of a public or private character, and other groups concerned with preventing crime and delinquency and rehabilitating persons convicted of crime and delinquency;

(2) in the performance of their duties have the general powers of a peace officer; and

(3) are responsible for:

(i) investigating any person as may be required by the court before, during, or after the trial or hearing and furnishing to the court information and assistance as may be required;

(ii) supervising any person before, during, or after trial or hearing when directed by the court; and

(iii) keeping records and making reports to the court as the court may order.

Subd. 3a. MS 2002 [Repealed, 1Sp2003 c 2 art 6 s 7]

Subd. 4. MS 1997 Supp [Repealed, 1998 c 367 art 7 s 15; 1998 c 408 s 11]

Subd. 5. **Commissioner duties for non-CPO jurisdiction.** (a) For a non-CPO jurisdiction, the commissioner must pay probation officers the salary and all benefits fixed by the state law or applicable bargaining unit and all necessary expenses, including secretarial service, office equipment and supplies, postage, telephone services, and travel and subsistence.

(b) Except as provided under section 401.115, the commissioner must pay the items under paragraph (a) using appropriations provided under section 401.10.

Subd. 5a. **Department of Corrections annual reporting.** (a) At least annually, the commissioner must notify each CPO and non-CPO jurisdiction of the total cost and expenses incurred by the commissioner on behalf of each CPO and non-CPO jurisdiction that has received probation services.

(b) Invoicing and payments for probation services for a CPO jurisdiction are as provided under sections 401.14 and 401.15.

Subd. 5b. **Office assistance.** The county commissioners of any county of not more than 200,000 population shall, when requested to do so by the juvenile judge, provide probation officers with suitable offices, and may provide equipment, and secretarial help needed to render the required services.

Subd. 6. MS 2022 [Repealed by amendment, 2023 c 52 art 17 s 4]

Subd. 7. MS 2022 [Repealed by amendment, 2023 c 52 art 17 s 4]

Subd. 8. MS 2022 [Repealed by amendment, 2023 c 52 art 17 s 4]

History: *1917 c 397 s 9; 1933 c 204 s 1; 1945 c 517 s 4; 1959 c 698 s 3; 1961 c 430 s 2-4; 1963 c 694 s 1; 1965 c 316 s 7-11; 1965 c 697 s 1; 1969 c 278 s 1; 1969 c 399 s 1; 1971 c 25 s 51; 1971 c 951 s 41-43; 1973 c 492 s 14; 1973 c 507 s 45; 1973 c 654 s 15; 1975 c 258 s 5; 1975 c 271 s 6; 1975 c 381 s 21; 1976 c 163 s 58; 1977 c 281 s 1-3; 1977 c 392 s 8; 1980 c 617 s 47; 1981 c 192 s 20; 1983 c 274 s 18; 1985 c 220 s 5,6; 1Sp1985 c 9 art 2 s 76; 1986 c 444; 1987 c 252 s 8; 1988 c 505 s 1-4; 1992 c 571 art 11 s 10; 1996 c 408 art 8 s 8; 1997 c 239 art 9 s 32,51; 1998 c 367 art 7 s 2,15; 1998 c 408 s 10; 2003 c 112 art 2*

s 31; 2008 c 204 s 42; 2009 c 101 art 2 s 109; 1Sp2019 c 10 art 3 s 30; 1Sp2021 c 11 art 9 s 19; 2023 c 52 art 17 s 4; 2025 c 35 art 7 s 6-9

RELEASE AND PROBATION

244.195 DEFINITIONS.

Subdivision 1. **Scope.** For purposes of sections 244.195 to 244.24, the terms defined in this section have the meanings given them.

Subd. 2. MS 2022 [Repealed by amendment, 2023 c 52 art 17 s 5]

Subd. 3. MS 2022 [Repealed by amendment, 2023 c 52 art 17 s 5]

Subd. 4. MS 2022 [Repealed by amendment, 2023 c 52 art 17 s 5]

Subd. 5. MS 2008 [Repealed, 2009 c 59 art 4 s 9]

Subd. 6. **Commissioner.** "Commissioner" means the commissioner of corrections.

Subd. 7. **Detain.** "Detain" means to take into actual custody, including custody within a local correctional facility.

Subd. 8. **Probation.** "Probation" has the meaning given in section 609.02, subdivision 15.

Subd. 9. **Probation agency.** "Probation agency" means an entity supervising an individual on probation, which may include the Department of Corrections field services or an agency, including a Tribal Nation, organized under section 244.19 or chapter 401.

Subd. 10. **Probation officer.** "Probation officer" means a county or Tribal probation officer or community supervision officer employed by a probation agency.

Subd. 11. **Probation violation sanction.** "Probation violation sanction":

(1) includes but is not limited to electronic monitoring, intensive probation, sentencing to service, reporting to a day reporting center, substance use disorder or mental health treatment or counseling, community work service, remote electronic alcohol monitoring, random drug testing, and participation in an educational or restorative justice program; and

(2) does not include any type of custodial sanction, including but not limited to detention and incarceration.

Subd. 12. **Release.** "Release" means to release from actual custody.

Subd. 13. **Sanctions conference.** "Sanctions conference" means a voluntary conference at which a probation officer; an individual on probation; and, if appropriate, other interested parties meet to discuss the probation violation sanction imposed because of the individual's technical violation.

Subd. 14. **Sanctions conference form.** "Sanctions conference form" means a plain-language form developed by a probation agency with the approval of the district court that explains the sanctions conference and that the individual on probation may elect to participate in the sanctions conference or proceed to a judicial hearing.

Subd. 15. **Technical violation.** "Technical violation" means any violation of a court order of probation, except an allegation of a subsequent criminal act that is alleged in a formal complaint, citation, or petition.

History: *1998 c 367 art 7 s 3; 2007 c 13 art 3 s 37; 2009 c 59 art 4 s 1-3; 2023 c 52 art 17 s 5*

244.1951 DETENTION AND RELEASE; INTERMEDIATE SANCTIONS; SUPERVISION CONTACTS.

Subdivision 1. **Detention pending hearing.** (a) If necessary to enforce discipline or to prevent an individual on probation from escaping or absconding from supervision, a probation agency has the authority to issue a written order directing any peace officer or any probation officer in the state serving the district and juvenile courts to detain and bring the individual before the court or the commissioner, whichever is appropriate, for disposition.

(b) If an individual on probation commits a violation under section 609.14, subdivision 1a, paragraph (a), the probation agency must have a reasonable belief before issuing the order that:

(1) the order is necessary to prevent the person from escaping or absconding from supervision; or

(2) the continued presence of the person in the community presents the potential to cause further harm to the public or self.

(c) An order under this subdivision is sufficient authority for the peace officer or probation officer to detain the person for no more than 72 hours, excluding Saturdays, Sundays, and holidays, pending a hearing before the court or the commissioner.

Subd. 2. **Release before hearing.** (a) A probation agency has the authority to issue a written order directing any peace officer or any probation officer serving the district and juvenile courts in the state to release a person detained under subdivision 1 within 72 hours, excluding Saturdays, Sundays, and holidays, without an appearance before the court or the commissioner.

(b) An order under this subdivision is sufficient authority for the peace officer or probation officer to release the detained person.

Subd. 3. **Detaining pretrial releasee.** (a) A probation agency has the authority to issue a written order directing any peace officer or any probation officer serving the district and juvenile courts in the state to detain any person on court-ordered pretrial release who absconds from pretrial release or fails to abide by the conditions of pretrial release.

(b) An order issued under this subdivision is sufficient authority for the peace officer or probation officer to detain the person.

Subd. 4. **Intermediate sanctions.** (a) Unless the district court directs otherwise, a probation officer may require a person committed to the officer's care by the court to perform community work service for violating a court-imposed condition of probation. Community work service may be imposed to deter behaviors that place the public at risk or to aid the person's rehabilitation, or both.

(b) Community work service may be imposed as follows:

(1) a probation officer may impose up to eight hours of community work service for each violation and up to a total of 24 hours per person per 12-month period, beginning on the date on which community work service is first imposed; and

(2) the officer's probation agency may authorize an additional 40 hours of community work service, for a total of 64 hours per person per 12-month period, beginning with the date on which community work service is first imposed.

(c) If community work service is imposed, a probation officer must provide written notice to the person in their care that states:

(1) the condition of probation that has been violated;

(2) the number of hours of community work service imposed for the violation; and

(3) the total number of hours of community work service imposed to date in the 12-month period.

(d) A person on probation supervision may challenge the imposition of community work service by filing a petition in district court within five days of receiving written notice that community work service is being imposed. If the person challenges the imposition of community work service, the state bears the burden of showing, by a preponderance of the evidence, that imposing community work service is reasonable under the circumstances.

(e) For purposes of this subdivision, "community work service" includes sentencing to service.

Subd. 5. **Supervision contacts.** Supervision contacts or appointments may be conducted over videoconference technology in accordance with the probation agency's established policy.

History: *2023 c 52 art 17 s 6*

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

244.197 INITIATING SANCTIONS CONFERENCE.

Subdivision 1. **Authority; scope.** (a) Unless the district court directs otherwise, a probation agency may use a sanctions conference to address a technical violation of an individual on probation. If a sanctions conference is used, sections 244.197 to 244.1995 apply.

(b) Sections 244.197 to 244.1995 apply to both adults and juveniles on probation.

Subd. 2. **Violation notice.** (a) If a probation agency has reason to believe that an individual on probation has committed a technical violation, the agency must:

(1) notify the individual in writing of the specific nature of the technical violation; and

(2) schedule a sanctions conference.

(b) The notice must also state that if the individual on probation fails to appear at the sanctions conference, the probation agency may apprehend and detain the individual under section 244.1951 and ask the court to initiate revocation proceedings under section 609.14 and rule 27.04 of the Rules of Criminal Procedure.

(c) To the extent feasible, the sanctions conference must take place within seven days after the individual on probation is mailed the notice. The notice must include the conference's date, time, and location.

Subd. 3. **Providing sanctions conference form; signed stipulation.** At a sanctions conference, a probation officer must provide the individual on probation with a copy of a sanctions conference form. The individual must:

(1) stipulate in writing that the individual:

(i) has received a copy of the sanctions conference form; and

(ii) understands the information in the form and the options available to the individual; and

(2) declare in writing whether the individual will participate in the sanctions conference or proceed with a judicial hearing.

History: *1Sp2003 c 2 art 6 s 2; 2023 c 52 art 17 s 7*

244.198 PARTICIPATING IN SANCTIONS CONFERENCE.

Subdivision 1. **Electing to participate.** If an individual on probation elects to participate in the sanctions conference, the individual's probation officer must inform the individual:

(1) orally, in writing, and in a language and manner that the individual can understand of the probation violation sanction that the probation officer is recommending for the technical violation; and

(2) that the probation violation sanction becomes effective when confirmed by a district court judge.

Subd. 1a. **Alternatives to incarceration.** (a) At a sanctions conference for a nonviolent controlled substance offender, a probation agency must identify community options to address and correct an offender's technical violation only if:

(1) the offender does not present a risk to the public; and

(2) the offender is amenable to continued supervision in the community.

(b) If the probation agency determines that community options are appropriate and available in the state, the probation officer must recommend a probation violation sanction that incorporates the community options.

(c) For purposes of this subdivision, "nonviolent controlled substance offender" means an individual who meets the criteria under section 244.0513, subdivision 2, clauses (1), (2), and (5).

Subd. 2. **Report to district court.** (a) If an individual on probation elects to participate in the sanctions conference, the probation officer conducting the sanctions conference must provide a report to the district court containing:

(1) the specific nature of the technical violation;

(2) the notice provided to the individual under section 244.197, subdivision 2;

(3) a copy of the individual's signed stipulation and declaration under section 244.197, subdivision 3; and

(4) the recommended probation violation sanction under subdivision 1 or 1a.

(b) The recommended probation violation sanction is effective when confirmed by a judge, and the order of the court is proof of confirmation.

Subd. 3. **Response to district court action.** (a) If a probation officer receives a judge's confirmed order, the officer must notify both the individual on probation and the prosecuting authority in writing that the court has approved the probation violation sanction.

(b) If the court does not confirm the officer's recommendation:

(1) the probation violation sanction does not go into effect;

(2) the probation officer must notify the individual on probation that the court has not confirmed the sanction; and

(3) the probation officer may ask the court to initiate revocation proceedings under section 609.14.

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

History: *1Sp2003 c 2 art 6 s 3; 2017 c 95 art 3 s 9; 2022 c 98 art 4 s 51; 2023 c 52 art 17 s 8*

244.199 ELECTING NOT TO PARTICIPATE.

If an individual on probation elects not to participate in the sanctions conference, the probation officer may:

(1) ask the court to initiate revocation proceedings or refer the matter to the appropriate prosecuting authority for action under section 609.14; or

(2) take action to apprehend and detain the individual under section 244.1951.

History: *1Sp2003 c 2 art 6 s 4; 2023 c 52 art 17 s 9*

244.1995 SANCTIONS CONFERENCE PROCEDURES.

The chief executive officer of a probation agency, with approval of the district court, must develop procedures for the sanctions conference under sections 244.197 to 244.199 and develop a sanctions conference form that includes notice to the individual on probation:

(1) of the specific court-ordered condition of probation that the individual has allegedly violated, the probation officer's authority to ask the court to revoke the individual's probation for the technical violation, and the individual's right to elect to participate in a sanctions conference to address the technical violation in lieu of the probation officer asking the court to revoke the individual's probation;

(2) that participation in the sanctions conference is in lieu of a court hearing under section 609.14 and that if the individual elects to participate in the sanctions conference, the individual must admit, or agree not to contest, the alleged technical violation and must waive the right to contest the violation at a judicial hearing, present evidence, call witnesses, cross-examine the state's witnesses, and be represented by counsel;

(3) that, if the individual chooses, the individual is entitled to a hearing before the court under section 609.14 for a determination of whether the individual committed the alleged violation, including the right to be present at the hearing, to cross-examine witnesses, to have witnesses subpoenaed for the individual, to have an attorney present or to have an attorney appointed if the individual cannot afford one, and to require the state to prove the allegations against the individual;

(4) that if, after a hearing, the court finds that the violations have been proven, the court may continue the sentence, subject to the same, modified, or additional conditions, or order a sanction that may include incarceration, additional fines, revocation of the stay of sentence, imposition of sentence, or other sanctions;

(5) that the decision to participate in the sanctions conference will not result in the probation officer recommending revocation of the individual's stay of sentence unless the individual subsequently fails to successfully complete the probation violation sanction by a specified date;

(6) that various types of probation violation sanctions may be imposed and that the probation violation sanctions imposed on the individual will depend on the nature of the individual's technical violation, criminal history, and level of supervision;

(7) that the probation violation sanctions supplement any existing conditions of probation; and

(8) that participation in the sanctions conference requires completing all probation violation sanctions imposed by the probation agency and that failing to successfully complete any imposed probation violation sanction could result in additional sanctions or initiation of revocation proceedings under section 609.14.

History: *1Sp2003 c 2 art 6 s 6; 2023 c 52 art 17 s 10*

244.20 PROBATION; FELONY SUPERVISION.

(a) Notwithstanding sections 244.19, subdivisions 1 to 1d, and 609.135, subdivision 1, the Department of Corrections:

(1) has exclusive responsibility for providing probation services for adult felons in counties and Tribal Nations that do not take part in the Community Corrections Act subsidy program under chapter 401; and

(2) to provide felony supervision, retains the county's or Tribal Nation's funding allotted under section 401.10 for providing felony probation services.

(b) Paragraph (a), clause (2), does not apply to a Tribal Nation's subsidy under section 401.115.

History: *1997 c 239 art 9 s 27,51; 2023 c 52 art 17 s 11; 2025 c 35 art 7 s 10*

244.21 INFORMATION ON INDIVIDUALS ON PROBATION; REPORTS.

Subdivision 1. **Collecting information by probation service providers; report required.** (a) Probation service providers must collect and maintain information on individuals on probation, and the commissioner of corrections must specify the nature and extent of the information to be collected and made available to the commissioner.

(b) As a condition of state subsidy funding under section 401.10, each probation agency must by April 1 each year report:

(1) a summary of the information collected to the commissioner under paragraph (a); and

(2) any other probation- and supervision-related data necessary for the Department of Corrections' mandated legislative reports.

Subd. 2. **Commissioner of corrections; report.** By May 1 each year, the commissioner must report to the chairs of the legislative committees with jurisdiction over public safety policy and finance on information collected on individuals on probation under subdivision 1.

History: *1997 c 239 art 9 s 28; 2023 c 52 art 17 s 12; 2024 c 123 art 8 s 11*

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

244.24 ASSESSING RISK FOR INDIVIDUALS ON PROBATION.

All probation agencies must adopt written policies for assessing risk levels for individuals on probation. A probation agency must use a risk screener and risk and needs assessment tools as prescribed by its written policies.

History: *1997 c 239 art 9 s 30; 2023 c 52 art 17 s 13*

244.30 CAP ON INCARCERATION FOR FIRST-TIME SUPERVISED RELEASE VIOLATIONS; EXCEPTION FOR SEX OFFENDERS.

(a) If the commissioner revokes the supervised release of a person whose release on the current offense has not previously been revoked, the commissioner may order the person to be incarcerated for no more than 90 days or until the expiration of the person's sentence, whichever is less.

(b) This section does not apply to offenders on supervised release for a violation of section 609.342, 609.343, 609.344, 609.345, 609.3451, or 609.3453.

(c) The commissioner may order a person described in this section to be incarcerated for more than 90 days if the commissioner determines that substantial and compelling reasons exist to believe that the longer incarceration period is necessary to protect the public.

History: *2009 c 83 art 3 s 15*

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

244.33 COMMUNITY SUPERVISION; TARGETED INNOVATION GRANTS.

(a) The community supervision targeted innovation grant account is established in the special revenue fund in the state treasury. Appropriations and transfers to the account are credited to the account. Earnings, such as interest, dividends, and any other earnings arising from assets of the account, are credited to the account. Money remaining in the account at the end of the fiscal year is not canceled to the general fund but remains in the account until expended. Money in the account is annually appropriated to the commissioner.

(b) The commissioner must award grants to applicants that operate, or intend to operate, innovative programs that target specific aspects of community supervision that align with risk, need, and responsivity principles. When awarding grants, the commissioner must seek to ensure geographical and equitable representation across the state. The programs may include but are not limited to:

(1) access to community treatment options to address and correct behavior that is, or is likely to result in, a technical violation of the conditions of supervision or release;

(2) reentry services;

(3) restorative justice;

(4) juvenile diversion;

(5) family-centered approaches to supervision;

(6) funding the cost to implement programming and support services that decrease an individual's level of risk for continued recidivism or revocation based on interventions found effective through research-guided practices; and

(7) alternatives to incarceration programs.

(c) Grant recipients must provide an annual report to the commissioner that includes:

(1) the services provided by the grant recipient;

(2) the number of individuals served in the previous year and their supervision and risk assessment levels;

(3) measurable outcomes of the recipient's program; and

(4) any other information required by the commissioner.

(d) By January 15, 2025, and each year thereafter, the commissioner must report to the chairs and ranking minority members of the legislative committees with jurisdiction over criminal justice policy and finance on how the grant funding in this section was used. The report must detail the impact that the funding had on improving community supervision practices and outcomes.

(e) For any appropriation under this section, the commissioner may use up to five percent of the appropriation to administer the grants.

History: *2023 c 52 art 17 s 14*

244.40 MINNESOTA REHABILITATION AND REINVESTMENT ACT.

Sections 244.40 to 244.51 may be cited as the "Minnesota Rehabilitation and Reinvestment Act."

History: *2023 c 52 art 12 s 3*

244.41 DEFINITIONS.

Subdivision 1. **Scope.** For purposes of the act, the terms defined in this section have the meanings given.

Subd. 2. **Act.** "Act" means the Minnesota Rehabilitation and Reinvestment Act.

Subd. 3. **Commissioner.** "Commissioner" means the commissioner of corrections.

Subd. 3a. **Conditional release.** As used in sections 244.40 to 244.51, "conditional release" has the meaning given in section 609.02, subdivision 18.

Subd. 4. **Correctional facility.** "Correctional facility" means a state facility under the direct operational authority of the commissioner but does not include a commissioner-licensed local detention facility.

Subd. 5. **Direct-cost per diem.** "Direct-cost per diem" means the actual nonsalary expenditures, including encumbrances as of July 31 following the end of the fiscal year, from the Department of Corrections expense budgets for food preparation; food provisions; personal support for incarcerated persons, including clothing, linen, and other personal supplies; transportation; and professional technical contracted health care services.

Subd. 6. **Earned compliance credit.** "Earned compliance credit" means a one-month reduction from the period of active supervision during the supervised release term for every two months that a supervised individual exhibits compliance with the conditions and goals of the individual's supervision plan, and otherwise meets the criteria established by the commissioner of corrections in policy. If an individual earns sufficient earned compliance credits, the commissioner must weigh risk to public safety, including the individual's stability, behavior, or overall adjustment while on supervision before placement on supervision abatement status. Earned compliance credit also applies to a conditional release term.

Subd. 7. **Earned incentive release credit.** "Earned incentive release credit" means credit that is earned and included in calculating an incarcerated person's term of imprisonment for completing objectives established by their individualized rehabilitation plan under section 244.42.

Subd. 8. **Earned incentive release savings.** "Earned incentive release savings" means the calculation of the direct-cost per diem multiplied by the number of incarcerated days saved for the period of one fiscal year.

Subd. 9. **Executed sentence.** "Executed sentence" means the total period for which an incarcerated person is committed to the custody of the commissioner.

Subd. 10. **Incarcerated days saved.** "Incarcerated days saved" means the number of days of an incarcerated person's original term of imprisonment minus the number of actual days served, excluding days not served due to death or as a result of time earned in the challenge incarceration program under sections 244.17 to 244.173.

Subd. 11. **Incarcerated person.** "Incarcerated person" has the meaning given "inmate" in section 244.01, subdivision 2.

Subd. 12. **Supervised release.** "Supervised release" means the release of an incarcerated person according to section 244.05.

Subd. 13. **Supervised release term.** "Supervised release term" means the period equal to one-third of the individual's fixed executed sentence, less any disciplinary confinement period or punitive restrictive-housing confinement imposed under section 244.05, subdivision 1b.

Subd. 14. **Supervision abatement status.** "Supervision abatement status" means an end to active correctional supervision of a supervised individual without effect on the legal expiration date of the individual's executed sentence less any earned incentive release credit or the expiration date of a conditional release term.

Subd. 15. **Term of imprisonment.** "Term of imprisonment" has the meaning given in section 244.01, subdivision 8.

History: *2023 c 52 art 12 s 4; 2024 c 123 art 8 s 12-14; 2025 c 35 art 7 s 11*

244.42 COMPREHENSIVE ASSESSMENT AND INDIVIDUALIZED REHABILITATION PLAN REQUIRED.

Subdivision 1. **Comprehensive assessment.** (a) The commissioner must develop a comprehensive assessment process for each person who:

(1) is committed to the commissioner's custody and confined in a state correctional facility on or after January 1, 2025; and

(2) has 365 or more days remaining until the person's scheduled supervised release date or parole eligibility date.

(b) As part of the assessment process, the commissioner must take into account appropriate rehabilitative programs under section 244.03.

Subd. 2. **Individualized rehabilitation plan.** After completing the assessment process, the commissioner must ensure the development of an individualized rehabilitation plan, along with identified goals, for every

person committed to the commissioner's custody. The individualized rehabilitation plan must be holistic in nature by identifying intended outcomes for addressing:

(1) the incarcerated person's needs and risk factors;

(2) the person's identified strengths; and

(3) available and needed community supports, including victim safety considerations as required under section 244.47, if applicable.

Subd. 3. **Victim input.** (a) If an individual is committed to the commissioner's custody for a crime listed in section 609.02, subdivision 16, the commissioner must make reasonable efforts to notify a victim of the opportunity to provide input during the assessment and rehabilitation plan process. Victim input may include:

(1) a summary of victim concerns relative to release;

(2) concerns related to victim safety during the committed individual's term of imprisonment; or

(3) requests for imposing victim safety protocols as additional conditions of imprisonment or supervised release.

(b) The commissioner must consider all victim input statements when developing an individualized rehabilitation plan and establishing conditions governing confinement or release.

Subd. 4. **Transition and release plan.** For an incarcerated person with less than 365 days remaining until the person's supervised release date, the commissioner, in consultation with the incarcerated person, must develop a transition and release plan.

Subd. 5. **Scope of act.** This act is separate and distinct from other legislatively authorized release programs, including the challenge incarceration program, work release, conditional medical release, or the program for the conditional release of nonviolent controlled substance offenders.

History: *2023 c 52 art 12 s 5*

244.43 EARNED INCENTIVE RELEASE CREDIT.

Subdivision 1. **Policy for earned incentive release credit; stakeholder consultation.** (a) To encourage and support rehabilitation when consistent with the public interest and public safety, the commissioner must establish a policy providing for earned incentive release credit as a part of the term of imprisonment. The policy must be established in consultation with the following organizations:

(1) Minnesota County Attorneys Association;

(2) Minnesota Board of Public Defense;

(3) Minnesota Association of Community Corrections Act Counties;

(4) Minnesota Indian Women's Sexual Assault Coalition;

(5) Violence Free Minnesota;

(6) Minnesota Coalition Against Sexual Assault;

(7) Minnesota Alliance on Crime;

(8) Minnesota Sheriffs' Association;

(9) Minnesota Chiefs of Police Association;

(10) Minnesota Police and Peace Officers Association; and

(11) faith-based organizations that reflect the demographics of the incarcerated population.

(b) The policy must:

(1) provide circumstances upon which an incarcerated person may receive earned incentive release credits, including participation in rehabilitative programming under section 244.03; and

(2) address circumstances where:

(i) the capacity to provide rehabilitative programming in the correctional facility is diminished but the programming is available in the community; and

(ii) the conditions under which the incarcerated person could be released to the community-based resource but remain subject to commitment to the commissioner and could be considered for earned incentive release credit.

Subd. 2. **Policy on disparities.** The commissioner must develop a policy establishing a process for assessing and addressing any systemic and programmatic gender and racial disparities that may be identified when awarding earned incentive release credits.

History: *2023 c 52 art 12 s 6*

244.44 APPLYING EARNED INCENTIVE RELEASE CREDIT.

Earned incentive release credits are included in calculating the term of imprisonment but are not added to the person's supervised release term, the total length of which remains unchanged. The maximum amount of earned incentive release credit that can be earned and subtracted from the term of imprisonment is 17 percent of the total executed sentence. Earned credit cannot reduce the term of imprisonment to less than one-half of the incarcerated person's executed sentence. Earned incentive release credits are revocable if the person violates rules of the facility where the person is incarcerated or otherwise commits a criminal act while incarcerated.

History: *2023 c 52 art 12 s 7; 2025 c 35 art 7 s 12*

244.45 INELIGIBILITY FOR EARNED INCENTIVE RELEASE CREDIT.

The following individuals are ineligible for earned incentive release credit:

(1) those serving life sentences;

(2) those given indeterminate sentences for crimes committed on or before April 30, 1980; or

(3) those subject to good time under section 244.04 or similar laws.

History: *2023 c 52 art 12 s 8*

244.46 EARNED COMPLIANCE CREDIT AND SUPERVISION ABATEMENT STATUS.

Subdivision 1. **Adopting policy for earned compliance credit; supervision abatement status.** (a) The commissioner must adopt a policy providing for earned compliance credit and supervision abatement status, including the circumstances under which an individual may receive earned compliance credits and

transition to supervision abatement status. The policy must include consideration of an individual's effort to pay restitution, to the extent known to the supervising agency, and must provide that an individual who has the ability to pay restitution but engages in willful nonpayment is not eligible to transition to supervision abatement status.

(b) Except as otherwise provided in the act, once the time served on active supervision plus earned compliance credits equals the total length of the supervised release term or, if applicable, the aggregate length of the supervised release term and conditional release term, the individual is eligible for supervision abatement status. However, the commissioner must not place the individual on supervision abatement status for the remainder of the supervised or conditional release term if the commissioner determines that doing so would present a risk to public safety, after weighing factors including the individual's stability, behavior, or overall adjustment while on supervision. For individuals with lifetime terms of conditional release, the commissioner shall not place the individual on supervision abatement status unless the time served on active supervision plus earned compliance credits equals at least ten years.

Subd. 2. **Violating conditions of release; commissioner action.** If an individual violates the conditions of release while on supervision abatement status, the commissioner may:

(1) return the individual to active supervision for the remainder of the supervised release or conditional release term, with or without modifying the conditions of release; or

(2) revoke the individual's supervised release or conditional release in accordance with section 244.05, subdivision 3.

Subd. 3. **Supervision abatement status; requirements.** A person who is placed on supervision abatement status under this section must not be required to regularly report to a supervised release agent or pay a supervision fee but must continue to:

(1) obey all laws;

(2) report any new criminal charges; and

(3) abide by section 243.1605 before seeking written authorization to relocate to another state.

Subd. 4. **Applicability.** This section does not apply to individuals:

(1) serving life sentences;

(2) given indeterminate sentences for crimes committed on or before April 30, 1980; or

(3) subject to good time under section 244.04 or similar laws.

History: *2023 c 52 art 12 s 9; 2024 c 123 art 8 s 15,16; 2025 c 35 art 7 s 13; 2026 c 97 art 4 s 6*

244.47 VICTIM INPUT.

Subdivision 1. **Notifying victim; victim input.** (a) If an individual is committed to the custody of the commissioner for a crime listed in section 609.02, subdivision 16, and is eligible for earned incentive release credit, the commissioner must make reasonable efforts to notify the victim that the committed individual is eligible for earned incentive release credit.

(b) Victim input may include:

(1) a summary of victim concerns relative to eligibility of earned incentive release credit;

(2) concerns related to victim safety during the committed individual's term of imprisonment; or

(3) requests for imposing victim safety protocols as additional conditions of imprisonment or supervised release.

Subd. 2. **Victim input statements.** The commissioner must consider victim input statements when establishing requirements governing conditions of release. The commissioner must provide the name and telephone number of the local victim agency serving the jurisdiction of release to any victim providing input on earned incentive release credit.

History: *2023 c 52 art 12 s 10*

244.48 VICTIM NOTIFICATION.

Nothing in this act limits any victim notification obligations of the commissioner required by statute related to a change in custody status, committing offense, end-of-confinement review, or notification registration.

History: *2023 c 52 art 12 s 11*

244.49 INTERSTATE COMPACT.

(a) This section applies to a person serving a Minnesota sentence while being supervised in another state according to the Interstate Compact for Adult Supervision.

(b) As may be allowed under section 243.1605, a person may be eligible for supervision abatement status according to the act only if they meet eligibility criteria for earned compliance credit as established under section 244.46.

History: *2023 c 52 art 12 s 12*

244.50 REALLOCATING EARNED INCENTIVE RELEASE SAVINGS.

Subdivision 1. **Establishing reallocation revenue account.** The reallocation of earned incentive release savings account is established in the special revenue fund in the state treasury. Funds in the account are appropriated to the commissioner and must be expended in accordance with the allocation established in subdivision 4 after the requirements of subdivision 2 are met. Funds in the account are available until expended.

Subd. 2. **Certifying earned incentive release savings.** On or before the final closeout date of each fiscal year, the commissioner must certify to Minnesota Management and Budget the earned incentive release savings from the previous fiscal year. The commissioner must provide the detailed calculation substantiating the savings amount, including accounting-system-generated data where possible, supporting the direct-cost per diem and the incarcerated days saved.

Subd. 3. **Savings to be transferred to reallocation revenue account.** After the certification in subdivision 2 is completed, the commissioner must transfer funds from the appropriation from which the savings occurred to the reallocation revenue account according to the allocation in subdivision 4. Transfers must occur by September 1 each year.

Subd. 4. **Distributing reallocation funds.** The commissioner must distribute funds as follows:

(1) 50 percent must be transferred to the Office of Justice Programs in the Department of Public Safety for crime victim services;

(2) 25 percent must be transferred to the Community Corrections Act subsidy appropriation and to the Department of Corrections for supervised release and intensive supervision services, based upon a three-year average of the release jurisdiction of supervised releasees and intensive supervised releasees across the state; and

(3) 25 percent must be transferred to the Department of Corrections for:

(i) grants to develop and invest in community-based services that support the identified needs of correctionally involved individuals or individuals at risk of becoming involved in the criminal justice system; and

(ii) sustaining the operation of evidence-based programming in state and local correctional facilities.

History: *2023 c 52 art 12 s 13; 2024 c 123 art 8 s 17*

244.51 REPORTING REQUIRED.

Subdivision 1. **Annual report required.** (a) Beginning January 15, 2026, and by January 15 each year thereafter for ten years, the commissioner must provide a 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.

(b) For the 2026 report, the commissioner must report on implementing the requirements in this act. Starting with the 2027 report, the commissioner must report on the status of the requirements in this act for the previous fiscal year.

(c) Each report must be provided to the sitting president of the Minnesota Association of Community Corrections Act Counties and the executive directors of the Minnesota Sentencing Guidelines Commission, the Minnesota Indian Women's Sexual Assault Coalition, the Minnesota Alliance on Crime, Violence Free Minnesota, the Minnesota Coalition Against Sexual Assault, and the Minnesota County Attorneys Association.

(d) The report must include but not be limited to:

(1) a qualitative description of policy development; implementation status; identified implementation or operational challenges; strategies identified to mitigate and ensure that the act does not create or exacerbate gender, racial, and ethnic disparities; and proposed mechanisms for projecting future savings and reallocation of savings;

(2) the number of persons who were granted earned incentive release credit, the total number of days of incentive release earned, a summary of committing offenses for those persons who earned incentive release credit, a summary of earned incentive release savings, and the demographic data for all persons eligible for earned incentive release credit and the reasons and demographic data of those eligible persons for whom earned incentive release credit was unearned or denied;

(3) the number of persons who earned supervision abatement status, the total number of days of supervision abatement earned, the committing offenses for those persons granted supervision abatement status, the number of revocations for reoffense while on supervision abatement status, and the demographic data for all persons eligible for, considered for, granted, or denied supervision abatement status and the reasons supervision abatement status was unearned or denied;

(4) the number of persons deemed ineligible to receive earned incentive release credits and supervise abatement and the demographic data for the persons; and

(5) the number of victims who submitted input, the number of referrals to local victim-serving agencies, and a summary of the kinds of victim services requested.

Subd. 2. **Soliciting feedback.** (a) The commissioner must solicit feedback on victim-related operational concerns from the Minnesota Indian Women's Sexual Assault Coalition, Minnesota Alliance on Crime, Minnesota Coalition Against Sexual Assault, and Violence Free Minnesota.

(b) The feedback should relate to applying earned incentive release credit and supervision abatement status options. A summary of the feedback from the organizations must be included in the annual report.

Subd. 3. **Evaluating earned incentive release credit and act.** The commissioner must direct the Department of Corrections' research unit to regularly evaluate earned incentive release credits and other provisions of the act. The findings must be published on the Department of Corrections' website and in the annual report.

History: *2023 c 52 art 12 s 14*

244.60 SUPERVISED RELEASE EMPLOYMENT REQUIREMENT; POSTSECONDARY EDUCATION.

If the commissioner of corrections imposes a requirement on a person placed on supervised release that the person work or be employed, the commissioner shall provide that enrollment and participation in postsecondary education or a combination of work and education satisfies this requirement.

History: *2024 c 123 art 8 s 18*