

CHAPTER 401

COMMUNITY CORRECTIONS

401.01	COMMUNITY CORRECTIONS ACT; PURPOSE AND DEFINITION.	401.065	PRETRIAL DIVERSION PROGRAMS.
401.02	COUNTIES OR REGIONS; INCLUDED CORRECTIONAL SERVICES.	401.08	CORRECTIONS ADVISORY BOARD.
401.025	DETENTION AND RELEASE; PROBATIONERS, CONDITIONAL RELEASEES, AND PRETRIAL RELEASEES.	401.09	OTHER GRANT OR SUBSIDY PROGRAMS; PURCHASING STATE SERVICES.
401.03	RULEMAKING AUTHORITY; TECHNICAL ASSISTANCE.	401.10	FUNDING COMMUNITY SUPERVISION.
401.04	ACQUIRING PROPERTY; SELECTING ADMINISTRATIVE STRUCTURE; EMPLOYEES.	401.11	COMPREHENSIVE PLAN ITEMS; SUBSIDY REVIEW.
401.05	FISCAL POWERS.	401.12	MINIMUM SPENDING LEVEL.
401.06	COMPREHENSIVE PLAN; STANDARDS OF ELIGIBILITY; COMPLIANCE.	401.14	PAYING SUBSIDY.
		401.15	DETERMINING PAYMENT AMOUNT; ANNUAL REVIEW.
		401.16	WITHDRAWING FROM SUBSIDY PROGRAM.
		401.17	COMMUNITY SUPERVISION ADVISORY COMMITTEE.

401.01 COMMUNITY CORRECTIONS ACT; PURPOSE AND DEFINITION.

Subdivision 1. **Subsidies for community-based correctional programs.** (a) To more effectively protect society and promote efficiency and economy in delivering correctional services, the commissioner may subsidize counties and Tribal Nations to help them develop, implement, and operate community-based correctional programs, including:

(1) preventive or diversionary correctional programs;

(2) conditional release programs;

(3) community corrections centers; and

(4) facilities for detaining or confining, caring, and treating persons convicted of crime or adjudicated delinquent.

(b) Counties and Tribal Nations must use risk, need, and responsivity principles in their correctional programming.

Subd. 2. **Definitions.** (a) For purposes of this chapter, the terms defined in this subdivision have the meanings given them.

(b) "CCA jurisdiction" means a county or Tribal Nation that participates in the Community Corrections Act, the subsidy program under this chapter.

(c) "Commissioner" means the commissioner of corrections or a designee.

(d) "Conditional release" means:

(1) parole, supervised release, or conditional release as authorized by section 609.3455, subdivision 6, 7, or 8; Minnesota Statutes 2004, section 609.108, subdivision 6; or Minnesota Statutes 2004, section 609.109, subdivision 7;

(2) work release as authorized by sections 241.26, 244.065, and 631.425; and

(3) probation, furlough, and any other authorized temporary release from a correctional facility.

(e) "Detain" means to take into actual custody, including custody within a local correctional facility.

(f) "Joint board" means the board under section 471.59.

(g) "Non-CCA jurisdiction" means a county or Tribal Nation that is not participating in the Community Corrections Act subsidy program and provides or receives probation services according to section 244.19.

(h) "Probation officer" means a county or Tribal probation officer under a CCA or non-CCA jurisdiction appointed with the powers under section 244.19.

(i) "Release" means to release from actual custody.

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

History: 1973 c 354 s 1; 1982 c 559 s 1; 1985 c 220 s 7; 1Sp1985 c 9 art 2 s 93; 1986 c 444; 1988 c 505 s 5; 1997 c 239 art 9 s 51; 1998 c 367 art 7 s 7; 2007 c 13 art 13 s 37; 2023 c 52 art 17 s 15

401.02 COUNTIES OR REGIONS; INCLUDED CORRECTIONAL SERVICES.

Subdivision 1. **Qualification requirements.** (a) A county or Tribal Nation may qualify for the subsidy program under section 401.01 by:

(1) designating an officer or agency responsible for administering the subsidy; and

(2) preparing a comprehensive plan for developing, implementing, and operating the correctional services under this chapter.

(b) When preparing a comprehensive plan, a county or Tribal Nation must:

(1) provide correctional services, not including the operation of state facilities, that are currently provided by the Department of Corrections or, for Tribal Nations, probation services in a Tribal Nation;

(2) provide for centralized administration and control of the correctional services; and

(3) enact the appropriate resolutions to create and establish a local advisory board.

(c) If counties or Tribal Nations combine as authorized under this section, they must comply with section 471.59. Unless the context indicates otherwise, a CCA or non-CCA jurisdiction includes a group of counties or a group of Tribal Nations.

Subd. 1a. **Continued eligibility.** A single CCA jurisdiction that has participated in the Community Corrections Act for five or more years may continue to participate in the Community Corrections Act.

Subd. 2. **Planning counties; expenses of corrections advisory board members.** (a) To assist a county or Tribal Nation that has complied with subdivision 1 and requires financial aid to defray all or a part of the expenses incurred by corrections advisory board members in discharging their official duties according to section 401.08, the commissioner may:

(1) designate the county or Tribal Nation as a "planning county"; and

(2) upon receiving a resolution by the governing board of the county or Tribal Nation certifying the need for and inability to pay the expenses under this subdivision, advance to the county or Tribal Nation an amount not to exceed five percent of the maximum quarterly subsidy for which the county or Tribal Nation is eligible.

(b) The expenses under this subdivision must be paid in the same manner and amount as for state employees.

Subd. 3. **Establishing and reorganizing administrative structure.** (a) Any county or Tribal Nation that has qualified for participating in the subsidy program may establish, organize, and reorganize an administrative structure and:

- (1) budget, staff, and operate court services and probation;
- (2) construct or improve juvenile detention and juvenile correctional facilities and adult detention and correctional facilities; and
- (3) provide for other activities required to conform to this chapter.

(b) No other law divests any county or Tribal Nation of the authority granted under this subdivision.

Subd. 4. [Repealed, 1998 c 367 art 7 s 15]

Subd. 5. MS 2022 [Repealed by amendment, 2023 c 52 art 17 s 16]

Subd. 6. **Tribal Nation; sovereignty; state consultation.** (a) Nothing in this chapter relating to correctional 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 participating in the subsidy program or as a non-CCA jurisdiction under this chapter.

(b) The Department of Corrections and the Community Supervision Advisory Committee under section 401.17 must consult with Tribal Nations and offer guidance as necessary to implement and fulfill the purposes of this chapter.

History: 1973 c 354 s 2; 1975 c 304 s 8; 1977 c 392 s 9; 1979 c 102 s 13; 1980 c 509 s 156; 1980 c 614 s 146; 1982 c 559 s 2-4; 1983 c 274 s 18; 1985 c 220 s 8,9; 1986 c 444; 1992 c 511 art 9 s 13; 1992 c 571 art 11 s 11; 1993 c 326 art 10 s 10; 1995 c 244 s 9; 1998 c 367 art 7 s 8; 2014 c 209 s 1; 2016 c 108 s 1; 2023 c 52 art 17 s 16

401.025 DETENTION AND RELEASE; PROBATIONERS, CONDITIONAL RELEASEES, AND PRETRIAL RELEASEES.

Subdivision 1. **Peace officers and probation officers serving CCA jurisdictions.** If necessary to enforce discipline or to prevent a person on conditional release from escaping or absconding from supervision, the chief executive officer or designee of a CCA jurisdiction has the authority to issue a written order as provided under section 244.1951, subdivisions 1 to 3.

Subd. 2. **Peace officers and probation officers in other counties and state correctional investigators.** (a) The chief executive officer or designee of a CCA jurisdiction has the authority to issue a written order directing any state correctional investigator, peace officer, or probation officer to detain a person under sentence or on probation who:

- (1) fails to report to serve a sentence at a local correctional facility;
- (2) fails to return from furlough or authorized temporary release from a local correctional facility;
- (3) escapes from a local correctional facility; or

(4) absconds from court-ordered home detention.

(b) The chief executive officer or designee of a CCA jurisdiction has the authority to issue a written order directing any state correctional investigator, peace officer, or probation officer to detain any person on court-ordered pretrial release who absconds from pretrial release or fails to abide by the conditions of pretrial release.

(c) An order issued under paragraph (a) or (b) is sufficient authority for the state correctional investigator, peace officer, or probation officer to detain the person.

Subd. 3. Individuals under Department of Corrections commitment. All counties and Tribal Nations must comply with the policies prescribed by the commissioner when providing supervision and other correctional services to individuals conditionally released according to sections 241.26, 242.19, 243.05, 243.1605, 244.05, and 244.065, including intercounty transfer of individuals on conditional release and the conduct of presentence investigations.

History: 1998 c 367 art 7 s 9; 2009 c 59 art 4 s 5; 2009 c 86 art 1 s 68; 2023 c 52 art 17 s 17

401.03 RULEMAKING AUTHORITY; TECHNICAL ASSISTANCE.

(a) The commissioner must, as provided in chapter 14, adopt rules to implement this chapter and provide consultation and technical assistance to counties and Tribal Nations to help them develop comprehensive plans.

(b) The time limit to adopt rules under section 14.125 does not apply.

History: 1973 c 354 s 3; 1982 c 424 s 130; 1995 c 233 art 2 s 56; 1997 c 187 art 5 s 31; 2023 c 52 art 17 s 18

401.04 ACQUIRING PROPERTY; SELECTING ADMINISTRATIVE STRUCTURE; EMPLOYEES.

Subdivision 1. County and Tribal Nation authority. Any county or Tribal Nation electing to become a CCA jurisdiction may:

(1) acquire by any lawful means, including purchase, lease, or transfer of custodial control, the lands, buildings, and equipment necessary and incident to accomplishing the purposes of this chapter;

(2) determine and establish an administrative structure best suited to the efficient administration and delivery of correctional services; and

(3) employ a director and other officers, employees, and agents as deemed necessary to implement this chapter.

Subd. 2. Providing for displaced employees. (a) To the extent that a county assumes and takes over state and local correctional services presently provided in the county, the probation officers and other employees displaced by the changeover must be employed by the county 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.

(b) If an officer or other employee is hired by a county, employment must, to the extent possible and notwithstanding any other law to the contrary, be deemed a transfer in grade with all of the benefits enjoyed by the officer or employee while in the service of the state or local correctional service.

(c) State or local employees displaced by county participation in the subsidy program are on layoff status and, if not hired by a participating county as provided under this subdivision, may exercise their rights under layoff procedures established by law or collective-bargaining agreement, whichever is applicable.

(d) State or local officers and employees displaced by a county's participation in the Community Corrections Act and hired by the participating county retain all fringe benefits and recall from layoff benefits accrued by seniority and enjoyed by them while in the service of the state.

(e) This subdivision applies to the extent consistent with state and Tribal law.

History: 1973 c 354 s 4; 1974 c 174 s 1; 1975 c 304 s 9; 1977 c 392 s 10; 1981 c 360 art 1 s 25; 1988 c 505 s 6; 2023 c 52 art 17 s 19

401.05 FISCAL POWERS.

Subdivision 1. **Authorization to use and accept funds.** (a) Any county electing to become a CCA jurisdiction may, through its governing body:

- (1) use unexpended funds;
- (2) accept gifts, grants, and subsidies from any lawful source; and
- (3) apply for and accept federal funds.

(b) This section applies to Tribal Nations, to the extent consistent with the laws of their respective Tribal governments.

Subd. 2. **Capital improvements; bonds; leases.** (a) A county or group of counties which acquires facilities under section 401.04 or constructs the facilities may finance the acquisition or construction and the equipping and subsequent improvement of the facilities in whole or in part by:

(1) the issuance of general obligation bonds of the county or group of counties in the manner provided in chapter 475; or

(2) the issuance of revenue bonds, secured by a lease agreement as provided in subdivision 3 and sections 469.152 to 469.165, by a city situated in any of the counties or a county housing and redevelopment authority established pursuant to chapter 469 or special law.

Proceedings for the issuance of general obligation bonds shall be instituted by the board of county commissioners of the county or boards of the group of counties.

(b) If counties have combined as authorized in section 401.02, the joint powers board created under section 471.59 shall, with the approval of the county board of each county which is a party:

(1) fix the total amount necessary for the construction or acquisition and the equipping and subsequent improvement of the facilities; and

(2) apportion to each county its share of this amount or of the annual debt service or lease rentals required to pay this amount with interest, as provided in subdivision 4.

Subd. 3. **Leasing.** (a) A county or joint powers board of a group of counties which acquires or constructs and equips or improves facilities under this chapter may, with the approval of the board of county commissioners of each county, enter into a lease agreement with a city situated within any of the counties,

or a county housing and redevelopment authority established under chapter 469 or any special law. Under the lease agreement, the city or county housing and redevelopment authority shall:

(1) construct or acquire and equip or improve a facility in accordance with plans prepared by or at the request of a county or joint powers board of the group of counties and approved by the commissioner of corrections; and

(2) finance the facility by the issuance of revenue bonds.

(b) The county or joint powers board of a group of counties may lease the facility site, improvements, and equipment for a term upon rental sufficient to produce revenue for the prompt payment of the revenue bonds and all interest accruing on them. Upon completion of payment, the lessee shall acquire title. The real and personal property acquired for the facility constitutes a project and the lease agreement constitutes a revenue agreement as provided in sections 469.152 to 469.165. All proceedings by the city or county housing and redevelopment authority and the county or joint powers board shall be as provided in sections 469.152 to 469.165, with the following adjustments:

(1) no tax may be imposed upon the property;

(2) the approval of the project by the commissioner of employment and economic development is not required;

(3) the Department of Corrections shall be furnished and shall record information concerning each project as it may prescribe, in lieu of reports required on other projects to the commissioner of employment and economic development;

(4) the rentals required to be paid under the lease agreement shall not exceed in any year one-tenth of one percent of the estimated market value of property within the county or group of counties as last equalized before the execution of the lease agreement;

(5) the county or group of counties shall provide for payment of all rentals due during the term of the lease agreement in the manner required in subdivision 4;

(6) no mortgage on the facilities shall be granted for the security of the bonds, but compliance with clause (5) may be enforced as a nondiscretionary duty of the county or group of counties; and

(7) the county or the joint powers board of the group of counties may sublease any part of the facilities for purposes consistent with their maintenance and operation.

Subd. 4. Tax levies; apportionment of costs. The county or each county of the group of counties shall annually levy a tax in an amount necessary to defray its proportion of the net costs of maintenance and operation of the facilities, and shall levy a tax to pay the cost of construction or acquisition, equipping, and any subsequent improvement to the facilities or the retirement of any bonds or required lease payments for these purposes. Each county may levy these taxes without limitation on the rate or amount. This levy shall not cause the amount of other taxes levied or to be levied by the county, which are subject to any limitation, to be reduced in any amount. A joint powers board of the group of counties shall apportion the costs of maintenance and operation, construction or acquisition, equipping, and subsequent improvement of the facilities to each of the counties according to a formula in the agreement entered into by the counties.

Subd. 5. Correctional facilities fund. All money received for the operation and maintenance, payment of indebtedness or lease payments, and construction or acquisition, equipping, and subsequent improvement of the facilities must be deposited in a correctional facilities fund maintained in the treasury of the county

in which the facilities are located or any county treasury of the group of counties as designated by the joint powers board. Payments from the fund shall only be made upon certification of the chair or board designee that the expenditures have been approved at a meeting of the board.

History: 1973 c 354 s 5; 1992 c 511 art 9 s 14; 2002 c 379 art 1 s 81; 1Sp2003 c 4 s 1; 2013 c 143 art 14 s 63; 2023 c 52 art 17 s 20

401.06 COMPREHENSIVE PLAN; STANDARDS OF ELIGIBILITY; COMPLIANCE.

Subdivision 1. **Commissioner approval required.** (a) A county or Tribal Nation is ineligible for its calculated subsidy under section 401.10 unless its comprehensive plan has been approved by the commissioner.

(b) A non-CCA jurisdiction providing adult misdemeanor and juvenile probation services to district courts according to section 244.19, subdivision 1b, paragraph (b) or (c), must develop a comprehensive plan in consultation with the commissioner. To the extent consistent with this chapter and section 244.19, a non-CCA jurisdiction under this paragraph is subject to all the subsidy-related standards and requirements under this chapter and to all supervision standards and commissioner-prescribed policies.

(c) If the commissioner provides probation services to a non-CCA jurisdiction under section 244.19, subdivision 1b, paragraph (d), the commissioner must prepare a comprehensive plan for the non-CCA jurisdiction and present it to the local county board of commissioners or Tribal government. To the extent consistent with this chapter and section 244.19, the commissioner is subject to all the subsidy-related standards and requirements under this chapter and to all supervision standards and commissioner-prescribed policies.

(d) All comprehensive plans must:

(1) comply with commissioner-developed standards and reporting requirements, including requirements under section 401.11, subdivision 1;

(2) provide a budget for planned correctional services and programming; and

(3) sufficiently address community needs and supervision standards, including strategic planning that ties planned correctional services and programming to successful community supervision outcomes, including but not limited to reducing an individual's assessed level of risk for recidivism and addressing an individual's needs that lead to positive adjustment and prosocial behavior.

(e) Each CCA and non-CCA jurisdiction must track and report on the use of correctional fees under section 244.18 in their comprehensive plans. At a minimum, each jurisdiction must report on the types of correctional services for which fees were imposed, the aggregate amount of fees imposed, and the amount of fees collected.

(f) A comprehensive plan is valid for four years, and a corrections advisory board or non-CCA jurisdiction must review and update its plan two years after the plan has been approved or two years after submission to the commissioner, whichever is earlier. An updated plan must include an updated budget and list which services that a county or Tribal Nation plans to provide before its next four-year comprehensive plan.

(g) All approved comprehensive plans, including updated plans, must be made publicly available on the Department of Corrections website.

Subd. 2. **Rulemaking.** The commissioner must, in accordance with the Administrative Procedure Act, adopt rules establishing standards of eligibility for counties and Tribal Nations to receive a subsidy and other funds under this chapter.

Subd. 3. **Substantial compliance required.** (a) To remain eligible for the subsidy, a CCA and non-CCA jurisdiction must maintain substantial compliance with the minimum standards, as applicable, established according to this chapter and the policies and procedures governing the services under section 401.025, subdivision 3, as prescribed by the commissioner.

(b) A CCA and non-CCA jurisdiction must:

(1) be in substantial compliance with other correctional operating standards permitted by law and established by the commissioner; and

(2) report data required by the commissioner in accordance with section 244.21, including but not limited to data under this chapter and information on individuals convicted as an extended jurisdiction juvenile under section 241.016, subdivision 1, paragraph (c).

Subd. 4. **Commissioner review.** (a) The commissioner must review all comprehensive plans, including the facilities and programs operated under the plans. The commissioner may enter any facility operated under the plan and inspect books and records for purposes of recommending needed changes or improvements.

(b) If the commissioner determines that there are reasonable grounds to believe that a CCA or non-CCA jurisdiction is not in substantial compliance with minimum standards, the commissioner must provide at least 30 days' notice to the CCA or non-CCA jurisdiction of a commissioner-conducted hearing to ascertain whether there is substantial compliance or satisfactory progress being made toward compliance.

Subd. 5. **Noncompliance; remedies.** (a) After a hearing, the commissioner may sanction a CCA or non-CCA jurisdiction according to this subdivision if the commissioner determines that the CCA or non-CCA jurisdiction is not maintaining substantial compliance with minimum standards or that satisfactory progress toward compliance has not been made.

(b) The commissioner may:

(1) suspend all or a portion of any subsidy without issuing a corrective action plan; or

(2) issue a corrective action plan.

(c) A corrective action plan must:

(1) be in writing;

(2) identify all deficiencies;

(3) detail the corrective action required to remedy the deficiencies; and

(4) provide a deadline to:

(i) correct each deficiency; and

(ii) report to the commissioner progress toward correcting the deficiency.

(d) After the deficiency has been corrected, documentation must be submitted to the commissioner detailing compliance with the corrective action plan. If the commissioner determines that the CCA or non-CCA jurisdiction has not complied with the plan, the commissioner may suspend all or a portion of the subsidy.

History: 1973 c 354 s 6; 1982 c 559 s 5; 1986 c 444; 2001 c 7 s 68; 1Sp2021 c 11 art 9 s 22; 2023 c 52 art 17 s 21

401.065 PRETRIAL DIVERSION PROGRAMS.

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

(1) a person is an "offender" if:

(i) the person is charged with, or probable cause exists to arrest or charge the person with, a felony, gross misdemeanor, or misdemeanor crime, other than a crime against the person, but the person has not yet entered a plea in the proceedings;

(ii) the person has not previously been convicted as an adult in Minnesota or any other state of any crime against the person; and

(iii) the person has not previously participated as an adult in Minnesota in a pretrial diversion program, including a program that existed before July 1, 1994, and had charges dismissed or not filed as part of that program; and

(2) "pretrial diversion" means the decision of a prosecutor to refer an offender to a diversion program on condition that the criminal charges against the offender will be dismissed after a specified period of time, or the case will not be charged, if the offender successfully completes the program.

Subd. 2. **Establishment of program.** By July 1, 1994, every county attorney of a county participating in the Community Corrections Act shall establish a pretrial diversion program for adult offenders. If the county attorney's county participates in the Community Corrections Act as part of a group of counties under section 401.02, the county attorney may establish a pretrial diversion program in conjunction with other county attorneys in that group of counties. The program must be designed and operated to further the following goals:

(1) to provide eligible offenders with an alternative to confinement and a criminal conviction;

(2) to reduce the costs and caseload burdens on district courts and the criminal justice system;

(3) to minimize recidivism among diverted offenders;

(4) to promote the collection of restitution to the victim of the offender's crime; and

(5) to develop responsible alternatives to the criminal justice system for eligible offenders.

Subd. 3. **Program components.** A diversion program established under this section may:

(1) provide screening services to the court and the prosecuting authorities to help identify likely candidates for pretrial diversion;

(2) establish goals for diverted offenders and monitor performance of these goals;

(3) perform chemical dependency assessments of diverted offenders where indicated, make appropriate referrals for treatment, and monitor treatment and aftercare;

(4) provide individual, group, and family counseling services;

(5) oversee the payment of victim restitution by diverted offenders;

(6) assist diverted offenders in identifying and contacting appropriate community resources;

(7) provide educational services to diverted offenders to enable them to earn a high school diploma or commissioner of education-selected high school equivalency certification; and

(8) provide accurate information on how diverted offenders perform in the program to the court, prosecutors, defense attorneys, and probation officers.

Subd. 3a. **Reporting of data to Bureau of Criminal Apprehension.** (a) Every county attorney who establishes a diversion program under this section shall report the following information to the Bureau of Criminal Apprehension:

(1) the name and date of birth of each diversion program participant and any other identifying information the superintendent considers necessary;

(2) the date on which the individual began to participate in the diversion program;

(3) the date on which the individual is expected to complete the diversion program;

(4) the date on which the individual successfully completed the diversion program, where applicable; and

(5) the date on which the individual was removed from the diversion program for failure to successfully complete the individual's goals, where applicable.

The superintendent shall cause the information described in this subdivision to be entered into and maintained in the criminal history file as defined in section 13.87.

(b) Effective August 1, 1997, the reporting requirements of this subdivision shall apply to misdemeanor offenses.

Subd. 4. **Reports.** By January 1, 1995, and biennially thereafter, each county attorney shall report to the state court administrator and the legislature on the operation of a pretrial diversion program required by this section. The report shall include a description of the program, the number of offenders participating in the program, the number and characteristics of the offenders who successfully complete the program, the number and characteristics of the offenders who fail to complete the program, and an evaluation of the program's effect on the operation of the criminal justice system in the county.

History: 1993 c 326 art 10 s 11; 1994 c 576 s 43,44; 1995 c 226 art 4 s 20; 1995 c 259 art 1 s 55; 2000 c 299 s 6; 2009 c 59 art 6 s 19; 1Sp2017 c 5 art 10 s 7

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

401.08 CORRECTIONS ADVISORY BOARD.

Subdivision 1. **Board members.** A corrections advisory board must consist of at least nine members who must be representative of law enforcement, prosecution, the judiciary, education, corrections, different ethnicities, the social services, and the general public.

Subd. 2. **Appointment; terms.** (a) The members of a corrections advisory board must:

(1) be appointed by the board of county commissioners, respective Tribal Nation government, or the joint board in the case of multiple counties or Tribal Nations;

(2) serve for terms of two years; and

(3) remain in office until their successors are duly appointed.

(b) A board may elect its own officers.

Subd. 3. **Joint corrections advisory board.** If two or more counties or Tribal Nations combine to become a CCA jurisdiction, the joint corrections advisory board must contain representation as provided under subdivision 1, but the board members may come from each of the participating counties or Tribal Nations as may be determined by agreement of the counties or Tribal Nations.

Subd. 4. **Comprehensive plan.** A corrections advisory board must:

(1) actively participate in formulating the comprehensive plan for developing, implementing, and operating correctional programming and services under this chapter; and

(2) make a formal recommendation to the CCA jurisdiction at least annually on the comprehensive plan and its implementation during the ensuing year.

Subd. 5. **Committee structure.** (a) If a corrections advisory board carries out its duties with a committee structure, the composition of each committee or subgroup should reflect the membership of the entire board.

(b) All proceedings of the corrections advisory board and any board committee or other subgroup of the board must be open to the public, and all votes taken of board members must be recorded and become matters of public record.

Subd. 6. **Board rules.** A corrections advisory board must adopt and implement rules on member attendance at board meetings. A rule under this subdivision does not meet the definition of a rule under section 14.02, subdivision 4.

History: 1973 c 354 s 8; 1975 c 304 s 10; 1977 c 392 s 11; 1982 c 559 s 6,7; 2023 c 52 art 17 s 22

401.09 OTHER GRANT OR SUBSIDY PROGRAMS; PURCHASING STATE SERVICES.

Subdivision 1. **Eligibility for other programs.** A decision by a county or Tribal Nation to elect to not become a CCA jurisdiction does not affect its eligibility for any other state grant or subsidy for correctional purposes otherwise provided by law.

Subd. 2. **Contracting for correctional services.** A comprehensive plan submitted according to this chapter may allow for contracting with the state to provide certain correctional services, including the temporary detention and confinement of persons convicted of crime or adjudicated delinquent, with confinement in an appropriate state facility as otherwise provided by law.

Subd. 3. **Determining cost of correctional services.** The commissioner must annually determine the costs of the contracted services under subdivision 2 and deduct them from the subsidy due and payable to the county or Tribal Nation if a contract under subdivision 2 does not exceed in cost the amount of subsidy to which the participating county or Tribal Nation is eligible.

History: 1973 c 354 s 9; 1979 c 102 s 13; 2023 c 52 art 17 s 23

401.10 FUNDING COMMUNITY SUPERVISION.

Subdivision 1. **Community supervision funding formula.** (a) Beginning July 1, 2023, the community supervision subsidy paid to each county, the commissioner for supervision of non-CCA jurisdictions served by the Department of Corrections, and each applicable Tribal Nation under paragraph (e) equals the sum of:

(1) a base funding amount equal to \$150,000; and

(2) a community supervision formula equal to the sum of:

(i) for each individual with a felony sentence, a felony per diem rate of \$5.62 multiplied by the sum of the county's or Tribal Nation's adult felony population, adult supervised release and parole populations, and juvenile supervised release and parole populations as reported in the most recent probation survey published by the commissioner, multiplied by 365; and

(ii) for each individual sentenced for a gross misdemeanor or misdemeanor or under juvenile probation, the felony per diem rate of \$5.62 multiplied by 0.5 and then multiplied by the sum of the county's or Tribal Nation's gross misdemeanor, misdemeanor, and juvenile populations as reported in the most recent probation survey published by the commissioner, multiplied by 365.

(b) For a non-CCA jurisdiction under section 244.19, subdivision 1b, paragraph (b) or (c), the base funding amount must be shared equally between the jurisdiction and the commissioner for the provision of felony supervision under section 244.20.

(c) If in any year the total amount appropriated for the purpose of this section is more than or less than the total of base funding plus community supervision formula funding for all counties and applicable Tribal Nations, the sum of each county's and applicable Tribal Nation's base funding plus community supervision formula funding is adjusted by the ratio of amounts appropriated for this purpose divided by the total of base funding plus community supervision formula funding for all counties and applicable Tribal Nations.

(d) If in any year the base funding plus the community supervision formula amount based on what was appropriated in fiscal year 2024 is less than the funding paid to the county in fiscal year 2023, the difference is added to the community supervision formula amount for that county. A county is not eligible for additional funding under this paragraph unless the base funding plus community supervision formula results in an increase in funding for the county based on what was appropriated in the previous fiscal year. This paragraph expires June 30, 2029.

(e) For each Tribal Nation, a funding amount of \$250,000 is allotted annually to purchase probation services or probation-related services, including contracted services, but a Tribal Nation that becomes a CCA jurisdiction or a non-CCA jurisdiction under section 244.19, subdivision 1b, paragraph (b) or (c), is an applicable Tribal Nation under paragraphs (a) to (c) and:

(1) has the Tribal Nation's funding amount of \$250,000 transferred to the total community supervision subsidy amount appropriated for the purposes of this section; and

(2) is allotted a base funding amount equal to \$150,000 plus an amount as determined according to the community supervision formula under paragraph (a), clause (2).

Subd. 2. MS 2022 [Repealed by amendment, 2023 c 52 art 17 s 24]

Subd. 3. MS 2022 [Repealed by amendment, 2023 c 52 art 17 s 24]

Subd. 4. **Report.** (a) By January 15, 2025, and every year thereafter, the commissioner must submit a report to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over public safety finance and policy. At a minimum, the report must summarize and contain the following data:

(1) the commissioner's workload study under section 401.17, subdivision 4;

(2) the commissioner's collected caseload data under section 244.21, subdivision 1; and

(3) projected growth in the community supervision formula calculated by analyzing caseload trends and data.

(b) The report may be made in conjunction with reporting under section 244.21.

History: 1973 c 354 s 10; 1975 c 304 s 11; 1988 c 719 art 5 s 84; 1989 c 329 art 13 s 20; 1996 c 408 art 8 s 19; 2015 c 65 art 5 s 9; 2023 c 52 art 17 s 24

401.11 COMPREHENSIVE PLAN ITEMS; SUBSIDY REVIEW.

Subdivision 1. **Policy items.** (a) A comprehensive plan submitted to the commissioner for approval under section 401.06 must include items prescribed by commissioner policy and may include the following:

(1) the manner in which presentence and postsentence investigations and reports for the district courts and social history reports for the juvenile courts will be made;

(2) the manner in which conditional release services to the courts and persons under jurisdiction of the commissioner will be provided;

(3) a program for detaining, supervising, and treating persons under pretrial detention or under commitment;

(4) delivery of other correctional services;

(5) proposals for new programs, which proposals must demonstrate a need for the program, and the program's purpose, objective, administrative structure, staffing pattern, staff training, financing, evaluation process, degree of community involvement, client participation, and duration;

(6) descriptions of programs that adhere to best practices for assessing risk and using interventions that address an individual's needs while tailoring supervision and interventions by using risk, need, and responsivity principles; and

(7) data on expenditures, costs, and programming results and outcomes for individuals under community supervision.

(b) The commissioner must develop in policy budgetary requirements for comprehensive plans to ensure the efficient and accountable expenditure of a county's or Tribal Nation's subsidy for correctional services and programming to produce successful community supervision outcomes.

Subd. 2. **CCA review.** Each CCA jurisdiction must develop and implement a procedure for reviewing grant applications or applications for contracted services made to the corrections advisory board and for the manner in which corrections advisory board action will be taken on the applications. A description of the procedure must be made available to members of the public upon request.

History: 1973 c 354 s 11; 1975 c 271 s 6; 1975 c 304 s 12; 1983 c 274 s 18; 1985 c 220 s 10; 1985 c 248 s 70; 1986 c 444; 2023 c 52 art 17 s 25

401.12 MINIMUM SPENDING LEVEL.

Subdivision 1. **Diminished spending prohibited.** A county or Tribal Nation receiving a subsidy under section 401.10 must not reduce its level of spending on probation services to lower than what is reimbursed by the community supervision formula under section 401.10, subdivision 1.

Subd. 2. **Not expending full subsidy amount.** If a county or Tribal Nation is unable to expend the full amount of the subsidy to which it would be entitled in the first year of a biennium, the commissioner must:

(1) retain the surplus; and

(2) disburse the surplus in the second year of the biennium if the county or Tribal Nation can demonstrate a need for and ability to expend the surplus.

History: 1973 c 354 s 12; 1981 c 360 art 1 s 26; 2023 c 52 art 17 s 26

401.13 MS 2018 [Repealed, 2020 c 110 s 8]

401.14 PAYING SUBSIDY.

Subdivision 1. **Payment.** After a county or Tribal Nation becomes compliant with the prerequisites for receiving the subsidy and the commissioner approves the comprehensive plan, the commissioner must determine whether funds exist to pay the subsidy and proceed to pay it in accordance with applicable law.

Subd. 2. **Quarterly remittance.** Based on the approved comprehensive plan, the commissioner may estimate the amount to be expended in furnishing the required correctional services during each calendar quarter and cause the estimated amount to be remitted to the counties and Tribal Nations entitled to the amount as provided under section 401.15, subdivision 1.

Subd. 3. **Installment payments.** The commissioner must:

(1) make payments for correctional services to each county and Tribal Nation in 12 installments per year;

(2) ensure that the pertinent payment of the allotment for each month is made to each county and Tribal Nation on the first working day after the end of each month of the calendar year, except for the last month of the calendar year; and

(3) ensure that each county and Tribal Nation receives its monthly payment allotment no later than the last working day of each month.

History: 1973 c 354 s 14; 1975 c 304 s 13; 1983 c 312 art 1 s 24; 1985 c 248 s 70; 2023 c 52 art 17 s 27

401.15 DETERMINING PAYMENT AMOUNT; ANNUAL REVIEW.

Subdivision 1. **Certified statements; determinations; adjustments.** (a) Within 60 days of the end of each calendar quarter, a county or Tribal Nation that has received the payments under section 401.14 must submit to the commissioner certified statements detailing the amounts expended and costs incurred in furnishing the correctional services under this chapter.

(b) Upon receiving the certified statements, the commissioner must in accordance with sections 401.10 and 401.12:

(1) determine the amount that each county or Tribal Nation is entitled to receive; and

(2) make any adjustments necessary to rectify any disparity between the amounts received according to the estimate under section 401.14 and the amounts actually expended.

(c) If the amount received according to the estimate is greater than the amount actually expended during the quarter, the commissioner may withhold the difference from any subsequent monthly payments made according to section 401.14.

(d) After the commissioner certifies the amount that a county or Tribal Nation is entitled to receive under this subdivision or section 401.14, the commissioner of management and budget must issue a payment to the chief fiscal officer of each county or Tribal Nation for the amount due together with a copy of the certificate prepared by the commissioner.

Subd. 2. **Formula review.** The commissioner must annually review the community supervision formula under section 401.10 and calculate and prorate the subsidy accordingly.

History: 1973 c 354 s 15; 1973 c 492 s 14; 1975 c 304 s 14; 1983 c 312 art 1 s 25; 2007 c 54 art 6 s 16; 2009 c 101 art 2 s 109; 1Sp2019 c 10 art 3 s 36; 2023 c 52 art 17 s 28

401.16 WITHDRAWING FROM SUBSIDY PROGRAM.

Subdivision 1. **Withdrawing; effective date.** At the beginning of any calendar quarter, any CCA jurisdiction may notify the commissioner of its intention to withdraw from the subsidy program. The withdrawal:

(1) must be done by resolution of the county's board of commissioners or resolution of the Tribal Nation's respective governmental unit; and

(2) is effective at least six months from the last day of the last month of the quarter in which the notice was given.

Subd. 2. **Employee changeover.** (a) If a county withdraws from the subsidy program and asks the commissioner or the legislature mandates the commissioner to furnish probation services to the county, the probation officers and other employees displaced by the changeover must be employed by the commissioner at no loss of salary.

(b) Years of service in the county probation department are to be given full credit for future sick leave and vacation accrual purposes.

(c) This subdivision applies to the extent consistent with state and Tribal law.

History: 1973 c 354 s 16; 1977 c 392 s 13; 2023 c 52 art 17 s 29

401.17 COMMUNITY SUPERVISION ADVISORY COMMITTEE.

Subdivision 1. **Establishment; members.** (a) The commissioner must establish a Community Supervision Advisory Committee to develop and make recommendations to the commissioner on standards for probation, supervised release, and community supervision. The committee consists of 19 members as follows:

(1) two directors appointed by the Minnesota Association of Community Corrections Act Counties;

(2) two probation directors appointed by the Minnesota Association of County Probation Officers;

(3) three county commissioner representatives appointed by the Association of Minnesota Counties;

(4) two behavioral health, treatment, or programming providers who work directly with individuals on correctional supervision, one appointed by the Department of Human Services and one appointed by the Minnesota Association of County Social Service Administrators;

- (5) two representatives appointed by the Minnesota Indian Affairs Council;
- (6) two commissioner-appointed representatives from the Department of Corrections;
- (7) the chair of the statewide Evidence-Based Practice Advisory Committee;

(8) three individuals who have been supervised, either individually or collectively, under each of the state's three community supervision delivery systems appointed by the commissioner in consultation with the Minnesota Association of County Probation Officers and the Minnesota Association of Community Corrections Act Counties;

(9) an advocate for victims of crime appointed by the commissioner; and

(10) a representative from a community-based research and advocacy entity appointed by the commissioner.

(b) When an appointing authority selects an individual for membership on the committee, the authority must make reasonable efforts to reflect geographic diversity and to appoint qualified members of protected groups, as defined under section 43A.02, subdivision 33.

(c) Chapter 15 applies to the extent consistent with this section.

(d) The commissioner must convene the first meeting of the committee on or before October 1, 2023.

Subd. 2. Terms; removal; reimbursement. (a) If there is a vacancy, the applicable appointing authority must appoint an individual to fill the vacancy. Committee members may elect any officers and create any subcommittees necessary to efficiently discharge committee duties.

(b) A member may be removed by the appointing authority at any time at the pleasure of the appointing authority.

(c) Each committee member must be reimbursed for all reasonable expenses actually paid or incurred by the member while performing official duties in the same manner as other state employees. The public members of the committee must be compensated at the rate of \$55 for each day or part of the day spent on committee activities.

Subd. 3. Committee duties; report. (a) By December 1, 2024, the committee must provide written advice and recommendations to the commissioner on developing policy on:

(1) statewide supervision standards and definitions to be applied to community supervision provided by CCA and non-CCA jurisdictions;

(2) requiring CCA and non-CCA jurisdictions to use the same agreed-on risk screener and risk and needs assessment tools as the main supervision assessment methods or a universal five-level matrix allowing for consistent supervision levels and that all tools in use be validated on Minnesota's community supervision population and revalidated every five years;

(3) requiring the use of assessment-driven, formalized, collaborative case planning to focus case planning goals on identified criminogenic and behavioral health need areas for moderate- and high-risk individuals;

(4) limiting standard conditions required for all individuals on supervision across all supervision systems and judicial districts, ensuring that conditions of supervision are directly related to the offense of the individual on supervision, and tailoring special conditions to individuals on supervision identified as high risk and high need;

(5) providing gender-responsive, culturally appropriate services and trauma-informed approaches;

(6) developing a statewide incentives and sanctions grid to guide responses to client behavior while under supervision to be reviewed and updated every five years to maintain alignment with national best practices;

(7) developing performance indicators for supervision success and recidivism;

(8) developing a statewide training, coaching, and quality assurance system overseen by an evidence-based practices coordinator;

(9) developing methods to evaluate outcomes for services provided by grant recipients under section 244.33, paragraph (c), clause (3);

(10) devising a plan to eliminate the financial penalty incurred by a jurisdiction that successfully discharges an individual from supervision before the supervision term concludes; and

(11) establishing a proposed state-level Community Supervision Advisory Board with a governance structure and duties for the board.

(b) By July 1, 2025, and every four years thereafter, the committee must review and reassess the current workload study published by the commissioner under subdivision 4 and make recommendations to the commissioner based on the committee's review.

(c) By June 30, 2024, the Community Supervision Advisory Committee must submit a report on supervision fees to the commissioner and the chairs and ranking minority members of the legislative committees with jurisdiction over corrections policy and finance. The committee must collect data on supervision fees and include the data in the report.

Subd. 4. Duties; commissioner. (a) The commissioner, in consultation with the committee, must complete a workload study by October 1, 2024, to develop a capitated rate for equitably funding community supervision throughout the state. The study must indicate what factors go into a capitated rate, including but not limited to the administrative cost of providing supervision and the average daily cost for providing supervision depending on risk level.

(b) The commissioner is responsible for completing the workload study and submitting it to the legislature in accordance with section 401.10, subdivision 4.

Subd. 5. Data collection; report. (a) By June 1, 2024, the advisory committee, in consultation with the Minnesota Counties Computer Cooperative, must create a method to (1) standardize data classifications across the three community supervision systems, and (2) collect data for the commissioner to publish in an annual report to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over public safety finance and policy.

(b) The advisory committee's method, at a minimum, must provide for collecting the following data:

(1) the number of individuals sentenced to supervision each year;

(2) the offense levels, offense types, and assessed risk levels for which individuals are sentenced to supervision;

(3) violation and revocation rates and the identified grounds for the violations and revocations, including final disposition of the violation action such as execution of the sentence, imposition of new conditions, or a custodial sanction;

(4) the number of individuals granted early discharge from probation;

(5) the number of individuals restructured on supervision, including imposition of new conditions of release; and

(6) the number of individuals revoked from supervision and the identified grounds for revocation.

(c) Beginning January 15, 2025, as part of the report under section 241.21, subdivision 2, the commissioner must include data collected under the committee method established under this subdivision. The commissioner must analyze the collected data by race, gender, and county, including Tribal Nations.

(d) Nothing in this section overrides the commissioner's authority to require additional data be provided under other law.

Subd. 6. **Response.** (a) Within 45 days of receiving the committee's recommendations under subdivision 3, the commissioner must respond in writing to the committee's advice and recommendations. The commissioner's response must explain:

(1) whether the commissioner will adopt policy changes based on the recommendations;

(2) the timeline for adopting policy changes; and

(3) why the commissioner will not or cannot adopt any policy changes based on committee recommendations.

(b) The commissioner must submit the committee's advice and recommendations and the commissioner's response to the chairs and ranking minority members of the legislative committees with jurisdiction over public safety finance and policy. The commissioner may submit the information under this paragraph together with the report under subdivision 5, paragraph (c).

Subd. 7. **Administrative support.** The commissioner must provide the committee with a committee administrator, staff support, a meeting room, and access to office equipment and services.

History: 2023 c 52 art 17 s 30