

1.1 **ARTICLE 12**1.2 **CORRECTIONS POLICY**

1.3 Section 1. Minnesota Statutes 2022, section 169A.276, subdivision 1, is amended to read:

1.4 Subdivision 1. **Mandatory prison sentence.** (a) The court shall sentence a person who
1.5 is convicted of a violation of section 169A.20 (driving while impaired) under the
1.6 circumstances described in section 169A.24 (first-degree driving while impaired) to
1.7 imprisonment for not less than three years. In addition, the court may order the person to
1.8 pay a fine of not more than \$14,000.

1.9 (b) The court may stay execution of this mandatory sentence as provided in subdivision
1.10 2 (stay of mandatory sentence), but may not stay imposition or adjudication of the sentence
1.11 or impose a sentence that has a duration of less than three years.

1.12 (c) An offender committed to the custody of the commissioner of corrections under this
1.13 subdivision is not eligible for release as provided in section 241.26, 244.065, 244.12, or
1.14 244.17, unless the offender has successfully completed ~~a chemical dependency treatment~~
1.15 ~~program while in prison~~ treatment recommendations as determined by a comprehensive
1.16 substance use disorder assessment while incarcerated.

1.17 (d) Notwithstanding the statutory maximum sentence provided in section 169A.24
1.18 (first-degree driving while impaired), when the court commits a person to the custody of
1.19 the commissioner of corrections under this subdivision, it shall provide that after the person
1.20 has been released from prison the commissioner shall place the person on conditional release
1.21 for five years. The commissioner shall impose any conditions of release that the commissioner
1.22 deems appropriate including, but not limited to, successful completion of an intensive
1.23 probation program as described in section 169A.74 (pilot programs of intensive probation
1.24 for repeat DWI offenders). If the person fails to comply with any condition of release, the
1.25 commissioner may revoke the person's conditional release and order the person to serve all
1.26 or part of the remaining portion of the conditional release term in prison. The commissioner
1.27 may not dismiss the person from supervision before the conditional release term expires.
1.28 Except as otherwise provided in this section, conditional release is governed by provisions
1.29 relating to supervised release. The failure of a court to direct the commissioner of corrections
1.30 to place the person on conditional release, as required in this paragraph, does not affect the
1.31 applicability of the conditional release provisions to the person.

1.32 (e) The commissioner shall require persons placed on supervised or conditional release
1.33 under this subdivision to pay as much of the costs of the supervision as possible. The
1.34 commissioner shall develop appropriate standards for this.

2.1 Sec. 2. Minnesota Statutes 2022, section 241.01, subdivision 3a, is amended to read:

2.2 Subd. 3a. **Commissioner, powers and duties.** The commissioner of corrections has the
2.3 following powers and duties:

2.4 (a) To accept persons committed to the commissioner by the courts of this state for care,
2.5 custody, and rehabilitation.

2.6 (b) To determine the place of confinement of committed persons in a correctional facility
2.7 or other facility of the Department of Corrections and to prescribe reasonable conditions
2.8 and rules for their employment, conduct, instruction, and discipline within or outside the
2.9 facility. After July 1, 2023, the commissioner shall not allow inmates who have not been
2.10 conditionally released from prison, whether on parole, supervised release, work release, or
2.11 an early release program, to be housed in correctional facilities that are not owned and
2.12 operated by the state, a local unit of government, or a group of local units of government.
2.13 Inmates shall not exercise custodial functions or have authority over other inmates.

2.14 (c) To administer the money and property of the department.

2.15 (d) To administer, maintain, and inspect all state correctional facilities.

2.16 (e) To transfer authorized positions and personnel between state correctional facilities
2.17 as necessary to properly staff facilities and programs.

2.18 (f) To utilize state correctional facilities in the manner deemed to be most efficient and
2.19 beneficial to accomplish the purposes of this section, but not to close the Minnesota
2.20 Correctional Facility-Stillwater or the Minnesota Correctional Facility-St. Cloud without
2.21 legislative approval. The commissioner may place juveniles and adults at the same state
2.22 minimum security correctional facilities, if there is total separation of and no regular contact
2.23 between juveniles and adults, except contact incidental to admission, classification, and
2.24 mental and physical health care.

2.25 (g) To organize the department and employ personnel the commissioner deems necessary
2.26 to discharge the functions of the department, including a chief executive officer for each
2.27 facility under the commissioner's control who shall serve in the unclassified civil service
2.28 and may, under the provisions of section 43A.33, be removed only for cause.

2.29 (h) To define the duties of these employees and to delegate to them any of the
2.30 commissioner's powers, duties and responsibilities, subject to the commissioner's control
2.31 and the conditions the commissioner prescribes.

2.32 (i) To annually develop a comprehensive set of goals and objectives designed to clearly
2.33 establish the priorities of the Department of Corrections. This report shall be submitted to

3.1 the governor commencing January 1, 1976. The commissioner may establish ad hoc advisory
3.2 committees.

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

3.7 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.8 Sec. 3. Minnesota Statutes 2022, section 241.021, subdivision 1d, is amended to read:

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

3.15 Sec. 4. Minnesota Statutes 2022, section 241.021, subdivision 2a, is amended to read:

3.16 Subd. 2a. **Affected municipality; notice.** The commissioner must not ~~issue~~ grant a
3.17 license without giving 30 calendar days' written notice to any affected municipality or other
3.18 political subdivision unless the facility has a licensed capacity of six or fewer persons and
3.19 is occupied by either the licensee or the group foster home parents. The notification must
3.20 be given before the license is first issuance of a license granted and annually after that time
3.21 if annual notification is requested in writing by any affected municipality or other political
3.22 subdivision. State funds must not be made available to or be spent by an agency or department
3.23 of state, county, or municipal government for payment to a foster care facility licensed under
3.24 subdivision 2 until the provisions of this subdivision have been complied with in full.

3.25 Sec. 5. Minnesota Statutes 2022, section 241.021, subdivision 2b, is amended to read:

3.26 Subd. 2b. **Licensing; facilities; juveniles from outside state.** The commissioner may
3.27 not:

3.28 (1) ~~issue~~ grant a license under this section to operate a correctional facility for the
3.29 detention or confinement of juvenile offenders if the facility accepts juveniles who reside
3.30 outside of Minnesota without an agreement with the entity placing the juvenile at the facility
3.31 that obligates the entity to pay the educational expenses of the juvenile; or

4.1 (2) renew a license under this section to operate a correctional facility for the detention
4.2 or confinement of juvenile offenders if the facility accepts juveniles who reside outside of
4.3 Minnesota without an agreement with the entity placing the juvenile at the facility that
4.4 obligates the entity to pay the educational expenses of the juvenile.

4.5 Sec. 6. Minnesota Statutes 2022, section 241.021, is amended by adding a subdivision to
4.6 read:

4.7 Subd. 4e. **Language access.** The commissioner of corrections shall take reasonable steps
4.8 to provide meaningful access to limited English proficient (LEP) individuals incarcerated,
4.9 detained, or supervised by the Department of Corrections. The commissioner shall develop
4.10 written policy and annual training to implement language access for LEP individuals.

4.11 Sec. 7. **[241.0215] JUVENILE DETENTION FACILITIES; RESTRICTIONS ON**
4.12 **STRIP SEARCHES AND DISCIPLINE.**

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

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

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

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

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

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

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

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

4.29 (b) A strip search must be conducted by:

4.30 (1) a health care professional; or

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

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

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

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

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

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

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

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

5.22 (1) how often strip searches were performed;

5.23 (2) how often juveniles were isolated;

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

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

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

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

6.4 **EFFECTIVE DATE.** This section is effective January 1, 2024.

6.5 Sec. 8. Minnesota Statutes 2022, section 241.025, subdivision 1, is amended to read:

6.6 Subdivision 1. **Authorization.** The commissioner of corrections may appoint peace
6.7 officers, as defined in section 626.84, subdivision 1, paragraph (c), who shall serve in the
6.8 classified service subject to the provisions of section 43A.01, subdivision 2, and establish
6.9 a law enforcement agency, as defined in section 626.84, subdivision 1, paragraph (f), known
6.10 as the Department of Corrections Fugitive Apprehension Unit, to perform the duties necessary
6.11 to make statewide arrests under sections 629.30 and 629.34. The jurisdiction of the law
6.12 enforcement agency is ~~limited to~~ primarily the arrest of Department of Corrections'
6.13 discretionary and statutory released violators and Department of Corrections' escapees and
6.14 this must be its primary focus. The Department of Corrections Fugitive Apprehension Unit
6.15 may respond to a law enforcement agency's request to exercise general law enforcement
6.16 duties during the course of official duties by carrying out law enforcement activities at the
6.17 direction of the law enforcement agency of jurisdiction. In addition, the unit may investigate
6.18 criminal offenses in agency-operated correctional facilities and surrounding property.

6.19 Sec. 9. Minnesota Statutes 2022, section 241.025, subdivision 2, is amended to read:

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

7.1 Sec. 10. Minnesota Statutes 2022, section 241.025, subdivision 3, is amended to read:

7.2 Subd. 3. **Policies.** The fugitive apprehension unit must develop and file all policies
7.3 required under state law for law enforcement agencies. The fugitive apprehension unit also
7.4 must develop a policy for contacting law enforcement agencies in a city or county before
7.5 initiating any fugitive surveillance, investigation, or apprehension within the city or county.
7.6 ~~These policies must be filed with the board of peace officers standards and training by~~
7.7 ~~November 1, 2000.~~ Revisions of any of these policies must be filed with the board within
7.8 ten days of the effective date of the revision. The Department of Corrections shall train all
7.9 of its peace officers regarding the application of these policies.

7.10 Sec. 11. **[241.252] FREE COMMUNICATION SERVICES FOR INCARCERATED**
7.11 **PERSONS.**

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

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

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

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

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

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

8.1 (1) a declared emergency under section 12.31; or

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

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

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

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

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

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

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

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

8.21 Sec. 12. Minnesota Statutes 2022, section 241.90, is amended to read:

8.22 **241.90 OFFICE OF OMBUDSPERSON; CREATION; QUALIFICATIONS;**
 8.23 **FUNCTION.**

8.24 The Office of Ombudsperson for the Department of Corrections is hereby created. The
 8.25 ombudsperson shall ~~serve at the pleasure of~~ be appointed by the governor in the unclassified
 8.26 service, and may be removed only for just cause. The ombudsperson shall be selected without
 8.27 regard to political affiliation, and shall be a person highly competent and qualified to analyze
 8.28 questions of law, administration, and public policy. No person may serve as ombudsperson
 8.29 while holding any other public office. The ombudsperson for corrections shall be accountable
 8.30 to the governor and shall have the authority to investigate decisions, acts, and other matters
 8.31 of the Department of Corrections so as to promote the highest attainable standards of
 8.32 competence, efficiency, and justice in the administration of corrections.

9.1 Sec. 13. Minnesota Statutes 2022, section 242.18, is amended to read:

9.2 **242.18 STUDY OF OFFENDER'S BACKGROUND; REHABILITATION.**

9.3 (a) When a person has been committed to the commissioner of corrections, the
 9.4 commissioner under rules shall forthwith cause the person to be examined and studied, and
 9.5 investigate all of the pertinent circumstances of the person's life and the antecedents of the
 9.6 crime or other delinquent conduct because of which the person has been committed to the
 9.7 commissioner, and thereupon order the treatment the commissioner determines to be most
 9.8 conducive to rehabilitation. Except as authorized in paragraph (b), persons convicted of
 9.9 crimes shall not be detained in institutions for adjudicated delinquents, nor shall delinquent
 9.10 children be detained in institutions for persons convicted of crimes. The court and the
 9.11 prosecuting and police authorities and other public officials shall make available to the
 9.12 commissioner of corrections all pertinent data in their possession in respect to the case.

9.13 (b) Upon review of safety considerations and the treatment and programming needs of
 9.14 a juvenile convicted of a crime, the commissioner may commit the juvenile to the facility
 9.15 that best meets rehabilitative needs.

9.16 Sec. 14. Minnesota Statutes 2022, section 243.1606, is amended to read:

9.17 **243.1606 ADVISORY COUNCIL ON INTERSTATE ADULT OFFENDER**
 9.18 **SUPERVISION.**

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

9.23 (1) the governor;

9.24 (2) the chief justice of the supreme court;

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

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

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

9.30 (6) a representative from the Department of Human Services regarding the Interstate
 9.31 Compact for the Placement of Children;

- 10.1 ~~(6)~~ (7) the executive director of the Office of Justice Programs in the Department of
 10.2 Public Safety; ~~and~~
- 10.3 (8) the deputy compact administrator as defined in section 260.515;
- 10.4 (9) a representative from the State Public Defender's Office;
- 10.5 (10) a representative from the Minnesota County Attorney's Association;
- 10.6 (11) a representative from the Minnesota Sheriff's Association;
- 10.7 (12) a representative from the Minnesota Association of County Probation Officers;
- 10.8 (13) a representative from the Minnesota Association of Community Corrections Act
 10.9 Counties;
- 10.10 (14) a representative from the community at large;
- 10.11 (15) a representative from a community organization working with victims of crimes;
 10.12 and
- 10.13 ~~(7)~~ (16) other members as appointed by the commissioner of corrections.

10.14 The council may elect a chair from among its members.

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

10.20 Subd. 3. **Annual report.** By March 1 of each year, the council shall report to the governor
 10.21 and the chairs and ranking minority members of the senate and house of representatives
 10.22 committees having jurisdiction over criminal justice policy on its activities along with
 10.23 providing a copy of the annual report published by the national commission that includes
 10.24 the activities of the interstate commission and executive committee as described in section
 10.25 243.1605 for the preceding year. The council's annual report must also include information
 10.26 required of the State Advisory Council for the Interstate Compact for Juveniles as described
 10.27 in Article IV in section 260.515.

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

11.1 Sec. 15. **[243.1609] INTERSTATE ADULT OFFENDER TRANSFER**
11.2 **TRANSPORTATION EXPENSES.**

11.3 Subject to the amount of money appropriated for this purpose, the commissioner of
11.4 corrections may reimburse sheriffs for transportation expenses related to the return of
11.5 probationers to the state who are being held in custody under section 243.1605.

11.6 Reimbursement shall be based on a fee schedule agreed to by the Department of Corrections
11.7 and the Minnesota Sheriffs' Association. The required return to the state of a probationer
11.8 in custody as a result of a nationwide warrant issued pursuant to the Interstate Compact for
11.9 Adult Supervision shall be arranged and supervised by the sheriff of the county in which
11.10 the court proceedings are to be held and at the expense of the state as provided for in this
11.11 section. This expense offset is not applicable to the transport of individuals from pickup
11.12 locations within 250 miles of the office of the sheriff arranging and supervising the offender's
11.13 return to the state.

11.14 Sec. 16. Minnesota Statutes 2022, section 243.58, is amended to read:

11.15 **243.58 ESCAPED INMATES; WARRANT; REWARD ISSUING WARRANT**
11.16 **FOR ESCAPED INMATE OR CONVICTED DEFENDANT.**

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

11.26 Sec. 17. **[243.95] PRIVATE PRISON CONTRACTS PROHIBITED.**

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

11.29 (b) Notwithstanding section 43A.047, nothing in this section prohibits the commissioner
11.30 from contracting with privately owned residential facilities, such as halfway houses, group
11.31 homes, work release centers, or treatment facilities, to provide for the care, custody, and
11.32 rehabilitation of inmates who have been released from prison under section 241.26, 244.05,
11.33 244.0513, 244.065, or 244.172, or any other form of supervised or conditional release.

12.1 **EFFECTIVE DATE.** This section is effective the day following final enactment.

12.2 Sec. 18. Minnesota Statutes 2022, section 244.05, subdivision 6, is amended to read:

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

12.5 (1) all or part of the inmate's supervised release or parole term ~~if the commissioner~~
12.6 ~~determines that the action will further the goals described in section 244.14, subdivision 1,~~
12.7 ~~clauses (2), (3), and (4). In addition, the commissioner may order that an inmate be placed~~
12.8 ~~on intensive supervised release for; or~~

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

12.10 (i) convicted of a sex offense under section 609.342, 609.343, 609.344, 609.345, or
12.11 609.3453; or

12.12 was (ii) sentenced under ~~the provisions of~~ section 609.3455, subdivision 3a.

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

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

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

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

12.22 (3) random drug testing;

12.23 (4) house arrest;

12.24 (5) daily curfews;

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

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

12.27 (8) electronic surveillance.

12.28 ~~In addition, any~~ (d) A sex offender placed on intensive supervised release may be ordered
12.29 to participate in an appropriate sex offender program as a condition of release.

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

13.3 (1) the inmate be kept in custody; or

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

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

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

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

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

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

13.19 (i) An intensive ~~supervised release~~ supervision agent may modify the prohibition
 13.20 described in this under paragraph (h) if ~~doing so does~~:

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

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

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

13.25 Sec. 19. Minnesota Statutes 2022, section 244.05, subdivision 8, is amended to read:

13.26 Subd. 8. **Conditional medical and epidemic release.** (a) Notwithstanding subdivisions
 13.27 4 and 5, the commissioner may order that ~~any offender~~ an inmate be placed on conditional
 13.28 medical release before ~~the offender's~~ their scheduled supervised release date or target release
 13.29 date if:

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

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

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

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

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

14.8 ~~In making the decision to~~ (c) When deciding whether to release an offender on this status
 14.9 inmate according to this subdivision, the commissioner must consider:

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

14.12 (2) the appropriate level of community supervision; and

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

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

14.16 (1) the inmate; or

14.17 (2) medical assistance, Medicaid, veteran's benefits, or by any other federal or state
 14.18 medical assistance programs or by the inmate.

14.19 ~~Conditional medical release is governed by provisions relating to supervised release~~
 14.20 ~~except that it may be rescinded~~ (e) The commissioner may rescind conditional medical
 14.21 release without a hearing by the commissioner if the offender's commissioner considers that
 14.22 the inmate's medical condition improves has improved to the extent that the continuation
 14.23 of the conditional medical release presents a more serious risk to the public.:

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

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

14.28 (f) Release under this subdivision may also be revoked in accordance with subdivisions
 14.29 2 and 3 if the inmate violates any conditions of release imposed by the commissioner.

15.1 Sec. 20. Minnesota Statutes 2022, section 244.0513, subdivision 2, is amended to read:

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

15.6 (1) the offender is serving a sentence for violating section 152.021, subdivision 2 or 2a;
15.7 152.022, subdivision 2; 152.023, subdivision 2; 152.024; or 152.025;

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

15.10 (3) the offender has served at least:

15.11 (i) 18 months or one-half of the offender's term of imprisonment, whichever is less, if
15.12 the offense for which the offender is seeking conditional release is a violation of section
15.13 152.024 or 152.025; or

15.14 (ii) 36 months or one-half of the offender's term of imprisonment, whichever is less, if
15.15 the offense for which the offender is seeking conditional release is a violation of section
15.16 152.021, subdivision 2 or 2a, 152.022, subdivision 2, or 152.023, subdivision 2;

15.17 (4) the offender successfully completed ~~a substance use disorder treatment program of~~
15.18 ~~the type described in this section while in prison~~ treatment recommendations as determined
15.19 by a comprehensive substance use disorder assessment while incarcerated;

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

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

15.24 Sec. 21. Minnesota Statutes 2022, section 244.0513, subdivision 4, is amended to read:

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

15.27 (1) contain a ~~highly~~ structured ~~daily~~ schedule for the offender;

15.28 (2) contain ~~individualized educational programs designed to improve the basic educational~~
15.29 ~~skills of the offender and to provide vocational training, if appropriate~~ individual or group
15.30 counseling or both to help the offender identify and address needs related to substance use
15.31 and develop strategies to avoid harmful substance use after discharge and to help the offender

16.1 obtain the services necessary to establish a lifestyle free of the harmful effects of substance
 16.2 use disorder;

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

16.5 (4) ~~be licensed by the Department of Human Services and~~ designed to serve the inmate
 16.6 population; and

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

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

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

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

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

16.15 Sec. 22. Minnesota Statutes 2022, section 244.171, subdivision 4, is amended to read:

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

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

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

16.21 (3) presents a risk to the public, based on the offender's behavior, attitude, or abuse of
 16.22 alcohol or controlled substances. The removal of an offender from the challenge incarceration
 16.23 program is governed by the procedures in the commissioner's rules adopted under section
 16.24 244.05, subdivision 2.

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

16.30 (c) Notwithstanding paragraph (b), an offender who has been removed from the challenge
 16.31 incarceration program but who remains otherwise eligible for acceptance into the program

17.1 may be readmitted at the commissioner's discretion. An offender readmitted to the program
 17.2 under this paragraph must participate from the beginning and complete all of the program's
 17.3 phases.

17.4 Sec. 23. Minnesota Statutes 2022, section 244.172, subdivision 1, is amended to read:

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

17.12 Sec. 24. Minnesota Statutes 2022, section 260.515, is amended to read:

17.13 **260.515 INTERSTATE COMPACT FOR JUVENILES.**

17.14 The Interstate Compact for Juveniles is enacted into law and entered into with all other
 17.15 states legally joining in it in substantially the following form:

17.16 ARTICLE I

17.17 PURPOSE

17.18 The compacting states to this Interstate Compact recognize that each state is responsible
 17.19 for the proper supervision or return of juveniles, delinquents, and status offenders who are
 17.20 on probation or parole and who have absconded, escaped, or run away from supervision
 17.21 and control and in so doing have endangered their own safety and the safety of others. The
 17.22 compacting states also recognize that each state is responsible for the safe return of juveniles
 17.23 who have run away from home and in doing so have left their state of residence. The
 17.24 compacting states also recognize that Congress, by enacting the Crime Control Act, United
 17.25 States Code, title 4, section 112 (1965), has authorized and encouraged compacts for
 17.26 cooperative efforts and mutual assistance in the prevention of crime.

17.27 It is the purpose of this compact, through means of joint and cooperative action among
 17.28 the compacting states to:

17.29 (A) ensure that the adjudicated juveniles and status offenders subject to this compact
 17.30 are provided adequate supervision and services in the receiving state as ordered by the
 17.31 adjudicating judge or parole authority in the sending state;

18.1 (B) ensure that the public safety interests of the citizens, including the victims of juvenile
18.2 offenders, in both the sending and receiving states are adequately protected;

18.3 (C) return juveniles who have run away, absconded, or escaped from supervision or
18.4 control or have been accused of an offense to the state requesting their return;

18.5 (D) make contracts for the cooperative institutionalization in public facilities in member
18.6 states for delinquent youth needing special services;

18.7 (E) provide for the effective tracking and supervision of juveniles;

18.8 (F) equitably allocate the costs, benefits, and obligations of the compact states;

18.9 (G) establish procedures to manage the movement between states of juvenile offenders
18.10 released to the community under the jurisdiction of courts, juvenile departments, or any
18.11 other criminal or juvenile justice agency which has jurisdiction over juvenile offenders;

18.12 (H) insure immediate notice to jurisdictions where defined juvenile offenders are
18.13 authorized to travel or to relocate across state lines;

18.14 (I) establish procedures to resolve pending charges (detainers) against juvenile offenders
18.15 prior to transfer or release to the community under the terms of this compact;

18.16 (J) establish a system of uniform data collection on information pertaining to juveniles
18.17 subject to this compact that allows access by authorized juvenile justice and criminal justice
18.18 officials, and regular reporting of compact activities to heads of state; executive, judicial,
18.19 and legislative branches; and juvenile criminal justice administrators;

18.20 (K) monitor compliance with rules governing interstate movement of juveniles and
18.21 initiate interventions to address and correct noncompliance;

18.22 (L) coordinate training and education regarding the regulation of interstate movement
18.23 of juveniles for officials involved in such activity; and

18.24 (M) coordinate the implementation and operation of the compact with the Interstate
18.25 Compact for the Placement of Children, the Interstate Compact for Adult Offender
18.26 Supervision, and other compacts affecting juveniles particularly in those cases where
18.27 concurrent or overlapping supervision issues arise.

18.28 It is the policy of the compacting states that the activities conducted by the Interstate
18.29 Commission created herein are the information of public policies and therefore are public
18.30 business. Furthermore, the compacting states shall cooperate and observe their individual
18.31 and collective duties and responsibilities for the prompt return and acceptance of juveniles

19.1 subject to the provisions of this compact. The provisions of this compact shall be reasonably
19.2 and liberally construed to accomplish the purpose and policies of the compact.

19.3 ARTICLE II

19.4 DEFINITIONS

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

19.6 A. "Bylaws" means those bylaws established by the commission for its governance, or
19.7 for directing or controlling its actions or conduct.

19.8 B. "Compact administrator" means the individual in each compacting state appointed
19.9 pursuant to the terms of this compact responsible for the administration and management
19.10 of the state's supervision and transfer of juveniles subject to the terms of this compact, the
19.11 rules adopted by the Interstate Commission, and policies adopted by the state council under
19.12 this compact.

19.13 C. "Compacting state" means any state which has enacted the enabling legislation for
19.14 this compact.

19.15 D. "Commissioner" means the voting representative of each compacting state appointed
19.16 pursuant to Article III of this compact.

19.17 E. "Court" means any court having jurisdiction over delinquent, neglected, or dependent
19.18 children.

19.19 F. "Deputy compact administrator" means the individual, if any, in each compacting
19.20 state appointed to act on behalf of a compact administrator pursuant to the terms of this
19.21 compact responsible for the administration and management of the state's supervision and
19.22 transfer of juveniles subject to the terms of this compact, the rules adopted by the Interstate
19.23 Commission, and policies adopted by the state council under this compact.

19.24 G. "Interstate Commission" means the Interstate Commission for Juveniles created by
19.25 Article III of this compact.

19.26 H. "Juvenile" means any person defined as a juvenile in any member state or by the rules
19.27 of the Interstate Commission, including:

19.28 (1) accused delinquent - a person charged with an offense that, if committed by an adult,
19.29 would be a criminal offense;

19.30 (2) adjudicated delinquent - a person found to have committed an offense that, if
19.31 committed by an adult, would be a criminal offense;

20.1 (3) accused status offender - a person charged with an offense that would not be a criminal
20.2 offense if committed by an adult;

20.3 (4) adjudicated status offender - a person found to have committed an offense that would
20.4 not be a criminal offense if committed by an adult; and

20.5 (5) nonoffender - a person in need of supervision who has not been accused or adjudicated
20.6 a status offender or delinquent.

20.7 I. "Noncompacting state" means any state which has not enacted the enabling legislation
20.8 for this compact.

20.9 J. "Probation" or "parole" means any kind of supervision or conditional release of
20.10 juveniles authorized under the laws of the compacting states.

20.11 K. "Rule" means a written statement by the Interstate Commission promulgated pursuant
20.12 to Article VI of this compact that is of general applicability, implements, interprets, or
20.13 prescribes a policy or provision of the compact, or an organizational, procedural, or practice
20.14 requirement of the commission, and has the force and effect of statutory law in a compacting
20.15 state, and includes the amendment, repeal, or suspension of an existing rule.

20.16 L. "State" means a state of the United States, the District of Columbia (or its designee),
20.17 the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American
20.18 Samoa, and the Northern Marianas.

20.19 ARTICLE III

20.20 INTERSTATE COMMISSION FOR JUVENILES

20.21 A. The compacting states hereby create the "Interstate Commission for Juveniles." The
20.22 commission shall be a body corporate and joint agency of the compacting states. The
20.23 commission shall have all the responsibilities, powers, and duties set forth herein, and such
20.24 additional powers as may be conferred upon it by subsequent action of the respective
20.25 legislatures of the compacting states in accordance with the terms of this compact.

20.26 B. The Interstate Commission shall consist of commissioners appointed by the appropriate
20.27 appointing authority in each state pursuant to the rules and requirements of each compacting
20.28 state and in consultation with the State Advisory Council for Interstate Supervision of
20.29 Juvenile Offenders and Runaways created hereunder. The commissioner shall be the compact
20.30 administrator. The commissioner of corrections or the commissioner's designee shall serve
20.31 as the compact administrator, who shall serve on the Interstate Commission in such capacity
20.32 under or pursuant to the applicable law of the compacting state.

21.1 C. In addition to the commissioners who are the voting representatives of each state, the
21.2 Interstate Commission shall include individuals who are not commissioners but who are
21.3 members of interested organizations. Such noncommissioner members must include a
21.4 member of the national organizations of governors, legislators, state chief justices, attorneys
21.5 general, Interstate Compact for Adult Offender Supervision, Interstate Compact on the
21.6 Placement of Children, juvenile justice and juvenile corrections officials, and crime victims.
21.7 All noncommissioner members of the Interstate Commission shall be ex-officio (nonvoting)
21.8 members. The Interstate Commission may provide in its bylaws for such additional ex-officio
21.9 (nonvoting) members, including members of other national organizations, in such numbers
21.10 as shall be determined by the commission.

21.11 D. Each compacting state represented at any meeting of the commission is entitled to
21.12 one vote. A majority of the compacting states shall constitute a quorum for the transaction
21.13 of business, unless a larger quorum is required by the bylaws of the Interstate Commission.

21.14 E. The commission shall meet at least once each calendar year. The chair may call
21.15 additional meetings and, upon the request of a simple majority of the compacting states,
21.16 shall call additional meetings. Public notice shall be given of all meetings and meetings
21.17 shall be open to the public.

21.18 F. The Interstate Commission shall establish an executive committee, which shall include
21.19 commission officers, members, and others as determined by the bylaws. The executive
21.20 committee shall have the power to act on behalf of the Interstate Commission during periods
21.21 when the Interstate Commission is not in session, with the exception of rulemaking and/or
21.22 amendment to the compact. The executive committee shall oversee the day-to-day activities
21.23 of the administration of the compact managed by an executive director and Interstate
21.24 Commission staff; administer enforcement and compliance with the provisions of the
21.25 compact, its bylaws, and rules; and perform such other duties as directed by the Interstate
21.26 Commission or set forth in the bylaws.

21.27 G. Each member of the Interstate Commission shall have the right and power to cast a
21.28 vote to which that compacting state is entitled and to participate in the business and affairs
21.29 of the Interstate Commission. A member shall vote in person and shall not delegate a vote
21.30 to another compacting state. However, a commissioner, in consultation with the state council,
21.31 shall appoint another authorized representative, in the absence of the commissioner from
21.32 that state, to cast a vote on behalf of the compacting state at a specified meeting. The bylaws
21.33 may provide for members' participation in meetings by telephone or other means of
21.34 telecommunication or electronic communication.

22.1 H. The Interstate Commission's bylaws shall establish conditions and procedures under
22.2 which the Interstate Commission shall make its information and official records available
22.3 to the public for inspection or copying. The Interstate Commission may exempt from
22.4 disclosure any information or official records to the extent they would adversely affect
22.5 personal privacy rights or proprietary interests.

22.6 I. Public notice shall be given of all meetings and all meetings shall be open to the public,
22.7 except as set forth in the rules or as otherwise provided in the compact. The Interstate
22.8 Commission and any of its committees may close a meeting to the public where it determines
22.9 by two-thirds vote that an open meeting would be likely to:

- 22.10 1. relate solely to the Interstate Commission's internal personnel practices and procedures;
- 22.11 2. disclose matters specifically exempted from disclosure by statute;
- 22.12 3. disclose trade secrets or commercial or financial information which is privileged or
22.13 confidential;
- 22.14 4. involve accusing any person of a crime or formally censuring any person;
- 22.15 5. disclose information of a personal nature where disclosure would constitute a clearly
22.16 unwarranted invasion of personal privacy;
- 22.17 6. disclose investigative records compiled for law enforcement purposes;
- 22.18 7. disclose information contained in or related to examination, operating or condition
22.19 reports prepared by, or on behalf of or for the use of, the Interstate Commission with respect
22.20 to a regulated person or entity for the purpose of regulation or supervision of such person
22.21 or entity;
- 22.22 8. disclose information, the premature disclosure of which would significantly endanger
22.23 the stability of a regulated person or entity;
- 22.24 9. specifically relate to the Interstate Commission's issuance of a subpoena or its
22.25 participation in a civil action or other legal proceeding.

22.26 J. For every meeting closed pursuant to this provision, the Interstate Commission's legal
22.27 counsel shall publicly certify that, in the legal counsel's opinion, the meeting may be closed
22.28 to the public, and shall reference each relevant exemptive provision. The Interstate
22.29 Commission shall keep minutes which shall fully and clearly describe all matters discussed
22.30 in any meeting and shall provide a full and accurate summary of any actions taken, and the
22.31 reasons therefore, including a description of each of the views expressed on any item and

23.1 the record of any roll call vote (reflected in the vote of each member on the question). All
23.2 documents considered in connection with any action shall be identified in such minutes.

23.3 K. The Interstate Commission shall collect standardized data concerning the interstate
23.4 movement of juveniles as directed through its rules which shall specify the data to be
23.5 collected, the means of collection, and data exchange and reporting requirements. Such
23.6 methods of data collection, exchange, and reporting shall insofar as is reasonably possible
23.7 conform to up-to-date technology and coordinate its information functions with the
23.8 appropriate repository of records.

23.9 ARTICLE IV

23.10 POWERS AND DUTIES OF THE INTERSTATE COMMISSION

23.11 The commission shall have the following powers and duties:

23.12 1. To provide for dispute resolution among compacting states.

23.13 2. To promulgate rules to affect the purposes and obligations as enumerated in this
23.14 compact, which shall have the force and effect of statutory law and shall be binding in the
23.15 compact states to the extent and in the manner provided in this compact.

23.16 3. To oversee, supervise, and coordinate the interstate movement of juveniles subject to
23.17 the terms of this compact and any bylaws adopted and rules promulgated by the Interstate
23.18 Commission.

23.19 4. To enforce compliance with the compact provisions, the rules promulgated by the
23.20 Interstate Commission, and the bylaws, using all necessary and proper means, including
23.21 but not limited to the use of judicial process.

23.22 5. To establish and maintain offices which shall be located within one or more of the
23.23 compacting states.

23.24 6. To purchase and maintain insurance and bonds.

23.25 7. To borrow, accept, hire, or contract for services of personnel.

23.26 8. To establish and appoint committees and hire staff which it deems necessary for the
23.27 carrying out of its functions including, but not limited to, an executive committee as required
23.28 by Article III, which shall have the power to act on behalf of the Interstate Commission in
23.29 carrying out its powers and duties hereunder.

23.30 9. To elect or appoint such officers, attorneys, employees, agents, or consultants, and to
23.31 fix their compensation, define their duties, and determine their qualifications; and to establish

24.1 the Interstate Commission's personnel policies and programs relating to, inter alia, conflicts
24.2 of interest, rates of compensation, and qualifications of personnel.

24.3 10. To accept any and all donations and grants of money, equipment, supplies, materials,
24.4 and services, and to receive, utilize, and dispose of it.

24.5 11. To lease, purchase, accept contributions or donations of, or otherwise to own, hold,
24.6 improve, or use any property, real, personal, or mixed.

24.7 12. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose
24.8 of any property, real, personal, or mixed.

24.9 13. To establish a budget, make expenditures, and levy dues as provided in Article VIII
24.10 of this compact.

24.11 14. To sue and be sued.

24.12 15. To adopt a seal and bylaws governing the management and operation of the Interstate
24.13 Commission.

24.14 16. To perform such functions as may be necessary or appropriate to achieve the purposes
24.15 of this compact.

24.16 17. To report annually to the legislatures, governors, judiciary, and state councils of the
24.17 compacting states concerning the activities of the Interstate Commission during the preceding
24.18 year. Such reports shall also include any recommendations that may have been adopted by
24.19 the Interstate Commission.

24.20 18. To coordinate education, training, and public awareness regarding the interstate
24.21 movement of juveniles for officials involved in such activity.

24.22 19. To establish uniform standards of the reporting, collecting, and exchanging of data.

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

24.25 ARTICLE V

24.26 ORGANIZATION AND OPERATION
24.27 OF THE INTERSTATE COMMISSION

24.28 Section A. Bylaws.

24.29 1. The Interstate Commission shall, by a majority of the members present and voting,
24.30 within 12 months after the first Interstate Commission meeting, adopt bylaws to govern its
24.31 conduct as may be necessary or appropriate to carry out the purposes of the compact,
24.32 including, but not limited to:

- 25.1 a. establishing the fiscal year of the Interstate Commission;
- 25.2 b. establishing an executive committee and such other committees as may be necessary;
- 25.3 c. provide: (i) for the establishment of committees, and (ii) governing any general or
25.4 specific delegation of any authority or function of the Interstate Commission;
- 25.5 d. providing reasonable procedures for calling and conducting meetings of the Interstate
25.6 Commission and ensuring reasonable notice of each such meeting;
- 25.7 e. establishing the titles and responsibilities of the officers of the Interstate Commission;
- 25.8 f. providing a mechanism for concluding the operations of the Interstate Commission
25.9 and the return of any surplus funds that may exist upon the termination of the compact after
25.10 the payment and/or reserving of all of its debts and obligations;
- 25.11 g. providing "start-up" rules for initial administration of the compact;
- 25.12 h. establishing standards and procedures for compliance and technical assistance in
25.13 carrying out the compact.

25.14 Section B. Officers and staff.

25.15 1. The Interstate Commission shall, by a majority of the members, elect annually from
25.16 among its members a chair and a vice-chair, each of whom shall have such authority and
25.17 duties as may be specified in the bylaws. The chair or, in the chair's absence or disability,
25.18 the vice-chair shall preside at all meetings of the Interstate Commission. The officers so
25.19 elected shall serve without compensation or remuneration from the Interstate Commission;
25.20 provided that, subject to the availability of budget funds, the officers shall be reimbursed
25.21 for any ordinary and necessary costs and expenses incurred by them in the performance of
25.22 their responsibilities as officers of the Interstate Commission.

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

25.28 Section C. Qualified immunity, defense, and indemnification.

25.29 1. The commission's executive director and employees shall be immune from suit and
25.30 liability, either personally or in their official capacity, for any claim for damage to or loss
25.31 of property or personal injury or other civil liability caused or arising out of or relating to
25.32 any actual or alleged act, error, or omission that occurred, or that such person had a

26.1 reasonable basis for believing occurred within the scope of commission employment, duties,
26.2 or responsibilities; provided, that any such person shall not be protected from suit or liability
26.3 for any damage, loss, injury, or liability caused by the intentional or willful and wanton
26.4 misconduct of any such person.

26.5 2. The liability of any commissioner, or the employee or agent of a commissioner, acting
26.6 within the scope of such person's employment or duties for acts, errors, or omissions
26.7 occurring within such person's state may not exceed the limits of liability set forth under
26.8 the Constitution and laws of that state for state officials, employees, and agents. Nothing
26.9 in this subsection shall be construed to protect any such person from suit or liability for any
26.10 damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct
26.11 of any such person.

26.12 3. The Interstate Commission shall defend the executive director or the employees or
26.13 representatives of the Interstate Commission and, subject to the approval of the attorney
26.14 general of the state represented by any commissioner of a compacting state, shall defend
26.15 such commissioner or the commissioner's representatives or employees in any civil action
26.16 seeking to impose liability arising out of any actual or alleged act, error, or omission that
26.17 occurred within the scope of Interstate Commission employment, duties, or responsibilities,
26.18 or that the defendant has a reasonable basis for believing occurred within the scope of
26.19 Interstate Commission employment, duties, or responsibilities, provided that the actual or
26.20 alleged act, error, or omission did not result from intentional or willful and wanton
26.21 misconduct on the part of such person.

26.22 4. The Interstate Commission shall indemnify and hold the commissioner of a compacting
26.23 state, or the commissioner's representatives or employees, or the Interstate Commission's
26.24 representatives or employees, harmless in the amount of any settlement or judgment obtained
26.25 against such persons arising out of any actual or alleged act, error, or omission that occurred
26.26 within the scope of Interstate Commission employment, duties, or responsibilities, or that
26.27 such persons had a reasonable basis for believing occurred within the scope of Interstate
26.28 Commission employment, duties, or responsibilities, provided that the actual or alleged act,
26.29 error, or omission did not result from intentional or willful and wanton misconduct on the
26.30 part of such persons.

26.31 ARTICLE VI

26.32 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

26.33 1. The Interstate Commission shall promulgate and publish rules in order to effectively
26.34 and efficiently achieve the purposes of the compact.

27.1 2. Rulemaking shall occur pursuant to the criteria set forth in this article and the bylaws
27.2 and rules adopted pursuant thereto. Such rulemaking shall substantially conform to the
27.3 principles of the "Model State Administrative Procedures Act," 1981 Act, Uniform Laws
27.4 Annotated, Vol. 15, page 1 (2000), or such other administrative procedures act, as the
27.5 Interstate Commission deems appropriate consistent with due process requirements under
27.6 the United States Constitution as now or hereafter interpreted by the United States Supreme
27.7 Court. All rules and amendments shall become binding as of the date specified, as published
27.8 with the final version of the rule as approved by the commission.

27.9 3. When promulgating a rule, the Interstate Commission shall, at a minimum:

27.10 a. publish the proposed rule's entire text stating the reasons for that proposed rule;

27.11 b. allow and invite any and all persons to submit written data, facts, opinions, and
27.12 arguments, which information shall be added to the record, and be made publicly available;

27.13 c. provide an opportunity for an informal hearing if petitioned by ten or more persons;

27.14 and

27.15 d. promulgate a final rule and its effective date, if appropriate, based on input from state
27.16 or local officials, or interested parties.

27.17 4. The Interstate Commission shall allow, not later than 60 days after a rule is
27.18 promulgated, any interested person to file a petition in the United States District Court for
27.19 the District of Columbia or in the federal District Court where the Interstate Commission's
27.20 principal office is located for judicial review of such rule. If the court finds that the Interstate
27.21 Commission's action is not supported by substantial evidence in the rulemaking record, the
27.22 court shall hold the rule unlawful and set it aside. For purposes of this subsection, evidence
27.23 is substantial if it would be considered substantial evidence under the Model (State)
27.24 Administrative Procedures Act.

27.25 5. If a majority of the legislatures of the compacting states rejects a rule, those states
27.26 may, by enactment of a statute or resolution in the same manner used to adopt the compact,
27.27 cause that such rule shall have no further force and effect in any compacting state.

27.28 6. The existing rules governing the operation of the Interstate Compact on Juveniles
27.29 superceded by this act shall be null and void 12 months after the first meeting of the Interstate
27.30 Commission created hereunder.

27.31 7. Upon determination by the Interstate Commission that a state of emergency exists, it
27.32 may promulgate an emergency rule which shall become effective immediately upon adoption,
27.33 provided that the usual rulemaking procedures provided hereunder shall be retroactively

28.1 applied to said rule as soon as reasonably possible, but no later than 90 days after the effective
28.2 date of the emergency rule.

28.3 ARTICLE VII

28.4 OVERSIGHT, ENFORCEMENT, AND DISPUTE
28.5 RESOLUTION BY THE INTERSTATE COMMISSION

28.6 Section A. Oversight.

28.7 1. The Interstate Commission shall oversee the administration and operations of the
28.8 interstate movement of juveniles subject to this compact in the compacting states and shall
28.9 monitor such activities being administered in noncompacting states which may significantly
28.10 affect compacting states.

28.11 2. The courts and executive agencies in each compacting state shall enforce this compact
28.12 and shall take all actions necessary and appropriate to effectuate the compact's purposes
28.13 and intent. The provisions of this compact and the rules promulgated hereunder shall be
28.14 received by all the judges, public officers, commissions, and departments of the state
28.15 government as evidence of the authorized statute and administrative rules. All courts shall
28.16 take judicial notice of the compact and the rules. In any judicial or administrative proceeding
28.17 in a compacting state pertaining to the subject matter of this compact which may affect the
28.18 powers, responsibilities, or actions of the Interstate Commission, it shall be entitled to
28.19 receive all service of process in any such proceeding, and shall have standing to intervene
28.20 in the proceeding for all purposes.

28.21 3. The compact administrator shall assess and collect fines, fees, and costs from any
28.22 state or local entity deemed responsible by the compact administrator for a default as
28.23 determined by the Interstate Commission under Article XI.

28.24 Section B. Dispute resolution.

28.25 1. The compacting states shall report to the Interstate Commission on all issues and
28.26 activities necessary for the administration of the compact as well as issues and activities
28.27 pertaining to compliance with the provisions of the compact and its bylaws and rules.

28.28 2. The Interstate Commission shall attempt, upon the request of a compacting state, to
28.29 resolve any disputes or other issues which are subject to the compact and which may arise
28.30 among compacting states and between compacting and noncompacting states. The
28.31 commission shall promulgate a rule providing for both mediation and binding dispute
28.32 resolution for disputes among the compacting states.

29.1 3. The Interstate Commission, in the reasonable exercise of its discretion, shall enforce
29.2 the provisions and rules of this compact using any or all means set forth in Article XI of
29.3 this compact.

29.4 ARTICLE VIII

29.5 FINANCE

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

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

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

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

29.25 5. Minnesota's annual assessment shall not exceed \$30,000. The Interstate Compact for
29.26 Juveniles fund is established as a special fund in the Department of Corrections. The fund
29.27 consists of money appropriated for the purpose of meeting financial obligations imposed
29.28 on the state as a result of Minnesota's participation in this compact. An assessment levied
29.29 or any other financial obligation imposed under this compact is effective against the state
29.30 only to the extent that money to pay the assessment or meet the financial obligation has
29.31 been appropriated and deposited in the fund established in this paragraph.

29.32 ARTICLE IX

29.33 THE STATE ADVISORY COUNCIL

30.1 Each member state shall create a State Advisory Council for the Interstate Compact for
 30.2 Juveniles. The Advisory Council on the Interstate Compact for Juveniles ~~consists~~ shall be
 30.3 combined with the Advisory Council on Interstate Adult Offender Supervision established
 30.4 by section 243.1606 and consist of the following individuals or their designees:

30.5 (1) the governor;

30.6 (2) the chief justice of the Supreme Court;

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

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

30.11 (5) a representative from the Department of Human Services regarding the Interstate
 30.12 Compact for the Placement of Children;

30.13 (6) the compact administrator, selected as provided in Article III;

30.14 (7) the executive director of the Office of Justice Programs or designee;

30.15 (8) the deputy compact administrator; ~~and~~

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

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

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

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

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

30.22 (14) a representative from the community at large;

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

30.24 and

30.25 ~~(9)~~ (16) other members as appointed by the commissioner of corrections.

30.26 The council may elect a chair from among its members.

30.27 The council shall oversee and administer the state's participation in the compact as
 30.28 described in Article III. The council shall appoint the compact administrator as the state's
 30.29 commissioner.

31.1 The state advisory council will advise and exercise advocacy concerning that state's
 31.2 participation in Interstate Commission activities and other duties as may be determined by
 31.3 that state, including, but not limited to, development of policy concerning operations and
 31.4 procedures of the compact within that state.

31.5 Expiration; expenses. The provisions of section 15.059 apply to the council except that
 31.6 it does not expire.

31.7 ARTICLE X

31.8 COMPACTING STATES, EFFECTIVE DATE, 31.9 AND AMENDMENT

31.10 1. Any state, the District of Columbia (or its designee), the Commonwealth of Puerto
 31.11 Rico, the United States Virgin Islands, Guam, American Samoa, and the Northern Marianas
 31.12 Islands as defined in Article II of this compact is eligible to become a compacting state.

31.13 2. The compact shall become effective and binding upon legislative enactment of the
 31.14 compact into law by no less than 35 of the states. The initial effective date shall be the later
 31.15 of July 1, 2004, or upon enactment into law by the 35th jurisdiction. Thereafter, it shall
 31.16 become effective and binding as to any other compacting state upon enactment of the
 31.17 compact into law by that state. The governors of nonmember states or their designees shall
 31.18 be invited to participate in the activities of the Interstate Commission on a nonvoting basis
 31.19 prior to adoption of the compact by all states and territories of the United States.

31.20 3. The Interstate Commission may propose amendments to the compact for enactment
 31.21 by the compacting states. No amendment shall become effective and binding upon the
 31.22 Interstate Commission and the compacting states unless and until it is enacted into law by
 31.23 unanimous consent of the compacting states.

31.24 ARTICLE XI

31.25 WITHDRAWAL, DEFAULT, TERMINATION, 31.26 AND JUDICIAL ENFORCEMENT

31.27 Section A. Withdrawal.

31.28 1. Once effective, the compact shall continue in force and remain binding upon each
 31.29 and every compacting state; provided that a compacting state may withdraw from the
 31.30 compact specifically repealing the statute, which enacted the compact into law.

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

31.32 3. The withdrawing state shall immediately notify the chair of the Interstate Commission
 31.33 in writing upon the introduction of legislation repealing this compact in the withdrawing

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

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

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

32.9 Section B. Technical assistance, fines, suspension, termination, and default.

32.10 1. If the Interstate Commission determines that any compacting state has at any time
32.11 defaulted in the performance of any of its obligations or responsibilities under this compact,
32.12 or the bylaws or duly promulgated rules, the Interstate Commission may impose any or all
32.13 of the following penalties:

32.14 a. remedial training and technical assistance as directed by the Interstate Commission;

32.15 b. alternative dispute resolution;

32.16 c. fines, fees, and costs in such amounts as are deemed to be reasonable as fixed by the
32.17 Interstate Commission;

32.18 d. suspension or termination of membership in the compact, which shall be imposed
32.19 only after all other reasonable means of securing compliance under the bylaws and rules
32.20 have been exhausted and the Interstate Commission has therefore determined that the
32.21 offending state is in default. Immediate notice of suspension shall be given by the Interstate
32.22 Commission to the governor, the chief justice, or the chief judicial officer of the state; the
32.23 majority and minority leaders of the defaulting state's legislature; and the state council. The
32.24 grounds for default include, but are not limited to, failure of a compacting state to perform
32.25 such obligations or responsibilities imposed upon it by this compact, the bylaws, or duly
32.26 promulgated rules and any other grounds designated in commission bylaws and rules. The
32.27 Interstate Commission shall immediately notify the defaulting state in writing of the penalty
32.28 imposed by the Interstate Commission and of the default pending a cure of the default. The
32.29 commission shall stipulate the conditions and the time period within which the defaulting
32.30 state must cure its default. If the defaulting state fails to cure the default within the time
32.31 period specified by the commission, the defaulting state shall be terminated from the compact
32.32 upon an affirmative vote of a majority of the compacting states and all rights, privileges,

33.1 and benefits conferred by this compact shall be terminated from the effective date of
33.2 termination.

33.3 2. Within 60 days of the effective date of termination of a defaulting state, the commission
33.4 shall notify the governor, the chief justice or chief judicial officer, the majority and minority
33.5 leaders of the defaulting state's legislature, and the state council of such termination.

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

33.9 4. The Interstate Commission shall not bear any costs relating to the defaulting state
33.10 unless otherwise mutually agreed upon in writing between the Interstate Commission and
33.11 the defaulting state.

33.12 5. Reinstatement following termination of any compacting state requires both a
33.13 reenactment of the compact by the defaulting state and the approval of the Interstate
33.14 Commission pursuant to the rules.

33.15 Section C. Judicial enforcement.

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

33.23 Section D. Dissolution of compact.

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

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

33.29 ARTICLE XII

33.30 SEVERABILITY AND CONSTRUCTION

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

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

34.5 ARTICLE XIII

34.6 BINDING EFFECT OF COMPACT AND OTHER LAWS

34.7 Section A. Other laws.

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

34.10 2. All compacting states' laws other than state constitutions and other interstate compacts
34.11 conflicting with this compact are superseded to the extent of the conflict.

34.12 Section B. Binding effect of the compact.

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

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

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

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

34.26 Sec. 25. Minnesota Statutes 2022, section 260B.176, is amended by adding a subdivision
34.27 to read:

34.28 Subd. 1a. Risk-assessment instrument. (a) If a peace officer, probation officer, or
34.29 parole officer who takes a child into custody does not release the child according to
34.30 subdivision 1, the officer must communicate with or deliver the child to a juvenile secure
34.31 detention facility to determine whether the child should be released or detained.

35.1 (b) To determine whether a child should be released or detained, a facility's supervisor
 35.2 must use an objective and racially, ethnically, and gender-responsive juvenile detention
 35.3 risk-assessment instrument developed by the commissioner of corrections, county, group
 35.4 of counties, or judicial district, in consultation with the state coordinator or coordinators of
 35.5 the Minnesota Juvenile Detention Alternative Initiative.

35.6 (c) The risk-assessment instrument must:

35.7 (1) assess the likelihood that a child released from preadjudication detention under this
 35.8 section or section 260B.178 would endanger others or not return for a court hearing;

35.9 (2) identify the appropriate setting for a child who might endanger others or not return
 35.10 for a court hearing pending adjudication, with either continued detention or placement in a
 35.11 noncustodial community-based supervision setting; and

35.12 (3) identify the type of noncustodial community-based supervision setting necessary to
 35.13 minimize the risk that a child who is released from custody will endanger others or not
 35.14 return for a court hearing.

35.15 (d) If, after using the instrument, a determination is made that the child should be released,
 35.16 the person taking the child into custody or the facility supervisor must release the child
 35.17 according to subdivision 1.

35.18 **EFFECTIVE DATE.** This section is effective August 15, 2023.

35.19 Sec. 26. Minnesota Statutes 2022, section 299A.41, subdivision 4, is amended to read:

35.20 Subd. 4. **Public safety officer.** "Public safety officer" includes:

35.21 (1) a peace officer defined in section 626.84, subdivision 1, paragraph (c) or (d);

35.22 (2) a correction officer employed at a correctional facility and charged with maintaining
 35.23 the safety, security, discipline, and custody of inmates at the facility;

35.24 (3) a corrections staff person working in a public agency and supervising offenders in
 35.25 the community as defined in sections 243.05, subdivision 6; 244.19, subdivision 1; and
 35.26 401.01, subdivision 2;

35.27 ~~(3)~~ (4) an individual employed on a full-time basis by the state or by a fire department
 35.28 of a governmental subdivision of the state, who is engaged in any of the following duties:

35.29 (i) firefighting;

35.30 (ii) emergency motor vehicle operation;

35.31 (iii) investigation into the cause and origin of fires;

- 36.1 (iv) the provision of emergency medical services; or
- 36.2 (v) hazardous material responder;
- 36.3 ~~(4)~~ (5) a legally enrolled member of a volunteer fire department or member of an
- 36.4 independent nonprofit firefighting corporation who is engaged in the hazards of firefighting;
- 36.5 ~~(5)~~ (6) a good samaritan while complying with the request or direction of a public safety
- 36.6 officer to assist the officer;
- 36.7 ~~(6)~~ (7) a reserve police officer or a reserve deputy sheriff while acting under the
- 36.8 supervision and authority of a political subdivision;
- 36.9 ~~(7)~~ (8) a driver or attendant with a licensed basic or advanced life-support transportation
- 36.10 service who is engaged in providing emergency care;
- 36.11 ~~(8)~~ (9) a first responder who is certified by the emergency medical services regulatory
- 36.12 board to perform basic emergency skills before the arrival of a licensed ambulance service
- 36.13 and who is a member of an organized service recognized by a local political subdivision to
- 36.14 respond to medical emergencies to provide initial medical care before the arrival of an
- 36.15 ambulance; and
- 36.16 ~~(9)~~ (10) a person, other than a state trooper, employed by the commissioner of public
- 36.17 safety and assigned to the State Patrol, whose primary employment duty is either Capitol
- 36.18 security or the enforcement of commercial motor vehicle laws and regulations.

36.19 Sec. 27. Minnesota Statutes 2022, section 629.292, subdivision 2, is amended to read:

36.20 Subd. 2. **Procedure on receipt of request.** The request shall be delivered to the

36.21 commissioner of corrections or other official designated by the commissioner having custody

36.22 of the prisoner, who shall forthwith:

36.23 ~~(a)~~ (1) certify the term of commitment under which the prisoner is being held, the time

36.24 already served on the sentence, the time remaining to be served, the good time earned, the

36.25 time of parole eligibility of the prisoner, and any decisions of the commissioner of corrections

36.26 relating to the prisoner; ~~and~~

36.27 ~~(b)~~ (2) send by registered or certified mail, return receipt requested, one copy of the

36.28 request and certificate to the court and one copy to the prosecuting attorney to whom it is

36.29 addressed; and

36.30 (3) send by e-filing and e-serving the paperwork, one copy of the request to the court

36.31 and one copy to the prosecuting attorney to whom it is addressed.

37.1 Sec. 28. **[641.015] PLACEMENT IN PRIVATE PRISONS PROHIBITED.**

37.2 **Subdivision 1. Placement prohibited.** After August 1, 2023, a sheriff shall not allow
37.3 inmates committed to the custody of the sheriff who are not on probation, work release, or
37.4 some other form of approved release status to be housed in facilities that are not owned and
37.5 operated by a local government, or a group of local units of government.

37.6 **Subd. 2. Contracts prohibited.** (a) Except as provided in paragraph (b), the county
37.7 board may not authorize the sheriff to contract with privately owned and operated prisons
37.8 for the care, custody, and rehabilitation of offenders committed to the custody of the sheriff.

37.9 (b) Nothing in this section prohibits a county board from contracting with privately
37.10 owned residential facilities, such as halfway houses, group homes, work release centers, or
37.11 treatment facilities, to provide for the care, custody, and rehabilitation of offenders who are
37.12 on probation, work release, or some other form of approved release status.

37.13 **EFFECTIVE DATE.** This section is effective the day following final enactment.

37.14 Sec. 29. Minnesota Statutes 2022, section 641.15, subdivision 2, is amended to read:

37.15 Subd. 2. **Medical aid.** Except as provided in section 466.101, the county board shall
37.16 pay the costs of medical services provided to prisoners pursuant to this section. The amount
37.17 paid by the county board for a medical service shall not exceed the maximum allowed
37.18 medical assistance payment rate for the service, as determined by the commissioner of
37.19 human services. In the absence of a health or medical insurance or health plan that has a
37.20 contractual obligation with the provider or the prisoner, medical providers shall charge no
37.21 higher than the rate negotiated between the county and the provider. In the absence of an
37.22 agreement between the county and the provider, the provider may not charge an amount
37.23 that exceeds the maximum allowed medical assistance payment rate for the service, as
37.24 determined by the commissioner of human services. The county is entitled to reimbursement
37.25 from the prisoner for payment of medical bills to the extent that the prisoner to whom the
37.26 medical aid was provided has the ability to pay the bills. The prisoner shall, at a minimum,
37.27 incur co-payment obligations for health care services provided by a county correctional
37.28 facility. The county board shall determine the co-payment amount. Notwithstanding any
37.29 law to the contrary, the co-payment shall be deducted from any of the prisoner's funds held
37.30 by the county, to the extent possible. If there is a disagreement between the county and a
37.31 prisoner concerning the prisoner's ability to pay, the court with jurisdiction over the defendant
37.32 shall determine the extent, if any, of the prisoner's ability to pay for the medical services.
37.33 If a prisoner is covered by health or medical insurance or other health plan when medical
37.34 services are provided, the medical provider shall bill that health or medical insurance or

38.1 other plan. If the county providing the medical services for a prisoner that has coverage
 38.2 under health or medical insurance or other plan, that county has a right of subrogation to
 38.3 be reimbursed by the insurance carrier for all sums spent by it for medical services to the
 38.4 prisoner that are covered by the policy of insurance or health plan, in accordance with the
 38.5 benefits, limitations, exclusions, provider restrictions, and other provisions of the policy or
 38.6 health plan. The county may maintain an action to enforce this subrogation right. The county
 38.7 does not have a right of subrogation against the medical assistance program. The county
 38.8 shall not charge prisoners for telephone calls to MNsure navigators, the Minnesota Warmline,
 38.9 a mental health provider, or calls for the purpose of providing case management or mental
 38.10 health services as defined in section 245.462 to prisoners.

38.11 Sec. 30. Minnesota Statutes 2022, section 641.155, is amended to read:

38.12 **641.155 DISCHARGE PLANS; OFFENDERS WITH SERIOUS AND PERSISTENT**
 38.13 **MENTAL ILLNESS.**

38.14 Subdivision 1. Discharge plans. The commissioner of corrections shall develop and
 38.15 distribute a model discharge planning process for every offender with a serious and persistent
 38.16 mental illness, as defined in section 245.462, subdivision 20, paragraph (c), who has been
 38.17 convicted and sentenced to serve three or more months and is being released from a county
 38.18 jail or county regional jail. The commissioner may specify different model discharge plans
 38.19 for prisoners who have been detained pretrial and prisoners who have been sentenced to
 38.20 jail. The commissioner must consult best practices and the most current correctional health
 38.21 care standards from national accrediting organizations. The commissioner must review and
 38.22 update the model process as needed.

38.23 Subd. 2. Discharge plans for people with serious and persistent mental illnesses. An
 38.24 offender A person with a serious and persistent mental illness, as defined in section 245.462,
 38.25 subdivision 20, paragraph (c), who has been convicted and sentenced to serve three or more
 38.26 months and is being released from a county jail or county regional jail shall be referred to
 38.27 the appropriate staff in the county human services department at least 60 days before being
 38.28 released. The county human services department ~~may carry out provisions of the model~~
 38.29 ~~discharge planning process such as~~ must complete a discharge plan with the prisoner no
 38.30 less than 14 days before release that may include:

38.31 (1) providing assistance in filling out an application for medical assistance or
 38.32 MinnesotaCare;

38.33 (2) making a referral for case management as outlined under section 245.467, subdivision
 38.34 4;

39.1 (3) providing assistance in obtaining a state photo identification;

39.2 (4) securing a timely appointment with a psychiatrist or other appropriate community
39.3 mental health providers; and

39.4 (5) providing prescriptions for a 30-day supply of all necessary medications.

39.5 Subd. 3. Reentry coordination programs. A county may establish a program to provide
39.6 services and assist prisoners with reentering the community. Reentry services may include
39.7 but are not limited to:

39.8 (1) providing assistance in meeting the basic needs of the prisoner immediately after
39.9 release, including but not limited to provisions for transportation, clothing, food, and shelter;

39.10 (2) providing assistance in filling out an application for medical assistance or
39.11 MinnesotaCare;

39.12 (3) providing assistance in obtaining a state photo identification;

39.13 (4) providing assistance in obtaining prescriptions for all necessary medications;

39.14 (5) coordinating services with the local county services agency or the social services
39.15 agency in the county where the prisoner is a resident; and

39.16 (6) coordinating services with a community mental health or substance use disorder
39.17 provider.

39.18 Sec. 31. **MENTAL HEALTH UNIT PILOT PROGRAM.**

39.19 (a) The commissioner of corrections shall establish a pilot program with interested
39.20 counties to provide mental health care to individuals with serious and persistent mental
39.21 illness who are incarcerated in county jails. The pilot program must require the participating
39.22 counties to pay according to Minnesota Statutes, section 243.51, a per diem for
39.23 reimbursement of the Mental Health Unit at the Minnesota Correctional Facility - Oak Park
39.24 Heights, and other costs incurred by the Department of Corrections.

39.25 (b) The commissioner in consultation with the Minnesota Sheriffs' Association shall
39.26 develop program protocols, guidelines, and procedures and qualifications for participating
39.27 counties and incarcerated individuals to be treated in the Mental Health Unit. The program
39.28 is limited to a total of five incarcerated individuals from the participating counties at any
39.29 one time. Incarcerated individuals must volunteer to be treated in the unit and be able to
39.30 participate in programming with other incarcerated individuals.

40.1 (c) The Minnesota Correctional Facility - Oak Park Heights warden, director of
40.2 psychology, and associate director of behavioral health, or a designee of each, in consultation
40.3 with the Minnesota Sheriffs' Association, the Minnesota branch of the National Association
40.4 on Mental Illness, and the Department of Human Services, shall oversee the pilot program.

40.5 (d) On November 15, 2024, the warden shall submit a report to the chairs and ranking
40.6 minority members of the legislative committees and divisions with jurisdiction over
40.7 corrections describing the protocols, guidelines, and procedures for participation in the pilot
40.8 program by counties and incarcerated individuals, challenges with staffing, cost sharing
40.9 with counties, capacity of the program, services provided to the incarcerated individuals,
40.10 program outcomes, concerns regarding the program, and recommendations for the viability
40.11 of a long-term program.

40.12 (e) The pilot program expires November 16, 2024.

40.13 **Sec. 32. REVISED FACILITY PLANS.**

40.14 The commissioner of corrections must direct any juvenile facility licensed by the
40.15 commissioner to revise its plan under Minnesota Rules, part 2960.0270, subpart 6, and its
40.16 restrictive-procedures plan under Minnesota Rules, part 2960.0710, subpart 2, to be consistent
40.17 with Minnesota Statutes, section 241.0215. After receiving notice from the commissioner,
40.18 a facility must submit the revised plans to the commissioner within 60 days.

40.19 **EFFECTIVE DATE.** This section is effective January 1, 2024.

40.20 **Sec. 33. REGIONAL AND COUNTY JAILS; STUDY AND REPORT.**

40.21 Subdivision 1. **Study.** The commissioner of corrections must study and make
40.22 recommendations on the consolidation or merger of county jails and alternatives to
40.23 incarceration for persons experiencing mental health disorders. The commissioner must
40.24 engage and solicit feedback from citizens who live in communities served by facilities that
40.25 may be impacted by the commissioner's recommendations for the consolidation or merger
40.26 of jails. The commissioner must consult with the following individuals on the study and
40.27 recommendations:

40.28 (1) county sheriffs;

40.29 (2) county and city attorneys who prosecute offenders;

40.30 (3) chief law enforcement officers;

40.31 (4) administrators of county jail facilities; and

41.1 (5) district court administrators.

41.2 Each party receiving a request for information from the commissioner under this section
41.3 shall provide the requested information in a timely manner.

41.4 Subd. 2. **Report.** The commissioner of corrections must file a report with the chairs and
41.5 ranking minority members of the senate and house of representatives committees and
41.6 divisions with jurisdiction over public safety and capital investment on the study and
41.7 recommendations under subdivision 1 on or before December 1, 2024. The report must, at
41.8 a minimum, provide the following information:

41.9 (1) the daily average number of offenders incarcerated in each county jail facility:

41.10 (i) who are in pretrial detention;

41.11 (ii) who cannot afford to pay bail;

41.12 (iii) for failure to pay fines and fees;

41.13 (iv) for offenses that stem from controlled substance addiction or mental health disorders;

41.14 (v) for nonfelony offenses;

41.15 (vi) who are detained pursuant to contracts with other authorities; and

41.16 (vii) for supervised release and probation violations;

41.17 (2) the actual cost of building a new jail facility, purchasing another facility, or repairing
41.18 a current facility;

41.19 (3) the age of current jail facilities;

41.20 (4) county population totals and trends;

41.21 (5) county crime rates and trends;

41.22 (6) the proximity of current jails to courthouses, probation services, social services,
41.23 treatment providers, and work-release employment opportunities;

41.24 (7) specific recommendations for alternatives to incarceration for persons experiencing
41.25 mental health disorders; and

41.26 (8) specific recommendations on the consolidation or merger of county jail facilities
41.27 and operations, including:

41.28 (i) where consolidated facilities should be located;

41.29 (ii) which counties are best suited for consolidation;

42.1 (iii) the projected costs of construction, renovation, or purchase of the facility; and

42.2 (iv) the projected cost of operating the facility.

42.3 Subd. 3. **Evaluation.** The commissioner, in consultation with the commissioner of
42.4 management and budget, must evaluate the need of any capital improvement project that
42.5 requests an appropriation of state capital budget money during an odd-numbered year to
42.6 construct a jail facility or for capital improvements to expand the number of incarcerated
42.7 offenders at an existing jail facility. The commissioner shall use the report under subdivision
42.8 2 to inform the evaluation. The commissioner must submit all evaluations under this
42.9 subdivision by January 15 of each even-numbered year to the chairs and ranking minority
42.10 members of the senate and house of representatives committees and divisions with jurisdiction
42.11 over public safety and capital investment on the study and recommendations under this
42.12 subdivision.

42.13 **EFFECTIVE DATE.** This section is effective the day following final enactment.

42.14 Sec. 34. **RULEMAKING.**

42.15 (a) The commissioner of corrections must amend Minnesota Rules, chapter 2960, to
42.16 enforce the requirements under Minnesota Statutes, section 241.0215, including but not
42.17 limited to training, facility audits, strip searches, disciplinary room time, time-outs, and
42.18 seclusion. The commissioner may amend the rules to make technical changes and ensure
42.19 consistency with Minnesota Statutes, section 241.0215.

42.20 (b) In amending or adopting rules according to paragraph (a), the commissioner must
42.21 use the exempt rulemaking process under Minnesota Statutes, section 14.386.
42.22 Notwithstanding Minnesota Statutes, section 14.386, paragraph (b), a rule adopted under
42.23 this section is permanent. After the rule is adopted, the authorization to use the exempt
42.24 rulemaking process expires.

42.25 (c) Notwithstanding Minnesota Laws 1995, chapter 226, article 3, sections 50, 51, and
42.26 60, or any other law to the contrary, the joint rulemaking authority with the commissioner
42.27 of human services does not apply to rule amendments applicable only to the Department of
42.28 Corrections. A rule that is amending jointly administered rule parts must be related to
42.29 requirements on strip searches, disciplinary room time, time-outs, and seclusion and be
42.30 necessary for consistency with this section.

42.31 **EFFECTIVE DATE.** This section is effective January 1, 2024.

43.1 Sec. 35. **REPEALER.**

43.2 Minnesota Statutes 2022, sections 244.14; and 244.15, are repealed.