

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 1334

(SENATE AUTHORS: OUMOU VERBETEN and Latz)

DATE	D-PG	OFFICIAL STATUS
02/06/2023	681	Introduction and first reading Referred to Judiciary and Public Safety
02/20/2023	927	Chief author stricken, shown as co-author Latz Chief author added Oumou Verbeten
03/20/2023	2100a	Comm report: To pass as amended and re-refer to State and Local Government and Veterans
03/27/2023	2676	Comm report: To pass and re-referred to Finance HF substituted in committee HF1355 See SF2909

1.1 A bill for an act

1.2 relating to corrections; authorizing e-filing of disposition of detainers; providing

1.3 language access to limited English proficient individuals under authority of

1.4 Department of Corrections; authorizing commissioner of corrections to determine

1.5 facility placement of juveniles sentenced as adults; amending statutory language

1.6 regarding substance use disorder assessment process to reflect current standards

1.7 of care; including warrant authority for inmate failing to report post sentencing;

1.8 modifying intensive supervised release and electronic surveillance; providing for

1.9 release during a pandemic; allowing readmission to challenge incarceration

1.10 program; clarifying that Shakopee correctional facility offers challenge incarceration

1.11 program; combining Advisory council of Interstate Adult Supervision with

1.12 Interstate Commission for Juveniles; repealing intensive community supervision

1.13 program law; including community supervision agents as public safety officers

1.14 for line of duty death benefits; providing mechanism for funding probation services

1.15 resulting from transition of services to Department of Corrections; amending

1.16 Minnesota Statutes 2022, sections 169A.276, subdivision 1; 241.021, by adding

1.17 a subdivision; 242.18; 243.1606; 243.58; 244.05, subdivisions 6, 8; 244.0513,

1.18 subdivisions 2, 4; 244.171, subdivision 4; 244.172, subdivision 1; 244.19,

1.19 subdivisions 1, 5; 260.515; 299A.41, subdivision 4; 629.292, subdivision 2;

1.20 repealing Minnesota Statutes 2022, sections 244.14; 244.15.

1.21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

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

1.23 Subdivision 1. **Mandatory prison sentence.** (a) The court shall sentence a person who

1.24 is convicted of a violation of section 169A.20 (driving while impaired) under the

1.25 circumstances described in section 169A.24 (first-degree driving while impaired) to

1.26 imprisonment for not less than three years. In addition, the court may order the person to

1.27 pay a fine of not more than \$14,000.

2.1 (b) The court may stay execution of this mandatory sentence as provided in subdivision
2.2 2 (stay of mandatory sentence), but may not stay imposition or adjudication of the sentence
2.3 or impose a sentence that has a duration of less than three years.

2.4 (c) An offender committed to the custody of the commissioner of corrections under this
2.5 subdivision is not eligible for release as provided in section 241.26, 244.065, 244.12, or
2.6 244.17, unless the offender has successfully completed ~~a chemical dependency treatment~~
2.7 ~~program while in prison~~ treatment recommendations as determined by a comprehensive
2.8 substance use disorder assessment while incarcerated.

2.9 (d) Notwithstanding the statutory maximum sentence provided in section 169A.24
2.10 (first-degree driving while impaired), when the court commits a person to the custody of
2.11 the commissioner of corrections under this subdivision, it shall provide that after the person
2.12 has been released from prison the commissioner shall place the person on conditional release
2.13 for five years. The commissioner shall impose any conditions of release that the commissioner
2.14 deems appropriate including, but not limited to, successful completion of an intensive
2.15 probation program as described in section 169A.74 (pilot programs of intensive probation
2.16 for repeat DWI offenders). If the person fails to comply with any condition of release, the
2.17 commissioner may revoke the person's conditional release and order the person to serve all
2.18 or part of the remaining portion of the conditional release term in prison. The commissioner
2.19 may not dismiss the person from supervision before the conditional release term expires.
2.20 Except as otherwise provided in this section, conditional release is governed by provisions
2.21 relating to supervised release. The failure of a court to direct the commissioner of corrections
2.22 to place the person on conditional release, as required in this paragraph, does not affect the
2.23 applicability of the conditional release provisions to the person.

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

2.27 Sec. 2. Minnesota Statutes 2022, section 241.021, is amended by adding a subdivision to
2.28 read:

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

3.1 Sec. 3. Minnesota Statutes 2022, section 242.18, is amended to read:

3.2 **242.18 STUDY OF OFFENDER'S BACKGROUND; REHABILITATION.**

3.3 (a) When a person has been committed to the commissioner of corrections, the
 3.4 commissioner under rules shall forthwith cause the person to be examined and studied, and
 3.5 investigate all of the pertinent circumstances of the person's life and the antecedents of the
 3.6 crime or other delinquent conduct because of which the person has been committed to the
 3.7 commissioner, and thereupon order the treatment the commissioner determines to be most
 3.8 conducive to rehabilitation. Except as authorized in paragraph (b), persons convicted of
 3.9 crimes shall not be detained in institutions for adjudicated delinquents, nor shall delinquent
 3.10 children be detained in institutions for persons convicted of crimes. The court and the
 3.11 prosecuting and police authorities and other public officials shall make available to the
 3.12 commissioner of corrections all pertinent data in their possession in respect to the case.

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

3.16 Sec. 4. Minnesota Statutes 2022, section 243.1606, is amended to read:

3.17 **243.1606 ADVISORY COUNCIL ON INTERSTATE ADULT OFFENDER**
 3.18 **SUPERVISION.**

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

3.23 (1) the governor;

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

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

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

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

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

- 4.1 ~~(6)~~ (7) the executive director of the Office of Justice Programs in the Department of
 4.2 Public Safety; ~~and~~
- 4.3 (8) the deputy compact administrator as defined in section 260.515;
- 4.4 (9) a representative from the State Public Defender's Office;
- 4.5 (10) a representative from the Minnesota County Attorney's Association;
- 4.6 (11) a representative from the Minnesota Sheriff's Association;
- 4.7 (12) a representative from the Minnesota Association of County Probation Officers;
- 4.8 (13) a representative from the Minnesota Association of Community Corrections Act
 4.9 Counties;
- 4.10 (14) a representative from the community at large;
- 4.11 (15) a representative from a community organization working with victims of crimes;
 4.12 and
- 4.13 ~~(7)~~ (16) other members as appointed by the commissioner of corrections.

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

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

4.20 Subd. 3. **Annual report.** By March 1 of each year, the council shall report to the governor
 4.21 and the chairs and ranking minority members of the senate and house of representatives
 4.22 committees having jurisdiction over criminal justice policy on its activities along with
 4.23 providing a copy of the annual report published by the national commission that includes
 4.24 the activities of the interstate commission and executive committee as described in section
 4.25 243.1605 for the preceding year. The council's annual report will also include information
 4.26 required of the State Advisory Council for the Interstate Compact for Juveniles as described
 4.27 in Article IV in section 260.515.

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

5.1 Sec. 5. Minnesota Statutes 2022, section 243.58, is amended to read:

5.2 **243.58 ESCAPED INMATES; WARRANT; REWARD ISSUING WARRANT**
 5.3 **FOR ESCAPED INMATE OR CONVICTED DEFENDANT.**

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

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

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

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

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

5.21 (i) convicted of a sex offense under section 609.342, 609.343, 609.344, 609.345, or
 5.22 609.3453; or

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

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

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

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

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

6.1 (3) random drug testing;

6.2 (4) house arrest;

6.3 (5) daily curfews;

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

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

6.6 (8) electronic surveillance.

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

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

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

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

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

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

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

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

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

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

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

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

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

7.3 Sec. 7. Minnesota Statutes 2022, section 244.05, subdivision 8, is amended to read:

7.4 Subd. 8. **Conditional medical and epidemic release.** (a) Notwithstanding subdivisions
 7.5 4 and 5, the commissioner may order that ~~any offender~~ an inmate be placed on conditional
 7.6 medical release before ~~the offender's~~ their scheduled supervised release date or target release
 7.7 date if:

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

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

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

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

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

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

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

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

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

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

7.25 (1) the inmate; or

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

7.28 ~~Conditional medical release is governed by provisions relating to supervised release~~
 7.29 ~~except that it may be rescinded~~ (e) The commissioner may rescind conditional medical

7.30 release without a hearing by the commissioner if the ~~offender's~~ commissioner considers that

8.1 the inmate's medical condition improves has improved to the extent that the continuation
 8.2 of the conditional medical release presents a more serious risk to the public.;

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

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

8.7 (f) Release under this subdivision may also be revoked in accordance with subdivisions
 8.8 2 and 3 if the inmate violates any conditions of release imposed by the commissioner.

8.9 Sec. 8. Minnesota Statutes 2022, section 244.0513, subdivision 2, is amended to read:

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

8.14 (1) the offender is serving a sentence for violating section 152.021, subdivision 2 or 2a;
 8.15 152.022, subdivision 2; 152.023, subdivision 2; 152.024; or 152.025;

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

8.18 (3) the offender has served at least:

8.19 (i) 18 months or one-half of the offender's term of imprisonment, whichever is less, if
 8.20 the offense for which the offender is seeking conditional release is a violation of section
 8.21 152.024 or 152.025; or

8.22 (ii) 36 months or one-half of the offender's term of imprisonment, whichever is less, if
 8.23 the offense for which the offender is seeking conditional release is a violation of section
 8.24 152.021, subdivision 2 or 2a, 152.022, subdivision 2, or 152.023, subdivision 2;

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

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

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

9.1 Sec. 9. Minnesota Statutes 2022, section 244.0513, subdivision 4, is amended to read:

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

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

9.5 (2) contain ~~individualized educational programs designed to improve the basic educational~~
9.6 ~~skills of the offender and to provide vocational training, if appropriate~~ individual or group
9.7 counseling or both to help the offender identify and address needs related to substance use
9.8 and develop strategies to avoid harmful substance use after discharge and to help the offender
9.9 obtain the services necessary to establish a lifestyle free of the harmful effects of substance
9.10 use disorder;

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

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

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

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

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

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

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

9.23 Sec. 10. Minnesota Statutes 2022, section 244.171, subdivision 4, is amended to read:

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

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

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

9.29 (3) presents a risk to the public, based on the offender's behavior, attitude, or abuse of
9.30 alcohol or controlled substances. The removal of an offender from the challenge incarceration

10.1 program is governed by the procedures in the commissioner's rules adopted under section
 10.2 244.05, subdivision 2.

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

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

10.13 Sec. 11. Minnesota Statutes 2022, section 244.172, subdivision 1, is amended to read:

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

10.21 Sec. 12. Minnesota Statutes 2022, section 244.19, subdivision 1, is amended to read:

10.22 Subdivision 1. **Appointment; joint services; state services.** (a) If a county or group of
 10.23 counties has established a human services board pursuant to chapter 402, the district court
 10.24 may appoint one or more county probation officers as necessary to perform court services,
 10.25 and the human services board shall appoint persons as necessary to provide correctional
 10.26 services within the authority granted in chapter 402. In all counties of more than 200,000
 10.27 population, which have not organized pursuant to chapter 402, the district court shall appoint
 10.28 one or more persons of good character to serve as county probation officers during the
 10.29 pleasure of the court. All other counties shall provide adult misdemeanor and juvenile
 10.30 probation services to district courts in one of the following ways:

10.31 (1) the court, with the approval of the county boards, may appoint one or more salaried
 10.32 county probation officers to serve during the pleasure of the court;

11.1 (2) when two or more counties offer probation services the district court through the
11.2 county boards may appoint common salaried county probation officers to serve in the several
11.3 counties;

11.4 (3) a county or a district court may request the commissioner of corrections to furnish
11.5 probation services in accordance with the provisions of this section, and the commissioner
11.6 of corrections shall furnish such services to any county or court that fails to provide its own
11.7 probation officer by one of the two procedures listed above;

11.8 (4) if a county or district court providing probation services under clause (1) or (2) asks
11.9 the commissioner of corrections or the legislative body for the state of Minnesota mandates
11.10 the commissioner of corrections to furnish probation services to the district court, the
11.11 probation officers and other employees displaced by the changeover shall be employed by
11.12 the commissioner of corrections. The commissioner of corrections shall request an increase
11.13 to the county probation officers reimbursement appropriation during the legislative session
11.14 immediately following the transition of services, in an amount sufficient to pay the salaries
11.15 of the employees who transferred from county employees to state employees. Reimbursement
11.16 of funds received under subdivision 5 from a county that requested the commissioner of
11.17 corrections to furnish probation services shall be appropriated to the commissioner of
11.18 corrections for the provision of probation services until the county probation officers
11.19 reimbursement appropriation is sufficiently increased by the legislature. Years of service
11.20 in the county probation department are to be given full credit for future sick leave and
11.21 vacation accrual purposes;

11.22 (5) all probation officers serving the juvenile courts on July 1, 1972, shall continue to
11.23 serve in the county or counties they are now serving.

11.24 (b) The commissioner of management and budget shall place employees transferred to
11.25 state service under paragraph (a), clause (4), in the proper classifications in the classified
11.26 service. Each employee is appointed without examination at no loss in salary or accrued
11.27 vacation or sick leave benefits, but no additional accrual of vacation or sick leave benefits
11.28 may occur until the employee's total accrued vacation or sick leave benefits fall below the
11.29 maximum permitted by the state for the employee's position. An employee appointed under
11.30 paragraph (a), clause (4), shall serve a probationary period of six months. After exhausting
11.31 labor contract remedies, a noncertified employee may appeal for a hearing within ten days
11.32 to the commissioner of management and budget, who may uphold the decision, extend the
11.33 probation period, or certify the employee. The decision of the commissioner of management
11.34 and budget is final. The state shall negotiate with the exclusive representative for the
11.35 bargaining unit to which the employees are transferred regarding their seniority. For purposes

12.1 of computing seniority among those employees transferring from one county unit only, a
12.2 transferred employee retains the same seniority position as the employee had within that
12.3 county's probation office.

12.4 Sec. 13. Minnesota Statutes 2022, section 244.19, subdivision 5, is amended to read:

12.5 Subd. 5. **Compensation.** In counties of more than 200,000 population, a majority of the
12.6 judges of the district court may direct the payment of such salary to probation officers as
12.7 may be approved by the county board, and in addition thereto shall be reimbursed for all
12.8 necessary expenses incurred in the performance of their official duties. In all counties which
12.9 obtain probation services from the commissioner of corrections the commissioner shall, out
12.10 of appropriations provided therefor, pay probation officers the salary and all benefits fixed
12.11 by the state law or applicable bargaining unit and all necessary expenses, including secretarial
12.12 service, office equipment and supplies, postage, telephone and telegraph services, and travel
12.13 and subsistence. Each county receiving probation services from the commissioner of
12.14 corrections shall reimburse the department of corrections for the total cost and expenses of
12.15 such services as incurred by the commissioner of corrections. Total annual costs for each
12.16 county shall be that portion of the total costs and expenses for the services of one probation
12.17 officer represented by the ratio which the county's population bears to the total population
12.18 served by one officer. For the purposes of this section, the population of any county shall
12.19 be the most recent estimate made by the Department of Health. At least every six months
12.20 the commissioner of corrections shall bill for the total cost and expenses incurred by the
12.21 commissioner on behalf of each county which has received probation services. The
12.22 commissioner of corrections shall notify each county of the cost and expenses and the county
12.23 shall pay to the commissioner the amount due for reimbursement. All such reimbursements
12.24 shall be deposited in the general fund except as provided in subdivision 1, paragraph (a),
12.25 clause (4). Objections by a county to all allocation of such cost and expenses shall be
12.26 presented to and determined by the commissioner of corrections. Each county providing
12.27 probation services under this section is hereby authorized to use unexpended funds and to
12.28 levy additional taxes for this purpose.

12.29 The county commissioners of any county of not more than 200,000 population shall,
12.30 when requested to do so by the juvenile judge, provide probation officers with suitable
12.31 offices, and may provide equipment, and secretarial help needed to render the required
12.32 services.

13.1 Sec. 14. Minnesota Statutes 2022, section 260.515, is amended to read:

13.2 **260.515 INTERSTATE COMPACT FOR JUVENILES.**

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

13.5 ARTICLE I

13.6 PURPOSE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14.17 It is the policy of the compacting states that the activities conducted by the Interstate
14.18 Commission created herein are the information of public policies and therefore are public
14.19 business. Furthermore, the compacting states shall cooperate and observe their individual
14.20 and collective duties and responsibilities for the prompt return and acceptance of juveniles
14.21 subject to the provisions of this compact. The provisions of this compact shall be reasonably
14.22 and liberally construed to accomplish the purpose and policies of the compact.

14.23 ARTICLE II

14.24 DEFINITIONS

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

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

14.28 B. "Compact administrator" means the individual in each compacting state appointed
14.29 pursuant to the terms of this compact responsible for the administration and management
14.30 of the state's supervision and transfer of juveniles subject to the terms of this compact, the
14.31 rules adopted by the Interstate Commission, and policies adopted by the state council under
14.32 this compact.

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

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

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

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

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

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

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

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

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

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

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

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

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

15.30 K. "Rule" means a written statement by the Interstate Commission promulgated pursuant
15.31 to Article VI of this compact that is of general applicability, implements, interprets, or
15.32 prescribes a policy or provision of the compact, or an organizational, procedural, or practice

16.1 requirement of the commission, and has the force and effect of statutory law in a compacting
16.2 state, and includes the amendment, repeal, or suspension of an existing rule.

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

16.6 ARTICLE III

16.7 INTERSTATE COMMISSION FOR JUVENILES

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

16.13 B. The Interstate Commission shall consist of commissioners appointed by the appropriate
16.14 appointing authority in each state pursuant to the rules and requirements of each compacting
16.15 state and in consultation with the State Advisory Council for Interstate Supervision of
16.16 Juvenile Offenders and Runaways created hereunder. The commissioner shall be the compact
16.17 administrator. The commissioner of corrections or the commissioner's designee shall serve
16.18 as the compact administrator, who shall serve on the Interstate Commission in such capacity
16.19 under or pursuant to the applicable law of the compacting state.

16.20 C. In addition to the commissioners who are the voting representatives of each state, the
16.21 Interstate Commission shall include individuals who are not commissioners but who are
16.22 members of interested organizations. Such noncommissioner members must include a
16.23 member of the national organizations of governors, legislators, state chief justices, attorneys
16.24 general, Interstate Compact for Adult Offender Supervision, Interstate Compact on the
16.25 Placement of Children, juvenile justice and juvenile corrections officials, and crime victims.
16.26 All noncommissioner members of the Interstate Commission shall be ex-officio (nonvoting)
16.27 members. The Interstate Commission may provide in its bylaws for such additional ex-officio
16.28 (nonvoting) members, including members of other national organizations, in such numbers
16.29 as shall be determined by the commission.

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

16.33 E. The commission shall meet at least once each calendar year. The chair may call
16.34 additional meetings and, upon the request of a simple majority of the compacting states,

17.1 shall call additional meetings. Public notice shall be given of all meetings and meetings
17.2 shall be open to the public.

17.3 F. The Interstate Commission shall establish an executive committee, which shall include
17.4 commission officers, members, and others as determined by the bylaws. The executive
17.5 committee shall have the power to act on behalf of the Interstate Commission during periods
17.6 when the Interstate Commission is not in session, with the exception of rulemaking and/or
17.7 amendment to the compact. The executive committee shall oversee the day-to-day activities
17.8 of the administration of the compact managed by an executive director and Interstate
17.9 Commission staff; administer enforcement and compliance with the provisions of the
17.10 compact, its bylaws, and rules; and perform such other duties as directed by the Interstate
17.11 Commission or set forth in the bylaws.

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

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

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

- 17.29 1. relate solely to the Interstate Commission's internal personnel practices and procedures;
- 17.30 2. disclose matters specifically exempted from disclosure by statute;
- 17.31 3. disclose trade secrets or commercial or financial information which is privileged or
17.32 confidential;
- 17.33 4. involve accusing any person of a crime or formally censuring any person;

18.1 5. disclose information of a personal nature where disclosure would constitute a clearly
18.2 unwarranted invasion of personal privacy;

18.3 6. disclose investigative records compiled for law enforcement purposes;

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

18.8 8. disclose information, the premature disclosure of which would significantly endanger
18.9 the stability of a regulated person or entity;

18.10 9. specifically relate to the Interstate Commission's issuance of a subpoena or its
18.11 participation in a civil action or other legal proceeding.

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

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

18.26 ARTICLE IV

18.27 POWERS AND DUTIES OF THE INTERSTATE COMMISSION

18.28 The commission shall have the following powers and duties:

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

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

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

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

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

19.9 6. To purchase and maintain insurance and bonds.

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

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

19.15 9. To elect or appoint such officers, attorneys, employees, agents, or consultants, and to
19.16 fix their compensation, define their duties, and determine their qualifications; and to establish
19.17 the Interstate Commission's personnel policies and programs relating to, inter alia, conflicts
19.18 of interest, rates of compensation, and qualifications of personnel.

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

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

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

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

19.27 14. To sue and be sued.

19.28 15. To adopt a seal and bylaws governing the management and operation of the Interstate
19.29 Commission.

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

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

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

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

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

20.10 ARTICLE V

20.11 ORGANIZATION AND OPERATION 20.12 OF THE INTERSTATE COMMISSION

20.13 Section A. Bylaws.

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

20.18 a. establishing the fiscal year of the Interstate Commission;

20.19 b. establishing an executive committee and such other committees as may be necessary;

20.20 c. provide: (i) for the establishment of committees, and (ii) governing any general or
20.21 specific delegation of any authority or function of the Interstate Commission;

20.22 d. providing reasonable procedures for calling and conducting meetings of the Interstate
20.23 Commission and ensuring reasonable notice of each such meeting;

20.24 e. establishing the titles and responsibilities of the officers of the Interstate Commission;

20.25 f. providing a mechanism for concluding the operations of the Interstate Commission
20.26 and the return of any surplus funds that may exist upon the termination of the compact after
20.27 the payment and/or reserving of all of its debts and obligations;

20.28 g. providing "start-up" rules for initial administration of the compact;

20.29 h. establishing standards and procedures for compliance and technical assistance in
20.30 carrying out the compact.

20.31 Section B. Officers and staff.

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

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

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

21.15 1. The commission's executive director and employees shall be immune from suit and
21.16 liability, either personally or in their official capacity, for any claim for damage to or loss
21.17 of property or personal injury or other civil liability caused or arising out of or relating to
21.18 any actual or alleged act, error, or omission that occurred, or that such person had a
21.19 reasonable basis for believing occurred within the scope of commission employment, duties,
21.20 or responsibilities; provided, that any such person shall not be protected from suit or liability
21.21 for any damage, loss, injury, or liability caused by the intentional or willful and wanton
21.22 misconduct of any such person.

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

21.30 3. The Interstate Commission shall defend the executive director or the employees or
21.31 representatives of the Interstate Commission and, subject to the approval of the attorney
21.32 general of the state represented by any commissioner of a compacting state, shall defend
21.33 such commissioner or the commissioner's representatives or employees in any civil action
21.34 seeking to impose liability arising out of any actual or alleged act, error, or omission that

22.1 occurred within the scope of Interstate Commission employment, duties, or responsibilities,
 22.2 or that the defendant has a reasonable basis for believing occurred within the scope of
 22.3 Interstate Commission employment, duties, or responsibilities, provided that the actual or
 22.4 alleged act, error, or omission did not result from intentional or willful and wanton
 22.5 misconduct on the part of such person.

22.6 4. The Interstate Commission shall indemnify and hold the commissioner of a compacting
 22.7 state, or the commissioner's representatives or employees, or the Interstate Commission's
 22.8 representatives or employees, harmless in the amount of any settlement or judgment obtained
 22.9 against such persons arising out of any actual or alleged act, error, or omission that occurred
 22.10 within the scope of Interstate Commission employment, duties, or responsibilities, or that
 22.11 such persons had a reasonable basis for believing occurred within the scope of Interstate
 22.12 Commission employment, duties, or responsibilities, provided that the actual or alleged act,
 22.13 error, or omission did not result from intentional or willful and wanton misconduct on the
 22.14 part of such persons.

22.15 ARTICLE VI

22.16 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

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

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

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

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

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

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

22.32 and

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

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

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

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

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

23.22 ARTICLE VII

23.23 OVERSIGHT, ENFORCEMENT, AND DISPUTE 23.24 RESOLUTION BY THE INTERSTATE COMMISSION

23.25 Section A. Oversight.

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

23.30 2. The courts and executive agencies in each compacting state shall enforce this compact
23.31 and shall take all actions necessary and appropriate to effectuate the compact's purposes
23.32 and intent. The provisions of this compact and the rules promulgated hereunder shall be
23.33 received by all the judges, public officers, commissions, and departments of the state
23.34 government as evidence of the authorized statute and administrative rules. All courts shall

24.1 take judicial notice of the compact and the rules. In any judicial or administrative proceeding
24.2 in a compacting state pertaining to the subject matter of this compact which may affect the
24.3 powers, responsibilities, or actions of the Interstate Commission, it shall be entitled to
24.4 receive all service of process in any such proceeding, and shall have standing to intervene
24.5 in the proceeding for all purposes.

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

24.9 Section B. Dispute resolution.

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

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

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

24.21 ARTICLE VIII

24.22 FINANCE

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

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

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

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

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

25.17 ARTICLE IX

25.18 THE STATE ADVISORY COUNCIL

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

25.23 (1) the governor;

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

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

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

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

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

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

- 26.1 (8) the deputy compact administrator; ~~and~~
- 26.2 (9) a representative from the State Public Defender's Office;
- 26.3 (10) a representative from the Minnesota County Attorney's Association;
- 26.4 (11) a representative from the Minnesota Sheriff's Association;
- 26.5 (12) a representative from the Minnesota Association of County Probation Officers;
- 26.6 (13) a representative from the Minnesota Association of Community Corrections Act
- 26.7 Counties;
- 26.8 (14) a representative from the community at large;
- 26.9 (15) a representative from a community organization working with victims of crimes;
- 26.10 and
- 26.11 ~~(9)~~ (16) other members as appointed by the commissioner of corrections.

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

26.13 The council shall oversee and administer the state's participation in the compact as

26.14 described in Article III. The council shall appoint the compact administrator as the state's

26.15 commissioner.

26.16 The state advisory council will advise and exercise advocacy concerning that state's

26.17 participation in Interstate Commission activities and other duties as may be determined by

26.18 that state, including, but not limited to, development of policy concerning operations and

26.19 procedures of the compact within that state.

26.20 Expiration; expenses. The provisions of section 15.059 apply to the council except that

26.21 it does not expire.

26.22 ARTICLE X

26.23 COMPACTING STATES, EFFECTIVE DATE, 26.24 AND AMENDMENT

26.25 1. Any state, the District of Columbia (or its designee), the Commonwealth of Puerto

26.26 Rico, the United States Virgin Islands, Guam, American Samoa, and the Northern Marianas

26.27 Islands as defined in Article II of this compact is eligible to become a compacting state.

26.28 2. The compact shall become effective and binding upon legislative enactment of the

26.29 compact into law by no less than 35 of the states. The initial effective date shall be the later

26.30 of July 1, 2004, or upon enactment into law by the 35th jurisdiction. Thereafter, it shall

26.31 become effective and binding as to any other compacting state upon enactment of the

26.32 compact into law by that state. The governors of nonmember states or their designees shall

27.1 be invited to participate in the activities of the Interstate Commission on a nonvoting basis
27.2 prior to adoption of the compact by all states and territories of the United States.

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

27.7 ARTICLE XI

27.8 WITHDRAWAL, DEFAULT, TERMINATION, 27.9 AND JUDICIAL ENFORCEMENT

27.10 Section A. Withdrawal.

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

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

27.15 3. The withdrawing state shall immediately notify the chair of the Interstate Commission
27.16 in writing upon the introduction of legislation repealing this compact in the withdrawing
27.17 state. The Interstate Commission shall notify the other compacting states of the withdrawing
27.18 state's intent to withdraw within 60 days of its receipt thereof.

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

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

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

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

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

27.31 b. alternative dispute resolution;

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

28.3 d. suspension or termination of membership in the compact, which shall be imposed
28.4 only after all other reasonable means of securing compliance under the bylaws and rules
28.5 have been exhausted and the Interstate Commission has therefore determined that the
28.6 offending state is in default. Immediate notice of suspension shall be given by the Interstate
28.7 Commission to the governor, the chief justice, or the chief judicial officer of the state; the
28.8 majority and minority leaders of the defaulting state's legislature; and the state council. The
28.9 grounds for default include, but are not limited to, failure of a compacting state to perform
28.10 such obligations or responsibilities imposed upon it by this compact, the bylaws, or duly
28.11 promulgated rules and any other grounds designated in commission bylaws and rules. The
28.12 Interstate Commission shall immediately notify the defaulting state in writing of the penalty
28.13 imposed by the Interstate Commission and of the default pending a cure of the default. The
28.14 commission shall stipulate the conditions and the time period within which the defaulting
28.15 state must cure its default. If the defaulting state fails to cure the default within the time
28.16 period specified by the commission, the defaulting state shall be terminated from the compact
28.17 upon an affirmative vote of a majority of the compacting states and all rights, privileges,
28.18 and benefits conferred by this compact shall be terminated from the effective date of
28.19 termination.

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

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

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

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

28.32 Section C. Judicial enforcement.

28.33 The Interstate Commission may, by majority vote of the members, initiate legal action
28.34 in the United States District Court for the District of Columbia or, at the discretion of the

29.1 Interstate Commission, in the federal district where the Interstate Commission has its offices,
29.2 to enforce compliance with the provisions of the compact, its duly promulgated rules and
29.3 bylaws, against any compacting state in default. In the event judicial enforcement is
29.4 necessary, the prevailing party shall be awarded all costs of such litigation, including
29.5 reasonable attorney fees.

29.6 Section D. Dissolution of compact.

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

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

29.12 ARTICLE XII

29.13 SEVERABILITY AND CONSTRUCTION

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

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

29.18 ARTICLE XIII

29.19 BINDING EFFECT OF COMPACT AND OTHER LAWS

29.20 Section A. Other laws.

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

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

29.25 Section B. Binding effect of the compact.

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

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

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

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

30.10 Sec. 15. Minnesota Statutes 2022, section 299A.41, subdivision 4, is amended to read:

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

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

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

30.15 (3) a corrections staff working in a public agency and supervising offenders in the
 30.16 community as defined in sections 243.05, subdivision 6; 244.19, subdivision 1; and 401.01,
 30.17 subdivision 2;

30.18 ~~(3)~~ (4) an individual employed on a full-time basis by the state or by a fire department
 30.19 of a governmental subdivision of the state, who is engaged in any of the following duties:

30.20 (i) firefighting;

30.21 (ii) emergency motor vehicle operation;

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

30.23 (iv) the provision of emergency medical services; or

30.24 (v) hazardous material responder;

30.25 ~~(4)~~ (5) a legally enrolled member of a volunteer fire department or member of an
 30.26 independent nonprofit firefighting corporation who is engaged in the hazards of firefighting;

30.27 ~~(5)~~ (6) a good samaritan while complying with the request or direction of a public safety
 30.28 officer to assist the officer;

30.29 ~~(6)~~ (7) a reserve police officer or a reserve deputy sheriff while acting under the
 30.30 supervision and authority of a political subdivision;

31.1 ~~(7)~~ (8) a driver or attendant with a licensed basic or advanced life-support transportation
31.2 service who is engaged in providing emergency care;

31.3 ~~(8)~~ (9) a first responder who is certified by the emergency medical services regulatory
31.4 board to perform basic emergency skills before the arrival of a licensed ambulance service
31.5 and who is a member of an organized service recognized by a local political subdivision to
31.6 respond to medical emergencies to provide initial medical care before the arrival of an
31.7 ambulance; and

31.8 ~~(9)~~ (10) a person, other than a state trooper, employed by the commissioner of public
31.9 safety and assigned to the State Patrol, whose primary employment duty is either Capitol
31.10 security or the enforcement of commercial motor vehicle laws and regulations.

31.11 Sec. 16. Minnesota Statutes 2022, section 629.292, subdivision 2, is amended to read:

31.12 Subd. 2. **Procedure on receipt of request.** The request shall be delivered to the
31.13 commissioner of corrections or other official designated by the commissioner having custody
31.14 of the prisoner, who shall forthwith:

31.15 ~~(a)~~ (1) certify the term of commitment under which the prisoner is being held, the time
31.16 already served on the sentence, the time remaining to be served, the good time earned, the
31.17 time of parole eligibility of the prisoner, and any decisions of the commissioner of corrections
31.18 relating to the prisoner; ~~and~~

31.19 ~~(b)~~ (2) send by registered or certified mail, return receipt requested, one copy of the
31.20 request and certificate to the court and one copy to the prosecuting attorney to whom it is
31.21 addressed; and

31.22 (3) send by e-filing and e-serving the paperwork, one copy of the request to the court
31.23 and one copy to the prosecuting attorney to whom it is addressed.

31.24 Sec. 17. **REPEALER.**

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

244.14 INTENSIVE COMMUNITY SUPERVISION; BASIC ELEMENTS.

Subdivision 1. **Requirements.** This section governs the intensive community supervision programs established under section 244.13. The commissioner shall operate the programs in conformance with this section. The commissioner shall administer the programs to further the following goals:

- (1) to punish the offender;
- (2) to protect the safety of the public;
- (3) to facilitate employment of the offender during the intensive community supervision and afterward; and
- (4) to require the payment of restitution ordered by the court to compensate the victims of the offender's crime.

Subd. 2. **Good time not available.** An offender serving a sentence on intensive community supervision for a crime committed before August 1, 1993, does not earn good time, notwithstanding section 244.04.

Subd. 3. **Sanctions.** The commissioner shall impose severe and meaningful sanctions for violating the conditions of an intensive community supervision program. The commissioner shall provide for revocation of intensive community supervision of an offender who:

- (1) commits a material violation of or repeatedly fails to follow the rules of the program;
- (2) commits any misdemeanor, gross misdemeanor, or felony offense; or
- (3) presents a risk to the public, based on the offender's behavior, attitude, or abuse of alcohol or controlled substances. The revocation of intensive community supervision is governed by the procedures in the commissioner's rules adopted under section 244.05, subdivision 2.

An offender whose intensive community supervision is revoked shall be imprisoned for a time period equal to the offender's term of imprisonment, but in no case for longer than the time remaining in the offender's sentence. "Term of imprisonment" means a time period equal to two-thirds of the sentence originally executed by the sentencing court, minus jail credit, if any.

Subd. 4. **All phases.** Throughout all phases of an intensive community supervision program, the offender shall submit at any time to an unannounced search of the offender's person, vehicle, or premises by an intensive supervision agent. If the offender received a restitution order as part of the sentence, the offender shall make weekly payments as scheduled by the agent until the full amount is paid.

244.15 INTENSIVE COMMUNITY SUPERVISION; PHASES I TO IV.

Subdivision 1. **Duration.** Phase I of an intensive community supervision program is six months, or one-half the time remaining in the offender's term of imprisonment, whichever is less. Phase II lasts for at least one-third of the time remaining in the offender's term of imprisonment at the beginning of phase II. Phase III lasts for at least one-third of the time remaining in the offender's term of imprisonment at the beginning of phase III. Phase IV continues until the commissioner determines that the offender has successfully completed the program or until the offender's sentence, minus jail credit, expires, whichever occurs first. If an offender successfully completes the intensive community supervision program before the offender's sentence expires, the offender shall be placed on supervised release for the remainder of the sentence.

Subd. 2. **Random drug testing.** (a) During phase I, the offender will be subjected at least weekly to urinalysis and breath tests to detect the presence of controlled substances or alcohol. The tests will be random and unannounced.

(b) During phase II, the tests will be done at least twice monthly.

(c) During phases III and IV, the tests will be done at random at the frequency determined by the intensive supervision agent.

Subd. 3. **House arrest.** (a) During phase I, the offender will be under house arrest in a residence approved by the offender's intensive supervision agent and may not move to another residence without permission. "House arrest" means that the offender's movements will be severely restricted and continually monitored by the assigned agent.

(b) During phase II, modified house arrest is imposed.

APPENDIX
Repealed Minnesota Statutes: S1334-1

(c) During phases III and IV, the offender is subjected to a daily curfew instead of house arrest.

Subd. 4. **Face-to-face contacts.** (a) During phase I, the assigned intensive supervision agent shall have at least four face-to-face contacts with the offender each week.

(b) During phase II, two face-to-face contacts a week are required.

(c) During phase III, one face-to-face contact a week is required.

(d) During phase IV, two face-to-face contacts a month are required.

(e) When an offender is an inmate of a jail or a resident of a facility which is staffed full time, the assigned agent may reduce face-to-face contacts to one per week during all phases.

Subd. 5. **Work required.** During phases I, II, III, and IV, the offender must spend at least 40 hours a week performing approved work, undertaking constructive activity designed to obtain employment, or attending a treatment or education program as directed by the commissioner. An offender may not spend more than six months in a residential treatment program that does not require the offender to spend at least 40 hours a week performing approved work or undertaking constructive activity designed to obtain employment.

Subd. 6. **Electronic surveillance.** (a) During any phase, the offender may be placed on electronic surveillance if the intensive supervision agent so directs. If electronic surveillance is directed during phase I, the commissioner must require that the inmate be kept in custody, or that the inmate's intensive supervised release agent, or the agent's designee, directly supervise the offender until electronic surveillance is activated.

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

Subd. 7. **Other requirements.** The commissioner may include any other conditions in the various phases of the intensive community supervision program that the commissioner finds necessary and appropriate.