

1.1 **Senator Latz from the Committee on Judiciary and Public Safety, to which was**
1.2 **referred**

1.3 **S.F. No. 1334:** A bill for an act relating to corrections; authorizing e-filing of disposition
1.4 of detainers; providing language access to limited English proficient individuals under
1.5 authority of Department of Corrections; amending statutory language regarding substance
1.6 use disorder assessment process to reflect current standards of care; including warrant
1.7 authority for inmate failing to report post sentencing; clarifying that Shakopee correctional
1.8 facility offers challenge incarceration program; combining Advisory council of Interstate
1.9 Adult Supervision with Interstate Commission for Juveniles; repealing intensive community
1.10 supervision program law; providing mechanism for funding probation services resulting
1.11 from transition of services to Department of Corrections; amending Minnesota Statutes
1.12 2022, sections 169A.276, subdivision 1; 241.021, by adding a subdivision; 243.1606; 243.58;
1.13 244.0513, subdivisions 2, 4; 244.172, subdivision 1; 244.19, subdivisions 1, 5; 260.515;
1.14 629.292, subdivision 2; repealing Minnesota Statutes 2022, sections 244.14; 244.15.

1.15 Reports the same back with the recommendation that the bill be amended as follows:

1.16 Page 2, after line 26, insert:

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

1.18 **242.18 STUDY OF OFFENDER'S BACKGROUND; REHABILITATION.**

1.19 (a) When a person has been committed to the commissioner of corrections, the
1.20 commissioner under rules shall forthwith cause the person to be examined and studied, and
1.21 investigate all of the pertinent circumstances of the person's life and the antecedents of the
1.22 crime or other delinquent conduct because of which the person has been committed to the
1.23 commissioner, and thereupon order the treatment the commissioner determines to be most
1.24 conducive to rehabilitation. Except as authorized in paragraph (b), persons convicted of
1.25 crimes shall not be detained in institutions for adjudicated delinquents, nor shall delinquent
1.26 children be detained in institutions for persons convicted of crimes. The court and the
1.27 prosecuting and police authorities and other public officials shall make available to the
1.28 commissioner of corrections all pertinent data in their possession in respect to the case.

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

1.32 Page 4, delete section 4 and insert:

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

2.2 **243.58 ESCAPED INMATES; WARRANT; REWARD ISSUING WARRANT**
 2.3 **FOR ESCAPED INMATE OR CONVICTED DEFENDANT.**

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

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

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

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

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

2.21 (i) convicted of a sex offense under section 609.342, 609.343, 609.344, 609.345, or
 2.22 609.3453; or

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

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

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

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

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

3.1 (3) random drug testing;

3.2 (4) house arrest;

3.3 (5) daily curfews;

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

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

3.6 (8) electronic surveillance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4.4 Subd. 8. **Conditional medical and epidemic release.** (a) Notwithstanding subdivisions
 4.5 4 and 5, the commissioner may order that ~~any offender~~ an inmate be placed on conditional
 4.6 medical release before ~~the offender's~~ their scheduled supervised release date or target release
 4.7 date if:

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

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

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

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

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

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

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

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

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

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

4.25 (1) the inmate; or

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

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

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

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

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

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

5.7 (f) Release under this subdivision may also be revoked in accordance with subdivisions
5.8 2 and 3 if the inmate violates any conditions of release imposed by the commissioner."

5.9 Page 6, after line 1, insert:

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

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

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

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

5.16 (3) presents a risk to the public, based on the offender's behavior, attitude, or abuse of
5.17 alcohol or controlled substances. The removal of an offender from the challenge incarceration
5.18 program is governed by the procedures in the commissioner's rules adopted under section
5.19 244.05, subdivision 2.

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

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

5.30 Page 25, after line 27, insert:

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

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

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

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

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

6.9 ~~(3)~~ (4) an individual employed on a full-time basis by the state or by a fire department
6.10 of a governmental subdivision of the state, who is engaged in any of the following duties:

6.11 (i) firefighting;

6.12 (ii) emergency motor vehicle operation;

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

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

6.15 (v) hazardous material responder;

6.16 ~~(4)~~ (5) a legally enrolled member of a volunteer fire department or member of an
6.17 independent nonprofit firefighting corporation who is engaged in the hazards of firefighting;

6.18 ~~(5)~~ (6) a good samaritan while complying with the request or direction of a public safety
6.19 officer to assist the officer;

6.20 ~~(6)~~ (7) a reserve police officer or a reserve deputy sheriff while acting under the
6.21 supervision and authority of a political subdivision;

6.22 ~~(7)~~ (8) a driver or attendant with a licensed basic or advanced life-support transportation
6.23 service who is engaged in providing emergency care;

6.24 ~~(8)~~ (9) a first responder who is certified by the emergency medical services regulatory
6.25 board to perform basic emergency skills before the arrival of a licensed ambulance service
6.26 and who is a member of an organized service recognized by a local political subdivision to
6.27 respond to medical emergencies to provide initial medical care before the arrival of an
6.28 ambulance; and

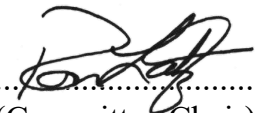
6.29 ~~(9)~~ (10) a person, other than a state trooper, employed by the commissioner of public
6.30 safety and assigned to the State Patrol, whose primary employment duty is either Capitol
6.31 security or the enforcement of commercial motor vehicle laws and regulations."

7.1 Renumber the sections in sequence

7.2 Amend the title accordingly

7.3 And when so amended the bill do pass and be re-referred to the Committee on State and

7.4 Local Government and Veterans. Amendments adopted. Report adopted.

7.5 .....
7.6 (Committee Chair)

7.7 March 17, 2023.....
7.8 (Date of Committee recommendation)