

1.1 Senator moves to amend the delete-everything amendment (SCS2380A-3)
1.2 to S.F. No. 2380 as follows:

1.3 Page 4, delete section 2 and insert:

1.4 "Sec. 2. Minnesota Statutes 2022, section 244.05, subdivision 3, is amended to read:

1.5 Subd. 3. **Sanctions for violation.** (a) If an inmate violates the conditions of the inmate's
1.6 supervised release imposed by the commissioner, the commissioner may:

1.7 (1) continue the inmate's supervised release term; with or without:

1.8 (i) modifying or enlarging the conditions imposed on the inmate; or

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

1.10 (2) revoke the inmate's supervised release and reimprison the inmate for the appropriate
1.11 period of time.

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

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

1.16 (2) the inmate is amenable to continued supervision.

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

1.19 (d) Prior to revoking a nonviolent controlled substance offender's supervised release
1.20 based on a technical violation, when the offender does not present a risk to the public and
1.21 the offender is amenable to continued supervision in the community, the commissioner
1.22 must identify community options to address and correct the violation including, but not
1.23 limited to, inpatient substance use disorder treatment. If the commissioner determines that
1.24 community options are appropriate, the commissioner shall restructure the inmate's terms
1.25 of release to incorporate those options. If a nonviolent controlled substance offender's
1.26 supervised release is revoked, the offender's agent must first attempt to place the offender
1.27 in a local jail. For purposes of this subdivision, "nonviolent controlled substance offender"
1.28 is a person who meets the criteria described under section 244.0513, subdivision 2, clauses
1.29 (1), (2), and (5), and "technical violation" means a violation of a condition of supervised
1.30 release, except an allegation of a subsequent criminal act that is alleged in a formal complaint,
1.31 citation, or petition.

2.1 (e) The period of time for which a supervised release may be revoked may not exceed
2.2 the period of time remaining in the inmate's sentence, except that if a sex offender is
2.3 sentenced and conditionally released under Minnesota Statutes 2004, section 609.108,
2.4 subdivision 5, the period of time for which conditional release may be revoked may not
2.5 exceed the balance of the conditional release term."

2.6 Page 9, delete section 8 and insert:

2.7 "Sec. 8. Minnesota Statutes 2022, section 244.195, is amended by adding a subdivision
2.8 to read:

2.9 Subd. 7. **Contacts.** Supervision contacts may be conducted over videoconference
2.10 technology in accordance with the probation agency's established policy."

2.11 Page 14, delete section 14 and insert:

2.12 "Sec. 14. Minnesota Statutes 2022, section 401.06, is amended to read:

2.13 **401.06 COMPREHENSIVE PLAN; STANDARDS OF ELIGIBILITY;**
2.14 **COMPLIANCE.**

2.15 Subdivision 1. **Commissioner approval required.** (a) No county or group of counties
2.16 or Tribal government or group of Tribal governments electing to provide correctional
2.17 services pursuant to sections 401.01 to 401.16 shall be under this chapter is eligible for the
2.18 subsidy herein provided unless and until its comprehensive plan shall have has been approved
2.19 by the commissioner. A comprehensive plan must comply with commissioner-developed
2.20 standards and reporting requirements and must sufficiently address community needs and
2.21 supervision standards.

2.22 (b) If the commissioner provides supervision to a county that elects not to provide the
2.23 supervision, the commissioner must prepare a comprehensive plan for the county and present
2.24 it to the local county board of commissioners. The Department of Corrections is subject to
2.25 all the standards and requirements under this chapter and supervision standards and policies.

2.26 (c) A comprehensive plan is valid for four years, and a corrections advisory board must
2.27 review and update the plan two years after the plan has been approved or two years after
2.28 submitted to the commissioner, whichever is earlier.

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

3.1 Subd. 2. Rulemaking. The commissioner ~~shall~~ must, ~~pursuant to~~ in accordance with
3.2 the Administrative Procedure Act, ~~promulgate~~ adopt rules establishing standards of eligibility
3.3 for CCA and CPO counties and Tribal governments to receive funds under ~~sections 401.01~~
3.4 ~~to 401.16~~ this chapter.

3.5 Subd. 3. Substantial compliance required. (a) To remain eligible for the subsidy,
3.6 counties ~~shall~~ and Tribal governments must maintain substantial compliance with the
3.7 minimum standards established ~~pursuant~~ according to sections 401.01 to 401.16 this chapter
3.8 and the policies and procedures governing the services ~~described in~~ under section 401.025
3.9 as prescribed by the commissioner.

3.10 (b) Counties ~~shall also~~ must:

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

3.13 ~~shall~~ (2) report statistics required by the commissioner, including but not limited to
3.14 information on individuals convicted as an extended jurisdiction juvenile ~~identified in~~ under
3.15 section 241.016, subdivision 1, paragraph (c).

3.16 Subd. 4. Commissioner review. (a) The commissioner ~~shall~~ must review annually the
3.17 comprehensive plans submitted by participating counties and Tribal governments, including
3.18 the facilities and programs operated under the plans. The commissioner is ~~hereby authorized~~
3.19 ~~to~~ may enter upon any facility operated under the plan, and inspect books and records, for
3.20 purposes of recommending needed changes or improvements.

3.21 ~~When~~ (b) If the commissioner ~~shall determine~~ determines that there are reasonable
3.22 grounds to believe that a county or group of counties or Tribal government or group of
3.23 Tribal governments is not in substantial compliance with minimum standards, the
3.24 commissioner must provide at least 30 days' notice ~~shall be given~~ to the county or counties
3.25 ~~and~~ or Tribal government or Tribal governments of a commissioner-conducted hearing
3.26 ~~conducted by the commissioner~~ to ascertain whether there is substantial compliance or
3.27 satisfactory progress being made toward compliance.

3.28 Subd. 5. Noncompliance with comprehensive plan. (a) After a hearing, the
3.29 commissioner may sanction a county or group of counties or Tribal government or group
3.30 of Tribal governments under this subdivision if the commissioner determined that the agency
3.31 is not maintaining substantial compliance with minimum standards or that satisfactory
3.32 progress toward compliance has not been made.

4.1 (b) The commissioner may suspend all or a portion of any subsidy until the required
 4.2 standard of operation has been met without issuing a corrective action plan.

4.3 (c) The commissioner may issue a corrective action plan, which must:

4.4 (1) be in writing;

4.5 (2) identify all deficiencies;

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

4.7 (4) provide a deadline to:

4.8 (i) correct each deficiency; and

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

4.10 (d) After the deficiency has been corrected, documentation must be submitted to the
 4.11 commissioner detailing compliance with the corrective action plan. If the commissioner
 4.12 determines that the county or group of counties or Tribal government or group of Tribal
 4.13 governments has not complied with the plan, the commissioner may suspend all or a portion
 4.14 of the subsidy."

4.15 Page 19, after line 3, insert:

4.16 "Subd. 4. **Report; supervision fees.** (a) The commissioner must collect annual summary
 4.17 expenditure data and funding from each community supervision provider in the state.

4.18 (b) On January 15, 2025, and every year thereafter, the commissioner must submit a
 4.19 report to the chairs and ranking minority members of the legislative committees and divisions
 4.20 with jurisdiction over public safety finance and policy on the data collected under paragraph
 4.21 (a). The report may be made in conjunction with reporting under section 244.21."

4.22 Page 19, delete section 17 and insert:

4.23 "Sec. 17. Minnesota Statutes 2022, section 401.11, is amended to read:

4.24 **401.11 COMPREHENSIVE PLAN ITEMS; GRANT REVIEW.**

4.25 Subdivision 1. **Items.** The comprehensive plan submitted to the commissioner for
 4.26 approval shall ~~must~~ include those items prescribed by rule policy of the commissioner,
 4.27 which may require the inclusion of the following including but not limited to:

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

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

5.3 ~~(c) (3)~~ a program for ~~the detention, supervision, and treatment of~~ detaining, supervising,
5.4 and treating persons under pretrial detention or under commitment;

5.5 ~~(d) (4)~~ delivery of other local correctional services ~~defined in section 401.01~~;

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

5.10 (6) outcome and output data, expenditures, and costs.

5.11 Subd. 2. Review. ~~In addition to the foregoing requirements made by this section,~~ Each
5.12 participating CCA county or group of counties ~~shall~~ must develop and implement a procedure
5.13 for ~~the review of grant~~ reviewing subsidy applications made to the corrections advisory
5.14 board and for the manner in which corrections advisory board action will be taken on ~~them~~
5.15 the applications. A description of ~~this~~ the procedure must be made available to members of
5.16 the public upon request."

5.17 Page 20, after line 12, insert:

5.18 "Sec. 20. [401.17] COMMUNITY SUPERVISION ADVISORY COMMITTEE.

5.19 Subdivision 1. Establishment; members. (a) The commissioner must establish a
5.20 Community Supervision Advisory Committee to develop and make recommendations to
5.21 the commissioner on standards for probation, supervised release, and community supervision.
5.22 The committee consists of 16 members as follows:

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

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

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

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

- 6.1 (5) two representatives appointed by the Minnesota Indian Affairs Council;
6.2 (6) one commissioner-appointed representative from the Department of Corrections;
6.3 (7) the chair of the statewide Evidence-Based Practice Advisory Committee;
6.4 (8) three individuals who have been supervised, either individually or collectively, under
6.5 each of the state's three community supervision delivery systems appointed by the
6.6 commissioner in consultation with the Minnesota Association of County Probation Officers
6.7 and the Minnesota Association of Community Corrections Act Counties; and
6.8 (9) an advocate for victims of crime appointed by the commissioner.

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

6.12 (c) The commissioner must convene the first meeting of the committee on or before July
6.13 15, 2024.

6.14 Subd. 2. **Terms; removal; reimbursement.** (a) If there is a vacancy, the appointing
6.15 authority must appoint an individual to fill the vacancy. Committee members must elect
6.16 any officers and create any subcommittees necessary for the efficient discharge of committee
6.17 duties.

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

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

6.24 Subd. 3. **Duties; committee.** (a) The committee must comply with section 401.10.

6.25 (b) By June 30, 2024, the committee must provide written advice and recommendations
6.26 to the commissioner on developing policy on:

6.27 (1) developing statewide supervision standards and definitions to be applied to community
6.28 supervision provided by CPO counties, CCA counties, the Department of Corrections, and
6.29 Tribal governments;

6.30 (2) requiring community supervision agencies to use the same agreed-upon risk screener
6.31 and risk and needs assessment tools as the main supervision assessment methods or a
6.32 universal five-level matrix allowing for consistent supervision levels and that all tools in

7.1 use be validated on Minnesota's community supervision population and revalidated every
7.2 five years;

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

7.6 (4) limiting standard conditions required for all people on supervision across all
7.7 supervision systems and judicial districts, ensuring that conditions of supervision are directly
7.8 related to the offense of the person on supervision, and tailoring special conditions to people
7.9 on supervision identified as high-risk and high-need;

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

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

7.15 (7) developing performance indicators for supervision success as well as recidivism;

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

7.18 (9) devising a plan, by December 1, 2024, to eliminate the financial penalty incurred by
7.19 a jurisdiction that successfully discharges an offender from supervision before the offender's
7.20 term of supervision concludes.

7.21 (c) By December 1, 2024, and every six years thereafter, the committee must review
7.22 and reassess the existing workload study published by the commissioner under subdivision
7.23 4 and make recommendations to the commissioner based on the committee's review.

7.24 (d) By June 30, 2024, the committee must submit a report on supervision fees to the
7.25 commissioner and the chairs and ranking minority members of the legislative committees
7.26 with jurisdiction over corrections policy and funding. The committee must collect data on
7.27 supervision fees and include the data in the report.

7.28 Subd. 4. **Duties; commissioner.** The commissioner, in consultation with the committee,
7.29 must complete a workload study by December 1, 2024, to develop a capitated rate for
7.30 equitably funding community supervision throughout the state. The study must be updated
7.31 every six years after the initial study is completed.

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

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

8.9 (1) the number of offenders placed on probation each year;

8.10 (2) the offense levels and offense types for which offenders are placed on probation;

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

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

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

8.17 (6) the number of offenders revoked from supervision and the identified grounds for
8.18 revocation.

8.19 (c) On February 1, 2025, and every year thereafter, the commissioner must prepare a
8.20 report that contains the data collected under the method established by the committee under
8.21 this subdivision. The report must provide an analysis of the collected data by race, gender,
8.22 and county.

8.23 (d) Nothing in this section overrides the commissioner's authority to require additional
8.24 data be provided under sections 241.065, 401.06, 401.10, and 401.11.

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

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

8.29 (2) the timeline for adopting policy changes; and

8.30 (3) why the commissioner will not or cannot include any individual recommendations
8.31 of the committee in the agency's policy.

9.1 (b) The commissioner must submit the advice and recommendations of the committee
9.2 to the chairs and ranking minority members of the legislative committees with jurisdiction
9.3 over public safety and finance.

9.4 Subd. 7. **Staff; meeting room; office equipment.** The commissioner must provide the
9.5 committee with a committee administrator, staff support, a meeting room, and access to
9.6 office equipment and services."

9.7 Page 22, delete section 22 and insert:

9.8 "Sec. 23. **LOCAL CORRECTIONAL FEES; IMPOSITION ON OFFENDERS.**

9.9 By August 1, 2025, each local correctional agency under Minnesota Statutes, section
9.10 244.18, must provide a plan for phasing out local correctional fees. A copy of the plan must
9.11 be provided to all individuals under supervision by the agency. Local correctional fees must
9.12 not increase from the effective date of this section through August 1, 2025.

9.13 Sec. 24. **COMMUNITY SUPERVISION ADVISORY COMMITTEE; REPORT.**

9.14 (a) By January 15, 2025, the committee must submit a report to the chairs and ranking
9.15 minority members of the legislative committees with jurisdiction over public safety policy
9.16 and finance on progress toward developing standards and recommendations under Minnesota
9.17 Statutes, section 401.17, subdivision 3.

9.18 (b) By January 15, 2026, the committee must submit a final report to the chairs and
9.19 ranking minority members of the legislative committees with jurisdiction over public safety
9.20 policy and finance on the standards and recommendations developed according to Minnesota
9.21 Statutes, section 401.17, subdivision 3. At a minimum, the recommendations must include
9.22 a proposed state-level Community Supervision Advisory Board with a governance structure
9.23 and duties for the board."

9.24 Renumber the sections in sequence and correct the internal references