

1.1 Senator ..... moves to amend S.F. No. 1325 as follows:

1.2 Page 1, after line 11, insert:

1.3 "Section 1. [244.049] SUPERVISED RELEASE BOARD.

1.4 Subdivision 1. Establishment; membership. (a) The Supervised Release Board is  
1.5 established to review eligible cases and make release and final discharge decisions for:

1.6 (1) inmates serving life sentences with the possibility of parole or supervised release  
1.7 under sections 243.05, subdivision 1, and 244.05, subdivision 5;

1.8 (2) inmates serving indeterminate sentences for crimes committed on or before April  
1.9 30, 1980; and

1.10 (3) inmates eligible for early supervised release under section 244.05, subdivision 4a.

1.11 (b) The authority to grant discretionary release and final discharge previously vested in  
1.12 the commissioner under sections 243.05, subdivisions 1, paragraph (a), and 3; 244.08; and  
1.13 609.12 is transferred to the board.

1.14 (c) The board consists of seven members as follows:

1.15 (1) four individuals appointed by the governor from which each of the majority leaders  
1.16 and minority leaders of the house of representatives and senate provide two candidate  
1.17 recommendations for consideration;

1.18 (2) two members appointed by the governor who have expertise in the neurological  
1.19 development of juveniles; and

1.20 (3) the commissioner, who serves as chair.

1.21 (d) The members defined in paragraph (c), clause (1), must meet the following  
1.22 qualifications, at a minimum:

1.23 (1) a law degree or a bachelor's degree in criminology, corrections, social work, or a  
1.24 related social science;

1.25 (2) five years of experience in corrections, a criminal justice or community corrections  
1.26 field, rehabilitation programming, behavioral health, or criminal law; and

1.27 (3) demonstrated knowledge of victim issues and correctional processes.

1.28 Subd. 2. Terms; compensation. (a) Appointed board members serve four-year staggered  
1.29 terms, but the terms of the initial members are as follows:

1.30 (1) three members must be appointed for terms that expire January 1, 2026; and

2.1 (2) three members must be appointed for terms that expire January 1, 2028.

2.2 (b) An appointed member is eligible for reappointment and a vacancy must be filled  
2.3 according to subdivision 1.

2.4 (c) For appointed members, compensation and removal are as provided in section 15.0575.

2.5 Subd. 3. **Quorum; compensation; administrative duties.** (a) Subject to the requirements  
2.6 in paragraph (b), the majority of members constitutes a quorum.

2.7 (b) When reviewing cases involving people who were 18 or older at the time of the  
2.8 offense, the board must comprise a quorum of the five members identified in subdivision  
2.9 1, paragraph (c), clauses (1) and (3). When reviewing cases involving people who were  
2.10 under 18 at the time of the offense, the board must comprise a quorum of all seven members  
2.11 and include at least one member identified in subdivision 1, paragraph (c), clause (2).

2.12 (c) An appointed board member must visit at least one state correctional facility every  
2.13 12 months.

2.14 (d) The commissioner must provide the board with personnel, supplies, equipment,  
2.15 office space, and other administrative services necessary and incident to fulfilling the board's  
2.16 functions.

2.17 Subd. 4. **Limitation.** Nothing in this section:

2.18 (1) supersedes the commissioner's authority to set conditions of release or revoke an  
2.19 inmate's release for violating any of the conditions; or

2.20 (2) impairs the power of the Board of Pardons to grant a pardon or commutation in any  
2.21 case.

2.22 Subd. 5. **Report.** (a) On or before February 15 each year, the board must submit to the  
2.23 chairs and ranking minority members of the legislative committees with jurisdiction over  
2.24 criminal justice policy a written report that:

2.25 (1) details the number of inmates reviewed;

2.26 (2) identifies inmates granted release or final discharge in the preceding year; and

2.27 (3) provides demographic data of inmates who were granted release or final discharge  
2.28 and inmates who were denied release or final discharge, including whether any of the  
2.29 individuals were under 18 years of age at the time of committing the offense.

2.30 (b) The report must also include the board's recommendations to the commissioner for  
2.31 policy modifications that influence the board's duties."

3.1 Page 2, after line 4, insert:

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

3.3 Subd. 2. **Rules.** (a) Notwithstanding section 14.03, subdivision 3, paragraph (b), clause  
3.4 (1), the commissioner of corrections shall adopt by rule standards and procedures for the  
3.5 revocation of supervised or conditional release, and shall specify the period of revocation  
3.6 for each violation of release except in accordance with subdivision 5, paragraph (l).

3.7 (b) Procedures for the revocation of revoking release shall must provide due process of  
3.8 law for the inmate.

3.9 **EFFECTIVE DATE.** This section is effective July 1, 2023."

3.10 Page 3, line 4, delete "244.0515" and insert "244.049"

3.11 Page 3, delete section 4 and insert:

3.12 "Sec. 6. Minnesota Statutes 2022, section 244.05, subdivision 5, is amended to read:

3.13 Subd. 5. **Supervised release, life sentence and indeterminate sentences.** (a) The  
3.14 ~~commissioner of corrections board~~ may, under rules promulgated adopted by the  
3.15 commissioner, give grant supervised release or parole as follows:

3.16 (1) to an inmate serving a mandatory life sentence under section 609.185, paragraph (a),  
3.17 clause (3), (5), or (6); 609.3455, subdivision 3 or 4; 609.385; or Minnesota Statutes 2004,  
3.18 section 609.109, subdivision 3, after the inmate has served the minimum term of  
3.19 imprisonment specified in subdivision 4 or section 243.05, subdivision 1, paragraph (a);

3.20 (2) at any time for an inmate serving a nonlife indeterminate sentence for a crime  
3.21 committed on or before April 30, 1980; or

3.22 (3) to an inmate eligible for early supervised release under subdivision 4a after the inmate  
3.23 has served the minimum term of imprisonment.

3.24 (b) For cases involving multiple sentences, the board must grant or deny supervised  
3.25 release as follows:

3.26 (1) if an inmate is serving multiple sentences that are concurrent to one another, the  
3.27 board must grant or deny supervised release on all sentences; and

3.28 (2) notwithstanding any other law to the contrary, if an inmate eligible for early supervised  
3.29 release under section 244.05, subdivision 4a, is serving multiple sentences that are

4.1 consecutive to one another, the board may grant or deny supervised release on one or more  
4.2 sentences.

4.3 (c) The commissioner shall board must require the preparation of a community  
4.4 investigation report and ~~shall~~ consider the findings of the report when making a supervised  
4.5 release or parole decision under this subdivision. The report ~~shall~~ must:

4.6 (1) reflect the sentiment of the various elements of the community toward the inmate,  
4.7 both at the time of the offense and at the present time. ~~The report shall;~~

4.8 (2) include the views of the sentencing judge, the prosecutor, any law enforcement  
4.9 personnel who may have been involved in the case, and any successors to these individuals  
4.10 who may have information relevant to the supervised release decision. ~~The report shall also;~~  
4.11 and

4.12 (3) include the views of the victim and the victim's family unless the victim or the victim's  
4.13 family chooses not to participate.

4.14 (d) For an individual who was under 18 years of age when they committed their offense,  
4.15 the board must require the preparation of a development report and consider the report's  
4.16 findings when making a supervised release decision under this subdivision. The report must  
4.17 be prepared by a mental health professional under section 245I.04, subdivision 2, clause  
4.18 (1) to (4) or (6), and must address the inmate's cognitive, emotional, and social maturity.  
4.19 The board may use a previous report that was prepared within 12 months immediately  
4.20 preceding the hearing.

4.21 ~~(e)~~ (e) The ~~commissioner shall~~ board must make reasonable efforts to notify the victim,  
4.22 in advance, of the time and place of the inmate's supervised release review hearing. The  
4.23 victim has a right to submit an oral or written statement at the review hearing. The statement  
4.24 may summarize the harm suffered by the victim as a result of the crime and give the victim's  
4.25 recommendation on whether the inmate should be given supervised release at this time. The  
4.26 ~~commissioner board~~ board must consider the victim's statement when making the supervised  
4.27 release or parole decision.

4.28 ~~(d)~~ (f) Supervised release or parole must be granted with a majority vote of the board  
4.29 members. When considering whether to give grant supervised release or parole to an inmate  
4.30 -serving a life or indeterminate sentence under section 609.3455, subdivision 3 or 4 or early  
4.31 supervised release to an inmate under subdivision 4a, the commissioner shall board must  
4.32 consider, at a minimum, the following:

4.33 (1) the risk the inmate poses to the community if released;<sub>2</sub>

- 5.1 (2) the inmate's progress in treatment;
- 5.2 (3) the inmate's behavior while incarcerated;
- 5.3 (4) psychological or other diagnostic evaluations of the inmate;
- 5.4 (5) the inmate's criminal history;
- 5.5 (6) a victim statement under paragraph (e), if submitted;
- 5.6 (7) for an inmate who was under 18 years of age when they committed their offense:
- 5.7 (i) the development report under paragraph (d); and
- 5.8 (ii) relevant science on the neurological development of juveniles and information on
- 5.9 the inmate's maturity and rehabilitation while incarcerated; and
- 5.10 (8) any other relevant conduct of the inmate while incarcerated or before incarceration.
- 5.11 (g) The ~~commissioner~~ board may not ~~give~~ grant supervised release or parole to ~~the~~ an
- 5.12 inmate unless:
- 5.13 (1) while in prison:
- 5.14 (i) the inmate has successfully completed appropriate sex offender treatment, if applicable;
- 5.15 (ii) the inmate has been assessed for substance use disorder needs and, if appropriate,
- 5.16 has successfully completed substance use disorder treatment; and
- 5.17 (iii) the inmate has been assessed for mental health needs and, if appropriate, has
- 5.18 successfully completed mental health treatment; and
- 5.19 (2) a comprehensive individual release plan is in place for the inmate that:
- 5.20 (i) ensures that, after release, the inmate will have suitable housing and receive appropriate
- 5.21 aftercare and community-based treatment. ~~The comprehensive plan also must include;~~ and
- 5.22 (ii) includes a postprison employment or education plan for the inmate.
- 5.23 (h) No earlier than three years before an inmate reaches their minimum term of
- 5.24 imprisonment, the commissioner must conduct a formal review and make programming
- 5.25 recommendations relevant to the inmate's release review. The board must conduct a
- 5.26 supervised release review hearing as soon as practicable before an inmate reaches their
- 5.27 minimum term of imprisonment. If an inmate is not released after a hearing, the board must
- 5.28 conduct a subsequent review hearing no more than once every three years.
- 5.29 (i) Within 30 days after a supervised release review hearing, the board must issue a
- 5.30 decision on granting release, including an explanation for the decision. If the board does

6.1 not grant supervised release, the explanation must identify specific steps that the inmate  
6.2 can take to increase the likelihood that release will be granted at a future hearing.

6.3 (j) When granting supervised release under this subdivision, the board must set prerelease  
6.4 conditions to be followed by the inmate, if time permits, before their actual release or before  
6.5 constructive parole becomes effective. If the inmate violates any of the prerelease conditions,  
6.6 the commissioner may rescind the grant of supervised release without a hearing at any time  
6.7 before the inmate's release or before constructive parole becomes effective. A grant of  
6.8 constructive parole becomes effective once the inmate begins serving the consecutive  
6.9 sentence.

6.10 (k) If the commissioner rescinds a grant of supervised release or parole, the board:

6.11 (1) must set a release review date that occurs within 90 days of the commissioner's  
6.12 rescission; and

6.13 (2) by majority vote, may set a new supervised release date or set another review date.

6.14 (l) If the commissioner revokes supervised release or parole for an inmate serving a life  
6.15 sentence, the revocation is not subject to the limitations under section 244.30 and the board:

6.16 (1) must set a release review date that occurs within one year of the commissioner's final  
6.17 revocation decision; and

6.18 (2) by majority vote, may set a new supervised release date or set another review date.

6.19 (m) The board may, by a majority vote, grant a person on supervised release or parole  
6.20 for a life or indeterminate sentence a final discharge from their sentence in accordance with  
6.21 section 243.05, subdivision 3. In no case, however, may a person subject to a mandatory  
6.22 lifetime conditional release term under section 609.3455, subdivision 7, be discharged from  
6.23 that term.

6.24 (n) For purposes of this subdivision:

6.25 (1) "board" means the Supervised Release Board under section 244.049;

6.26 (2) "constructive parole" means the status of an inmate who has been paroled from an  
6.27 indeterminate sentence to begin serving a consecutive sentence in prison; and

6.28 ~~(e) As used in this subdivision, (3) "victim" means the~~ an individual who has directly  
6.29 suffered loss or harm as a result of the ~~from an inmate's crime or, if the individual is deceased,~~  
6.30 ~~the deceased's~~ a murder victim's surviving spouse or, next of kin, or family kin.

6.31 **EFFECTIVE DATE.** This section is effective July 1, 2023."

7.1 Page 4, delete section 5

7.2 Page 8, delete section 7

7.3 Page 9, after line 25, insert:

7.4 "Sec. 12. **REVISOR INSTRUCTION.**

7.5 When necessary to reflect the transfer under Minnesota Statutes, section 244.049,  
7.6 subdivision 1, the revisor of statutes must change the term "commissioner" or "commissioner  
7.7 of corrections" to "Indeterminate Sentence Release Board" or "board" in Minnesota Statutes,  
7.8 sections 243.05, subdivisions 1, paragraph (a), and 3; 244.08; and 609.12 and make any  
7.9 other necessary grammatical changes."

7.10 Page 9, delete lines 27 and 28 and insert "Sections 2, 4, 5, 7, and 8 to 11 are effective  
7.11 July 1, 2023, and apply to offenders sentenced on or after that date and retroactively to  
7.12 offenders:"

7.13 Renumber the sections in sequence and correct the internal references

7.14 Amend the title accordingly