

SENATE
STATE OF MINNESOTA
NINETY-FOURTH SESSION

S.F. No. 1626

(SENATE AUTHORS: CLARK)

DATE	D-PG	OFFICIAL STATUS
02/20/2025	443	Introduction and first reading Referred to Judiciary and Public Safety

1.1A bill for an act

1.2relating to corrections; clarifying responsibilities of Department of Corrections

1.3licensed facilities; amending Minnesota Statutes 2024, section 241.021, subdivisions

1.41f, 4a, 7; proposing coding for new law in Minnesota Statutes, chapter 241;

1.5repealing Minnesota Statutes 2024, section 241.021, subdivisions 1, 1a, 1b, 1c,

1.61d, 1e, 1g, 1h, 1i, 2, 2a, 2b, 3, 6, 8.

1.7BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8Section 1. [241.011] LICENSING AND INSPECTING LOCAL CORRECTIONAL

1.9FACILITIES.

1.10Subdivision 1. Scope. Unless otherwise provided by law, sections 241.011 to 241.013

1.11apply to local correctional facilities licensed by the commissioner of corrections.

1.12Subd. 2. Definitions. (a) For purposes of sections 241.011 to 241.021, the terms defined

1.13in this subdivision have the meanings given.

1.14(b) "Commissioner" means the commissioner of corrections.

1.15(c) "Critical incident" has the meaning given in Minnesota Rules, part 2960.0020, subpart

1.1624.

1.17(d) "Department" means the Department of Corrections.

1.18(e) "Facility administrator" means the officer in charge of a local correctional facility.

1.19(f) "Local correctional facility" means:

1.20(1) for a facility licensed to detain or house primarily adults, a facility with the primary

1.21purpose of serving individuals placed in the facility by:

1.22(i) a court;

2.1 (ii) a court services department;

2.2 (iii) a parole authority; or

2.3 (iv) another correctional agency having dispositional power over individuals charged
2.4 with, convicted, or adjudicated guilty or delinquent; and

2.5 (2) for a facility licensed to detain or serve juveniles, a facility, including a group home
2.6 having a residential component, serving juveniles for the primary purpose of:

2.7 (i) residential care and treatment;

2.8 (ii) detention; or

2.9 (iii) foster care services for children in need of out-of-home placement.

2.10 (g) "State correctional facility" means a correctional facility under the commissioner's
2.11 control.

2.12 Subd. 3. **Local correctional facilities; inspection and licensing.** (a) The commissioner
2.13 must inspect and license all local correctional facilities throughout the state established and
2.14 operated:

2.15 (1) for detaining, confining, or housing individuals confined or incarcerated in the
2.16 facilities; or

2.17 (2) consistent with section 241.013, subdivision 3, paragraph (a), for detaining or serving
2.18 juveniles placed in the facilities by a correctional or noncorrectional agency.

2.19 (b) No individual, corporation, partnership, voluntary association, or other private
2.20 organization legally responsible for operating a local correctional facility may operate the
2.21 facility unless it has an active license from the commissioner. Private local correctional
2.22 facilities have the authority of section 624.714, subdivision 13, if the commissioner licenses
2.23 the facility with the authority and the facility meets the requirements of section 243.52.

2.24 (c) The department's inspection unit must report directly to a division head outside of
2.25 the correctional institutions division.

2.26 Subd. 4. **Inspecting facilities for compliance; publishing inspection reports.** (a)
2.27 Unless the commissioner determines otherwise, the commissioner must inspect all local
2.28 correctional facilities at least once every two years to determine compliance with the
2.29 minimum standards established according to sections 241.011 to 241.013 or any other law
2.30 related to minimum standards and conditions of confinement.

(b) The commissioner must have access to the facility's buildings, grounds, books, records, and staff and to individuals confined, incarcerated, or housed in or served by local correctional facilities. The commissioner may require facility administrators to furnish all information and statistics that the commissioner deems necessary at a time and place designated by the commissioner.

(c) The commissioner must post each facility inspection report publicly on the department's website within 30 days after completing an inspection.

Subd. 5. Granting license; expiration. (a) The commissioner must grant a license for up to two years to:

(1) any facility found to conform to minimum standards; or

(2) any facility that the commissioner determines is making satisfactory progress toward substantial conformity and any minimum standards not being met do not impact the interests and well-being of the individuals confined, incarcerated, or housed in or served by the facility.

(b) A limited license may be issued to effectuate a facility closure.

(c) Unless otherwise provided by law, all licenses issued under sections 241.011 to 241.013 expire 12:01 a.m. on the day after the expiration date stated on the license.

Subd. 6. Providing and accessing facility data. (a) The commissioner may require that any information under sections 241.011 to 241.013 be provided through the department's detention information system.

(b) Notwithstanding chapter 13 or any other state law classifying or restricting access to data, a facility administrator must furnish to the commissioner all data available to a local correctional facility that the commissioner deems necessary for reviewing any critical incident or emergency or unusual occurrence at the facility.

(c) The commissioner may take action against a facility's license according to section 241.012 if a facility administrator fails to provide or grant access to relevant information or statistics requested by the commissioner that are necessary to conduct or complete any of the following:

(1) inspections;

(2) reviews of emergency or unusual occurrences; or

(3) reviews of critical incidents.

4.1 Subd. 7. **Reporting; deaths, emergencies or unusual occurrences, and critical**
4.2 **incidents.** (a) A facility administrator must report to the commissioner when:

4.3 (1) an individual detained, confined, or housed in the facility dies at the facility; or

4.4 (2) an individual dies while receiving medical care stemming from an incident or need
4.5 for medical care at the facility that occurred while the individual was detained, confined,
4.6 or housed in the facility.

4.7 (b) Paragraph (a), clause (2), applies regardless of whether:

4.8 (1) the individual was considered detained in the facility while receiving the medical
4.9 care; or

4.10 (2) for a facility that is not a jail, the individual was subject to the facility's authority
4.11 while receiving the medical care.

4.12 (c) A facility administrator must report a death under this subdivision as soon as
4.13 practicable, but no later than 24 hours of receiving knowledge of the death, and must include
4.14 any demographic information required by the commissioner.

4.15 (d) Except for deaths under paragraphs (a) to (c), all facility administrators must report
4.16 all critical incidents or, as defined by rule, emergency or unusual occurrences, to the
4.17 commissioner within ten days of the incident or occurrence, including any demographic
4.18 information required by the commissioner. For a local adult correctional facility, the facility
4.19 administrator must report uses of force by facility staff that result in substantial bodily harm
4.20 or suicide attempts.

4.21 (e) The commissioner must consult with the Minnesota Sheriffs' Association and a
4.22 representative from the Minnesota Association of Community Corrections Act Counties
4.23 who is responsible for operating a local adult correctional facility to define, for reporting
4.24 under statute or rule, use of force that results in substantial bodily harm.

4.25 Subd. 8. **Death review teams.** (a) If a local correctional facility receives information of
4.26 the death of an individual who died under the circumstances described in subdivision 7,
4.27 paragraph (a), the following individuals must, within 90 days of the death, review the
4.28 circumstances of the death and assess for preventable mortality and morbidity, including
4.29 recommending policy or procedure change:

4.30 (1) the facility administrator;

(2) a medical expert of the facility's choosing who did not provide medical services to the individual and who is licensed as a physician or physician assistant by the Board of Medical Practice under chapter 147 or 147A; and

(3) if appropriate, a mental health expert.

(b) The investigating law enforcement agency may provide documentation, participate in, or provide documentation and participate in the review if criminal charges are not brought. A preliminary autopsy report must be provided as part of the review and any subsequent autopsy findings as available.

(c) The facility administrator must provide notice to the commissioner via the department's detention information system that the facility has conducted a review and identify any recommendations for changes in policy, procedure, or training that will be implemented.

(d) Any report or other documentation created for purposes of a facility death review is confidential data on individuals, as defined in section 13.02, subdivision 3. Nothing in this section relieves the facility administrator from complying with the notice of death to the commissioner required under subdivision 7.

Subd. 9. Rulemaking. (a) The commissioner must adopt rules establishing minimum standards for local adult and juvenile correctional facilities for their management, operation, and physical condition and the security, safety, health, treatment, and discipline of individuals confined, incarcerated, or housed in or served by the facilities. The minimum standards for local adult correctional facilities must include but are not limited to specific guidance pertaining to:

(1) screening, appraisal, assessment, and treatment for confined or incarcerated individuals with mental illness or substance use disorders;

(2) a policy on the involuntary administration of medications;

(3) suicide prevention plans and training;

(4) verification of medications in a timely manner;

(5) well-being checks;

(6) discharge planning, including providing prescribed medications to individuals confined or incarcerated in correctional facilities upon release;

(7) a policy on referrals or transfers to medical or mental health care in a noncorrectional institution;

- 6.1 (8) use of segregation and mental health checks;
- 6.2 (9) critical incident debriefings;
- 6.3 (10) clinical management of substance use disorders and opioid overdose emergency
- 6.4 procedures;
- 6.5 (11) a policy regarding identification of confined or incarcerated individuals with special
- 6.6 needs;
- 6.7 (12) a policy regarding the use of telehealth;
- 6.8 (13) self-auditing of compliance with minimum standards;
- 6.9 (14) information sharing with medical personnel and when medical assessment must be
- 6.10 facilitated;
- 6.11 (15) a code of conduct policy for facility staff and annual training;
- 6.12 (16) a policy on reviewing all circumstances surrounding the death of an individual
- 6.13 detained, confined, or housed in the facility; and
- 6.14 (17) dissemination of a rights statement made available to confined or incarcerated
- 6.15 individuals.
- 6.16 (b) Nothing in this section limits the commissioner's authority to adopt rules establishing
- 6.17 standards of eligibility for counties to receive funds under chapter 401 or to require counties
- 6.18 to comply with operating standards that the commissioner establishes as a condition precedent
- 6.19 for counties to receive the funding.
- 6.20 (c) The time limit to adopt rules under section 14.125 does not apply to amendments to
- 6.21 rule chapters in effect on the effective date of this section.

6.22 **Sec. 2. [241.012] LICENSING ACTIONS AGAINST LOCAL CORRECTIONAL**

6.23 **FACILITIES.**

6.24 Subdivision 1. **Correction order; conditional license.** (a) For any local correctional

6.25 facility, the commissioner must:

6.26 (1) promptly notify the facility administrator and the facility's governing board of a

6.27 deficiency if the commissioner finds that:

6.28 (i) the facility does not substantially conform to the minimum standards established by

6.29 the commissioner and is not making satisfactory progress toward substantial conformance;

6.30 and

(ii) the nonconformance does not present an imminent risk of life-threatening harm or serious physical injury to the individuals confined, incarcerated, or housed in or served by the facility; and

(2) issue a correction order or a conditional license order requiring that the deficiency be remedied within a reasonable and specified period.

(b) A conditional license order may restrict the use of any facility that does not substantially conform to minimum standards, including by:

(1) imposing conditions limiting operation of the facility or parts of the facility;

(2) reducing facility capacity;

(3) limiting intake;

(4) limiting length of detention or placement for individuals; or

(5) imposing detention or placement limitations based on the needs of the confined, incarcerated, or housed individuals or individuals served by the facility.

(c) A correction order or conditional license order must clearly state the following:

(1) the specific minimum standards violated, noting the implicated rule or statute;

(2) the findings that constitute a violation of minimum standards;

(3) the corrective action needed;

(4) the time allowed to correct each violation; and

(5) if a license is made conditional:

(i) the length and terms of the conditional license;

(ii) any conditions limiting operation of the facility or parts of the facility; and

(iii) the reasons for making the license conditional.

(d) Nothing in this section prohibits the commissioner from ordering a revocation under subdivision 3 before issuing a correction order or conditional license order.

Subd. 2. Requesting review of conditional license order. (a) A facility administrator may request that the commissioner review the findings in a conditional license order under subdivision 1 on the grounds that satisfactory progress toward substantial compliance with minimum standards has been made, supported by evidence of correction. If appropriate, the request may include a written schedule for compliance.

8.1 (b) Within ten business days of receiving a request, the commissioner must review the
8.2 evidence of correction and the progress made toward substantial compliance with minimum
8.3 standards.

8.4 (c) When the commissioner has assurance that satisfactory progress toward substantial
8.5 compliance with minimum standards is being made, the commissioner must:

8.6 (1) modify or lift any conditions limiting operation of the facility or parts of the facility;
8.7 or

8.8 (2) remove the conditional license order.

8.9 Subd. 3. **License revocation order.** (a) After due notice to a facility administrator of
8.10 the commissioner's intent to issue a revocation order, the commissioner may issue an order
8.11 revoking a facility's license if the commissioner finds that:

8.12 (1) the facility does not conform to minimum standards or is not making satisfactory
8.13 progress toward substantial compliance with minimum standards; and

8.14 (2) the nonconformance does not present an imminent risk of life-threatening harm or
8.15 serious physical injury to the individuals confined, incarcerated, or housed in or served by
8.16 the facility.

8.17 (b) The notice of intent to issue a revocation order must include:

8.18 (1) the citation to minimum standards that have been violated;

8.19 (2) the nature and severity of each violation;

8.20 (3) whether the violation is recurring or nonrecurring;

8.21 (4) the effect of the violation on individuals confined, incarcerated, or housed in or
8.22 served by the facility;

8.23 (5) an evaluation of the risk of harm to individuals confined, incarcerated, or housed in
8.24 or served by the facility; and

8.25 (6) relevant facts, conditions, and circumstances on the facility's operation, including at
8.26 a minimum:

8.27 (i) specific facility deficiencies that endanger the health or safety of individuals confined,
8.28 incarcerated, or housed in or served by the facility;

8.29 (ii) substantiated complaints relating to the facility; or

8.30 (iii) any other evidence that the facility is not in compliance with minimum standards.

9.1 (c) Within 30 days of receiving a notice under paragraph (b), the facility administrator
9.2 must submit a written response with:

9.3 (1) any information related to errors in the notice and the facility's ability to conform to
9.4 minimum standards within a set period, including but not limited to a written schedule for
9.5 compliance and any other information that the facility administrator deems relevant for the
9.6 commissioner's consideration; and

9.7 (2) a written plan:

9.8 (i) indicating how the facility will ensure the transfer of confined, incarcerated, or housed
9.9 individuals, or individuals served by the facility, and records if the facility closes; and

9.10 (ii) specifying arrangements that the facility will make to transfer confined, incarcerated,
9.11 or housed individuals, or individuals served by the facility, to another licensed local
9.12 correctional facility for continuation of detention.

9.13 (d) When revoking a license, the commissioner must consider:

9.14 (1) the nature, chronicity, or severity of the statute or rule violation; and

9.15 (2) the effect of the violation on the health, safety, or rights of individuals confined,
9.16 incarcerated, or housed in or served by the facility.

9.17 (e) The commissioner must issue a revocation order if the facility administrator does
9.18 not respond within 30 days to the notice or if the commissioner does not have assurance
9.19 that satisfactory progress toward substantial compliance with minimum standards will be
9.20 made. The revocation order must be sent to the facility administrator and the facility's
9.21 governing board, clearly stating:

9.22 (1) the specific minimum standards violated, noting the implicated rule or statute;

9.23 (2) the findings that constitute a violation of minimum standards and the nature,
9.24 chronicity, or severity of the violations;

9.25 (3) the corrective action needed;

9.26 (4) any prior correction or conditional license order issued to correct a violation; and

9.27 (5) the date at which the license revocation will occur.

9.28 (f) A revocation order may authorize facility use until a certain date, not to exceed the
9.29 duration of the active license:

9.30 (1) unless a limited license is issued by the commissioner to effectuate a facility closure;
9.31 and

(2) if continued operation does not present an imminent risk of life-threatening harm or is not likely to result in serious physical injury to the individuals confined, incarcerated, or housed in or served by the facility.

(g) After a facility's license is revoked, the facility must not be used until the license is reinstated. When the commissioner is assured that satisfactory progress toward substantial compliance with minimum standards is being made, the commissioner may, at the request of the facility administrator supported by a written schedule for compliance, reinstate the license.

Subd. 4. Reconsideration orders. (a) If a facility administrator believes that a correction order, conditional license order, or revocation order is in error, the facility administrator may ask the commissioner to reconsider the parts of the order or the action that is alleged to be in error. The request for reconsideration must:

(1) be made in writing;

(2) be postmarked and sent to the commissioner within 30 calendar days after receiving the order;

(3) specify the parts of the order or the action that is alleged to be in error;

(4) explain why the order or action is in error; and

(5) include documentation to support the allegation of error.

(b) The commissioner must issue a disposition within 60 days of receiving the facility administrator's response under paragraph (a). A request for reconsideration does not stay any provisions or requirements of the order.

Subd. 5. Temporary immediate license suspension. (a) The commissioner must act immediately to temporarily suspend a license issued under sections 241.011 to 241.013 if:

(1) the facility's failure to comply with applicable minimum standards or the conditions in the facility pose an imminent risk of life-threatening harm or serious physical injury to individuals confined, incarcerated, or housed in or served by the facility; staff; law enforcement; visitors; or the public and:

(i) if the imminent risk of life-threatening harm or serious physical injury cannot be promptly corrected through a different type of order under this section; and

(ii) the facility cannot or has not corrected the violation giving rise to the imminent risk of life-threatening harm or serious physical injury; or

(2) while the facility continues to operate pending due notice and opportunity for written response to the commissioner's notice of intent to issue a revocation order under subdivision 3, the commissioner identifies one or more subsequent violations of minimum standards that may adversely affect the health or safety of individuals confined, incarcerated, or housed in or served by the facility; staff; law enforcement; visitors; or the public.

(b) A notice stating the reasons for the temporary immediate suspension must be delivered by personal service to the facility administrator and the facility's governing board.

(c) A facility administrator and the facility's governing board must discontinue operating the facility upon receiving the commissioner's order to immediately suspend the license.

Subd. 6. Requesting reconsideration of temporary immediate suspension. (a) A facility administrator may request reconsideration of an order immediately suspending a license. The request for reconsideration must be made in writing and sent by certified mail or personal service as follows:

(1) if mailed, the request for reconsideration must be postmarked and sent to the commissioner within five business days after the facility administrator receives notice that the license has been immediately suspended; and

(2) if a request is made by personal service, the request must be received by the commissioner within five business days after the facility administrator received the order.

(b) The request for reconsideration must:

(1) specify the parts of the order that are alleged to be in error;

(2) explain why they are in error; and

(3) include documentation to support the allegation of error.

(c) Within five business days of receiving the facility administrator's timely request for reconsideration, the commissioner must review the request. For a review under subdivision 5, paragraph (a), clause (2), the review must be limited solely to whether the temporary immediate suspension order should remain in effect pending the written response to the commissioner's notice of intent to issue a revocation order.

Subd. 7. Appealing commissioner's reconsideration request. (a) The commissioner's disposition of a request for reconsideration of a correction, conditional license, temporary immediate suspension, or revocation order is final and subject to appeal. Before a facility administrator may request an appeal under paragraph (b), the facility administrator must

12.1 request reconsideration according to this section of any correction, conditional license,
12.2 temporary immediate suspension, or revocation order.

12.3 (b) Within 60 days after the postmark date of the mailed notice of the commissioner's
12.4 decision on a request for reconsideration, the facility administrator may appeal the decision
12.5 by filing for a writ of certiorari with the court of appeals under section 606.01 and Minnesota
12.6 Rules of Civil Appellate Procedure, Rule 115.

12.7 Subd. 8. **Public notice of restriction, revocation, or suspension.** If a facility's license
12.8 is revoked or suspended under this section, if a facility's use is restricted for any reason
12.9 under a conditional license order, or if a correction order is issued to a facility, the
12.10 commissioner must publicly post the following on the department's website:

12.11 (1) the facility name;

12.12 (2) the status of the facility's license; and

12.13 (3) the reason for the correction order, restriction, revocation, or suspension.

12.14 Sec. 3. **[241.013] LICENSING AND INSPECTING LOCAL JUVENILE**
12.15 **CORRECTIONAL FACILITIES.**

12.16 Subdivision 1. **Scope.** This section applies to local juvenile correctional facilities licensed
12.17 by the commissioner of corrections to detain or serve juveniles.

12.18 Subd. 2. **Applicability.** Unless otherwise provided under section 241.011 or by any
12.19 other law, section 241.011 applies to local juvenile correctional facilities.

12.20 Subd. 3. **Facilities for children and youth; inspection and licensing.** (a)
12.21 Notwithstanding any provisions in sections 245A.03; 245A.04; and 256.01, subdivision 2,
12.22 paragraph (a), clause (2); and chapter 245C to the contrary, the commissioner must inspect
12.23 all local juvenile correctional facilities under section 241.011, subdivision 3, except as
12.24 provided under paragraph (c).

12.25 (b) The commissioner must grant a license for up to two years to a county, municipality,
12.26 or facility:

12.27 (1) according to section 241.011, subdivision 5; and

12.28 (2) if the commissioner is satisfied that the interests and well-being of children and youth
12.29 are protected.

12.30 (c) For local juvenile correctional facilities licensed by the commissioner of human
12.31 services, the commissioner of corrections may inspect and certify programs based on

13.1 certification standards under Minnesota Rules. For purposes of this paragraph, "certification"
13.2 has the meaning given in section 245A.02.

13.3 Subd. 4. **Commissioner consultation.** Each facility must receive consultation from the
13.4 commissioner as needed to strengthen services to children and youth.

13.5 Subd. 5. **Affected municipality; notice.** (a) The commissioner must not grant a license
13.6 without giving 30 calendar days' written notice to any affected municipality or other political
13.7 subdivision unless the facility:

13.8 (1) has a licensed capacity of six or fewer individuals; and

13.9 (2) is occupied by either the licensee or a group foster home parent.

13.10 (b) The notification must be given before the license is first granted and annually
13.11 thereafter if annual notification is requested in writing by the affected municipality or other
13.12 political subdivision.

13.13 (c) State funds must not be made available to or be spent by an agency or department
13.14 of state, county, or municipal government for payment to a foster care facility licensed under
13.15 this section until this subdivision has been complied with.

13.16 Subd. 6. **Licensing with juveniles from outside state.** The commissioner must not issue
13.17 or renew a license to a facility under this section to operate a local juvenile correctional
13.18 facility if:

13.19 (1) the facility accepts juveniles who reside outside Minnesota; and

13.20 (2) there is no agreement with the entity placing the juvenile at the facility that obligates
13.21 the entity to pay the juvenile's educational expenses.

13.22 Subd. 7. **Licensing actions.** The licensing actions under section 241.012 apply to a
13.23 facility licensed under this section.

13.24 Subd. 8. **Education for juveniles.** Notwithstanding subdivision 1, the education program
13.25 offered in a state or local correctional facility for the placement, confinement, or incarceration
13.26 of juveniles must be approved by the commissioner of education before the commissioner
13.27 of corrections may grant a license to the facility.

13.28 Subd. 9. **Rulemaking.** (a) The commissioner must adopt rules for local juvenile
13.29 correctional facilities according to Laws 1995, chapter 226, article 3, sections 50, 51, and
13.30 60, as amended.

13.31 (b) The time limit to adopt rules under section 14.125 does not apply to amendments to
13.32 Minnesota Rules, chapter 2960, in effect on the effective date of this section.

14.1 Sec. 4. **[241.014] SECURITY AUDITS FOR STATE CORRECTIONAL FACILITIES.**

14.2 Subdivision 1. **Purpose.** This section applies to state correctional facilities.

14.3 Subd. 2. **Definitions.** (a) For purposes of this section, the terms defined in this subdivision
14.4 have the meanings given.

14.5 (b) "Audit group" means the state correctional facilities security audit group under
14.6 subdivision 5.

14.7 (c) "Corrections and detention confidential data" has the meaning given in section 13.85,
14.8 subdivision 3.

14.9 (d) "Security information" has the meaning given in section 13.37, subdivision 1.

14.10 Subd. 3. **Biennial report and audit of security practices.** The department's inspection
14.11 unit must conduct biennial security audits of each state correctional facility using the
14.12 standards established by the audit group. The inspection unit must:

14.13 (1) prepare a report for each audit; and

14.14 (2) submit the report to the audit group within 30 days of completing the audit.

14.15 Subd. 4. **Data.** (a) Corrections and detention confidential data and security information
14.16 that is contained in reports and records of the audit group:

14.17 (1) maintain that classification, regardless of the data's classification in the hands of the
14.18 person who provided the data; and

14.19 (2) are not subject to discovery or introduction into evidence in a civil or criminal action
14.20 against the state arising out of any matter that the audit group is reviewing.

14.21 (b) Information, documents, and records otherwise available from other sources are not
14.22 immune from discovery or use in a civil or criminal action solely because they were acquired
14.23 during an audit.

14.24 (c) Nothing in this subdivision limits a person who presented information to the audit
14.25 group or who is an audit group member from testifying about matters within the person's
14.26 knowledge. In a civil or criminal proceeding, a person must not be questioned about the
14.27 person's good faith presentation of information to the audit group or opinions formed by
14.28 the person as a result of an audit.

14.29 Subd. 5. **State correctional facilities security audit group.** (a) The commissioner must
14.30 form a state correctional facilities security audit group. The audit group must consist of the
14.31 following members:

15.1 (1) a department employee who is not assigned to the correctional institutions division,
15.2 appointed by the commissioner;

15.3 (2) the ombudsperson for corrections or a designee;

15.4 (3) an elected sheriff or designee nominated by the Minnesota Sheriffs' Association,
15.5 appointed by the commissioner;

15.6 (4) an individual with expertise in security related to infrastructure and operational
15.7 logistics of correctional facilities who is not required to reside in Minnesota, appointed by
15.8 the governor;

15.9 (5) the commissioner of health or a designee;

15.10 (6) the commissioner of administration or a designee;

15.11 (7) two senators, one appointed by the senate majority leader and one appointed by the
15.12 senate minority leader; and

15.13 (8) two representatives, one appointed by the speaker of the house and one appointed
15.14 by the minority leader of the house of representatives.

15.15 (b) The ombudsperson chairs the audit group. The audit group must establish security
15.16 audit standards for state correctional facilities. In developing the standards, the audit group,
15.17 or individual members of the audit group, may gather information from state correctional
15.18 facilities and state correctional staff and inmates. The audit group must:

15.19 (1) periodically review the standards and modify them as needed; and

15.20 (2) report the standards to the chairs and ranking minority members of the house of
15.21 representatives and senate committees with jurisdiction over public safety policy and finance
15.22 when the standards are modified.

15.23 (c) The audit group must meet twice annually to review facility audit reports that the
15.24 department's inspection unit submits to the audit group. Notwithstanding any law to the
15.25 contrary, the audit group may review the full audit reports, including corrections and
15.26 detention confidential data and security information.

15.27 (d) Within 60 days of meeting to review an audit report from the department's inspection
15.28 unit, the audit group must make recommendations to the commissioner. Within 45 days of
15.29 receiving the audit group's recommendations, the commissioner must respond in writing to
15.30 the audit group's findings and recommendations. The commissioner's response must explain:

15.31 (1) whether the commissioner will implement the audit group's recommendations;

16.1 (2) the timeline for implementing the recommendations; and

16.2 (3) if the commissioner will not implement the recommendations, why the commissioner
16.3 will not or cannot implement the recommendations.

16.4 (e) The commissioner must include a written aggregate of the audit group's
16.5 recommendations based on each security audit and assessment of a state correctional facility
16.6 and the commissioner's responses to the recommendations in the biennial report under
16.7 section 241.016, subdivision 1. The commissioner must not include corrections and detention
16.8 confidential data and security information in the commissioner's report.

16.9 (f) The commissioner must provide staffing and administrative support to the audit
16.10 group.

16.11 Subd. 6. **Compensation.** Except as otherwise provided in this subdivision, the terms,
16.12 compensation, and removal of audit group members are governed by section 15.059. Audit
16.13 group members serve without compensation but may receive expense reimbursement.
16.14 Notwithstanding section 15.059, subdivision 6, the audit group does not expire.

16.15 Subd. 7. **Open meeting law.** The audit group is not subject to chapter 13D.

16.16 Sec. 5. Minnesota Statutes 2024, section 241.021, subdivision 1f, is amended to read:

16.17 Subd. 1f. **Report.** ~~By February 15, 2022, and by February 15 each year thereafter, the~~
16.18 ~~commissioner of corrections shall~~ must report to the chairs and ranking minority members
16.19 of the house of representatives and senate committees and divisions with jurisdiction over
16.20 public safety and judiciary on the status of ~~the implementation of the provisions in this~~
16.21 ~~section~~ implementing sections 241.011 to 241.021 over the prior year, particularly the health
16.22 and safety provisions of individuals confined or, incarcerated, or housed in a both local
16.23 adult and state correctional facility and a facility licensed by the commissioner facilities.

16.24 ~~This~~ The report ~~shall~~ must include but not be limited to data regarding on:

16.25 (1) in accordance with section 241.011, subdivision 7, the number of confined or,
16.26 incarcerated persons, or housed individuals who died while committed to the custody of
16.27 the facility, regardless of whether the death occurred at the facility or after removal from
16.28 the facility for medical care stemming from an incident or need for medical care at the
16.29 correctional facility, including aggregated demographic information and the local correctional
16.30 facilities' most recent inspection reports and any issued corrective orders or, conditional
16.31 licenses issued, revocations, or temporary immediate suspensions;

16.32 (2) the aggregated results of the any death reviews conducted by a facility as required
16.33 by under section 241.011, subdivision 8, including any implemented policy changes;

(3) the number of uses of force by facility staff on ~~persons~~ individuals confined or incarcerated in the state correctional facility or local adult correctional facility, including but not limited to whether ~~these~~ the uses of force were determined to be justified by the facility, ~~for which the commissioner of corrections shall consult with the Minnesota Sheriffs' Association and a representative from the Minnesota Association of Community Corrections Act Counties who is responsible for the operations of an adult correctional facility to develop criteria for reporting and define reportable uses of force;~~

(4) the number of suicide attempts, number of ~~people~~ individuals transported to a medical facility, and number of ~~people~~ individuals placed in segregation;

(5) the number of ~~persons~~ individuals committed to the ~~commissioner of corrections'~~ commissioner's custody that the commissioner is housing in local adult correctional facilities licensed under subdivision 1 section 241.011, including but not limited to:

(i) aggregated demographic data of ~~these~~ the individuals;

(ii) length of time spent housed in a licensed local adult correctional facility; and

(iii) any contracts that the department of ~~Corrections~~ has with local adult correctional facilities to provide housing; and

(6) summary data from state correctional facilities regarding on complaints involving alleged on-duty staff misconduct, including but not limited to the:

(i) total number of misconduct complaints and investigations;

(ii) total number of complaints by each category of misconduct, as defined by the ~~commissioner of corrections;~~

(iii) number of allegations dismissed as unfounded;

(iv) number of allegations dismissed on grounds that the allegation was unsubstantiated; and

(v) number of allegations substantiated, any resulting disciplinary action, and the nature of the discipline.

Sec. 6. Minnesota Statutes 2024, section 241.021, subdivision 4a, is amended to read:

Subd. 4a. **Substance use disorder treatment programs.** All (a) The following residential substance use disorder treatment programs operated by the commissioner of ~~corrections to~~ treat adults committed to the commissioner's custody shall must comply with the standards

18.1 ~~mandated in~~ chapter 245G for treatment programs operated by community-based treatment
18.2 facilities;

18.3 (1) programs in state correctional facilities that treat individuals committed to the
18.4 commissioner's custody; and

18.5 (2) programs to treat juveniles in state-operated local juvenile correctional facilities that
18.6 have a correctional program services certification under Minnesota Rules, chapter 2960.

18.7 (b) When the commissioners of corrections and human services agree that ~~these~~ the
18.8 established standards for community-based programs cannot reasonably apply to correctional
18.9 facilities under paragraph (a), alternative equivalent standards ~~shall~~ must be developed by
18.10 the commissioners and established through an interagency agreement.

18.11 Sec. 7. Minnesota Statutes 2024, section 241.021, subdivision 7, is amended to read:

18.12 Subd. 7. **Intake release of information.** (a) All local adult and state correctional facilities
18.13 that confine or incarcerate adults ~~are required~~ must at intake to provide each ~~person~~ individual
18.14 an authorization form to release information related to ~~that person's~~ the individual's health
18.15 or mental health condition and when that information should be shared.

18.16 ~~This~~ (b) The release form ~~shall~~ must allow the individual to select if the individual wants
18.17 to require the correctional facility to make attempts to contact the designated person to
18.18 facilitate the sharing of health condition information upon incapacitation or if the individual
18.19 becomes unable to communicate or direct the sharing of this information, so long as:

18.20 (1) contact information was provided; and

18.21 (2) the incapacitated individual or individual who is unable to communicate or direct
18.22 the sharing of this information is not subject to a court order prohibiting contact with the
18.23 designated person.

18.24 Sec. 8. **REVISOR INSTRUCTION.**

18.25 The revisor of statutes must renumber each section of Minnesota Statutes listed in column
18.26 A with the number listed in column B.

18.27	<u>Column A</u>	<u>Column B</u>
18.28	<u>241.021, subdivision 4</u>	<u>241.74, subdivision 1</u>
18.29	<u>241.021, subdivision 4a</u>	<u>241.39</u>
18.30	<u>241.021, subdivision 4b</u>	<u>241.74, subdivision 2, paragraph (a)</u>
18.31	<u>241.021, subdivision 4c</u>	<u>241.74, subdivision 2, paragraph (b)</u>

19.1	<u>241.021, subdivision 4d</u>	<u>241.74, subdivision 3</u>
19.2	<u>241.021, subdivision 4e</u>	<u>241.254</u>

19.3 Sec. 9. **REVISOR INSTRUCTION; CROSS-REFERENCES.**

19.4 As a result of amendments to Minnesota Statutes, sections 241.011 to 241.021, the
19.5 revisor of statutes must work with the Department of Corrections to correct cross-references
19.6 in Minnesota Statutes and Minnesota Rules and make any other necessary grammatical
19.7 changes.

19.8 Sec. 10. **REPEALER.**

19.9 Minnesota Statutes 2024, section 241.021, subdivisions 1, 1a, 1b, 1c, 1d, 1e, 1g, 1h, 1i,
19.10 2, 2a, 2b, 3, 6, and 8, are repealed.

241.021 LICENSING AND SUPERVISION OF FACILITIES.

Subdivision 1. **Correctional facilities; inspection; licensing.** (a) Except as provided in paragraph (b), the commissioner of corrections shall inspect and license all correctional facilities throughout the state, whether public or private, established and operated for the detention and confinement of persons confined or incarcerated therein according to law except to the extent that they are inspected or licensed by other state regulating agencies. The commissioner shall promulgate pursuant to chapter 14, rules establishing minimum standards for these facilities with respect to their management, operation, physical condition, and the security, safety, health, treatment, and discipline of persons confined or incarcerated therein. These minimum standards shall include but are not limited to specific guidance pertaining to:

- (1) screening, appraisal, assessment, and treatment for persons confined or incarcerated in correctional facilities with mental illness or substance use disorders;
- (2) a policy on the involuntary administration of medications;
- (3) suicide prevention plans and training;
- (4) verification of medications in a timely manner;
- (5) well-being checks;
- (6) discharge planning, including providing prescribed medications to persons confined or incarcerated in correctional facilities upon release;
- (7) a policy on referrals or transfers to medical or mental health care in a noncorrectional institution;
- (8) use of segregation and mental health checks;
- (9) critical incident debriefings;
- (10) clinical management of substance use disorders and opioid overdose emergency procedures;
- (11) a policy regarding identification of persons with special needs confined or incarcerated in correctional facilities;
- (12) a policy regarding the use of telehealth;
- (13) self-auditing of compliance with minimum standards;
- (14) information sharing with medical personnel and when medical assessment must be facilitated;
- (15) a code of conduct policy for facility staff and annual training;
- (16) a policy on death review of all circumstances surrounding the death of an individual committed to the custody of the facility; and
- (17) dissemination of a rights statement made available to persons confined or incarcerated in licensed correctional facilities.

No individual, corporation, partnership, voluntary association, or other private organization legally responsible for the operation of a correctional facility may operate the facility unless it possesses a current license from the commissioner of corrections. Private adult correctional facilities shall have the authority of section 624.714, subdivision 13, if the Department of Corrections licenses the facility with the authority and the facility meets requirements of section 243.52.

The commissioner shall review the correctional facilities described in this subdivision at least once every two years, except as otherwise provided, to determine compliance with the minimum standards established according to this subdivision or other Minnesota statute related to minimum standards and conditions of confinement.

The commissioner shall grant a license to any facility found to conform to minimum standards or to any facility which, in the commissioner's judgment, is making satisfactory progress toward substantial conformity and the standards not being met do not impact the interests and well-being of the persons confined or incarcerated in the facility. A limited license under subdivision 1a may be issued for purposes of effectuating a facility closure. The commissioner may grant licensure up to two years. Unless otherwise specified by statute, all licenses issued under this chapter expire at 12:01 a.m. on the day after the expiration date stated on the license.

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The commissioner shall have access to the buildings, grounds, books, records, staff, and to persons confined or incarcerated in these facilities. The commissioner may require the officers in charge of these facilities to furnish all information and statistics the commissioner deems necessary, at a time and place designated by the commissioner. Notwithstanding chapter 13 or any other state law classifying or restricting access to data, the officers in charge of these facilities must furnish all data available to the facility that the commissioner deems necessary to conduct a review of any emergency or unusual occurrence at the facility. Failure to provide or grant access to relevant information or statistics necessary to fulfill inspection or emergency or unusual occurrence reviews, as requested by the commissioner, may be grounds for the commissioner to take action against a correctional facility's license under subdivision 1a, 1b, or 1c.

All facility administrators of correctional facilities are required to report all deaths of individuals who died while committed to the custody of the facility, regardless of whether the death occurred at the facility or after removal from the facility for medical care stemming from an incident or need for medical care at the correctional facility, as soon as practicable, but no later than 24 hours of receiving knowledge of the death, including any demographic information as required by the commissioner.

All facility administrators of correctional facilities are required to report all other emergency or unusual occurrences as defined by rule, including uses of force by facility staff that result in substantial bodily harm or suicide attempts, to the commissioner of corrections within ten days from the occurrence, including any demographic information as required by the commissioner. The commissioner of corrections shall consult with the Minnesota Sheriffs' Association and a representative from the Minnesota Association of Community Corrections Act Counties who is responsible for the operations of an adult correctional facility to define "use of force" that results in substantial bodily harm for reporting purposes.

The commissioner may require that any or all such information be provided through the Department of Corrections detention information system. The commissioner shall post each inspection report publicly and on the department's website within 30 days of completing the inspection. The education program offered in a correctional facility for the confinement or incarceration of juvenile offenders must be approved by the commissioner of education before the commissioner of corrections may grant a license to the facility.

(b) For juvenile facilities licensed by the commissioner of human services, the commissioner may inspect and certify programs based on certification standards set forth in Minnesota Rules. For the purpose of this paragraph, "certification" has the meaning given it in section 245A.02.

(c) Any state agency which regulates, inspects, or licenses certain aspects of correctional facilities shall, insofar as is possible, ensure that the minimum standards it requires are substantially the same as those required by other state agencies which regulate, inspect, or license the same aspects of similar types of correctional facilities, although at different correctional facilities.

(d) Nothing in this section shall be construed to limit the commissioner of corrections' authority to promulgate rules establishing standards of eligibility for counties to receive funds under chapter 401, or to require counties to comply with operating standards the commissioner establishes as a condition precedent for counties to receive that funding.

(e) The department's inspection unit must report directly to a division head outside of the correctional institutions division.

Subd. 1a. Correction order; conditional license. (a) When the commissioner finds that any facility described in subdivision 1, except foster care facilities for delinquent children and youth as provided in subdivision 2, does not substantially conform to the minimum standards established by the commissioner and is not making satisfactory progress toward substantial conformance and the nonconformance does not present an imminent risk of life-threatening harm or serious physical injury to the persons confined or incarcerated in the facility, the commissioner shall promptly notify the facility administrator and the governing board of the facility of the deficiencies and must issue a correction order or a conditional license order that the deficiencies be remedied within a reasonable and specified period of time.

The conditional license order may restrict the use of any facility which does not substantially conform to minimum standards, including imposition of conditions limiting operation of the facility or parts of the facility, reducing facility capacity, limiting intake, limiting length of detention for individuals, or imposing detention limitations based on the needs of the individuals being confined or incarcerated therein.

The correction order or conditional license order must clearly state the following:

- (1) the specific minimum standards violated, noting the implicated rule or law;
- (2) the findings that constitute a violation of minimum standards;
- (3) the corrective action needed;
- (4) time allowed to correct each violation; and

(5) if a license is made conditional, the length and terms of the conditional license, any conditions limiting operation of the facility, and the reasons for making the license conditional.

(b) The facility administrator may request review of the findings noted in the conditional license order on the grounds that satisfactory progress toward substantial compliance with minimum standards has been made, supported by evidence of correction, and, if appropriate, may include a written schedule for compliance. The commissioner shall review the evidence of correction and the progress made toward substantial compliance with minimum standards within a reasonable period of time, not to exceed ten business days. When the commissioner has assurance that satisfactory progress toward substantial compliance with minimum standards is being made, the commissioner shall lift any conditions limiting operation of the facility or parts of the facility or remove the conditional license order.

(c) Nothing in this section prohibits the commissioner from ordering a revocation under subdivision 1b prior to issuing a correction order or conditional license order.

Subd. 1b. License revocation order. (a) When, after due notice to the facility administrator of the commissioner's intent to issue a revocation order, the commissioner finds that any facility described in this subdivision, except county jails and lockups subject to active condemnation proceedings or orders as provided in sections 641.26, 642.10, and 642.11, does not conform to minimum standards, or is not making satisfactory progress toward substantial compliance with minimum standards, and the nonconformance does not present an imminent risk of life-threatening harm or serious physical injury to the persons confined or incarcerated in the facility, the commissioner may issue an order revoking the license of that facility.

The notice of intent to issue a revocation order shall include:

- (1) the citation to minimum standards that have been violated;
- (2) the nature and severity of each violation;
- (3) whether the violation is recurring or nonrecurring;
- (4) the effect of the violation on persons confined or incarcerated in the correctional facility;
- (5) an evaluation of the risk of harm to persons confined or incarcerated in the correctional facility;
- (6) relevant facts, conditions, and circumstances concerning the operation of the licensed facility, including at a minimum:
 - (i) specific facility deficiencies that endanger the health or safety of persons confined or incarcerated in the correctional facility;
 - (ii) substantiated complaints relating to the correctional facility; or
 - (iii) any other evidence that the correctional facility is not in compliance with minimum standards.

(b) The facility administrator must submit a written response within 30 days of receipt of the notice of intent to issue a revocation order with any information related to errors in the notice, ability to conform to minimum standards within a set period of time including but not limited to a written schedule for compliance, and any other information the facility administrator deems relevant for consideration by the commissioner. The written response must also include a written plan indicating how the correctional facility will ensure the transfer of confined or incarcerated individuals and records if the correctional facility closes. Plans must specify arrangements the correctional facility will make to transfer confined or incarcerated individuals to another licensed correctional facility for continuation of detention.

(c) When revoking a license, the commissioner shall consider the nature, chronicity, or severity of the violation of law or rule and the effect of the violation on the health, safety, or rights of persons confined or incarcerated in the correctional facility.

(d) If the facility administrator does not respond within 30 days to the notice of intent to issue a revocation order or if the commissioner does not have assurance that satisfactory progress toward substantial compliance with minimum standards will be made, the commissioner shall issue a revocation order. The revocation order must be sent to the facility administrator and the governing board of the facility, clearly stating:

- (1) the specific minimum standards violated, noting the implicated rule or law;
- (2) the findings that constitute a violation of minimum standards and the nature, chronicity, or severity of those violations;
- (3) the corrective action needed;
- (4) any prior correction or conditional license orders issued to correct violations; and
- (5) the date at which the license revocation shall take place.

A revocation order may authorize use until a certain date, not to exceed the duration of the current license, unless a limited license is issued by the commissioner for purposes of effectuating a facility closure and continued operation does not present an imminent risk of life-threatening harm or is not likely to result in serious physical injury to the persons confined or incarcerated in the facility.

(e) After revocation of the facility's licensure, that facility shall not be used until the license is renewed. When the commissioner is satisfied that satisfactory progress toward substantial compliance with minimum standards is being made, the commissioner may, at the request of the facility administrator supported by a written schedule for compliance, reinstate the license.

Subd. 1c. Temporary license suspension. The commissioner shall act immediately to temporarily suspend a license issued under this chapter if:

- (1) the correctional facility's failure to comply with applicable minimum standards or the conditions in the correctional facility pose an imminent risk of life-threatening harm or serious physical injury to persons confined or incarcerated in the facility, staff, law enforcement, visitors, or the public; and
 - (i) if the imminent risk of life-threatening harm or serious physical injury cannot be promptly corrected through a different type of order under this section; and
 - (ii) the correctional facility cannot or has not corrected the violation giving rise to the imminent risk of life-threatening harm or serious physical injury; or
- (2) while the correctional facility continues to operate pending due notice and opportunity for written response to the commissioner's notice of intent to issue an order of revocation, the commissioner identifies one or more subsequent violations of minimum standards which may adversely affect the health or safety of persons confined or incarcerated in the facility, staff, law enforcement, visitors, or the public.

A notice stating the reasons for the immediate suspension informing the facility administrator must be delivered by personal service to the correctional facility administrator and the governing board of the facility.

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

Subd. 1e. Reconsideration of orders; appeals. (a) If the facility administrator believes the correction order, conditional license order, or revocation order is in error, the facility administrator may ask the Department of Corrections to reconsider the parts of the order or action that are alleged to be in error. The request for reconsideration must:

- (1) be made in writing;
- (2) be postmarked and sent to the commissioner no later than 30 calendar days after receipt of the correction order, conditional license order, or revocation order;
- (3) specify the parts of the order that are alleged to be in error;
- (4) explain why the correction order, conditional license order, or revocation order is in error; and

(5) include documentation to support the allegation of error.

The commissioner shall issue a disposition within 60 days of receipt of the facility administrator's response to correction, conditional license, or revocation order violations. A request for reconsideration does not stay any provisions or requirements of the order.

(b) The facility administrator may request reconsideration of an order immediately suspending a license. The request for reconsideration of an order immediately suspending a license must be made in writing and sent by certified mail, personal service, or other means expressly stated in the commissioner's order. If mailed, the request for reconsideration must be postmarked and sent to the commissioner no later than five business days after the facility administrator receives notice that the license has been immediately suspended. If a request is made by personal service, it must be received by the commissioner no later than five business days after the facility administrator received the order. The request for reconsideration must:

- (1) specify the parts of the order that are alleged to be in error;
- (2) explain why they are in error; and
- (3) include documentation to support the allegation of error.

A facility administrator and the governing board of the facility shall discontinue operation of the correctional facility upon receipt of the commissioner's order to immediately suspend the license.

(c) Within five business days of receipt of the facility administrator's timely request for reconsideration of a temporary immediate suspension, the commissioner shall review the request for reconsideration. The scope of the review shall be limited solely to the issue of whether the temporary immediate suspension order should remain in effect pending the written response to commissioner's notice of intent to issue a revocation order.

The commissioner's disposition of a request for reconsideration of correction, conditional license, temporary immediate suspension, or revocation order is final and subject to appeal. The facility administrator must request reconsideration as required by this section of any correction, conditional license, temporary immediate suspension, or revocation order prior to appeal.

No later than 60 days after the postmark date of the mailed notice of the commissioner's decision on a request for reconsideration, the facility administrator may appeal the decision by filing for a writ of certiorari with the court of appeals under section 606.01 and Minnesota Rules of Civil Appellate Procedure, Rule 115.

Subd. 1g. **Biennial assessment and audit of security practices; state correctional facilities.** (a) Beginning in 2022, the commissioner shall have the department's inspection unit conduct biennial security audits of each state correctional facility using the standards promulgated by the state correctional facilities security audit group. The unit must prepare a report for each assessment and audit and submit the report to the state correctional facilities security audit group within 30 days of completion of the audit.

(b) Corrections and detention confidential data, as defined in section 13.85, subdivision 3, and nonpublic security information, as defined in section 13.37, subdivision 1, that is contained in reports and records of the group maintain that classification, regardless of the data's classification in the hands of the person who provided the data, and are not subject to discovery or introduction into evidence in a civil or criminal action against the state arising out of the matters the group is reviewing. Information, documents, and records otherwise available from other sources are not immune from discovery or use in a civil or criminal action solely because they were acquired during the group's audit. This section does not limit a person who presented information to the group or who is a member of the group from testifying about matters within the person's knowledge. However, in a civil or criminal proceeding, a person may not be questioned about the person's good faith presentation of information to the group or opinions formed by the person as a result of the group's audits.

Subd. 1h. **State correctional facilities security audit group.** (a) Beginning in fiscal year 2022, the commissioner shall form a state correctional facilities security audit group. The group must consist of the following members:

- (1) a Department of Corrections employee who is not assigned to the correctional institutions division, appointed by the commissioner;
- (2) the ombudsperson for corrections or a designee;

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(3) an elected sheriff or designee nominated by the Minnesota Sheriffs' Association and appointed by the commissioner;

(4) an individual with expertise in security related to infrastructure and operational logistics of correctional facilities who is not required to reside in Minnesota, appointed by the governor;

(5) the commissioner of health or a designee;

(6) the commissioner of administration or a designee;

(7) two senators, one appointed by the senate majority leader and one appointed by the minority leader; and

(8) two representatives, one appointed by the speaker of the house and one appointed by the minority leader of the house of representatives.

(b) The ombudsperson or a designee shall chair the group. The group shall establish security audit standards for state correctional facilities. In developing the standards, the group, or individual members of the group, may gather information from state correctional facilities and state correctional staff and inmates. The security audit group must periodically review the standards and modify them as needed. The group must report the standards to the chairs and ranking minority members of the house of representatives and senate committees with jurisdiction over public safety policy and finance whenever the standards are updated.

(c) The group shall meet twice a year to review facility audit reports submitted to the group by the agency's inspection unit. Notwithstanding any law to the contrary, the group is entitled to review the full audit reports including nonpublic security information and corrections and detention confidential data. Within 60 days of meeting to review audit reports from the department's inspection unit, the group must make recommendations to the commissioner. Within 45 days of receiving the group's recommendations, the commissioner must reply in writing to the group's findings and recommendations. The commissioner's response must explain whether the agency will implement the group's recommendations, the timeline for implementation of the changes, and, if not, why the commissioner will not or cannot implement the group's recommendations.

(d) Beginning in 2023, the commissioner must include a written aggregate of the group's recommendations based on each security audit and assessment of a state correctional facility and the commissioner's responses to the recommendations in the biennial report required under section 241.016, subdivision 1. The commissioner shall not include corrections and detention confidential data, as defined in section 13.85, subdivision 3, and nonpublic security information, as defined in section 13.37, subdivision 1, in the commissioner's report to the legislature.

(e) The commissioner shall provide staffing and administrative support to the group.

(f) The state correctional facilities security audit group is not subject to chapter 13D.

(g) Except as otherwise provided in this paragraph, the terms, compensation, and removal of members of the group are governed by section 15.059. Members of the group serve without compensation but shall receive expense reimbursement. Notwithstanding section 15.059, subdivision 6, the group does not expire.

Subd. 1i. **Definition.** As used in this section, "correctional facility" means any facility, including a group home, having a residential component, the primary purpose of which is to serve persons placed in facilities by a court, court services department, parole authority, or other correctional agency having dispositional power over persons charged with, convicted, or adjudicated guilty or delinquent.

Subd. 2. **Facilities for delinquent children and youth; licenses; supervision.** Notwithstanding any provisions in sections 256.01, subdivision 2, paragraph (a), clause (2), 245A.03, and 245A.04, and chapter 245C, to the contrary, but subject to the municipality notification requirements of subdivision 2a, the commissioner of corrections shall review all county, municipal or other publicly established and operated facilities for the detention, care and training of delinquent children and youth at least once every biennium, and if such facility conforms to reasonable standards established by the commissioner or in the commissioner's judgment is making satisfactory progress toward substantial conformity therewith, and the commissioner is satisfied that the interests and well-being of children and youth received therein are protected, the commissioner shall grant a license to the county, municipality or agency thereof operating such facility. The commissioner may grant licensure up to two years. Each such facility shall cooperate with the commissioner to make available all facts regarding its operation and services as the commissioner requires to determine its conformance to standards and its competence to give the services needed and which it purports to give. Every

such facility as herein described is subject to visitation and supervision by the commissioner and shall receive from the commissioner consultation as needed to strengthen services to the children and youth received therein.

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

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

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

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

Subd. 3. **Revocation of license.** When after due notice and hearing the commissioner of corrections determines that any facility described in subdivision 2 does not substantially conform to the reasonable standards therein provided or is not making satisfactory progress toward substantial compliance therewith, the commissioner may, with the consent of the judge of the district court, issue an order revoking the license of that facility. After revocation of its license, that facility shall not be used for the care and training of delinquent children, or for their detention until its license is renewed.

Subd. 6. **Background studies.** (a) The commissioner of corrections is authorized to do background studies on personnel employed by any facility serving children or youth that is licensed under this section. The commissioner of corrections shall contract with the commissioner of human services to conduct background studies of individuals providing services in secure and nonsecure residential facilities and detention facilities who have direct contact, as defined under section 245C.02, subdivision 11, with persons served in the facilities. A disqualification of an individual in this section shall disqualify the individual as provided in chapter 245C.

(b) A clerk or administrator of any court, the Bureau of Criminal Apprehension, a prosecuting attorney, a county sheriff, or a chief of a local police department, shall assist in these studies by providing to the commissioner of human services, or the commissioner's representative, all criminal conviction data available from local, state, and national criminal history record repositories, including the criminal justice data communications network, pertaining to the following individuals: applicants, operators, all persons living in the household, and all staff of any facility subject to background studies under this subdivision.

(c) The Department of Human Services shall conduct the background studies required by paragraph (a) in compliance with the provisions of chapter 245C. For the purpose of this subdivision, the term "secure and nonsecure residential facility and detention facility" shall include programs licensed or certified under subdivision 2. The Department of Human Services shall provide necessary forms and instructions, shall conduct the necessary background studies of individuals, and shall provide notification of the results of the studies to the facilities, individuals, and the commissioner of corrections. Individuals shall be disqualified under the provisions of chapter 245C.

If an individual is disqualified, the Department of Human Services shall notify the facility and the individual and shall inform the individual of the right to request a reconsideration of the disqualification by submitting the request to the Department of Corrections.

(d) The commissioner of corrections shall review and decide reconsideration requests, including the granting of variances, in accordance with the procedures and criteria contained in chapter 245C. The commissioner's decision shall be provided to the individual and to the Department of Human Services. The commissioner's decision to grant or deny a reconsideration of disqualification is the final administrative agency action.

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(e) Facilities described in paragraph (a) shall be responsible for cooperating with the departments in implementing the provisions of this subdivision. The responsibilities imposed on applicants and licensees under chapters 245A and 245C shall apply to these facilities.

Subd. 8. **Death review teams.** In the event a correctional facility receives information of the death of an individual while committed to the custody of the facility, regardless of whether the death occurred at the facility or after removal from the facility for medical care stemming from an incident or need for medical care at the correctional facility, the administrator of the facility, minimally including a medical expert of the facility's choosing who did not provide medical services to the individual, and, if appropriate, a mental health expert, shall review the circumstances of the death and assess for preventable mortality and morbidity, including recommendations for policy or procedure change, within 90 days of death. The investigating law enforcement agency may provide documentation, participate in, or provide documentation and participate in the review in instances where criminal charges were not brought. A preliminary autopsy report must be provided as part of the review and any subsequent autopsy findings as available. The facility administrator shall provide notice to the commissioner of corrections via the Department of Corrections detention information system that the correctional facility has conducted a review and identify any recommendations for changes in policy, procedure, or training that will be implemented. Any report or other documentation created for purposes of a facility death review is confidential as defined in section 13.02, subdivision 3. Nothing in this section relieves the facility administrator from complying with the notice of death to the commissioner as required by subdivision 1, paragraph (a).