

SENATE
STATE OF MINNESOTA
NINETY-FOURTH SESSION

S.F. No. 1721

(SENATE AUTHORS: WESTLIN)

DATE	D-PG	OFFICIAL STATUS
02/20/2025	458	Introduction and first reading Referred to Judiciary and Public Safety

1.1A bill for an act

1.2relating to corrections; clarifying reporting requirements related to community

1.3supervision; exempting federal law enforcement agents who transport persons

1.4from definition of protective agent; repealing obsolete civil commitment law

1.5regarding incarcerated individuals with mental illness; amending Minnesota Statutes

1.62024, sections 326.338, subdivision 4; 401.10, subdivision 4; 401.17, subdivisions

1.71, 5; repealing Minnesota Statutes 2024, sections 253.21; 253.23.

1.8BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.9Section 1. Minnesota Statutes 2024, section 326.338, subdivision 4, is amended to read:

1.10Subd. 4. **Protective agent.** A person who for a fee, reward, or other valuable consideration

1.11undertakes any of the following acts is considered to be engaged in the business of protective

1.12agent:

1.13(1) providing guards, private patrol, or other security personnel to protect persons or

1.14their property or to prevent the theft, unlawful taking of goods, merchandise, or money, or

1.15to prevent the misappropriation or concealment of goods, merchandise, money, or other

1.16valuable things, or to procure the return of those things;

1.17(2) physically responding to any alarm signal device, burglar alarm, television camera,

1.18still camera, or a mechanical or electronic device installed or used to prevent or detect

1.19burglary, theft, shoplifting, pilferage, losses, or other security measures;

1.20(3) providing armored car services for the protection of persons or property;

1.21(4) controlling motor traffic on public streets, roads, and highways for the purpose of

1.22escorting a funeral procession and oversized loads;

(5) providing management and control of crowds for the purpose of safety and protection;
or

(6) providing guards or other security personnel to transport prisoners or any other person arrested on a warrant, except that this does not apply to the transport or escort of offenders by staff of the Department of Corrections; the transport of a person by the sheriff of a county to the appropriate adult or juvenile correctional facility as designated by the commissioner of corrections or to and from court in connection with postconviction, habeas corpus, or intrastate mandatory disposition of detainers proceedings; the transfer of a person by emergency medical services personnel; or the transfer of a person by a peace officer as defined in section 626.84, subdivision 1, paragraph (c), or employed by a federal law enforcement agency.

A person covered by this subdivision may perform the traffic-control duties in clause (4) in place of a police officer when a special permit is required, provided that the protective agent is first-aid qualified.

Sec. 2. Minnesota Statutes 2024, section 401.10, subdivision 4, is amended to read:

Subd. 4. **Report.** ~~(a)~~ By January 15, 2025, and every odd year thereafter, the commissioner must submit a report to the chairs and ranking minority members of the legislative committees and divisions with jurisdiction over public safety finance and policy. At a minimum, the report must summarize and contain the following data:

(1) the commissioner's most recent workload study under section 401.17, subdivision 4; and

~~(2) the commissioner's collected caseload data under section 244.21, subdivision 1; and~~

~~(3)~~ (2) projected growth in the community supervision formula calculated by analyzing ~~caseload~~ supervision population trends and data.

~~(b) The report may be made in conjunction with reporting under section 244.21.~~

Sec. 3. Minnesota Statutes 2024, section 401.17, subdivision 1, is amended to read:

Subdivision 1. **Establishment; members.** (a) The commissioner must establish a Community Supervision Advisory Committee to develop and make recommendations to the commissioner on standards for probation, supervised release, and community supervision. The committee consists of 19 members as follows:

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

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

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

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

(5) two representatives appointed by the Minnesota Indian Affairs Council;

(6) two commissioner-appointed representatives from the Department of Corrections;

(7) the chair of the statewide Evidence-Based Practice Advisory Committee;

(8) three individuals ~~who have been supervised, either individually or collectively, under each of the state's three community supervision delivery systems~~ with varied experiences in community supervision, reflecting the diversity of the state's supervision frameworks as well as demographic and geographic diversity appointed by the commissioner in consultation with the Minnesota Association of County Probation Officers and the Minnesota Association of Community Corrections Act Counties;

(9) an advocate for victims of crime appointed by the commissioner; ~~and~~

(10) a representative from a community-based research ~~and~~ or advocacy entity appointed by the commissioner;

(11) two judicial representatives, one from the seven-county metropolitan area and one from greater Minnesota, appointed by the Minnesota Judicial Council;

(12) one prosecutor appointed by the Minnesota County Attorneys Association; and

(13) one defense attorney appointed by the Minnesota State Public Defender.

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

(c) Chapter 15 applies to the extent consistent with this section.

(d) The commissioner must convene the first meeting of the committee on or before October 1, 2023.

Sec. 4. Minnesota Statutes 2024, section 401.17, subdivision 5, is amended to read:

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

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

(1) the number of individuals sentenced to supervision each year;

(2) the offense levels, offense types, and assessed risk levels for which individuals are sentenced to supervision;

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

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

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

(6) the number of individuals revoked from supervision and the identified grounds for revocation.

(c) Beginning ~~January 15~~ May 1, 2025, as part of the report under section ~~241.21~~ 244.21, subdivision 2, the commissioner must include data collected under the committee method established under this subdivision. The commissioner must analyze the collected data by race, gender, and county, including Tribal Nations.

(d) Nothing in this section overrides the commissioner's authority to require additional data be provided under other law.

Sec. 5. **REPEALER.**

Minnesota Statutes 2024, sections 253.21; and 253.23, are repealed.

253.21 COMMITMENT OF PRISONERS; PROCEEDINGS; RESTORATION OF MENTAL HEALTH.

Subdivision 1. **Initiation of commitment proceedings involving prisoners.** When any person confined in the Minnesota Correctional Facility-Stillwater or the Minnesota Correctional Facility-St. Cloud is alleged to be mentally ill, the chief executive officer or other person in charge of the correctional facility shall notify the executive board, which shall cause the prisoner to be examined by the court exercising probate jurisdiction of the county where the prisoner is confined, as in the case of other persons who are mentally ill.

Subd. 2. **Transfer of committed prisoners.** In case the prisoner is found to be mentally ill, the prisoner must be transferred by the order of the court to the Minnesota Security Hospital or to a state hospital for people who are mentally ill in the discretion of the court, there to be kept and maintained as in the case of other persons who are mentally ill.

Subd. 3. **Return of prisoners following restoration of mental health.** If, in the judgment of the chief executive officer of the correctional facility the prisoner came from, the prisoner's mental health is restored before the period of commitment to the correctional facility has expired, upon the certificate of the chief executive officer, the executive board shall remove the prisoner from the secure treatment facility and transfer the prisoner to the correctional institution the prisoner came from to complete the sentence.

253.23 PRISONER TRANSFER PROCEEDINGS.

When any prisoner is transferred to the Minnesota Security Hospital, the original warrant of commitment to the correctional facility must be sent with the prisoner and returned to the correctional facility upon return or discharge of the prisoner. A certified copy of the warrant of commitment to the correctional facility must be preserved at the correctional facility.