



OFFICE OF THE COMMISSIONER  
*Contributing to a Safer Minnesota*

December 8, 2010

Honorable Michael Paymar, Chair  
House Public Safety Finance Division Committee

Honorable Linda Higgins, Chair  
Senate Public Safety Budget Division

Honorable Debra Hilstrom, Chair  
House Public Safety Policy & Oversight Committee

Honorable Mee Moua, Chair  
Senate Judiciary Committee

Dear Committee Chairs:

The 1999 Minnesota Legislature authorized the Department of Corrections (DOC) to collect supervision fees from offenders on probation and supervised release pursuant to M.S. §241.272 and directed the department to report annually on fees imposed and collected. According to this statute, the purpose of this fee is to help offset costs related to correctional services. The 2001 legislature amended M.S. §241.272 at the DOC's request to allow supervision fees collected by DOC contract agents to be kept by the county and the fees collected by state agents deposited to the General Fund. This only has an impact on misdemeanor cases supervised by contract agents.

This report contains a 12-month cycle of imposing and collecting the fees and provides the following information requested in the statute: types of correctional services for which fees were charged, aggregate amount of fees imposed, and aggregate amount of fees collected.

*Types of correctional services for which fees were charged*

- Probation – Fees are assessed per court file in the amount of \$300 for each felony, \$200 for each gross misdemeanor, and \$100 for each misdemeanor.
- Supervised release and parole – Assessed upon the offender's release from prison, if not previously imposed for that offense.
- Special supervised release which includes Intensive Supervised Release (ISR), Challenge Incarceration Program Phases II and III (CIP), and Conditional Release Program (CRP) – Assessed upon the offender's release to the community, if not previously imposed for that offense.



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*Aggregate amount of fees imposed and collected*

In order to create consistency with other correctional agencies in the state, the DOC began collecting a one-time supervision fee in FY2009. This change also makes bookkeeping and collection of the fees more efficient.

The following table illustrates the amount of supervision fees imposed and payments made during FY2009 and FY2010. It is important to note that the fees imposed during any given year could be paid in a subsequent year as offenders are allowed up to one year to pay the fee. Therefore, a significant amount of fees imposed during one calendar year will be collected during the next calendar year.

It remains difficult to project the compliance rate and number of offenders. If the department's experiences continue, the compliance rate and overall dollars collected can be expected to increase over time.

**Table 1: Supervision Fees Imposed and Collected for FY2009 and FY2010**

<i>Release Type</i>	<i>2009 Fees Imposed</i>	<i>2010 Fees Imposed</i>
CIP	\$ 48,960	\$ 75,870
ISR	64,685	92,260
CRP	--	--
Probation	2,441,354	1,731,576
Supervised Release	479,495	217,660
<b>Total</b>	<b>\$3,034,494</b>	<b>\$2,117,366</b>
<i>Release Type</i>	<i>2009 Fees Collected</i>	<i>2010 Fees Collected</i>
CIP	\$ 21,039	\$ 39,018
ISR	11,310	18,052
CRP	120	--
Probation	1,010,606	966,553
Supervised Release	68,533	92,051
<b>Total</b>	<b>\$ 1,111,608</b>	<b>\$ 1,115,674</b>
Disbursement 2010		
General Fund \$839,445 County \$276,229		

In FY2009, the DOC made several changes to supervision fee waivers. For offenders who have been revoked and committed, fees now go to revenue recapture. Disability/unemployable, extenuating circumstances, significant restitution, and treatment costs are no longer reasons for waiver. However, offenders may complete community work service in lieu of the fee.

Table 2 illustrates the reasons for waiver, along with the rate of each waiver to the number of fees imposed. During this past year, 9,248 fees were imposed with 438 waived. This is a waiver rate of 4.7 percent.

**Table 2: Supervision Fee Waivers by Release Type**

<i>Waiver Type</i>	<i>Special Supervision (ISR/CIP/CRP)</i>	<i>Probation</i>	<i>Supervised Released</i>	<i>Total Number of Waivers</i>	<i>Waiver Rates</i>
Death	0	42	3	45	.5%
Under \$25 – No Revenue Recapture	2	13	2	17	.2%
Work Service	2	343	31	376	4.1%
<b>Total Waivers</b>	<b>4</b>	<b>398</b>	<b>36</b>	<b>438</b>	<b>4.7%</b>

Please contact me if you have questions regarding this report.

Sincerely,



Joan Fabian  
Commissioner

- c: Honorable Bill Ingebrigtsen
- Honorable Paul Kohls
- Honorable Bruce Anderson
- Honorable Warren Limmer
- Legislative Reference Library
- State Law Library
- Minnesota Historical Society

The total cost of salaries and supplies incurred in development and preparation of this report was \$1,852 (reported as required by M.S. 3.197).