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December 1, 2023

Governor Tim Walz
130 State Capitol
75 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155-1606

Senator Ron Latz, Chair
Senate Judiciary and Public Safety Committee
3105 Minnesota Senate Bldg.
St. Paul, Minnesota 55155-1606

Representative Kelly Moller, Chair
Public Safety Finance and Policy Committee
509 State Office Building
St. Paul, Minnesota 55155

Representative Paul Novotny, Minority Lead
Public Safety Finance and Policy Committee
301 State Office Building
St. Paul, Minnesota 55155

Ms. Michelle Yurich, Executive Director
Legislative Coordinating Commission
100 Rev. Dr. Martin Luther King Jr. Blvd.
State Office Building, Room 72
St. Paul, Minnesota 55155-1206

Mr. Ryan Inman, Revisor
Office of the Revisor of Statutes
700 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155-1206

Senator Warren Limmer, Minority Lead
Senate Judiciary and Public Safety Committee
2221 Minnesota Senate Bldg.
St. Paul, Minnesota 55155

Subject: Annual Report on Obsolete, Unnecessary or Duplicative Rules as Required by Minnesota Statutes, Section 14.05, Subdivision 5

Dear Governor Walz, Executive Director Yurich, Legislators, and Revisor Inman:

Minnesota Statutes, section 14.05, subdivision 5, requires the Minnesota Department of Corrections to report each year whether any of its rules are obsolete, unnecessary, or duplicative of other state or federal statutes or rules. This report represents information for the calendar year 2023.

The following Minnesota Rules remain under internal review for cleanup, repeal, or replacement as portions of these rules contain obsolete language:

- Chapter 2900 *New Corrections Facilities*
- Chapter 2911 *Jail Facilities*
- Chapter 2955 *Juvenile Sex Offender Treatment*
- Chapter 2960 *Licensing and Certification Programs for Children*
- Chapter 2965 *Adult Sex Offender Treatment*

Minnesota Rule 2940 Hearings and Release Unit is mostly obsolete or unnecessary. Many of the provisions are not regulatory in nature. The purpose of the rule is to establish the operation of the hearings and release unit within the DOC and establish the rules for placement and supervision of incarcerated persons placed in a work release program. Much of the rule establishes internal functions of the DOC; however, those portions related to revocation of supervised release do require regulation and are under internal review. In addition, during the most recent legislative session, the Legislature established the supervised release board to review and make release and discharge decisions for inmate serving life sentences and indeterminate sentences. *See* 2023 Minn. Laws ch. 52,

art. 18, § 1. The procedures adopted by this new board may render certain provisions within Chapter 2940 obsolete. The transfer of release authority to the supervised release board is effective July 1, 2024. *Id.* at § 1(b).

During the most recent legislative session, the Legislature directed the DOC to use exempt rulemaking to amend Chapter 2960 to enforce the requirements of Minnesota Statutes, Section 241.0215, which imposes restrictions on strip searches and discipline in juvenile detention facilities. *See* 2023 Minn. Laws, ch. 52, Art. 11, § 34(a). This directive to the DOC becomes effective January 1, 2024.

At this time, we can identify no other Department of Corrections rules that are obsolete, unnecessary, duplicative, or should be repealed.

If you have any questions regarding this report, please contact Emily Lefholz, Legislative Director, at 651-341-2385.

Sincerely,

A handwritten signature in black ink, appearing to read 'Paul Schnell', with a long horizontal flourish extending to the right.

Paul Schnell, Commissioner

Cc: Legislative Reference Library