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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 2338

03/22/2021 Authored by O'Neill, Mueller and Robbins
The bill was read for the first time and referred to the Committee on Public Safety and Criminal Justice Reform Finance and Policy

1.1 A bill for an act
1.2 relating to corrections; authorizing the placement of pregnant and postpartum
1.3 female inmates in community-based programs; requiring reports; amending
1.4 Minnesota Statutes 2020, section 244.065.

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

1.6 Section 1. Minnesota Statutes 2020, section 244.065, is amended to read:

1.7 244.065 PRIVATE EMPLOYMENT OF INMATES OR SPECIALIZED
1.8 PROGRAMMING FOR PREGNANT INMATES OF STATE CORRECTIONAL
1.9 INSTITUTIONS IN COMMUNITY.

1.10 Subdivision 1. Work. When consistent with the public interest and the public safety,
1.11 the commissioner of corrections may conditionally release an inmate to work at paid
1.12 employment, seek employment, or participate in a vocational training or educational program,
1.13 as provided in section 241.26, if the inmate has served at least one half of the term of
1.14 imprisonment.

1.15 Subd. 2. Pregnancy. (a) In the furtherance of public interest and community safety, the
1.16 commissioner of corrections may conditionally release:

1.17 (1) for up to one year, an inmate who is postpartum and gave birth within eight months
1.18 of the date of commitment; and

1.19 (2) for the duration of the pregnancy and up to one year postpartum, an inmate who is
1.20 pregnant.

1.21 (b) The commissioner may conditionally release an inmate under paragraph (a) to
1.22 community-based programming for the purpose of participation in prenatal or postnatal

2.1 care programming and to promote mother-child bonding in addition to other programming
2.2 requirements as established by the commissioner, including evidence-based parenting skills
2.3 programming; working at paid employment; seeking employment; or participating in
2.4 vocational training, an educational program, or chemical dependency or mental health
2.5 treatment services.

2.6 (c) The commissioner shall develop policy and criteria to implement this subdivision
2.7 according to public safety and generally accepted correctional practice.

2.8 (d) By April 1 of each year, the commissioner shall report to the chairs and ranking
2.9 minority members of the house of representatives and senate committees with jurisdiction
2.10 over corrections on the number of inmates released and the duration of the release under
2.11 this subdivision for the prior calendar year.