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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 3590

03/24/2016 Authored by Cornish

The bill was read for the first time and referred to the Committee on Public Safety and Crime Prevention Policy and Finance

1.1 A bill for an act
1.2 relating to criminal justice; establishing an earned compliance credit program for
1.3 persons under correctional supervision; requiring a report; proposing coding for
1.4 new law in Minnesota Statutes, chapter 244.

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

1.6 Section 1. **[244.40] EARNED COMPLIANCE CREDITS.**

1.7 Subdivision 1. **Definitions.** (a) As used in this section, the following terms have
1.8 the meanings given.

1.9 (b) "Agency" means a state or local governmental agency responsible for supervising
1.10 individuals who have been placed under correctional supervision.

1.11 (c) "Case plan" means an individualized accountability and behavior change strategy
1.12 for supervised individuals that has been approved by a court or agency for the supervised
1.13 individual and that:

1.14 (1) targets and prioritizes the specific criminal risk factors of the individual;

1.15 (2) includes educational, chemical dependency, employment and other objectives,
1.16 and programs as appropriate based on the individual's characteristics, such as gender, race,
1.17 ethnicity, culture, motivational stage, developmental stage, and learning style;

1.18 (3) establishes a timetable for achieving specific behavioral goals, including
1.19 a schedule for progress in treatment and other programs and for payment of victim
1.20 restitution, child support, fines, and other financial obligations; and

1.21 (4) specifies positive and negative actions that will be taken in response to the
1.22 individual's behaviors.

1.23 (d) "Compliance credit" means 30 days for each full calendar month that a
1.24 supervised individual does all of the following:

2.1 (1) fulfills the terms of the individual's case plan;

2.2 (2) has no new arrests; and

2.3 (3) complies with the timetables related to progress in treatment and to making
2.4 scheduled payments for restitution, child support, fines, and other financial obligations.

2.5 (e) "Correctional supervision" means being on probation, parole, or supervised
2.6 release for a felony offense.

2.7 (f) "Supervised individual" means an individual who is under correctional
2.8 supervision for a felony offense.

2.9 Subd. 2. **Credit required.** An agency shall award earned compliance credits and,
2.10 when appropriate, discharge supervised individuals from correctional supervision as
2.11 provided in this section.

2.12 Subd. 3. **Process.** (a) Each month, an agency shall compute the compliance credit
2.13 earned by a supervised individual during the preceding month. If the individual is on
2.14 probation for the offense and under court supervision, the agency shall inform the court
2.15 of the credit earned and request the court to award it. If the court awards the credit, the
2.16 agency shall inform the individual of the amount earned. For offenders under supervised
2.17 release, the agency shall determine whether the credit has been earned and inform the
2.18 individual of the earned credit.

2.19 (b) Earned compliance credits under this section do not fully vest with a supervised
2.20 individual until the individual is discharged from correctional supervision. An agency
2.21 shall keep track of the total credit earned by an individual. If, before being discharged
2.22 from correctional supervision, an individual violates or is not in compliance with the terms
2.23 of the person's case plan and is not eligible to earn credit for that period, the agency may
2.24 revoke all or a portion of the individual's previously earned credit, as appropriate given the
2.25 nature and seriousness of the violation or noncompliance. If the individual is on probation
2.26 for the offense and under court supervision, the agency shall make a request to the court
2.27 to revoke all or a portion of the individual's previously earned credit. An agency shall
2.28 inform an individual of any revoked earned credits. An individual whose credits have
2.29 been revoked under this paragraph remains eligible to earn future credits unless the court
2.30 or agency determines otherwise under subdivision 4, paragraph (b).

2.31 Subd. 4. **Exceptions.** (a) This section does not apply to a supervised individual who
2.32 is under conditional release pursuant to section 169A.276, 243.166, 609.2231, 609.3455,
2.33 617.246, or 617.247.

2.34 (b) An agency or the court, in the case of a supervised individual who is on probation
2.35 for the offense and under court supervision, may determine that a supervised individual
2.36 is ineligible to earn compliance credits under this section because of the nature and

3.1 circumstances of the offense or that the history and character of the individual indicates
3.2 that a longer term of correctional supervision is necessary for the protection of the public
3.3 or the rehabilitation of the individual.

3.4 Subd. 5. **Discharge from supervision.** (a) When a supervised individual who has
3.5 earned compliance credits has reached the completion of the individual's correctional
3.6 supervision period after accounting for the credits, the agency shall discharge the
3.7 individual from correctional supervision. For individuals who are on probation for the
3.8 offense and under court supervision, the determination to discharge the individual is to be
3.9 made by the court upon the request of the agency.

3.10 (b) An individual discharged under this subdivision is restored to civil rights
3.11 as provided in section 609.165. However, the individual is still subject to any other
3.12 applicable collateral sanctions that a person otherwise released from correctional
3.13 supervision would be subject to, including, but not limited to, restrictions on firearm
3.14 possession and predatory offender registration.

3.15 Subd. 6. **Judicial review.** The award or revocation of any credits earned under this
3.16 section is not subject to appeal or motion for postconviction relief.

3.17 Subd. 7. **Conflicting law superseded.** This section supersedes conflicting sections
3.18 of law relating to supervised release and probation.

3.19 Subd. 8. **Reporting.** (a) By January 15 of each year, each agency shall report to the
3.20 commissioner of corrections on how the earned compliance credit program has operated for
3.21 the past year. The content and manner of reporting shall be as directed by the commissioner.

3.22 (b) By February 15 of each odd-numbered year, the commissioner shall report
3.23 to the chairs and ranking minority members of the senate and house of representatives
3.24 committees having jurisdiction over criminal justice on the earned compliance credit
3.25 program. The report must include information on the operation of the program and any
3.26 recommendations on how to improve it.

3.27 **EFFECTIVE DATE.** This section is effective August 1, 2016, and applies to
3.28 individuals under correctional supervision on or after that date.

3.29 Sec. 2. **CONFORMING STATUTORY CHANGES.**

3.30 The revisor of statutes shall make necessary statutory corrections to reflect the
3.31 changes made in this act. Any changes that are beyond the scope of the revisor's editorial
3.32 authority must be reflected in a bill prepared by the revisor for introduction in the 2017
3.33 legislative session.