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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 4796

04/19/2022

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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; providing for a supervision standards committee; modifying

1.3 probation, supervised release, and community corrections; providing for

1.4 rulemaking; requiring a report; appropriating money; amending Minnesota Statutes

1.5 2020, sections 243.05, subdivision 1; 244.05, subdivision 3; 244.19, subdivisions

1.6 1, 5; 244.195, subdivision 1, by adding subdivisions; 244.20; 244.21; 401.01;

1.7 401.02; 401.04; 401.09; 401.10; 401.11; 401.12; 401.14, subdivisions 1, 3; 401.15,

1.8 subdivision 2; 401.16; Minnesota Statutes 2021 Supplement, section 401.06;

1.9 repealing Minnesota Statutes 2020, sections 244.19, subdivisions 6, 7, 8; 244.22;

1.10 244.24; 244.30; 401.025.

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

1.12 Section 1. Minnesota Statutes 2020, section 243.05, subdivision 1, is amended to read:

1.13 Subdivision 1. **Conditional release.** (a) The commissioner of corrections may parole

1.14 any person sentenced to confinement in any state correctional facility for adults under the

1.15 control of the commissioner of corrections, provided that:

1.16 (1) no inmate serving a life sentence for committing murder before May 1, 1980, other

1.17 than murder committed in violation of clause (1) of section 609.185 who has not been

1.18 previously convicted of a felony shall be paroled without having served 20 years, less the

1.19 diminution that would have been allowed for good conduct had the sentence been for 20

1.20 years;

1.21 (2) no inmate serving a life sentence for committing murder before May 1, 1980, who

1.22 has been previously convicted of a felony or though not previously convicted of a felony

1.23 is serving a life sentence for murder in the first degree committed in violation of clause (1)

1.24 of section 609.185 shall be paroled without having served 25 years, less the diminution

1.25 which would have been allowed for good conduct had the sentence been for 25 years;

2.1 (3) any inmate sentenced prior to September 1, 1963, who would be eligible for parole  
2.2 had the inmate been sentenced after September 1, 1963, shall be eligible for parole; and

2.3 (4) any new rule or policy or change of rule or policy adopted by the commissioner of  
2.4 corrections which has the effect of postponing eligibility for parole has prospective effect  
2.5 only and applies only with respect to persons committing offenses after the effective date  
2.6 of the new rule or policy or change.

2.7 (b) Upon being paroled and released, an inmate is and remains in the legal custody and  
2.8 under the control of the commissioner, subject at any time to be returned to a facility of the  
2.9 Department of Corrections established by law for the confinement or treatment of convicted  
2.10 persons and the parole rescinded by the commissioner.

2.11 (c) The written order of the commissioner of corrections, is sufficient authority for any  
2.12 peace officer, state correctional investigator, or state parole and probation agent to retake  
2.13 and place in actual custody any person on parole or supervised release. In addition, when  
2.14 it appears necessary in order to prevent escape or enforce discipline, any state parole and  
2.15 probation agent or state correctional investigator may, without order of warrant, take and  
2.16 detain a parolee or person on supervised release or work release and bring the person to the  
2.17 commissioner for action.

2.18 (d) The written order of the commissioner of corrections is sufficient authority for any  
2.19 peace officer, state correctional investigator, or state parole and probation agent to retake  
2.20 and place in actual custody any person on probation under the supervision of the  
2.21 commissioner pursuant to section 609.135. Additionally, when it appears necessary in order  
2.22 to prevent escape or enforce discipline, any state parole and probation agent or state  
2.23 correctional investigator may, without an order, retake and detain a probationer and bring  
2.24 the probationer before the court for further proceedings under section 609.14.

2.25 (e) The written order of the commissioner of corrections is sufficient authority for any  
2.26 peace officer, state correctional investigator, or state parole and probation agent to detain  
2.27 any person on pretrial release who absconds from pretrial release or fails to abide by the  
2.28 conditions of pretrial release.

2.29 (f) Persons conditionally released, and those on probation under the supervision of the  
2.30 commissioner of corrections pursuant to section 609.135 may be placed within or outside  
2.31 the boundaries of the state at the discretion of the commissioner of corrections or the court,  
2.32 and the limits fixed for these persons may be enlarged or reduced according to their conduct.

2.33 (g) Except as otherwise provided in subdivision 1b, in considering applications for  
2.34 conditional release or discharge, the commissioner is not required to hear oral argument

3.1 from any attorney or other person not connected with an adult correctional facility of the  
3.2 Department of Corrections in favor of or against the parole or release of any inmates. The  
3.3 commissioner may institute inquiries by correspondence, taking testimony, or otherwise,  
3.4 as to the previous history, physical or mental condition, and character of the inmate and, to  
3.5 that end, has the authority to require the attendance of the chief executive officer of any  
3.6 state adult correctional facility and the production of the records of these facilities, and to  
3.7 compel the attendance of witnesses. The commissioner is authorized to administer oaths to  
3.8 witnesses for these purposes.

3.9 ~~(h) Unless the district court directs otherwise, state parole and probation agents may~~  
3.10 ~~require a person who is under the supervision of the commissioner of corrections to perform~~  
3.11 ~~community work service for violating a condition of probation imposed by the court.~~  
3.12 ~~Community work service may be imposed for the purpose of protecting the public, to aid~~  
3.13 ~~the offender's rehabilitation, or both. Agents may impose up to eight hours of community~~  
3.14 ~~work service for each violation and up to a total of 24 hours per offender per 12-month~~  
3.15 ~~period, beginning with the date on which community work service is first imposed. The~~  
3.16 ~~commissioner may authorize an additional 40 hours of community work services, for a total~~  
3.17 ~~of 64 hours per offender per 12-month period, beginning with the date on which community~~  
3.18 ~~work service is first imposed. At the time community work service is imposed, parole and~~  
3.19 ~~probation agents are required to provide written notice to the offender that states:~~

3.20 ~~(1) the condition of probation that has been violated;~~

3.21 ~~(2) the number of hours of community work service imposed for the violation; and~~

3.22 ~~(3) the total number of hours of community work service imposed to date in the 12-month~~  
3.23 ~~period.~~

3.24 ~~An offender may challenge the imposition of community work service by filing a petition~~  
3.25 ~~in district court. An offender must file the petition within five days of receiving written~~  
3.26 ~~notice that community work service is being imposed. If the offender challenges the~~  
3.27 ~~imposition of community work service, the state bears the burden of showing, by a~~  
3.28 ~~preponderance of the evidence, that the imposition of community work service is reasonable~~  
3.29 ~~under the circumstances.~~

3.30 ~~Community work service includes sentencing to service.~~

3.31 ~~(i) Prior to revoking a nonviolent controlled substance offender's parole or probation~~  
3.32 ~~based on a technical violation, when the offender does not present a risk to the public and~~  
3.33 ~~the offender is amenable to continued supervision in the community, a parole or probation~~  
3.34 ~~agent must identify community options to address and correct the violation including, but~~

4.1 ~~not limited to, inpatient chemical dependency treatment. If a probation or parole agent~~  
 4.2 ~~determines that community options are appropriate, the agent shall seek to restructure the~~  
 4.3 ~~offender's terms of release to incorporate those options. If an offender on probation stipulates~~  
 4.4 ~~in writing to restructure the terms of release, a probation agent must forward a report to the~~  
 4.5 ~~district court containing:~~

4.6 (1) ~~the specific nature of the technical violation of probation;~~

4.7 (2) ~~the recommended restructure to the terms of probation; and~~

4.8 (3) ~~a copy of the offender's signed stipulation indicating that the offender consents to~~  
 4.9 ~~the restructuring of probation.~~

4.10 ~~The recommended restructuring of probation becomes effective when confirmed by a~~  
 4.11 ~~judge. The order of the court shall be proof of such confirmation and amend the terms of~~  
 4.12 ~~the sentence imposed by the court under section 609.135. If a nonviolent controlled substance~~  
 4.13 ~~offender's parole or probation is revoked, the offender's agent must first attempt to place~~  
 4.14 ~~the offender in a local jail. For purposes of this paragraph, "nonviolent controlled substance~~  
 4.15 ~~offender" is a person who meets the criteria described under section 244.0513, subdivision~~  
 4.16 ~~2, clauses (1), (2), and (5), and "technical violation" means any violation of a court order~~  
 4.17 ~~of probation or a condition of parole, except an allegation of a subsequent criminal act that~~  
 4.18 ~~is alleged in a formal complaint, citation, or petition.~~

4.19 Sec. 2. Minnesota Statutes 2020, section 244.05, subdivision 3, is amended to read:

4.20 Subd. 3. **Sanctions for violation.** If an inmate violates the conditions of the inmate's  
 4.21 supervised release imposed by the commissioner, the commissioner may:

4.22 (1) continue the inmate's supervised release term, with or without modifying or enlarging  
 4.23 the conditions imposed on the inmate, or transferring the inmate's case to a specialized  
 4.24 caseload; or

4.25 (2) revoke the inmate's supervised release and reimprison the inmate for the appropriate  
 4.26 period of time.

4.27 Prior to revoking a ~~nonviolent controlled substance~~ an offender's supervised release  
 4.28 based on a technical violation, when the offender does not present a risk to the public ~~and~~  
 4.29 ~~the offender is amenable to continued supervision in the community~~, the commissioner  
 4.30 must identify community options to address and correct the violation ~~including, but not~~  
 4.31 ~~limited to, inpatient chemical dependency treatment~~. If the commissioner determines that  
 4.32 community options are appropriate, the commissioner shall restructure the inmate's terms  
 4.33 of release to incorporate those options. ~~If a nonviolent controlled substance offender's~~

5.1 ~~supervised release is revoked, the offender's agent must first attempt to place the offender~~  
5.2 ~~in a local jail.~~ For purposes of this subdivision, "~~nonviolent controlled substance offender~~"  
5.3 ~~is a person who meets the criteria described under section 244.0513, subdivision 2, clauses~~  
5.4 ~~(1), (2), and (5), and~~ "technical violation" means a violation of a condition of supervised  
5.5 release, except an allegation of a subsequent criminal act that is alleged in a formal complaint,  
5.6 citation, or petition.

5.7 The period of time for which a supervised release may be revoked may not exceed the  
5.8 period of time remaining in the inmate's sentence, except that if a sex offender is sentenced  
5.9 and conditionally released under Minnesota Statutes 2004, section 609.108, subdivision 5,  
5.10 the period of time for which conditional release may be revoked may not exceed the balance  
5.11 of the conditional release term.

5.12 Sec. 3. Minnesota Statutes 2020, section 244.19, subdivision 1, is amended to read:

5.13 Subdivision 1. **Appointment; joint services; state services.** (a) If a county or group of  
5.14 counties has established a human services board pursuant to chapter 402, the district court  
5.15 may appoint one or more county probation officers as necessary to perform court services,  
5.16 and the human services board shall appoint persons as necessary to provide correctional  
5.17 services within the authority granted in chapter 402. In all counties of more than 200,000  
5.18 population, which have not organized pursuant to chapter 402, the district court shall appoint  
5.19 one or more persons of good character to serve as county probation officers during the  
5.20 pleasure of the court. All other counties shall provide adult misdemeanor and juvenile  
5.21 probation services to district courts in one of the following ways:

5.22 (1) the court, with the approval of the county boards, may appoint one or more salaried  
5.23 county probation officers to serve during the pleasure of the court;

5.24 (2) when two or more counties offer probation services the district court through the  
5.25 county boards may appoint common salaried county probation officers to serve in the several  
5.26 counties;

5.27 (3) a county or a district court may request the commissioner of corrections to furnish  
5.28 probation services in accordance with the provisions of this section, and the commissioner  
5.29 of corrections shall furnish such services to any county or court that fails to provide its own  
5.30 probation officer by one of the two procedures listed above;

5.31 (4) if a county or district court providing probation services under clause (1) or (2) asks  
5.32 the commissioner of corrections or the legislative body for the state of Minnesota mandates  
5.33 the commissioner of corrections to furnish probation services to the district court, the

6.1 probation officers and other employees displaced by the changeover shall be employed by  
6.2 the commissioner of corrections. Years of service in the county probation department are  
6.3 to be given full credit for future sick leave and vacation accrual purposes;

6.4 ~~(5) all probation officers serving the juvenile courts on July 1, 1972, shall continue to~~  
6.5 ~~serve if a county receiving probation services under clause (3) decides to provide the services~~  
6.6 under clause (1) or (2), the probation officers and other employees displaced by the  
6.7 changeover shall be employed by the county. Years of service in the state are to be given  
6.8 full credit for future sick leave and vacation accrual purposes in the county or counties they  
6.9 are now serving.

6.10 (b) A county or counties providing probation services under paragraph (a), clause (1)  
6.11 or (2), is designated a "CPO county" for purposes of receiving a grant under chapter 401.  
6.12 A county or counties receiving probation services under paragraph (a), clause (3), is not  
6.13 eligible for a grant under chapter 401, and the commissioner of corrections is appropriated  
6.14 the county's share of funding for the purpose of providing probation services, and authority  
6.15 to seek reimbursement from the county under subdivision 5.

6.16 (c) A county that requests the commissioner of corrections to provide probation services  
6.17 under paragraph (a), clause (3), shall collaborate with the commissioner to develop a  
6.18 comprehensive plan as described in section 401.06.

6.19 ~~(b)~~ (d) The commissioner of management and budget shall place employees transferred  
6.20 to state service under paragraph (a), clause (4), in the proper classifications in the classified  
6.21 service. Each employee is appointed without examination at no loss in salary or accrued  
6.22 vacation or sick leave benefits, but no additional accrual of vacation or sick leave benefits  
6.23 may occur until the employee's total accrued vacation or sick leave benefits fall below the  
6.24 maximum permitted by the state for the employee's position. An employee appointed under  
6.25 paragraph (a), clause (4), shall serve a probationary period of six months. After exhausting  
6.26 labor contract remedies, a noncertified employee may appeal for a hearing within ten days  
6.27 to the commissioner of management and budget, who may uphold the decision, extend the  
6.28 probation period, or certify the employee. The decision of the commissioner of management  
6.29 and budget is final. The state shall negotiate with the exclusive representative for the  
6.30 bargaining unit to which the employees are transferred regarding their seniority. For purposes  
6.31 of computing seniority among those employees transferring from one county unit only, a  
6.32 transferred employee retains the same seniority position as the employee had within that  
6.33 county's probation office.

7.1 Sec. 4. Minnesota Statutes 2020, section 244.19, subdivision 5, is amended to read:

7.2 Subd. 5. **Compensation.** ~~In counties of more than 200,000 population, a majority of the~~  
7.3 ~~judges of the district court may direct the payment of such salary to probation officers as~~  
7.4 ~~may be approved by the county board, and in addition thereto shall be reimbursed for all~~  
7.5 ~~necessary expenses incurred in the performance of their official duties.~~ In all counties which  
7.6 obtain probation services from the commissioner of corrections the commissioner shall, out  
7.7 of appropriations provided therefor, pay probation officers the salary and all benefits fixed  
7.8 by the state law or applicable bargaining unit and all necessary expenses, including secretarial  
7.9 service, office equipment and supplies, postage, telephone and telegraph services, and travel  
7.10 and subsistence. Each county receiving probation services from the commissioner of  
7.11 corrections shall reimburse the department of corrections for the total cost and expenses of  
7.12 such services as incurred by the commissioner of corrections, excluding the cost and expense  
7.13 of services provided under the state's obligation in section 244.20. ~~Total annual costs for~~  
7.14 ~~each county shall be that portion of the total costs and expenses for the services of one~~  
7.15 ~~probation officer represented by the ratio which the county's population bears to the total~~  
7.16 ~~population served by one officer. For the purposes of this section, the population of any~~  
7.17 ~~county shall be the most recent estimate made by the Department of Health.~~ At least every  
7.18 six months the commissioner of corrections shall bill for the total cost and expenses incurred  
7.19 by the commissioner on behalf of each county which has received probation services. The  
7.20 commissioner of corrections shall notify each county of the cost and expenses and the county  
7.21 shall pay to the commissioner the amount due for reimbursement. All such reimbursements  
7.22 shall be ~~deposited in the general fund~~ used to provide services for each county according  
7.23 to their reimbursement amount. Objections by a county to all allocation of such cost and  
7.24 expenses shall be presented to and determined by the commissioner of corrections. Each  
7.25 county providing probation services under this section is hereby authorized to use unexpended  
7.26 funds and to levy additional taxes for this purpose.

7.27 The county commissioners of any county of not more than 200,000 population shall,  
7.28 when requested to do so by the juvenile judge, provide probation officers with suitable  
7.29 offices, and may provide equipment, and secretarial help needed to render the required  
7.30 services.

7.31 Sec. 5. Minnesota Statutes 2020, section 244.195, subdivision 1, is amended to read:

7.32 Subdivision 1. **Definitions.** (a) As used in this ~~subdivision~~ and sections 244.196 to  
7.33 244.1995, the following terms have the meanings given them.

7.34 (b) "Commissioner" means the commissioner of corrections.

8.1 (c) "Conditional release" means parole, supervised release, conditional release as  
8.2 authorized by section 609.3455, subdivision 6, 7, or 8; Minnesota Statutes 2004, section  
8.3 609.108, subdivision 6; or Minnesota Statutes 2004, section 609.109, subdivision 7, work  
8.4 release as authorized by sections 241.26, 244.065, and 631.425, probation, furlough, and  
8.5 any other authorized temporary release from a correctional facility.

8.6 (d) "Court services director" means the director or designee of a county probation agency  
8.7 that is not organized under section 244.19 or an agency organized under chapter 401.

8.8 (e) "Detain" means to take into actual custody, including custody within a local  
8.9 correctional facility.

8.10 (f) "Local correctional facility" has the meaning given in section 241.021, subdivision  
8.11 1.

8.12 (g) "Probation agency" means the Department of Corrections field office or a probation  
8.13 agency organized under section 244.19 or chapter 401.

8.14 (h) "Probation officer" means a court services director, county probation officer, or any  
8.15 other community supervision officer employed by the commissioner or by a probation  
8.16 agency organized under section 244.19 or chapter 401.

8.17 (i) "Release" means to release from actual custody.

8.18 Sec. 6. Minnesota Statutes 2020, section 244.195, is amended by adding a subdivision to  
8.19 read:

8.20 Subd. 6. **Intermediate sanctions.** (a) Unless the district court directs otherwise, a  
8.21 probation officer may require a person committed to the officer's care by the court to perform  
8.22 community work service for violating a condition of probation imposed by the court.  
8.23 Community work service may be imposed for the purpose of protecting the public, to aid  
8.24 the person's rehabilitation, or both. A probation officer may impose up to eight hours of  
8.25 community work service for each violation and up to a total of 24 hours per person per  
8.26 12-month period, beginning on the date on which community work service is first imposed.  
8.27 The court services director or probation agency may authorize an additional 40 hours of  
8.28 community work service, for a total of 64 hours per person per 12-month period, beginning  
8.29 with the date on which community work service is first imposed. At the time community  
8.30 work service is imposed, probation officers are required to provide written notice to the  
8.31 person that states:

8.32 (1) the condition of probation that has been violated;



9.1 (2) the number of hours of community work service imposed for the violation; and

9.2 (3) the total number of hours of community work service imposed to date in the 12-month  
9.3 period.

9.4 (b) A person on supervision may challenge the imposition of community work service  
9.5 by filing a petition in district court within five days of receiving written notice that  
9.6 community work service is being imposed. If the person challenges the imposition of  
9.7 community work service, the state bears the burden of showing, by a preponderance of the  
9.8 evidence, that the imposition of community work service is reasonable under the  
9.9 circumstances.

9.10 (c) Community work service includes sentencing to service.

9.11 Sec. 7. Minnesota Statutes 2020, section 244.195, is amended by adding a subdivision to  
9.12 read:

9.13 Subd. 7. **Contacts.** Supervision contacts may be conducted over video conference  
9.14 technology at the discretion of the probation agent.

9.15 Sec. 8. Minnesota Statutes 2020, section 244.20, is amended to read:

9.16 **244.20 PROBATION SUPERVISION.**

9.17 Notwithstanding sections 244.19, subdivision 1, and 609.135, subdivision 1, the  
9.18 Department of Corrections shall have exclusive responsibility for providing probation  
9.19 services for adult felons in counties that do not take part in the Community Corrections Act.  
9.20 ~~In counties that do not take part in the Community Corrections Act, the responsibility for~~  
9.21 ~~providing probation services for individuals convicted of gross misdemeanor offenses shall~~  
9.22 ~~be discharged according to local judicial policy.~~

9.23 Sec. 9. Minnesota Statutes 2020, section 244.21, is amended to read:

9.24 **244.21 INFORMATION ON OFFENDERS UNDER SUPERVISION; REPORTS.**

9.25 Subdivision 1. **Collection of information by probation service providers; report**  
9.26 **required.** By January 1, 1998, probation service providers shall begin collecting and  
9.27 maintaining information on offenders under supervision. The commissioner of corrections  
9.28 shall specify the nature and extent of the information to be collected. By April 1 of every  
9.29 year, each probation service provider shall report a summary of the information collected  
9.30 to the commissioner as a condition of state grant funding under chapter 401.

10.1 Subd. 2. **Commissioner of corrections report.** By January 15, ~~1998~~ 2023, the  
 10.2 commissioner of corrections shall report to the chairs of the ~~senate crime prevention and~~  
 10.3 ~~house of representatives judiciary~~ legislative committees with jurisdiction over public safety  
 10.4 and finance on recommended methods of coordinating the exchange of information collected  
 10.5 on offenders under subdivision 1: (1) between probation service providers; and (2) between  
 10.6 probation service providers and the Department of Corrections, ~~without requiring service~~  
 10.7 ~~providers to acquire uniform computer software.~~

10.8 Sec. 10. Minnesota Statutes 2020, section 401.01, is amended to read:

10.9 **401.01 PURPOSE AND DEFINITION; ASSISTANCE GRANTS.**

10.10 Subdivision 1. **Grants.** For the purpose of more effectively protecting society and to  
 10.11 promote efficiency and economy in the delivery of correctional services, the commissioner  
 10.12 is authorized to make grants to assist counties in the development, implementation, and  
 10.13 operation of community-based corrections programs including preventive or diversionary  
 10.14 correctional programs, conditional release programs, community corrections centers, and  
 10.15 facilities for the detention or confinement, care and treatment of persons convicted of crime  
 10.16 or adjudicated delinquent. ~~The commissioner may authorize the use of a percentage of a~~  
 10.17 ~~grant for the operation of an emergency shelter or make a separate grant for the rehabilitation~~  
 10.18 ~~of a facility owned by the grantee and used as a shelter to bring the facility into compliance~~  
 10.19 ~~with state and local laws pertaining to health, fire, and safety, and to provide security.~~

10.20 Subd. 2. **Definitions.** (a) For the purposes of sections 401.01 to 401.16, the following  
 10.21 terms have the meanings given them.

10.22 (b) "CCA county" means a county that participates in the Community Corrections Act.

10.23 (c) "Commissioner" means the commissioner of corrections or a designee.

10.24 (d) "Conditional release" means parole, supervised release, conditional release as  
 10.25 authorized by section 609.3455, subdivision 6, 7, or 8; Minnesota Statutes 2004, section  
 10.26 609.108, subdivision 6; or Minnesota Statutes 2004, section 609.109, subdivision 7, work  
 10.27 release as authorized by sections 241.26, 244.065, and 631.425, probation, furlough, and  
 10.28 any other authorized temporary release from a correctional facility.

10.29 (e) "County probation officer" means a probation officer appointed under section 244.19.

10.30 (f) "CPO county" means a county that participates in funding under this act by providing  
 10.31 local corrections service for all juveniles and individuals on probation for misdemeanors,  
 10.32 pursuant to section 244.19, subdivision 1, paragraph (a), clause (1) or (2).

11.1 (g) "Detain" means to take into actual custody, including custody within a local  
11.2 correctional facility.

11.3 ~~(g)~~ (h) "Joint board" means the board provided in section 471.59.

11.4 ~~(h)~~ (i) "Local correctional facility" has the meaning given in section 241.021, subdivision  
11.5 1.

11.6 ~~(i)~~ (j) "Local correctional service" means those services authorized by and employees,  
11.7 officers, and agents appointed under section 244.19, subdivision 1.

11.8 ~~(j)~~ (k) "Release" means to release from actual custody.

11.9 (l) "Tribal government" means one of the federally recognized Tribes described in section  
11.10 3.922.

11.11 Sec. 11. Minnesota Statutes 2020, section 401.02, is amended to read:

11.12 **401.02 COUNTIES OR REGIONS; SERVICES INCLUDABLE.**

11.13 Subdivision 1. **Qualification of counties or Tribal governments.** (a) One or more  
11.14 counties, ~~having an aggregate population of 30,000 or more persons,~~ Tribal governments  
11.15 may qualify for a grant as provided in section 401.01 by ~~the enactment of appropriate~~  
11.16 ~~resolutions creating and establishing a corrections advisory board,~~ designating the officer  
11.17 or agency to be responsible for administering grant funds, and providing for the preparation  
11.18 of a comprehensive plan for the development, implementation and operation of the  
11.19 correctional services described in ~~section~~ sections 401.01 and 401.11, including the  
11.20 assumption of those correctional services, other than the operation of state facilities, presently  
11.21 provided in such counties by the Department of Corrections, and providing for centralized  
11.22 administration and control of those correctional services described in section 401.01. Counties  
11.23 participating as a CCA county must also enact the appropriate resolutions creating and  
11.24 establishing a corrections advisory board.

11.25 Where counties or Tribal governments combine as authorized in this section, they shall  
11.26 comply with the provisions of section 471.59.

11.27 (b) A county that has participated in the Community Corrections Act for five or more  
11.28 years is eligible to continue to participate in the Community Corrections Act.

11.29 (c) If a county or Tribal government withdraws from the grant program as outlined in  
11.30 subdivision 1 and asks the commissioner of corrections or the legislature mandates the  
11.31 commissioner of corrections to furnish probation services to the county, the probation  
11.32 officers and other employees displaced by the changeover shall be employed by the

12.1 commissioner of corrections. Years of service in the county probation department are to be  
 12.2 given full credit for future sick leave and vacation accrual purposes.

12.3 Subd. 2. **Planning counties; advisory board members expenses.** To assist counties  
 12.4 which have complied with the provisions of subdivision 1 and require financial aid to defray  
 12.5 all or a part of the expenses incurred by corrections advisory board members in discharging  
 12.6 their official duties pursuant to section 401.08, the commissioner may designate counties  
 12.7 as "planning counties", and, upon receipt of resolutions by the governing boards of the  
 12.8 counties certifying the need for and inability to pay the expenses described in this subdivision,  
 12.9 advance to the counties an amount not to exceed five percent of the maximum quarterly  
 12.10 subsidy grant for which the counties are eligible. The expenses described in this subdivision  
 12.11 shall be paid in the same manner and amount as for state employees.

12.12 Subd. 3. **Establishment and reorganization of administrative structure.** Any county  
 12.13 or group of counties which have qualified for participation in the ~~community corrections~~  
 12.14 subsidy grant program provided by this chapter may establish, organize, and reorganize an  
 12.15 administrative structure and provide for the budgeting, staffing, and operation of court  
 12.16 services and probation, construction or improvement to juvenile detention and juvenile  
 12.17 correctional facilities and adult detention and correctional facilities, and other activities  
 12.18 required to conform to the purposes of this chapter. No contrary general or special statute  
 12.19 divests any county or group of counties of the authority granted by this subdivision.

12.20 ~~Subd. 5. **Intermediate sanctions.** Unless the district court directs otherwise, county~~  
 12.21 ~~probation officers may require a person committed to the officer's care by the court to~~  
 12.22 ~~perform community work service for violating a condition of probation imposed by the~~  
 12.23 ~~court. Community work service may be imposed for the purpose of protecting the public,~~  
 12.24 ~~to aid the offender's rehabilitation, or both. Probation officers may impose up to eight hours~~  
 12.25 ~~of community work service for each violation and up to a total of 24 hours per offender per~~  
 12.26 ~~12-month period, beginning on the date on which community work service is first imposed.~~  
 12.27 ~~The chief executive officer of a community corrections agency may authorize an additional~~  
 12.28 ~~40 hours of community work service, for a total of 64 hours per offender per 12-month~~  
 12.29 ~~period, beginning with the date on which community work service is first imposed. At the~~  
 12.30 ~~time community work service is imposed, probation officers are required to provide written~~  
 12.31 ~~notice to the offender that states:~~

12.32 (1) ~~the condition of probation that has been violated;~~

12.33 (2) ~~the number of hours of community work service imposed for the violation; and~~

13.1 ~~(3) the total number of hours of community work service imposed to date in the 12-month~~  
 13.2 ~~period.~~

13.3 ~~An offender may challenge the imposition of community work service by filing a petition~~  
 13.4 ~~in district court. An offender must file the petition within five days of receiving written~~  
 13.5 ~~notice that community work service is being imposed. If the offender challenges the~~  
 13.6 ~~imposition of community work service, the state bears the burden of showing, by a~~  
 13.7 ~~preponderance of the evidence, that the imposition of community work service is reasonable~~  
 13.8 ~~under the circumstances.~~

13.9 ~~Community work service includes sentencing to service.~~

13.10 Sec. 12. Minnesota Statutes 2020, section 401.04, is amended to read:

13.11 **401.04 ACQUISITION OF PROPERTY; SELECTION OF ADMINISTRATIVE**  
 13.12 **STRUCTURE; EMPLOYEES.**

13.13 Any county or group of counties electing to come within the provisions of sections  
 13.14 401.01 to 401.16 may (a) acquire by any lawful means, including purchase, lease or transfer  
 13.15 of custodial control, the lands, buildings and equipment necessary and incident to the  
 13.16 accomplishment of the purposes of sections 401.01 to 401.16, (b) determine and establish  
 13.17 the administrative structure best suited to the efficient administration and delivery of the  
 13.18 correctional services described in section 401.01, and (c) employ a director and other officers,  
 13.19 employees and agents as deemed necessary to carry out the provisions of sections 401.01  
 13.20 to 401.16. To the extent that participating counties shall assume and take over state and  
 13.21 local correctional services presently provided in counties, employment shall be given to  
 13.22 those state and local officers, employees and agents thus displaced; if hired by a county,  
 13.23 employment shall, to the extent possible and notwithstanding the provisions of any other  
 13.24 law or ordinance to the contrary, be deemed a transfer in grade with all of the benefits  
 13.25 enjoyed by such officer, employee or agent while in the service of the state or local  
 13.26 correctional service.

13.27 State or local employees displaced by county participation in the subsidy grant program  
 13.28 provided by this chapter are on layoff status and, if not hired by a participating county as  
 13.29 provided herein, may exercise their rights under layoff procedures established by law or  
 13.30 union agreement whichever is applicable.

13.31 State or local officers and employees displaced by a county's participation in the  
 13.32 Community Corrections Act and hired by the participating county shall retain all fringe

14.1 benefits and recall from layoff benefits accrued by seniority and enjoyed by them while in  
14.2 the service of the state.

14.3 Sec. 13. Minnesota Statutes 2021 Supplement, section 401.06, is amended to read:

14.4 **401.06 COMPREHENSIVE PLAN; STANDARDS OF ELIGIBILITY;**  
14.5 **COMPLIANCE.**

14.6 No county or group of counties or Tribal government or group of Tribal governments  
14.7 electing to provide correctional services pursuant to sections 401.01 to 401.16 shall be  
14.8 eligible for the subsidy grant herein provided unless and until its comprehensive plan shall  
14.9 have been approved by the commissioner. The commissioner shall, pursuant to the  
14.10 Administrative Procedure Act, promulgate rules establishing standards of eligibility for  
14.11 CCA and CPO counties and Tribal governments to receive funds grants under sections  
14.12 401.01 to 401.16. To remain eligible for subsidy grants counties and Tribal governments  
14.13 shall maintain substantial compliance with the minimum standards established pursuant to  
14.14 sections 401.01 to 401.16 and the policies and procedures governing the services described  
14.15 in section 401.025 as prescribed by the commissioner. Counties shall also be in substantial  
14.16 compliance with other correctional operating standards permitted by law and established  
14.17 by the commissioner and shall report statistics required by the commissioner including but  
14.18 not limited to information on individuals convicted as an extended jurisdiction juvenile  
14.19 identified in section 241.016, subdivision 1, paragraph (c). The commissioner shall review  
14.20 annually the comprehensive plans submitted by participating counties and Tribal  
14.21 governments, including the facilities and programs operated under the plans. The  
14.22 commissioner is hereby authorized to enter upon any facility operated under the plan, and  
14.23 inspect books and records, for purposes of recommending needed changes or improvements.  
14.24 When the commissioner provides supervision to a county that elects not to provide the  
14.25 supervision, the commissioner shall prepare a comprehensive plan for the county and shall  
14.26 present it to the local county board of commissioners. The Department of Corrections shall  
14.27 be subject to all the standards and requirements established in sections 401.01 to 401.16  
14.28 and promulgated rules.

14.29 When the commissioner shall determine that there are reasonable grounds to believe  
14.30 that a county or group of counties or Tribal government or group of Tribal governments is  
14.31 not in substantial compliance with minimum standards, at least 30 days' notice shall be  
14.32 given the county or counties or Tribal government or Tribal governments and a hearing  
14.33 conducted by the commissioner to ascertain whether there is substantial compliance or

15.1 satisfactory progress being made toward compliance. The commissioner may suspend all  
 15.2 or a portion of any subsidy grant until the required standard of operation has been met.

15.3 Sec. 14. Minnesota Statutes 2020, section 401.09, is amended to read:

15.4 **401.09 OTHER SUBSIDY PROGRAMS; PURCHASE OF STATE SERVICES.**

15.5 Failure of a county or group of counties to elect to come within the provisions of sections  
 15.6 401.01 to 401.16 shall not affect their eligibility for any other state grant or subsidy for  
 15.7 correctional purposes otherwise provided by law. Any comprehensive plan submitted  
 15.8 pursuant to sections 401.01 to 401.16 may include the purchase of selected correctional  
 15.9 services from the state by contract, including the temporary detention and confinement of  
 15.10 persons convicted of crime or adjudicated delinquent; confinement to be in an appropriate  
 15.11 state facility as otherwise provided by law. The commissioner shall annually determine the  
 15.12 costs of the purchase of services under this section and deduct them from the subsidy grant  
 15.13 due and payable to the county or counties concerned; provided that no contract shall exceed  
 15.14 in cost the amount of subsidy grant to which the participating county or counties are eligible.

15.15 Sec. 15. Minnesota Statutes 2020, section 401.10, is amended to read:

15.16 **401.10 COMMUNITY CORRECTIONS AID.**

15.17 Subdivision 1. ~~Aid calculations~~ **Funding formula.** ~~To determine the community~~  
 15.18 ~~corrections aid amount to be paid to each participating county, the commissioner of~~  
 15.19 ~~corrections must apply the following formula:~~

15.20 ~~(1) For each of the 87 counties in the state, a percent score must be calculated for each~~  
 15.21 ~~of the following five factors:~~

15.22 ~~(i) percent of the total state population aged ten to 24 residing within the county according~~  
 15.23 ~~to the most recent federal census, and, in the intervening years between the taking of the~~  
 15.24 ~~federal census, according to the most recent estimate of the state demographer;~~

15.25 ~~(ii) percent of the statewide total number of felony case filings occurring within the~~  
 15.26 ~~county, as determined by the state court administrator;~~

15.27 ~~(iii) percent of the statewide total number of juvenile case filings occurring within the~~  
 15.28 ~~county, as determined by the state court administrator;~~

15.29 ~~(iv) percent of the statewide total number of gross misdemeanor case filings occurring~~  
 15.30 ~~within the county, as determined by the state court administrator; and~~

16.1 ~~(v) percent of the total statewide number of convicted felony offenders who did not~~  
16.2 ~~receive an executed prison sentence, as monitored and reported by the Sentencing Guidelines~~  
16.3 ~~Commission.~~

16.4 ~~The percents in items (ii) to (v) must be calculated by combining the most recent~~  
16.5 ~~three-year period of available data. The percents in items (i) to (v) each must sum to 100~~  
16.6 ~~percent across the 87 counties.~~

16.7 ~~(2) For each of the 87 counties, the county's percents in clause (1), items (i) to (v), must~~  
16.8 ~~be weighted, summed, and divided by the sum of the weights to yield an average percent~~  
16.9 ~~for each county, referred to as the county's "composite need percent." When performing~~  
16.10 ~~this calculation, the weight for each of the percents in clause (1), items (i) to (v), is 1.0. The~~  
16.11 ~~composite need percent must sum to 100 percent across the 87 counties.~~

16.12 ~~(3) For each of the 87 counties, the county's "adjusted net tax capacity percent" is the~~  
16.13 ~~county's adjusted net tax capacity amount, defined in the same manner as it is defined for~~  
16.14 ~~cities in section 477A.011, subdivision 20, divided by the statewide total adjusted net tax~~  
16.15 ~~capacity amount. The adjusted net tax capacity percent must sum to 100 percent across the~~  
16.16 ~~87 counties.~~

16.17 ~~(4) For each of the 87 counties, the county's composite need percent must be divided by~~  
16.18 ~~the county's adjusted net tax capacity percent to produce a ratio that, when multiplied by~~  
16.19 ~~the county's composite need percent, results in the county's "tax base adjusted need percent."~~

16.20 ~~(5) For each of the 87 counties, the county's tax base adjusted need percent must be~~  
16.21 ~~added to twice the composite need percent, and the sum must be divided by 3, to yield the~~  
16.22 ~~county's "weighted need percent."~~

16.23 ~~(6) Each participating county's weighted need percent must be added to the weighted~~  
16.24 ~~need percent of each other participating county to yield the "total weighted need percent~~  
16.25 ~~for participating counties."~~

16.26 ~~(7) Each participating county's weighted need percent must be divided by the total~~  
16.27 ~~weighted need percent for participating counties to yield the county's "share percent." The~~  
16.28 ~~share percents for participating counties must sum to 100 percent.~~

16.29 ~~(8) Each participating county's "base funding amount" is the aid amount that the county~~  
16.30 ~~received under this section for fiscal year 1995 plus the amount received in caseload or~~  
16.31 ~~workload reduction, felony caseload reduction, and sex offender supervision grants in fiscal~~  
16.32 ~~year 2015, as reported by the commissioner of corrections. In fiscal year 1997 and thereafter,~~  
16.33 ~~no county's aid amount under this section may be less than its base funding amount, provided~~



17.1 that the total amount appropriated for this purpose is at least as much as the aggregate base  
17.2 funding amount defined in clause (9).

17.3 (9) The "aggregate base funding amount" is equal to the sum of the base funding amounts  
17.4 for all participating counties. If a county that participated under this section chooses not to  
17.5 participate in any given year, then the aggregate base funding amount must be reduced by  
17.6 that county's base funding amount. If a county that did not participate under this section in  
17.7 fiscal year 1995 chooses to participate on or after July 1, 2015, then the aggregate base  
17.8 funding amount must be increased by the amount of aid that the county would have received  
17.9 had it participated in fiscal year 1995 plus the estimated amount it would have received in  
17.10 caseload or workload reduction, felony caseload reduction, and sex offender supervision  
17.11 grants in fiscal year 2015, as reported by the commissioner of corrections, and the amount  
17.12 of increase shall be that county's base funding amount.

17.13 (10) In any given year, the total amount appropriated for this purpose first must be  
17.14 allocated to participating counties in accordance with each county's base funding amount.  
17.15 Then, any remaining amount in excess of the aggregate base funding amount must be  
17.16 allocated to participating counties in proportion to each county's share percent, and is referred  
17.17 to as the county's "formula amount."

17.18 Each participating county's "community corrections aid amount" equals the sum of (i)  
17.19 the county's base funding amount, and (ii) the county's formula amount.

17.20 (11) However, if in any year the total amount appropriated for the purpose of this section  
17.21 is less than the aggregate base funding amount, then each participating county's community  
17.22 corrections aid amount is the product of (i) the county's base funding amount multiplied by  
17.23 (ii) the ratio of the total amount appropriated to the aggregate base funding amount.

17.24 For each participating county, the county's community corrections aid amount calculated  
17.25 in this subdivision is the total amount of subsidy to which the county is entitled under  
17.26 sections 401.01 to 401.16.

17.27 (a) The state shall institute one funding formula for supervising people in the community.  
17.28 For fiscal year 2023, the commissioner shall use the following formula to determine each  
17.29 county and Tribal government grant and the department's funding for supervision in counties  
17.30 or Tribal jurisdictions served by the department. Funding and allocations for intensive  
17.31 supervised release are not included in the formula and regardless of the results of the formula,  
17.32 in fiscal year 2023, the commissioner shall provide full 50 percent funding to CPO counties  
17.33 as previously required in section 244.19, subdivision 6. The following amounts shall be  
17.34 summed to arrive at the total for a county, Tribal government, or the department:

18.1 (1) \$250,000;

18.2 (2) 10 percent of the total appropriation for community supervision and postrelease  
18.3 services to the department for community supervision in fiscal year 2022 multiplied by the  
18.4 county's or Tribe's percentage of the state's total population;

18.5 (3) 10 percent of the total appropriation to the department for community supervision  
18.6 in fiscal year 2022 multiplied by the county's or Tribe's percentage of the state's total  
18.7 geographic area;

18.8 (4) the result of the following methodology:

18.9 (i) use the county's felony supervision population as reflected in the most recent probation  
18.10 survey by the department and analysis conducted in 2021 by an independent contractor;

18.11 (ii) use the hours required to supervise the felony population based on 2,080 hours of  
18.12 officer FTE time in one year;

18.13 (iii) compute an average FTE time for the county for one year; and

18.14 (iv) assume a \$100,000 cost for each officer FTE and multiply that amount by the average  
18.15 FTE time for the county for one year; and

18.16 (5) the department may prorate the total amount distributed in clauses (2), (3), and (4),  
18.17 as necessary, so as to not exceed the total appropriation for fiscal year 2023.

18.18 (b) For use in fiscal year 2024 and beyond, to replace the methodology in paragraph (a),  
18.19 clause (4), the state shall implement a workload methodology developed by the Supervision  
18.20 Standards Committee to calculate the average per diem costs of supervising people in  
18.21 communities and accounting for people of different risk and need levels who are: juveniles;  
18.22 on probation for a misdemeanor; on probation for a gross misdemeanor; on probation for  
18.23 a felony; on supervised or conditional release; or on intensive supervised release. The  
18.24 Department of Corrections and the Supervision Standards Committee shall report the  
18.25 methodology and the calculated fiscal impacts of the formula described in this paragraph  
18.26 estimated for each of fiscal years 2024, 2025, 2026, and 2027 to the chairs and ranking  
18.27 minority members of the legislative committees with jurisdiction over public safety finance  
18.28 and policy, to the governor, and to the Department of Management and Budget by October  
18.29 15, 2022, for consideration in biennial budget development under section 16A.10, subdivision  
18.30 2. The department may prorate the total amount distributed in fiscal year 2024 and subsequent  
18.31 years as necessary, so as to not exceed the total appropriation for that fiscal year.

18.32 Subd. 2. **Transfer of funds.** Notwithstanding any law to the contrary, the commissioner  
18.33 of corrections, after notifying the committees on finance of the senate and ways and means

19.1 of the house of representatives, may, at the end of any fiscal year, transfer any unobligated  
19.2 funds, including funds available due the withdrawal of a county under section 401.16, in  
19.3 any appropriation to the Department of Corrections to the appropriation under sections  
19.4 401.01 to 401.16, which appropriation shall not cancel but is reappropriated for the purposes  
19.5 of sections 401.01 to 401.16.

19.6 Subd. 3. **Formula review.** ~~Prior to January 16, 2002, the committees with jurisdiction~~  
19.7 ~~over community corrections funding decisions in the house of representatives and the senate,~~  
19.8 ~~in consultation with the Department of Corrections and any interested county organizations,~~  
19.9 ~~must review the formula in subdivision 1 and make recommendations to the legislature for~~  
19.10 ~~its continuation, modification, replacement, or discontinuation.~~ (a) For fiscal year 2024 and  
19.11 subsequent fiscal years, the commissioner shall make a funding recommendation based  
19.12 upon the following two components:

19.13 (1) for the first component the following amounts shall be summed to arrive at the total  
19.14 for a county, Tribal government, or the department:

19.15 (i) \$250,000;

19.16 (ii) 10 percent of the total appropriation to the department for community supervision  
19.17 in the previous fiscal year multiplied by the county's percentage of the state's total population  
19.18 according to 2020 census data; and

19.19 (iii) 10 percent of the total appropriation to the department for community supervision  
19.20 in the previous fiscal year multiplied by the county's percentage of the state's total geographic  
19.21 area as reflected in square miles; and

19.22 (2) for the second component funding shall reflect the results of the workload study in  
19.23 subdivision, paragraph (b).

19.24 (b) Every six years the workload study shall be repeated and updated by the Department  
19.25 of Corrections in consultation with the Community Supervision Advisory Board if  
19.26 established.

19.27 (c) For the purposes of the recommendations required under this section, every six years  
19.28 the \$250,000 base amount shall be adjusted to reflect the statewide average cost of 2.5  
19.29 probation officer full-time equivalent.

20.1 Sec. 16. Minnesota Statutes 2020, section 401.11, is amended to read:

20.2 **401.11 COMPREHENSIVE PLAN ITEMS; GRANT REVIEW.**

20.3 Subdivision 1. Items. The comprehensive plan submitted to the commissioner for  
20.4 approval shall include those items prescribed by rule of the commissioner, which may  
20.5 require the inclusion of the following: (a) the manner in which presentence and postsentence  
20.6 investigations and reports for the district courts and social history reports for the juvenile  
20.7 courts will be made; (b) the manner in which conditional release services to the courts and  
20.8 persons under jurisdiction of the commissioner of corrections will be provided; (c) a program  
20.9 for the detention, supervision, and treatment of persons under pretrial detention or under  
20.10 commitment; (d) delivery of other correctional services defined in section 401.01; (e)  
20.11 proposals for new programs, which proposals must demonstrate a need for the program, its  
20.12 purpose, objective, administrative structure, staffing pattern, staff training, financing,  
20.13 evaluation process, degree of community involvement, client participation, and duration of  
20.14 program.

20.15 Subd. 2. Review. In addition to the foregoing requirements made by this section, each  
20.16 participating CCA county or group of counties shall develop and implement a procedure  
20.17 for the review of grant applications made to the corrections advisory board and for the  
20.18 manner in which corrections advisory board action will be taken on them. A description of  
20.19 this procedure must be made available to members of the public upon request.

20.20 Sec. 17. Minnesota Statutes 2020, section 401.12, is amended to read:

20.21 **401.12 CONTINUATION OF CURRENT SPENDING LEVEL BY COUNTIES.**

20.22 Participating counties shall not diminish their current level of spending for correctional  
20.23 expenses as defined in section 401.01, to the extent of any subsidy grant received pursuant  
20.24 to sections 401.01 to 401.16; rather the subsidy grant herein provided is for the expenditure  
20.25 for correctional purposes in excess of those funds currently being expended. Should a  
20.26 participating county be unable to expend the full amount of the subsidy grant to which it  
20.27 would be entitled in any one year under the provisions of sections 401.01 to 401.16, the  
20.28 commissioner shall retain the surplus, subject to disbursement in the following year wherein  
20.29 such county can demonstrate a need for and ability to expend same for the purposes provided  
20.30 in section 401.01. If in any biennium the subsidy grant is increased by an inflationary  
20.31 adjustment which results in the county receiving more actual subsidy grant than it did in  
20.32 the previous calendar year, the county shall be eligible for that increase only if the current  
20.33 level of spending is increased by a percentage equal to that increase within the same  
20.34 biennium.

21.1 Sec. 18. Minnesota Statutes 2020, section 401.14, subdivision 1, is amended to read:

21.2 Subdivision 1. **Payment.** Upon compliance by a county or group of counties with the  
 21.3 prerequisites for participation in the subsidy grant prescribed by sections 401.01 to 401.16,  
 21.4 and approval of the comprehensive plan by the commissioner, the commissioner shall  
 21.5 determine whether funds exist for the payment of the subsidy grant and proceed to pay same  
 21.6 in accordance with applicable rules.

21.7 Sec. 19. Minnesota Statutes 2020, section 401.14, subdivision 3, is amended to read:

21.8 Subd. 3. **Installment payments.** The commissioner of corrections shall make payments  
 21.9 for community corrections services to each county in 12 installments per year. The  
 21.10 commissioner shall ensure that the pertinent payment of the allotment for each month is  
 21.11 made to each county on the first working day after the end of each month of the calendar  
 21.12 year, except for the last month of the calendar year. The commissioner shall ensure that  
 21.13 each county receives its payment of the allotment for that month no later than the last  
 21.14 working day of that month. ~~The payment described in this subdivision for services rendered~~  
 21.15 ~~during June 1985 shall be made on the first working day of July 1985.~~

21.16 Sec. 20. Minnesota Statutes 2020, section 401.15, subdivision 2, is amended to read:

21.17 Subd. 2. **Ranking review.** The commissioner shall biennially review the ranking accorded  
 21.18 each county by the equalization formula provided in section 401.10 and compute the subsidy  
 21.19 grant rate accordingly.

21.20 Sec. 21. Minnesota Statutes 2020, section 401.16, is amended to read:

21.21 **401.16 WITHDRAWAL FROM PROGRAM.**

21.22 Any participating county or Tribal government may, at the beginning of any calendar  
 21.23 quarter, by resolution of its board of commissioners or Tribal government leaders, notify  
 21.24 the commissioner of its intention to withdraw from the subsidy grant program established  
 21.25 by sections 401.01 to 401.16, and the withdrawal shall be effective the last day of ~~the last~~  
 21.26 ~~month of the quarter in~~ the third quarter after which the notice was given. ~~Upon withdrawal,~~  
 21.27 ~~the unexpended balance of moneys allocated to the county, or that amount necessary to~~  
 21.28 ~~reinstate state correctional services displaced by that county's participation, including~~  
 21.29 ~~complement positions, may, upon approval of the legislative advisory commission, be~~  
 21.30 ~~transferred to the commissioner for the reinstatement of the displaced services and the~~  
 21.31 ~~payment of any other correctional subsidies for which the withdrawing county had previously~~  
 21.32 ~~been eligible.~~

22.1 Sec. 22. SUPERVISION STANDARDS COMMITTEE.

22.2 Subdivision 1. Establishment; members. (a) The commissioner of corrections shall  
22.3 establish a supervision standards committee to develop standards for probation, supervised  
22.4 release, and community supervision. The committee consists of 13 members as follows:

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

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

22.9 (3) two county commissioner representatives appointed by the Association of Minnesota  
22.10 Counties;

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

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

22.15 (6) the commissioner of corrections or designee and one additional representative of the  
22.16 department appointed by the commissioner; and

22.17 (7) the chair of the statewide evidence-based practice advisory committee.

22.18 (b) When an appointing authority selects an individual for membership on the committee,  
22.19 the authority shall make reasonable efforts to reflect geographic diversity and to appoint  
22.20 qualified members of protected groups, as defined in Minnesota Statutes, section 43A.02,  
22.21 subdivision 33.

22.22 (c) The commissioner shall convene the first meeting of the committee on or before July  
22.23 15, 2022.

22.24 Subd. 2. Terms; removal; reimbursement. (a) In the case of a vacancy on the  
22.25 committee, the appointing authority shall appoint a person to fill the vacancy. The members  
22.26 of the committee shall elect any officers and create any subcommittees necessary for the  
22.27 efficient discharge of committee duties.

22.28 (b) A member may be removed by the appointing authority at any time at the pleasure  
22.29 of the appointing authority.

22.30 (c) A member of the committee shall be reimbursed for all reasonable expenses actually  
22.31 paid or incurred by that member in the performance of official duties in the same manner

23.1 as other employees of the state. The public members of the committee shall be compensated  
23.2 at the rate of \$55 for each day or part thereof spent on committee activities.

23.3 Subd. 3. **Duties.** (a) The committee shall comply with the requirements of Minnesota  
23.4 Statutes, section 401.10.

23.5 (b) By June 30, 2023, the committee shall provide written advice and recommendations  
23.6 to the commissioner of corrections for the development of administrative rules and policy  
23.7 regarding:

23.8 (1) developing statewide supervision standards and definitions to be applied to community  
23.9 supervision provided by CPO counties, CCA counties, and the Department of Corrections;

23.10 (2) requiring community supervision agencies to use the same agreed-upon risk screener  
23.11 and risk and needs assessment tools, as the main supervision assessment methods, or a  
23.12 universal five-level matrix allowing for consistent supervision levels and that all tools in  
23.13 use be validated on Minnesota's community supervision population and revalidated every  
23.14 five years;

23.15 (3) requiring the use of assessment-driven, formalized collaborative case planning to  
23.16 focus case planning goals on identified criminogenic and behavioral health need areas for  
23.17 moderate- and high-risk individuals;

23.18 (4) limiting standard conditions required for all people on supervision across all  
23.19 supervision systems and judicial districts, ensure that conditions of supervision are directly  
23.20 related to the offense of the person on supervision, and tailor special conditions to people  
23.21 on supervision identified as high risk and need;

23.22 (5) providing gender-responsive, culturally appropriate services and trauma-informed  
23.23 approaches;

23.24 (6) developing a statewide incentives and sanctions grid to guide responses to client  
23.25 behavior while under supervision to be reviewed and updated every five years to maintain  
23.26 alignment with national best practices; and

23.27 (7) developing performance indicators for supervision success as well as recidivism.

23.28 (c) The committee shall also explore the role of a permanent state Community Supervision  
23.29 Advisory Board for the purposes of the required report in subdivision 6.

23.30 Subd. 4. **Response.** Within 45 days of receiving the committee's recommendations, the  
23.31 commissioner must respond in writing to the committee's advice and recommendations.  
23.32 The commissioner's response must explain whether the agency will adopt rules based on

24.1 the recommendations, the timeline for rulemaking, and an explanation of why the  
 24.2 commissioner will not or cannot include any individual recommendations of the committee  
 24.3 in the agency's adoption of rules. The commissioner must submit at the same time the advice  
 24.4 and recommendations of the committee and the commissioner's written response to the  
 24.5 Governor's Council on Justice Reinvestment and to the chairs and ranking minority members  
 24.6 of the legislative committees with jurisdiction over public safety and finance.

24.7 Subd. 5. **Staff; meeting room; office equipment.** The commissioner shall provide the  
 24.8 committee with staff support, a meeting room, and access to office equipment and services.

24.9 Subd. 6. **Report.** (a) On January 15, 2023, and January 15, 2024, the committee shall  
 24.10 submit a report to the chairs and ranking minority members of the legislative committees  
 24.11 with jurisdiction over public safety and finance and the Governor's Council on Justice  
 24.12 Reinvestment on progress regarding the development of standards and recommendations  
 24.13 under subdivision 3.

24.14 (b) On January 15, 2025, the committee shall submit a final report to the chairs and  
 24.15 ranking minority members of the legislative committees with jurisdiction over public safety  
 24.16 and finance and the Governor's Council on Justice Reinvestment on the standards and  
 24.17 recommendations developed according to subdivision 3. The recommendations must include  
 24.18 at a minimum a proposed state-level Community Supervision Advisory Board with a  
 24.19 governance structure and duties for the board.

24.20 Subd. 7. **Expiration.** The committee expires the earlier of January 25, 2025, or the day  
 24.21 after the final report is submitted to the legislature and the Governor's Council on Justice  
 24.22 Reinvestment.

24.23 Sec. 23. **APPROPRIATION.**

24.24 \$26,239,000 in fiscal year 2023 is appropriated from the general fund to the commissioner  
 24.25 of corrections for probation and supervised release. This appropriation is added to the base.  
 24.26 The base is increased by \$12,550,000 in fiscal year 2024 and by \$12,550,000 in fiscal year  
 24.27 2025. Of this amount:

24.28 (1) \$21,300,000 is for services provided by the Department of Corrections field services,  
 24.29 county probation officers, and Community Corrections Act counties;

24.30 (2) \$2,000,000 is for quality assurance, coaching, and training;

24.31 (3) \$2,000,000 is to provide grants for local governments, Tribes, and other community  
 24.32 partners to improve availability and access to programming for individuals under community  
 24.33 supervision across the state, including community-based treatment and rehabilitative services,



25.1 use of community-based revocation units, and other innovations in corrections. Of this  
25.2 amount, up to 2.5 percent may be used to administer the grant program. The base for this  
25.3 appropriation is increased by \$13,000,000 in fiscal year 2024 and by \$13,000,000 in fiscal  
25.4 year 2025; and

25.5 (4) \$939,000 is to acquire a grants management system and increase capacity for grants  
25.6 management, including compliance with internal controls. The base for this appropriation  
25.7 is reduced by \$450,000 in fiscal year 2024 and by \$450,000 in fiscal year 2025.

25.8 Sec. 24. **REPEALER.**

25.9 Minnesota Statutes 2020, sections 244.19, subdivisions 6, 7, and 8; 244.22; 244.24;  
25.10 244.30; and 401.025, are repealed.

**244.19 PROBATION OFFICERS.**

Subd. 6. **Reimbursement of counties.** In order to reimburse the counties for the cost which they assume under this section of providing probation and parole services to wards of the commissioner of corrections and to aid the counties in achieving the purposes of this section, the commissioner of corrections shall annually, from funds appropriated for that purpose, pay 50 percent of the costs of probation officers' salaries to all counties of not more than 200,000 population. Nothing in this section will invalidate any payments to counties made pursuant to this section before May 15, 1963. Salary costs include fringe benefits, but only to the extent that fringe benefits do not exceed those provided for state civil service employees. On or before July 1 of each even-numbered year each county or group of counties which provide their own probation services to the district court under subdivision 1, clause (1) or (2), shall submit to the commissioner of corrections an estimate of its costs under this section. Reimbursement to those counties shall be made on the basis of the estimate or actual expenditures incurred, whichever is less. Reimbursement for those counties which obtain probation services from the commissioner of corrections pursuant to subdivision 1, clause (3), must be made on the basis of actual expenditures. Salary costs shall not be reimbursed unless county probation officers are paid salaries commensurate with the salaries paid to comparable positions in the classified service of the state civil service. The salary range to which each county probation officer is assigned shall be determined by the authority having power to appoint probation officers, and shall be based on the officer's length of service and performance. The appointing authority shall annually assign each county probation officer to a position on the salary scale commensurate with the officer's experience, tenure, and responsibilities. The judge shall file with the county auditor an order setting each county probation officer's salary. Time spent by a county probation officer as a court referee shall not qualify for reimbursement. Reimbursement shall be prorated if the appropriation is insufficient. A new position eligible for reimbursement under this section may not be added by a county without the written approval of the commissioner of corrections. When a new position is approved, the commissioner shall include the cost of the position in calculating each county's share.

Subd. 7. **Certificate of counties entitled to state aid.** On or before January 1 of each year, until 1970 and on or before April 1 thereafter, the commissioner of corrections shall deliver to the commissioner of management and budget a certificate in duplicate for each county of the state entitled to receive state aid under the provisions of this section. Upon the receipt of such certificate, the commissioner of management and budget shall issue a payment to the county treasurer for the amount shown by each certificate to be due to the county specified. The commissioner of management and budget shall transmit such payment to the county treasurer together with a copy of the certificate prepared by the commissioner of corrections.

Subd. 8. **Exception.** This section shall not apply to Ramsey County.

**244.22 PROBATION SERVICE PROVIDERS; CASELOAD REDUCTION GRANT MONEY.**

(a) The commissioner of corrections shall review the planned expenditures of probation service providers before allocating probation caseload reduction grants appropriated by the legislature. The review must determine whether the planned expenditures comply with applicable law.

(b) In counties where probation services are provided by both county and Department of Corrections employees, a collaborative plan addressing the local needs shall be developed. The commissioner of corrections shall specify the manner in which probation caseload reduction grant money shall be distributed between the providers according to the approved plan.

**244.24 CLASSIFICATION SYSTEM FOR ADULT OFFENDERS.**

By February 1, 1998, all probation agencies shall adopt written policies for classifying adult offenders. The commissioner of corrections shall assist probation agencies in locating organizations that may provide training and technical assistance to the agencies concerning methods to develop and implement effective, valid classification systems.

**244.30 CAP ON INCARCERATION FOR FIRST-TIME SUPERVISED RELEASE VIOLATIONS; EXCEPTION FOR SEX OFFENDERS.**

(a) If the commissioner revokes the supervised release of a person whose release on the current offense has not previously been revoked, the commissioner may order the person to be incarcerated for no more than 90 days or until the expiration of the person's sentence, whichever is less.

(b) This section does not apply to offenders on supervised release for a violation of section 609.342, 609.343, 609.344, 609.345, 609.3451, or 609.3453.

(c) The commissioner may order a person described in this section to be incarcerated for more than 90 days if the commissioner determines that substantial and compelling reasons exist to believe that the longer incarceration period is necessary to protect the public.

**401.025 DETENTION AND RELEASE; PROBATIONERS, CONDITIONAL RELEASEES, AND PRETRIAL RELEASEES.**

Subdivision 1. **Peace officers and probation officers serving CCA counties.** (a) When it appears necessary to enforce discipline or to prevent a person on conditional release from escaping or absconding from supervision, the chief executive officer or designee of a community corrections agency in a CCA county has the authority to issue a written order directing any peace officer or any probation officer in the state serving the district and juvenile courts to detain and bring the person before the court or the commissioner, whichever is appropriate, for disposition. This written order is sufficient authority for the peace officer or probation officer to detain the person for not more than 72 hours, excluding Saturdays, Sundays, and holidays, pending a hearing before the court or the commissioner.

(b) The chief executive officer or designee of a community corrections agency in a CCA county has the authority to issue a written order directing a peace officer or probation officer serving the district and juvenile courts to release a person detained under paragraph (a) within 72 hours, excluding Saturdays, Sundays, and holidays, without an appearance before the court or the commissioner. This written order is sufficient authority for the peace officer or probation officer to release the detained person.

(c) The chief executive officer or designee of a community corrections agency in a CCA county has the authority to issue a written order directing any peace officer or any probation officer serving the district and juvenile courts to detain any person on court-ordered pretrial release who absconds from pretrial release or fails to abide by the conditions of pretrial release. A written order issued under this paragraph is sufficient authority for the peace officer or probation officer to detain the person.

Subd. 2. **Peace officers and probation officers in other counties and state correctional investigators.** (a) The chief executive officer or designee of a community corrections agency in a CCA county has the authority to issue a written order directing any state correctional investigator or any peace officer, probation officer, or county probation officer from another county to detain a person under sentence or on probation who:

- (1) fails to report to serve a sentence at a local correctional facility;
- (2) fails to return from furlough or authorized temporary release from a local correctional facility;
- (3) escapes from a local correctional facility; or
- (4) absconds from court-ordered home detention.

(b) The chief executive officer or designee of a community corrections agency in a CCA county has the authority to issue a written order directing any state correctional investigator or any peace officer, probation officer, or county probation officer from another county to detain any person on court-ordered pretrial release who absconds from pretrial release or fails to abide by the conditions of pretrial release.

(c) A written order issued under paragraph (a) or (b) is sufficient authority for the state correctional investigator, peace officer, probation officer, or county probation officer to detain the person.

Subd. 3. **Offenders under Department of Corrections commitment.** CCA counties shall comply with the policies prescribed by the commissioner when providing supervision and other correctional services to persons conditionally released pursuant to sections 241.26, 242.19, 243.05, 243.1605, 244.05, and 244.065, including intercounty transfer of persons on conditional release and the conduct of presentence investigations.