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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 1074

02/11/2021 Authored by Winkler, Lee, Freiberg, Hausman, Hollins and others
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; requiring state and local jail and prison inmates to be housed
1.3 in publicly owned and operated jails and prisons; prohibiting the state and counties
1.4 from contracting with private prisons; amending Minnesota Statutes 2020, section
1.5 241.01, subdivision 3a; proposing coding for new law in Minnesota Statutes,
1.6 chapters 243; 641.

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

1.8 Section 1. Minnesota Statutes 2020, section 241.01, subdivision 3a, is amended to read:

1.9 Subd. 3a. Commissioner, powers and duties. The commissioner of corrections has the
1.10 following powers and duties:

1.11 (a) To accept persons committed to the commissioner by the courts of this state for care,
1.12 custody, and rehabilitation.

1.13 (b) To determine the place of confinement of committed persons in a correctional facility
1.14 or other facility of the Department of Corrections and to prescribe reasonable conditions
1.15 and rules for their employment, conduct, instruction, and discipline within or outside the
1.16 facility. After July 1, 2021, the commissioner shall not allow inmates to be housed in facilities
1.17 that are not owned and operated by the state, a local unit of government, or a group of local
1.18 units of government. Inmates shall not exercise custodial functions or have authority over
1.19 other inmates.

1.20 (c) To administer the money and property of the department.

1.21 (d) To administer, maintain, and inspect all state correctional facilities.

1.22 (e) To transfer authorized positions and personnel between state correctional facilities
1.23 as necessary to properly staff facilities and programs.

2.1 (f) To utilize state correctional facilities in the manner deemed to be most efficient and
 2.2 beneficial to accomplish the purposes of this section, but not to close the Minnesota
 2.3 Correctional Facility-Stillwater or the Minnesota Correctional Facility-St. Cloud without
 2.4 legislative approval. The commissioner may place juveniles and adults at the same state
 2.5 minimum security correctional facilities, if there is total separation of and no regular contact
 2.6 between juveniles and adults, except contact incidental to admission, classification, and
 2.7 mental and physical health care.

2.8 (g) To organize the department and employ personnel the commissioner deems necessary
 2.9 to discharge the functions of the department, including a chief executive officer for each
 2.10 facility under the commissioner's control who shall serve in the unclassified civil service
 2.11 and may, under the provisions of section 43A.33, be removed only for cause.

2.12 (h) To define the duties of these employees and to delegate to them any of the
 2.13 commissioner's powers, duties and responsibilities, subject to the commissioner's control
 2.14 and the conditions the commissioner prescribes.

2.15 (i) To annually develop a comprehensive set of goals and objectives designed to clearly
 2.16 establish the priorities of the Department of Corrections. This report shall be submitted to
 2.17 the governor commencing January 1, 1976. The commissioner may establish ad hoc advisory
 2.18 committees.

2.19 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.20 **Sec. 2. [243.95] PRIVATE PRISON CONTRACTS PROHIBITED.**

2.21 The commissioner may not contract with privately owned and operated prisons for the
 2.22 care, custody, and rehabilitation of offenders committed to the custody of the commissioner.

2.23 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.24 **Sec. 3. [641.015] PLACEMENT IN PRIVATE PRISONS PROHIBITED.**

2.25 Subdivision 1. **Placement prohibited.** After August 1, 2021, a sheriff shall not allow
 2.26 inmates committed to the custody of the sheriff to be housed in facilities that are not owned
 2.27 and operated by a local government, or a group of local units of government.

2.28 Subd. 2. **Contracts prohibited.** The county board may not authorize the sheriff to
 2.29 contract with privately owned and operated prisons for the care, custody, and rehabilitation
 2.30 of offenders committed to the custody of the sheriff.

2.31 **EFFECTIVE DATE.** This section is effective the day following final enactment.