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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. **1200**

02/02/2023 Authored by Wolgamott; Frederick; Kozlowski; Lee, K.; Smith and others
The bill was read for the first time and referred to the Committee on Public Safety Finance and Policy
02/09/2023 Adoption of Report: Placed on the General Register
Read for the Second Time
03/23/2023 Calendar for the Day, Amended
Read Third Time as Amended
Passed by the House as Amended and transmitted to the Senate to include Floor Amendments

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 2022, 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 2022, 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, 2023, the commissioner shall not allow inmates who have not been
1.17 conditionally released from prison, whether on parole, supervised release, work release, or
1.18 an early release program, to be housed in correctional facilities that are not owned and
1.19 operated by the state, a local unit of government, or a group of local units of government.

1.20 Inmates shall not exercise custodial functions or have authority over other inmates.

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

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

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

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

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

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

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

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

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

2.23 (a) The commissioner may not contract with privately owned and operated prisons for
2.24 the care, custody, and rehabilitation of inmates committed to the custody of the commissioner.

2.25 (b) Notwithstanding section 43A.047, nothing in this section prohibits the commissioner
2.26 from contracting with privately owned residential facilities, such as halfway houses, group
2.27 homes, work release centers, or treatment facilities, to provide for the care, custody, and
2.28 rehabilitation of inmates who have been released from prison under section 241.26, 244.065,
2.29 244.05, 244.0513, 244.172, or any other form of supervised or conditional release.

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

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

3.2 **Subdivision 1. Placement prohibited.** After August 1, 2023, a sheriff shall not allow
3.3 inmates committed to the custody of the sheriff who are not on probation, work release, or
3.4 some other form of approved release status to be housed in facilities that are not owned and
3.5 operated by a local government, or a group of local units of government.

3.6 **Subd. 2. Contracts prohibited.** (a) Except as provided in paragraph (b), the county
3.7 board may not authorize the sheriff to contract with privately owned and operated prisons
3.8 for the care, custody, and rehabilitation of offenders committed to the custody of the sheriff.

3.9 (b) Nothing in this section prohibits a county board from contracting with privately
3.10 owned residential facilities, such as halfway houses, group homes, work release centers, or
3.11 treatment facilities, to provide for the care, custody, and rehabilitation of offenders who are
3.12 on probation, work release, or some other form of approved release status.

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