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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 1838

02/16/2023

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The bill was read for the first time and referred to the Committee on Public Safety 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 2022, 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; 401.06; 401.09; 401.10; 401.11; 401.14, subdivision 3; 401.16; repealing

1.8 Minnesota Statutes 2022, sections 244.19, subdivisions 6, 7, 8; 244.22; 244.24;

1.9 244.30; 401.025.

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

1.11 Section 1. Minnesota Statutes 2022, section 243.05, subdivision 1, is amended to read:

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

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

1.14 control of the commissioner of corrections, provided that:

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

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

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

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

1.19 years;

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

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

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

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

1.24 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 substance use disorder 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 2022, 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 substance use disorder 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 2022, 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 at no loss of salary. Years of service in the
6.8 state are to be given full credit for future sick leave and vacation accrual purposes in the
6.9 county or counties they 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 subsidy under chapter 401.
6.12 A county or counties receiving probation services under paragraph (a), clause (3), is not
6.13 eligible for a subsidy 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 2022, 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 2022, 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 2022, 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, aiding
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 2022, 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 2022, 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 2022, 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 subsidy funding under chapter 401.

10.1 Subd. 2. **Commissioner of corrections report.** By January 15, ~~1998~~ 2024, 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 2022, section 401.01, is amended to read:

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

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

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

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

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

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

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

10.31 (f) "CPO county" means a county that participates in funding under this act by providing
 10.32 local corrections service for all juveniles and individuals on probation for misdemeanors,
 10.33 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 2022, 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~~ subsidy under section 401.01 by ~~the enactment of~~
11.16 ~~appropriate resolutions creating and establishing a corrections advisory board,~~ designating
11.17 the officer or agency to be responsible for administering ~~grant funds~~ subsidies, and providing
11.18 for the preparation of a comprehensive plan for the development, implementation and
11.19 operation of the correctional services described in ~~section~~ sections 401.01 and 401.11,
11.20 including the assumption of those correctional services, other than the operation of state
11.21 facilities, presently provided in such counties by the Department of Corrections, and
11.22 providing for centralized administration and control of those correctional services described
11.23 in section 401.01. Counties participating as a CCA county must also enact the appropriate
11.24 resolutions creating and 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 subsidy program as outlined
11.30 in 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 at no loss of salary. Years of service in the county probation
 12.2 department are to be 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 for which the counties are eligible. The expenses described in this subdivision shall
 12.11 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 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 2022, section 401.06, is amended to read:

13.11 **401.06 COMPREHENSIVE PLAN; STANDARDS OF ELIGIBILITY;**
13.12 **COMPLIANCE.**

13.13 No county or group of counties or Tribal government or group of Tribal governments
13.14 electing to provide correctional services pursuant to sections 401.01 to 401.16 shall be
13.15 eligible for the subsidy herein provided unless and until its comprehensive plan shall have
13.16 been approved by the commissioner. The commissioner shall, pursuant to the Administrative
13.17 Procedure Act, promulgate rules establishing standards of eligibility for CCA and CPO
13.18 counties and Tribal governments to receive funds under sections 401.01 to 401.16. To
13.19 remain eligible for subsidy counties and Tribal governments shall maintain substantial
13.20 compliance with the minimum standards established pursuant to sections 401.01 to 401.16
13.21 and the policies and procedures governing the services described in section 401.025 as
13.22 prescribed by the commissioner. Counties shall also be in substantial compliance with other
13.23 correctional operating standards permitted by law and established by the commissioner and
13.24 shall report statistics required by the commissioner including but not limited to information
13.25 on individuals convicted as an extended jurisdiction juvenile identified in section 241.016,
13.26 subdivision 1, paragraph (c). The commissioner shall review annually the comprehensive
13.27 plans submitted by participating counties and Tribal governments, including the facilities
13.28 and programs operated under the plans. The commissioner is hereby authorized to enter
13.29 upon any facility operated under the plan, and inspect books and records, for purposes of
13.30 recommending needed changes or improvements. When the commissioner provides
13.31 supervision to a county that elects not to provide the supervision, the commissioner shall
13.32 prepare a comprehensive plan for the county and shall present it to the local county board
13.33 of commissioners. The Department of Corrections shall be subject to all the standards and
13.34 requirements established in sections 401.01 to 401.16 and promulgated rules.

14.1 When the commissioner shall determine that there are reasonable grounds to believe
 14.2 that a county or group of counties or Tribal government or group of Tribal governments is
 14.3 not in substantial compliance with minimum standards, at least 30 days' notice shall be
 14.4 given the county or counties or Tribal government or Tribal governments and a hearing
 14.5 conducted by the commissioner to ascertain whether there is substantial compliance or
 14.6 satisfactory progress being made toward compliance. The commissioner may suspend all
 14.7 or a portion of any subsidy until the required standard of operation has been met.

14.8 Sec. 13. Minnesota Statutes 2022, section 401.09, is amended to read:

14.9 **401.09 OTHER SUBSIDY PROGRAMS; PURCHASE OF STATE SERVICES.**

14.10 Failure of a county or group of counties to elect to come within the provisions of sections
 14.11 401.01 to 401.16 shall not affect their eligibility for any other state grant or subsidy for
 14.12 correctional purposes otherwise provided by law. Any comprehensive plan submitted
 14.13 pursuant to sections 401.01 to 401.16 may include the purchase of selected correctional
 14.14 services from the state by contract, including the temporary detention and confinement of
 14.15 persons convicted of crime or adjudicated delinquent; confinement to be in an appropriate
 14.16 state facility as otherwise provided by law. The commissioner shall annually determine the
 14.17 costs of the purchase of services under this section and deduct them from the subsidy due
 14.18 and payable to the county or counties concerned; provided that no contract shall exceed in
 14.19 cost the amount of subsidy to which the participating county or counties are eligible.

14.20 Sec. 14. Minnesota Statutes 2022, section 401.10, is amended to read:

14.21 **401.10 COMMUNITY CORRECTIONS AID.**

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

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

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

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

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

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

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

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

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

15.16 ~~(3) For each of the 87 counties, the county's "adjusted net tax capacity percent" is the~~
 15.17 ~~county's adjusted net tax capacity amount, defined in the same manner as it is defined for~~
 15.18 ~~cities in section 477A.011, subdivision 20, divided by the statewide total adjusted net tax~~
 15.19 ~~capacity amount. The adjusted net tax capacity percent must sum to 100 percent across the~~
 15.20 ~~87 counties.~~

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

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

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

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

16.1 (8) Each participating county's "base funding amount" is the aid amount that the county
16.2 received under this section for fiscal year 1995 plus the amount received in caseload or
16.3 workload reduction, felony caseload reduction, and sex offender supervision grants in fiscal
16.4 year 2015, as reported by the commissioner of corrections. In fiscal year 1997 and thereafter,
16.5 no county's aid amount under this section may be less than its base funding amount, provided
16.6 that the total amount appropriated for this purpose is at least as much as the aggregate base
16.7 funding amount defined in clause (9).

16.8 (9) The "aggregate base funding amount" is equal to the sum of the base funding amounts
16.9 for all participating counties. If a county that participated under this section chooses not to
16.10 participate in any given year, then the aggregate base funding amount must be reduced by
16.11 that county's base funding amount. If a county that did not participate under this section in
16.12 fiscal year 1995 chooses to participate on or after July 1, 2015, then the aggregate base
16.13 funding amount must be increased by the amount of aid that the county would have received
16.14 had it participated in fiscal year 1995 plus the estimated amount it would have received in
16.15 caseload or workload reduction, felony caseload reduction, and sex offender supervision
16.16 grants in fiscal year 2015, as reported by the commissioner of corrections, and the amount
16.17 of increase shall be that county's base funding amount.

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

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

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

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

16.32 Beginning for fiscal year 2024, the commissioner shall use the formula developed by
16.33 the Association of Minnesota Counties community supervision working group in consultation
16.34 with the commissioner of corrections to determine subsidy amounts for each county. The

17.1 Association of Minnesota Counties community supervision working group will work with
 17.2 the commissioner of corrections for an equitable funding formula to fund Tribal government
 17.3 supervision.

17.4 Subd. 2. **Transfer of funds.** Notwithstanding any law to the contrary, the commissioner
 17.5 of corrections, after notifying the committees on finance of the senate and ways and means
 17.6 of the house of representatives, may, at the end of any fiscal year, transfer any unobligated
 17.7 funds, including funds available due the withdrawal of a county under section 401.16, in
 17.8 any appropriation to the Department of Corrections to the appropriation under sections
 17.9 401.01 to 401.16, which appropriation shall not cancel but is reappropriated for the purposes
 17.10 of sections 401.01 to 401.16.

17.11 Subd. 3. **Formula review.** ~~Prior to January 16, 2002, the committees with jurisdiction~~
 17.12 ~~over community corrections funding decisions in the house of representatives and the senate,~~
 17.13 ~~in consultation with the Department of Corrections and any interested county organizations,~~
 17.14 ~~must review the formula in subdivision 1 and make recommendations to the legislature for~~
 17.15 ~~its continuation, modification, replacement, or discontinuation.~~ For fiscal year 2025 and
 17.16 subsequent fiscal years, the commissioner shall make a funding recommendation based
 17.17 upon

17.18 Sec. 15. Minnesota Statutes 2022, section 401.11, is amended to read:

17.19 **401.11 COMPREHENSIVE PLAN ITEMS; GRANT SUBSIDY REVIEW.**

17.20 Subdivision 1. **Items.** The comprehensive plan submitted to the commissioner for
 17.21 approval shall include those items prescribed by rule of the commissioner, which may
 17.22 require the inclusion of the following: (a) the manner in which presentence and postsentence
 17.23 investigations and reports for the district courts and social history reports for the juvenile
 17.24 courts will be made; (b) the manner in which conditional release services to the courts and
 17.25 persons under jurisdiction of the commissioner of corrections will be provided; (c) a program
 17.26 for the detention, supervision, and treatment of persons under pretrial detention or under
 17.27 commitment; (d) delivery of other correctional services defined in section 401.01; (e)
 17.28 proposals for new programs, which proposals must demonstrate a need for the program, its
 17.29 purpose, objective, administrative structure, staffing pattern, staff training, financing,
 17.30 evaluation process, degree of community involvement, client participation, and duration of
 17.31 program.

17.32 Subd. 2. **Review.** In addition to the foregoing requirements made by this section, each
 17.33 participating CCA county or group of counties shall develop and implement a procedure
 17.34 for the review of grant subsidy applications made to the corrections advisory board and for

18.1 the manner in which corrections advisory board action will be taken on them. A description
 18.2 of this procedure must be made available to members of the public upon request.

18.3 Sec. 16. Minnesota Statutes 2022, section 401.14, subdivision 3, is amended to read:

18.4 Subd. 3. **Installment payments.** The commissioner of corrections shall make payments
 18.5 for community corrections services to each county in 12 installments per year. The
 18.6 commissioner shall ensure that the pertinent payment of the allotment for each month is
 18.7 made to each county on the first working day after the end of each month of the calendar
 18.8 year, except for the last month of the calendar year. The commissioner shall ensure that
 18.9 each county receives its payment of the allotment for that month no later than the last
 18.10 working day of that month. ~~The payment described in this subdivision for services rendered~~
 18.11 ~~during June 1985 shall be made on the first working day of July 1985.~~

18.12 Sec. 17. Minnesota Statutes 2022, section 401.16, is amended to read:

18.13 **401.16 WITHDRAWAL FROM PROGRAM.**

18.14 Any participating county or Tribal government may, at the beginning of any calendar
 18.15 quarter, by resolution of its board of commissioners or Tribal government leaders, notify
 18.16 the commissioner of its intention to withdraw from the subsidy program established by
 18.17 sections 401.01 to 401.16, and the withdrawal shall be effective the last day of the ~~last month~~
 18.18 ~~of the quarter in~~ third quarter after which the notice was given. ~~Upon withdrawal, the~~
 18.19 ~~unexpended balance of moneys allocated to the county, or that amount necessary to reinstate~~
 18.20 ~~state correctional services displaced by that county's participation, including complement~~
 18.21 ~~positions, may, upon approval of the legislative advisory commission, be transferred to the~~
 18.22 ~~commissioner for the reinstatement of the displaced services and the payment of any other~~
 18.23 ~~correctional subsidies for which the withdrawing county had previously been eligible.~~

18.24 Sec. 18. **COMMUNITY SUPERVISION ADVISORY COMMITTEE.**

18.25 Subdivision 1. Establishment; members. (a) The commissioner of corrections shall
 18.26 establish a Supervision Standards Committee to develop standards for probation, supervised
 18.27 release, and community supervision. The committee consists of 16 members as follows:

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

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

19.1 (3) three county commissioner representatives appointed by the Association of Minnesota
19.2 Counties;

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

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

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

19.9 (7) the chair of the statewide Evidence-Based Practice Advisory Committee;

19.10 (8) a person who has served time on probation appointed by the commissioner of
19.11 corrections in consultation with the Minnesota Association of County Probation Officers
19.12 and the Minnesota Association of Community Corrections Act Counties; and

19.13 (9) an advocate for victims of crime appointed by the commissioner of corrections.

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

19.18 (c) The commissioner shall convene the first meeting of the committee on or before July
19.19 15, 2024.

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

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

19.26 (c) A member of the committee shall be reimbursed for all reasonable expenses actually
19.27 paid or incurred by that member in the performance of official duties in the same manner
19.28 as other employees of the state. The public members of the committee shall be compensated
19.29 at the rate of \$55 for each day or part thereof spent on committee activities.

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

20.1 (b) By June 30, 2024, the committee shall provide written advice and recommendations
20.2 to the commissioner of corrections for the development of administrative rules and policy
20.3 regarding:

20.4 (1) developing statewide supervision standards and definitions to be applied to community
20.5 supervision provided by CPO counties, CCA counties, the Department of Corrections, and
20.6 Tribal governments;

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

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

20.15 (4) limiting standard conditions required for all people on supervision across all
20.16 supervision systems and judicial districts, ensuring that conditions of supervision are directly
20.17 related to the offense of the person on supervision, and tailoring special conditions to people
20.18 on supervision identified as high risk and need;

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

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

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

20.25 By June 30, 2024, the committee shall submit a report on supervision fees to the
20.26 commissioner of corrections and the chairs and ranking minority members of the legislative
20.27 committees with jurisdiction over corrections policy and funding. The committee must
20.28 collect data on supervision fees and include the data in the report.

20.29 Subd. 4. **Response.** Within 45 days of receiving the committee's recommendations, the
20.30 commissioner must respond in writing to the committee's advice and recommendations.
20.31 The commissioner's response must explain whether the agency will adopt rules based on
20.32 the recommendations, the timeline for rulemaking, and an explanation of why the
20.33 commissioner will not or cannot include any individual recommendations of the committee

21.1 in the agency's adoption of rules. The commissioner must submit at the same time the advice
21.2 and recommendations of the committee and the commissioner's written response to the
21.3 Governor's Council on Justice Reinvestment and to the chairs and ranking minority members
21.4 of the legislative committees with jurisdiction over public safety and finance.

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

21.7 Subd. 6. **Report.** (a) On January 15, 2025, the committee shall submit a report to the
21.8 chairs and ranking minority members of the legislative committees with jurisdiction over
21.9 public safety and finance on progress regarding the development of standards and
21.10 recommendations under subdivision 3.

21.11 (b) On January 15, 2026, the committee shall submit a final report to the chairs and
21.12 ranking minority members of the legislative committees with jurisdiction over public safety
21.13 and finance on the standards and recommendations developed according to subdivision 3.
21.14 The recommendations must include at a minimum a proposed state-level Community
21.15 Supervision Advisory Board with a governance structure and duties for the board.

21.16 Sec. 19. **REPEALER.**

21.17 Minnesota Statutes 2022, sections 244.19, subdivisions 6, 7, and 8; 244.22; 244.24;
21.18 244.30; 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.