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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 3761

1.1 A bill for an act

1.2 relating to corrections; establishing the Safety through Support Act; expanding

1.3 visitation rights of incarcerated persons; establishing a diversity task force to

1.4 approve licensed professionals to access incarcerated persons; amending Minnesota

1.5 Statutes 2022, sections 241.05; 243.48, subdivisions 1, 2, by adding a subdivision;

1.6 Minnesota Statutes 2023 Supplement, section 299A.95, by adding a subdivision.

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

1.8 Section 1. Minnesota Statutes 2022, section 241.05, is amended to read:

1.9 **241.05 RELIGIOUS AND MENTORING ACTIVITIES.**

1.10 The commissioner of corrections shall allow inmates of all prisons and reformatories

1.11 under the commissioner's control to participate in religious and mentoring activities, during

1.12 which members of the clergy of good standing in any church or denomination and mentors

1.13 or representatives approved by the diversity task force for the support, rehabilitation, and

1.14 reentry of incarcerated persons in state correctional facilities, established in section 299A.95,

1.15 subdivision 9, may freely administer and impart religious rites and instruction and mentorship

1.16 to those desiring them. No officer or employee of the institution shall attempt to influence

1.17 the religious belief of any inmate or prevent mentorship of inmates, and no inmate shall be

1.18 required to attend religious services or participate in mentoring against the inmate's will.

1.19 Sec. 2. Minnesota Statutes 2022, section 243.48, subdivision 1, is amended to read:

1.20 Subdivision 1. **General searches.** The commissioner of corrections, the state correctional

1.21 facilities audit group, the governor, lieutenant governor, members of the legislature, state

1.22 officers, and the ombudsperson for corrections may visit the inmates at pleasure, ~~but no~~

1.23 Access to all other persons without permission of the chief executive officer of the facility,

2.1 ~~under~~ visitors is governed by rules prescribed by the commissioner. A moderate fee may
 2.2 ~~be required of visitors, other than those allowed to visit at pleasure. All fees so collected~~
 2.3 ~~shall be reported and remitted to the commissioner of management and budget under rules~~
 2.4 ~~as the commissioner may deem proper, and when so remitted shall be placed to the credit~~
 2.5 ~~of the general fund.~~ Rules adopted pursuant to this subdivision must be consistent with the
 2.6 terms of subdivision 3.

2.7 Sec. 3. Minnesota Statutes 2022, section 243.48, subdivision 2, is amended to read:

2.8 Subd. 2. **Legal Professional and community assistance.** Duly licensed attorneys,
 2.9 medical professionals, and mental health professionals, and persons approved by the diversity
 2.10 task force for the support, rehabilitation, and reentry of incarcerated persons in state
 2.11 correctional facilities, established in section 299A.95, subdivision 9, may visit at pleasure
 2.12 and have reasonable access to ~~offender~~ existing clients and incarcerated persons who request
 2.13 an authorized person's presence. Law students, paralegals and other agents working under
 2.14 the supervision of duly licensed attorneys, medical professionals, or mental health
 2.15 professionals shall have reasonable access to offenders during normal business waking
 2.16 hours for the purpose of providing legal or health services, provided they are properly
 2.17 identified as representing or being the agent of a duly licensed attorney, medical health
 2.18 professional, or mental health professional.

2.19 Sec. 4. Minnesota Statutes 2022, section 243.48, is amended by adding a subdivision to
 2.20 read:

2.21 Subd. 3. **Visitation rules.** The commissioner's visitation rules must be drafted and applied
 2.22 to maximize visitation for inmates. The commissioner may not:

2.23 (1) limit the number of incarcerated persons that an eligible community member may
 2.24 visit;

2.25 (2) restrict or disallow communication with incarcerated persons by persons approved
 2.26 by the diversity task force for the support, rehabilitation, and reentry of incarcerated persons
 2.27 in state correctional facilities, established in section 299A.95, subdivision 9, unless there
 2.28 is a credible, documented security concern;

2.29 (3) prevent same-day registration and visitation without a credible, documented security
 2.30 concern;

2.31 (4) use strip searches for incarcerated persons before or following a meeting with a
 2.32 visitor unless there is a credible, documented security concern;

3.1 (5) impose lifetime visitation bans to incarcerated persons; and

3.2 (6) impose lifetime visitation bans to community members, though visiting may be
3.3 reduced to noncontact visits based on a credible, documented security concern.

3.4 Sec. 5. Minnesota Statutes 2023 Supplement, section 299A.95, is amended by adding a
3.5 subdivision to read:

3.6 Subd. 9. Diversity task force for the support, rehabilitation, and reentry of
3.7 incarcerated persons in state correctional facilities. (a) The commissioner of public safety
3.8 through the executive director of the Office of Restorative Practices shall establish and
3.9 appoint a diversity task force for the support, rehabilitation, and reentry of incarcerated
3.10 persons in state correctional facilities consisting of up to 40 members who will represent
3.11 the geographic, racial, religious, and gender diversity found in state correctional facilities.

3.12 (b) The task force shall meet on a regular basis to perform the following functions:

3.13 (1) ensure access to support, mentorship, visiting, positive community, and resources
3.14 to incarcerated persons during and after prison;

3.15 (2) approve support professionals and mentors to directly or virtually contact incarcerated
3.16 persons without supervision as provided for in sections 241.05 and 243.48, subdivision 2;
3.17 and

3.18 (3) serve as the appellate authority for a person approved under clause (2) who the
3.19 commissioner of corrections has limited or barred from access to incarcerated persons.

3.20 (c) Task force members shall elect cochairs and may create subcommittees.

3.21 (d) Notwithstanding section 15.059, subdivision 6, the task force does not expire.

3.22 Sec. 6. **TITLE.**

3.23 Sections 1 to 5 shall be referred to as the "Minnesota Safety through Support Act."