

1.1 A bill for an act

1.2 relating to public safety; expanding the challenge incarceration program;  
1.3 amending Minnesota Statutes 2008, sections 244.17; 244.172, subdivision 1.

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

1.5 Section 1. Minnesota Statutes 2008, section 244.17, is amended to read:

1.6 **244.17 CHALLENGE INCARCERATION PROGRAM.**

1.7 Subdivision 1. **Generally.** The commissioner ~~may~~ shall select offenders who  
1.8 meet the eligibility requirements of subdivisions 2 and 3 to participate in a challenge  
1.9 incarceration program described in sections 244.171 and 244.172 for all or part of the  
1.10 offender's sentence if the offender agrees to participate in the program and signs a written  
1.11 contract with the commissioner agreeing to comply with the program's requirements.

1.12 Subd. 2. **Eligibility.** (a) Unless a person is ineligible under subdivision 3, the  
1.13 commissioner must ~~limit~~ offer a bed in the challenge incarceration program to the  
1.14 following persons:

1.15 (1) offenders who are committed to the commissioner's custody following revocation  
1.16 of a stayed sentence; and

1.17 (2) offenders who are committed to the commissioner's custody, who have 48  
1.18 months or less in or remaining in their term of imprisonment, and who did not receive a  
1.19 dispositional departure under the Sentencing Guidelines.

1.20 (b) If there is insufficient space for an eligible person, the commissioner shall place  
1.21 the person's name on a waiting list and offer the person the chance to participate when  
1.22 space becomes available.

1.23 Subd. 3. **Offenders not eligible.** The following offenders are not eligible to be  
1.24 placed in the challenge incarceration program:

2.1 (1) offenders who are committed to the commissioner's custody following a  
2.2 conviction for murder, manslaughter, criminal sexual conduct, assault, kidnapping,  
2.3 robbery, arson, or any other offense involving death or intentional personal injury; and

2.4 (2) offenders who were convicted within the preceding ten years of an offense  
2.5 described in clause (1) and were committed to the custody of the commissioner.

2.6 **EFFECTIVE DATE.** This section is effective July 1, 2009.

2.7 Sec. 2. Minnesota Statutes 2008, section 244.172, subdivision 1, is amended to read:

2.8 Subdivision 1. **Phase I.** Phase I of the program lasts at least six months. The  
2.9 offender must be confined ~~in a state correctional facility designated by the commissioner~~  
2.10 at the Minnesota Correctional Facility - Willow River/Moose Lake or the Minnesota  
2.11 Correctional Facility - Togo and must successfully participate in all intensive treatment,  
2.12 education and work programs required by the commissioner. The offender must also  
2.13 submit on demand to random drug and alcohol testing at time intervals set by the  
2.14 commissioner. Throughout phase I, the commissioner must severely restrict the offender's  
2.15 telephone and visitor privileges.

2.16 **EFFECTIVE DATE.** This section is effective July 1, 2009.

2.17 Sec. 3. **CHALLENGE INCARCERATION PROGRAM; FACILITIES.**

2.18 By July 1, 2010, the commissioner of corrections shall prepare the Minnesota  
2.19 Correctional Facility - Togo to administer the challenge incarceration program under  
2.20 Minnesota Statutes, sections 244.17 to 244.172, for both male and female participants.  
2.21 Challenge incarceration beds at this facility shall be in addition to and shall not supplant  
2.22 existing challenge incarceration beds at other Minnesota correctional facilities.

2.23 **EFFECTIVE DATE.** This section is effective July 1, 2009.