

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 1351

(SENATE AUTHORS: PAPPAS and Latz)

DATE	D-PG	OFFICIAL STATUS
02/06/2023	685	Introduction and first reading Referred to Judiciary and Public Safety
02/13/2023	811	Chief author stricken, shown as co-author Latz
03/20/2023	811	Chief author added Pappas Comm report: To pass as amended and re-refer to State and Local Government and Veterans

1.1 A bill for an act

1.2 relating to corrections; establishing the Indeterminate Sentence Release Board;

1.3 requiring a report; amending Minnesota Statutes 2022, section 244.05, subdivisions

1.4 2, 5; proposing coding for new law in Minnesota Statutes, chapter 244.

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

1.6 Section 1. **[244.049] INDETERMINATE SENTENCE RELEASE BOARD.**

1.7 Subdivision 1. **Establishment; membership.** (a) As provided under paragraph (b) and

1.8 section 244.05, subdivision 5, the Indeterminate Sentence Release Board is established to

1.9 review eligible cases and make release and final discharge decisions for:

1.10 (1) inmates serving life sentences with the possibility of parole or supervised release

1.11 under sections 243.05, subdivision 1, and 244.05, subdivision 5; and

1.12 (2) inmates serving indeterminate sentences for crimes committed on or before April

1.13 30, 1980.

1.14 (b) Beginning July 1, 2024, the authority to grant discretionary release and final discharge

1.15 previously vested in the commissioner under sections 243.05, subdivisions 1, paragraph

1.16 (a), and 3; 244.08; and 609.12 is transferred to the board.

1.17 (c) The board consists of five members as follows:

1.18 (1) four members appointed by the governor from which each of the majority leaders

1.19 and minority leaders of the house of representatives and the senate provides two candidate

1.20 recommendations for consideration; and

1.21 (2) the commissioner, who serves as chair.

2.1 (d) Appointed board members must meet the following qualifications, at a minimum:

2.2 (1) a law degree or a bachelor's degree in criminology, corrections, or a related social
2.3 science;

2.4 (2) five years of experience in corrections, a criminal justice or community corrections
2.5 field, rehabilitation programming, behavioral health, or criminal law; and

2.6 (3) demonstrated knowledge of victim issues and correctional processes.

2.7 Subd. 2. **Terms; compensation.** (a) Appointed board members serve four-year staggered
2.8 terms, but the terms of the initial members are as follows:

2.9 (1) two members must be appointed for terms that expire January 1, 2026; and

2.10 (2) two members must be appointed for terms that expire January 1, 2028.

2.11 (b) An appointed member is eligible for reappointment, and a vacancy must be filled
2.12 according to subdivision 1.

2.13 (c) For appointed members, compensation and removal are as provided in section 15.0575.

2.14 Subd. 3. **Quorum; administrative duties.** (a) The majority of members constitutes a
2.15 quorum.

2.16 (b) An appointed board member must visit at least one state correctional facility every
2.17 12 months.

2.18 (c) The commissioner must provide the board with personnel, supplies, equipment, office
2.19 space, and other administrative services necessary and incident to fulfilling the board's
2.20 functions.

2.21 Subd. 4. **Limitation.** Nothing in this section or section 244.05, subdivision 5:

2.22 (1) supersedes the commissioner's authority to set conditions of release or revoke an
2.23 inmate's release for violating any of the conditions; or

2.24 (2) impairs the power of the Board of Pardons to grant a pardon or commutation in any
2.25 case.

2.26 Subd. 5. **Report.** (a) Beginning February 15, 2025, and each year thereafter, the board
2.27 must submit to the legislative committees with jurisdiction over criminal justice policy a
2.28 written report that:

2.29 (1) details the number of inmates reviewed;

2.30 (2) identifies inmates granted release or final discharge in the preceding year; and

3.1 (3) provides demographic data of inmates who were granted release or final discharge
 3.2 and inmates who were denied release or final discharge.

3.3 (b) The report must also include the board's recommendations to the commissioner for
 3.4 policy modifications that influence the board's duties.

3.5 **EFFECTIVE DATE.** This section is effective July 1, 2023.

3.6 Sec. 2. Minnesota Statutes 2022, section 244.05, subdivision 2, is amended to read:

3.7 Subd. 2. **Rules.** (a) Notwithstanding section 14.03, subdivision 3, paragraph (b), clause
 3.8 (1), the commissioner of corrections shall ~~must~~ adopt by rule standards and procedures for
 3.9 the revocation of ~~revoking~~ supervised or conditional release; and shall ~~must~~ specify the
 3.10 period of revocation for each violation of release ~~except in accordance with subdivision 5,~~
 3.11 paragraph (i), for inmates serving life sentences.

3.12 (b) Procedures for the revocation of ~~revoking~~ release shall ~~must~~ provide due process of
 3.13 law for the inmate.

3.14 **EFFECTIVE DATE.** This section is effective July 1, 2024.

3.15 Sec. 3. Minnesota Statutes 2022, section 244.05, subdivision 5, is amended to read:

3.16 Subd. 5. **Supervised release; life sentence and indeterminate sentences.** (a) The
 3.17 commissioner of corrections board may, under rules ~~promulgated~~ adopted by the
 3.18 commissioner, ~~give grant~~ supervised release or parole to an inmate serving a mandatory
 3.19 life sentence ~~under section 609.185, paragraph (a), clause (3), (5), or (6); 609.3455,~~
 3.20 ~~subdivision 3 or 4; 609.385; or Minnesota Statutes 2004, section 609.109, subdivision 3;~~

3.21 (1) after the inmate has served the minimum term of imprisonment specified in
 3.22 subdivision 4 ~~or section 243.05, subdivision 1, paragraph (a); or~~

3.23 (2) at any time for an inmate serving a nonlife indeterminate sentence for a crime
 3.24 committed on or before April 30, 1980.

3.25 (b) ~~No earlier than three years before an inmate reaches their minimum term of~~
 3.26 imprisonment or parole eligibility date, the commissioner must conduct a formal review
 3.27 and make programming recommendations relevant to the inmate's release review under this
 3.28 subdivision.

3.29 (c) The ~~commissioner shall~~ board ~~must~~ require the preparation of a community
 3.30 investigation report and shall consider the findings of the report when making a supervised
 3.31 release or parole decision under this subdivision. The report shall ~~must~~:

4.1 (1) reflect the sentiment of the various elements of the community toward the inmate,
 4.2 both at the time of the offense and at the present time;

4.3 ~~The report shall~~ (2) include the views of the sentencing judge, the prosecutor, any law
 4.4 enforcement personnel who may have been involved in the case, and any successors to these
 4.5 individuals who may have information relevant to the ~~supervised~~ release decision; and

4.6 ~~The report shall also~~ (3) include the views of the victim and the victim's family unless
 4.7 the victim or the victim's family chooses not to participate.

4.8 ~~(e)~~ (d) The commissioner ~~shall~~ must make reasonable efforts to notify the victim, in
 4.9 advance, of the time and place of the inmate's ~~supervised~~ release review hearing. The victim
 4.10 has a right to submit an oral or written statement at the review hearing. The statement may
 4.11 summarize the harm suffered by the victim as a result of the crime and give the victim's
 4.12 recommendation on whether the inmate should be given supervised release or parole at this
 4.13 time. ~~The commissioner must consider the victim's statement when making the supervised~~
 4.14 ~~release decision.~~

4.15 ~~(d)~~ (e) Supervised release or parole must be granted with a majority vote of the board
 4.16 members. When considering whether to ~~give~~ grant supervised release or parole to an inmate
 4.17 serving a life ~~sentence under section 609.3455, subdivision 3 or 4~~ or indeterminate sentence,
 4.18 ~~the commissioner shall~~ board must consider, at a minimum, the following:

4.19 (1) the risk the inmate poses to the community if released;

4.20 (2) the inmate's progress in treatment;

4.21 (3) the inmate's behavior while incarcerated;

4.22 (4) psychological or other diagnostic evaluations of the inmate;

4.23 (5) the inmate's criminal history;

4.24 (6) a victim statement under paragraph (d), if submitted; and

4.25 (7) any other relevant conduct of the inmate while incarcerated or before incarceration.

4.26 ~~(f)~~ (f) The ~~commissioner~~ board may not ~~give~~ grant supervised release or parole to ~~the an~~
 4.27 inmate unless:

4.28 (1) while in prison:

4.29 (i) the inmate has successfully completed appropriate sex offender treatment, if applicable;

4.30 (ii) the inmate has been assessed for substance use disorder needs and, if appropriate,
 4.31 has successfully completed substance use disorder treatment; and

5.1 (iii) the inmate has been assessed for mental health needs and, if appropriate, has
5.2 successfully completed mental health treatment; and

5.3 (2) a comprehensive individual release plan is in place for the inmate that:

5.4 (i) ensures that, after release, the inmate will have suitable housing and receive appropriate
5.5 aftercare and community-based treatment. ~~The comprehensive plan also must include; and~~

5.6 (ii) includes a postprison employment or education plan for the inmate.

5.7 ~~(e)~~ (g) When granting supervised release under this subdivision, the board must set
5.8 prerelease conditions to be followed by the inmate before their actual release or before
5.9 constructive parole becomes effective. If the inmate violates any of the prerelease conditions,
5.10 the commissioner may rescind the grant of supervised release without a hearing at any time
5.11 before the inmate's release or before constructive parole becomes effective. A grant of
5.12 constructive parole becomes effective once the inmate begins serving the consecutive
5.13 sentence.

5.14 (h) If the commissioner rescinds a grant of supervised release or parole, the board:

5.15 (1) must set a release review date that occurs within 90 days of the commissioner's
5.16 rescission; and

5.17 (2) by majority vote, may set a new supervised release date or set another review date.

5.18 (i) If the commissioner revokes supervised release or parole for an inmate serving a life
5.19 sentence, the revocation is not subject to the limitations under section 244.30 and the board:

5.20 (1) must set a release review date that occurs within one year of the commissioner's final
5.21 revocation decision; and

5.22 (2) by majority vote, may set a new supervised release date or set another review date.

5.23 (j) The board may, by a majority vote, grant a person on supervised release or parole
5.24 for a life or indeterminate sentence a final discharge from their sentence in accordance with
5.25 section 243.05, subdivision 3. In no case, however, may a person subject to a mandatory
5.26 lifetime conditional release term under section 609.3455, subdivision 7, be discharged from
5.27 that term.

5.28 ~~As used in~~ (k) For purposes of this subdivision;

5.29 (1) "board" means the Indeterminate Sentence Release Board under section 244.049;

5.30 (2) "constructive parole" means the status of an inmate who has been paroled from an
5.31 indeterminate sentence to begin serving a consecutive sentence in prison; and

6.1 (3) "victim" means ~~the~~ an individual who has directly suffered loss or harm as a result
6.2 of the from an inmate's crime or, if the individual is deceased, the deceased's a murder
6.3 victim's surviving spouse or, next of kin, or family kin.

6.4 **EFFECTIVE DATE.** This section is effective July 1, 2024.

6.5 Sec. 4. **INDETERMINATE SENTENCE RELEASE BOARD.**

6.6 Notwithstanding Minnesota Statutes, section 244.049, subdivision 1, paragraph (a), the
6.7 Indeterminate Sentence Release Board may not begin to review eligible cases and make
6.8 release and final discharge decisions until July 1, 2024.

6.9 **EFFECTIVE DATE.** This section is effective July 1, 2023.

6.10 Sec. 5. **REVISOR INSTRUCTION.**

6.11 Where necessary to reflect the transfer under Minnesota Statutes, section 244.049,
6.12 subdivision 1, the revisor of statutes must change the term "commissioner" or "commissioner
6.13 of corrections" to "Indeterminate Sentence Release Board" or "board" in Minnesota Statutes,
6.14 sections 243.05, subdivisions 1, paragraph (a), and 3; 244.08; and 609.12, and make any
6.15 other necessary grammatical changes.

6.16 **EFFECTIVE DATE.** This section is effective July 1, 2024.