

**SENATE**  
**STATE OF MINNESOTA**  
**NINETY-THIRD SESSION**

**S.F. No. 1819**

(SENATE AUTHORS: PAPPAS)

DATE	D-PG	OFFICIAL STATUS
02/16/2023	870	Introduction and first reading
		Referred to Judiciary and Public Safety
03/30/2023		Comm report: To pass as amended
		Second reading

1.1 A bill for an act

1.2 relating to corrections; amending provisions relating to juvenile placement and

1.3 risk assessments, fugitive apprehension and warrants, and release and programming

1.4 authority; combining and expanding advisory councils; establishing a pilot program

1.5 and a release board; amending Minnesota Statutes 2022, sections 169A.276,

1.6 subdivision 1; 241.021, by adding a subdivision; 241.025, subdivisions 1, 2, 3;

1.7 242.18; 243.1606; 243.58; 244.05, subdivisions 2, 5, 6, 8; 244.0513, subdivisions

1.8 2, 4; 244.171, subdivision 4; 244.172, subdivision 1; 244.19, subdivisions 1, 5;

1.9 260.515; 260B.176, by adding a subdivision; 299A.41, subdivision 4; 629.292,

1.10 subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 244;

1.11 repealing Minnesota Statutes 2022, sections 244.14; 244.15.

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

1.13 Section 1. Minnesota Statutes 2022, section 169A.276, subdivision 1, is amended to read:

1.14 Subdivision 1. **Mandatory prison sentence.** (a) The court shall sentence a person who

1.15 is convicted of a violation of section 169A.20 (driving while impaired) under the

1.16 circumstances described in section 169A.24 (first-degree driving while impaired) to

1.17 imprisonment for not less than three years. In addition, the court may order the person to

1.18 pay a fine of not more than \$14,000.

1.19 (b) The court may stay execution of this mandatory sentence as provided in subdivision

1.20 2 (stay of mandatory sentence), but may not stay imposition or adjudication of the sentence

1.21 or impose a sentence that has a duration of less than three years.

1.22 (c) An offender committed to the custody of the commissioner of corrections under this

1.23 subdivision is not eligible for release as provided in section 241.26, 244.065, 244.12, or

1.24 244.17, unless the offender has successfully completed ~~a chemical dependency treatment~~

1.25 ~~program while in prison~~ treatment recommendations as determined by a comprehensive

1.26 substance use disorder assessment while incarcerated.

2.1 (d) Notwithstanding the statutory maximum sentence provided in section 169A.24  
2.2 (first-degree driving while impaired), when the court commits a person to the custody of  
2.3 the commissioner of corrections under this subdivision, it shall provide that after the person  
2.4 has been released from prison the commissioner shall place the person on conditional release  
2.5 for five years. The commissioner shall impose any conditions of release that the commissioner  
2.6 deems appropriate including, but not limited to, successful completion of an intensive  
2.7 probation program as described in section 169A.74 (pilot programs of intensive probation  
2.8 for repeat DWI offenders). If the person fails to comply with any condition of release, the  
2.9 commissioner may revoke the person's conditional release and order the person to serve all  
2.10 or part of the remaining portion of the conditional release term in prison. The commissioner  
2.11 may not dismiss the person from supervision before the conditional release term expires.  
2.12 Except as otherwise provided in this section, conditional release is governed by provisions  
2.13 relating to supervised release. The failure of a court to direct the commissioner of corrections  
2.14 to place the person on conditional release, as required in this paragraph, does not affect the  
2.15 applicability of the conditional release provisions to the person.

2.16 (e) The commissioner shall require persons placed on supervised or conditional release  
2.17 under this subdivision to pay as much of the costs of the supervision as possible. The  
2.18 commissioner shall develop appropriate standards for this.

2.19 Sec. 2. Minnesota Statutes 2022, section 241.021, is amended by adding a subdivision to  
2.20 read:

2.21 Subd. 4e. **Language access.** The commissioner of corrections shall take reasonable steps  
2.22 to provide meaningful access to limited English proficient (LEP) individuals incarcerated,  
2.23 detained, or supervised by the Department of Corrections. The commissioner shall develop  
2.24 written policy and annual training to implement language access for LEP individuals.

2.25 Sec. 3. Minnesota Statutes 2022, section 241.025, subdivision 1, is amended to read:

2.26 Subdivision 1. **Authorization.** The commissioner of corrections may appoint peace  
2.27 officers, as defined in section 626.84, subdivision 1, paragraph (c), who shall serve in the  
2.28 classified service subject to the provisions of section 43A.01, subdivision 2, and establish  
2.29 a law enforcement agency, as defined in section 626.84, subdivision 1, paragraph (f), known  
2.30 as the Department of Corrections Fugitive Apprehension Unit, to perform the duties necessary  
2.31 to make statewide arrests under sections 629.30 and 629.34. The jurisdiction of the law  
2.32 enforcement agency is ~~limited to~~ primarily the arrest of Department of Corrections'  
2.33 discretionary and statutory released violators and Department of Corrections' escapees and

3.1 this must be its primary focus. The Department of Corrections Fugitive Apprehension Unit  
3.2 may respond to a law enforcement agency's request to exercise general law enforcement  
3.3 duties during the course of official duties by carrying out law enforcement activities at the  
3.4 direction of the law enforcement agency of jurisdiction. In addition, the unit may investigate  
3.5 criminal offenses in agency-operated correctional facilities and surrounding property.

3.6 Sec. 4. Minnesota Statutes 2022, section 241.025, subdivision 2, is amended to read:

3.7 Subd. 2. **Limitations.** The initial processing of a person arrested by the fugitive  
3.8 apprehension unit for an offense ~~within the agency's jurisdiction~~ is the responsibility of the  
3.9 fugitive apprehension unit unless otherwise directed by the law enforcement agency with  
3.10 primary jurisdiction. A subsequent investigation is the responsibility of the law enforcement  
3.11 agency of the jurisdiction ~~in which a new crime is committed~~ unless the law enforcement  
3.12 agency authorizes the fugitive apprehension unit to assume the subsequent investigation.  
3.13 At the request of the primary jurisdiction, the fugitive apprehension unit may assist in  
3.14 subsequent investigations or law enforcement efforts being carried out by the primary  
3.15 jurisdiction. Persons arrested for violations that the fugitive apprehension unit determines  
3.16 are not within the agency's jurisdiction must be referred to the appropriate local law  
3.17 enforcement agency for further investigation or disposition.

3.18 Sec. 5. Minnesota Statutes 2022, section 241.025, subdivision 3, is amended to read:

3.19 Subd. 3. **Policies.** The fugitive apprehension unit must develop and file all policies  
3.20 required under state law for law enforcement agencies. The fugitive apprehension unit also  
3.21 must develop a policy for contacting law enforcement agencies in a city or county before  
3.22 initiating any fugitive surveillance, investigation, or apprehension within the city or county.  
3.23 ~~These policies must be filed with the board of peace officers standards and training by~~  
3.24 ~~November 1, 2000.~~ Revisions of any of these policies must be filed with the board within  
3.25 ten days of the effective date of the revision. The Department of Corrections shall train all  
3.26 of its peace officers regarding the application of these policies.

3.27 Sec. 6. Minnesota Statutes 2022, section 242.18, is amended to read:

3.28 **242.18 STUDY OF OFFENDER'S BACKGROUND; REHABILITATION.**

3.29 (a) When a person has been committed to the commissioner of corrections, the  
3.30 commissioner under rules shall forthwith cause the person to be examined and studied, and  
3.31 investigate all of the pertinent circumstances of the person's life and the antecedents of the  
3.32 crime or other delinquent conduct because of which the person has been committed to the

4.1 commissioner, and thereupon order the treatment the commissioner determines to be most  
 4.2 conducive to rehabilitation. Except as authorized in paragraph (b), persons convicted of  
 4.3 crimes shall not be detained in institutions for adjudicated delinquents, nor shall delinquent  
 4.4 children be detained in institutions for persons convicted of crimes. The court and the  
 4.5 prosecuting and police authorities and other public officials shall make available to the  
 4.6 commissioner of corrections all pertinent data in their possession in respect to the case.

4.7 (b) Upon review of safety considerations and the treatment and programming needs of  
 4.8 a juvenile convicted of a crime, the commissioner may commit the juvenile to the facility  
 4.9 that best meets rehabilitative needs.

4.10 Sec. 7. Minnesota Statutes 2022, section 243.1606, is amended to read:

4.11 **243.1606 ADVISORY COUNCIL ON INTERSTATE ADULT OFFENDER**  
 4.12 **SUPERVISION.**

4.13 Subdivision 1. **Membership.** The Advisory Council on Interstate Adult Offender  
 4.14 Supervision ~~consists~~ shall be combined with the State Advisory Council for the Interstate  
 4.15 Compact for Juveniles established by section 260.515 and consist of the following individuals  
 4.16 or their designees:

4.17 (1) the governor;

4.18 (2) the chief justice of the supreme court;

4.19 (3) two senators, one from the majority and the other from the minority party, selected  
 4.20 by the Subcommittee on Committees of the senate Committee on Rules and Administration;

4.21 (4) two representatives, one from the majority and the other from the minority party,  
 4.22 selected by the house speaker;

4.23 (5) the compact administrator, selected as provided in section 243.1607;

4.24 (6) a representative from the Department of Human Services regarding the Interstate  
 4.25 Compact for the Placement of Children;

4.26 ~~(6)~~ (7) the executive director of the Office of Justice Programs in the Department of  
 4.27 Public Safety; and

4.28 (8) the deputy compact administrator as defined in section 260.515;

4.29 (9) a representative from the State Public Defender's Office;

4.30 (10) a representative from the Minnesota County Attorney's Association;

4.31 (11) a representative from the Minnesota Sheriff's Association;

5.1 (12) a representative from the Minnesota Association of County Probation Officers;

5.2 (13) a representative from the Minnesota Association of Community Corrections Act  
5.3 Counties;

5.4 (14) a representative from the community at large;

5.5 (15) a representative from a community organization working with victims of crimes;

5.6 and

5.7 ~~(7)~~ (16) other members as appointed by the commissioner of corrections.

5.8 The council may elect a chair from among its members.

5.9 Subd. 2. **Duties.** The council shall oversee and administer the state's participation in ~~the~~  
5.10 ~~compact~~ both compacts described in ~~section~~ sections 243.1605 and 260.515. The council  
5.11 shall appoint the compact administrator as the state's commissioner. In addition to these  
5.12 duties, the council shall develop a model policy concerning the operations and procedures  
5.13 of the compact within the state.

5.14 Subd. 3. **Annual report.** By March 1 of each year, the council shall report to the governor  
5.15 and the chairs and ranking minority members of the senate and house of representatives  
5.16 committees having jurisdiction over criminal justice policy on its activities along with  
5.17 providing a copy of the annual report published by the national commission that includes  
5.18 the activities of the interstate commission and executive committee as described in section  
5.19 243.1605 for the preceding year. The council's annual report must also include information  
5.20 required of the State Advisory Council for the Interstate Compact for Juveniles as described  
5.21 in Article IV in section 260.515.

5.22 Subd. 4. **Expiration; expenses.** The provisions of section 15.059 apply to the council.

5.23 Sec. 8. Minnesota Statutes 2022, section 243.58, is amended to read:

5.24 **243.58 ESCAPED INMATES; WARRANT; REWARD ISSUING WARRANT**  
5.25 **FOR ESCAPED INMATE OR CONVICTED DEFENDANT.**

5.26 If an inmate escapes from any state correctional facility under the control of the  
5.27 commissioner of corrections, the commissioner shall issue a warrant directed to any peace  
5.28 officer requiring that the fugitive be taken into immediate custody and returned to any state  
5.29 correctional facility designated by the commissioner. The commissioner may also issue  
5.30 such a warrant when a convicted defendant fails to report postsentencing to their county  
5.31 authority or to a state correctional facility. The chief executive officer of the facility from  
5.32 which the escape occurred shall use all proper means to apprehend and return the escapee,

6.1 which may include the offer of a reward of not more than \$100 to be paid from the state  
6.2 treasury, for information leading to the arrest and return to custody of the escapee.

6.3 **Sec. 9. [244.049] INDETERMINATE SENTENCE RELEASE BOARD.**

6.4 **Subdivision 1. Establishment; membership.** (a) As provided under paragraph (b) and  
6.5 section 244.05, subdivision 5, the Indeterminate Sentence Release Board is established to  
6.6 review eligible cases and make release and final discharge decisions for:

6.7 (1) inmates serving life sentences with the possibility of parole or supervised release  
6.8 under sections 243.05, subdivision 1, and 244.05, subdivision 5; and

6.9 (2) inmates serving indeterminate sentences for crimes committed on or before April  
6.10 30, 1980.

6.11 (b) Beginning July 1, 2024, the authority to grant discretionary release and final discharge  
6.12 previously vested in the commissioner under sections 243.05, subdivisions 1, paragraph  
6.13 (a), and 3; 244.08; and 609.12 is transferred to the board.

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

6.15 (1) four members appointed by the governor from which each of the majority leaders  
6.16 and minority leaders of the house of representatives and the senate provides two candidate  
6.17 recommendations for consideration; and

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

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

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

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

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

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

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

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

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

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

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

7.4 (b) An appointed board member must visit at least one state correctional facility every  
 7.5 12 months.

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

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

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

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

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

7.17 (1) details the number of inmates reviewed;

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

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

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

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

7.24 Sec. 10. Minnesota Statutes 2022, section 244.05, subdivision 2, is amended to read:

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

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

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

8.2 Sec. 11. Minnesota Statutes 2022, section 244.05, subdivision 5, is amended to read:

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

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

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

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

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

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

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

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

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



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

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

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

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

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

9.9 (5) the inmate's criminal history;

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

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

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

9.14 (1) while in prison:

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

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

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

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

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

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

9.24 ~~(e)~~ (g) When granting supervised release under this subdivision, the board must set  
 9.25 prerelease conditions to be followed by the inmate before that inmate's actual release or  
 9.26 before constructive parole becomes effective. If the inmate violates any of the prerelease  
 9.27 conditions, the commissioner may rescind the grant of supervised release without a hearing  
 9.28 at any time before the inmate's release or before constructive parole becomes effective. A  
 9.29 grant of constructive parole becomes effective once the inmate begins serving the consecutive  
 9.30 sentence.

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

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

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

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

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

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

10.10 (j) The board may, by a majority vote, grant a person on supervised release or parole  
 10.11 for a life or indeterminate sentence a final discharge from that person's sentence in accordance  
 10.12 with section 243.05, subdivision 3. In no case, however, may a person subject to a mandatory  
 10.13 lifetime conditional release term under section 609.3455, subdivision 7, be discharged from  
 10.14 that term.

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

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

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

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

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

10.23 Sec. 12. Minnesota Statutes 2022, section 244.05, subdivision 6, is amended to read:

10.24 Subd. 6. **Intensive supervised release.** (a) The commissioner may order that an inmate  
 10.25 be placed on intensive supervised release for:

10.26 (1) all or part of the inmate's supervised release or parole term ~~if the commissioner~~  
 10.27 ~~determines that the action will further the goals described in section 244.14, subdivision 1,~~  
 10.28 ~~clauses (2), (3), and (4). In addition, the commissioner may order that an inmate be placed~~  
 10.29 ~~on intensive supervised release for; or~~

10.30 (2) all of the inmate's conditional or supervised release term if the inmate was;

11.1 (i) convicted of a sex offense under section 609.342, 609.343, 609.344, 609.345, or  
11.2 609.3453; or

11.3 ~~was~~ (ii) sentenced under ~~the provisions of~~ section 609.3455, subdivision 3a.

11.4 (b) The commissioner ~~shall~~ must order that all level III predatory offenders be placed  
11.5 on intensive supervised release for the entire supervised release, conditional release, or  
11.6 parole term.

11.7 ~~(b)~~ (c) The commissioner may impose appropriate conditions of release on ~~the~~ an inmate,  
11.8 including but not limited to:

11.9 (1) unannounced searches by an intensive supervision agent of the inmate's person,  
11.10 vehicle, premises, computer, or other electronic devices capable of accessing the Internet  
11.11 ~~by an intensive supervision agent;~~

11.12 (2) compliance with court-ordered restitution, if any;

11.13 (3) random drug testing;

11.14 (4) house arrest;

11.15 (5) daily curfews;

11.16 (6) frequent face-to-face contacts with an assigned intensive supervision agent;

11.17 (7) work, education, or treatment requirements; and

11.18 (8) electronic surveillance.

11.19 ~~In addition, any~~ (d) A sex offender placed on intensive supervised release may be ordered  
11.20 to participate in an appropriate sex offender program as a condition of release.

11.21 (e) If electronic surveillance is directed for an inmate on intensive supervised release,  
11.22 the commissioner must require that until electronic surveillance is activated:

11.23 (1) the inmate be kept in custody; or

11.24 (2) the inmate's intensive supervision agent, or the agent's designee, directly supervise  
11.25 the inmate.

11.26 (f) Before being released from custody or the direct supervision of an intensive  
11.27 supervision agent, an inmate placed on electronic surveillance must ensure that:

11.28 (1) the inmate's residence is properly equipped to support electronic surveillance; and

11.29 (2) the inmate's telecommunications system is properly configured to support electronic  
11.30 surveillance.

12.1 (g) An inmate who fails to comply with paragraph (f) may be found in violation of the  
 12.2 inmate's conditions of release after a revocation hearing.

12.3 ~~(e)~~ (h) As a condition of release for an inmate required to register under section 243.166  
 12.4 who is placed on intensive supervised release under this subdivision, the commissioner shall  
 12.5 prohibit the inmate from accessing, creating, or maintaining a personal web page, profile,  
 12.6 account, password, or ~~user name~~ username for: (1) a social networking website, or (2) an  
 12.7 instant messaging or chat room program, any of which permits persons under the age of 18  
 12.8 to become a member or to create or maintain a personal web page.

12.9 (i) An intensive ~~supervised release~~ supervision agent may modify the prohibition  
 12.10 ~~described in this~~ under paragraph (h) if ~~doing so does~~:

12.11 (1) the modification would not jeopardize public safety; and

12.12 (2) the modification is specifically described and agreed to in advance by the agent.

12.13 ~~(d)~~ (j) If ~~the~~ an inmate violates the conditions of ~~the~~ intensive supervised release, the  
 12.14 commissioner ~~shall~~ may impose sanctions as provided in subdivision 3 and section 609.3455.

12.15 Sec. 13. Minnesota Statutes 2022, section 244.05, subdivision 8, is amended to read:

12.16 Subd. 8. **Conditional medical and epidemic release.** (a) Notwithstanding subdivisions  
 12.17 4 and 5, the commissioner may order that ~~any offender~~ an inmate be placed on conditional  
 12.18 medical release before ~~the offender's~~ their scheduled supervised release date or target release  
 12.19 date if:

12.20 (1) the ~~offender~~ inmate suffers from a grave illness or medical condition; and

12.21 (2) the release poses no threat to the public.

12.22 (b) If there is an epidemic of any potentially fatal infectious or contagious disease in the  
 12.23 community or in a state correctional facility, the commissioner may also release an inmate  
 12.24 to home confinement before the inmate's scheduled supervised release date or target release  
 12.25 date if:

12.26 (1) the inmate has a medical condition or state of health that would make the inmate  
 12.27 particularly vulnerable to the disease; and

12.28 (2) release to home confinement poses no threat to the public.

12.29 ~~In making the decision to~~ (c) When deciding whether to release an ~~offender on this status~~  
 12.30 inmate according to this subdivision, the commissioner must consider:

13.1 (1) the offender's inmate's age and medical condition, the health care needs of the  
 13.2 offender, the offender's and custody classification and level of risk of violence;

13.3 (2) the appropriate level of community supervision; and

13.4 (3) alternative placements that may be available for the offender inmate.

13.5 (d) An inmate may not be released under this provision subdivision unless the  
 13.6 commissioner has determined that the inmate's health costs are likely to be borne by:

13.7 (1) the inmate; or

13.8 (2) medical assistance, Medicaid, veteran's benefits, or by any other federal or state  
 13.9 medical assistance programs or by the inmate.

13.10 ~~Conditional medical release is governed by provisions relating to supervised release~~

13.11 ~~except that it may be rescinded~~ (e) The commissioner may rescind conditional medical

13.12 release without a hearing by the commissioner if the offender's commissioner considers that

13.13 the inmate's medical condition improves has improved to the extent that the continuation

13.14 ~~of the conditional medical release presents a more serious risk to the public.:~~

13.15 (1) the illness or condition is no longer grave or can be managed by correctional health  
 13.16 care options; or

13.17 (2) the epidemic that precipitated release has subsided or effective vaccines or other  
 13.18 treatments have become available.

13.19 (f) Release under this subdivision may also be revoked in accordance with subdivisions

13.20 2 and 3 if the inmate violates any conditions of release imposed by the commissioner.

13.21 Sec. 14. Minnesota Statutes 2022, section 244.0513, subdivision 2, is amended to read:

13.22 **Subd. 2. Conditional release of certain nonviolent controlled substance offenders.** An

13.23 offender who has been committed to the commissioner's custody may petition the

13.24 commissioner for conditional release from prison before the offender's scheduled supervised

13.25 release date or target release date if:

13.26 (1) the offender is serving a sentence for violating section 152.021, subdivision 2 or 2a;  
 13.27 152.022, subdivision 2; 152.023, subdivision 2; 152.024; or 152.025;

13.28 (2) the offender committed the crime as a result of a controlled substance addiction use  
 13.29 disorder;

13.30 (3) the offender has served at least:

14.1 (i) 18 months or one-half of the offender's term of imprisonment, whichever is less, if  
 14.2 the offense for which the offender is seeking conditional release is a violation of section  
 14.3 152.024 or 152.025; or

14.4 (ii) 36 months or one-half of the offender's term of imprisonment, whichever is less, if  
 14.5 the offense for which the offender is seeking conditional release is a violation of section  
 14.6 152.021, subdivision 2 or 2a, 152.022, subdivision 2, or 152.023, subdivision 2;

14.7 (4) the offender successfully completed ~~a substance use disorder treatment program of~~  
 14.8 ~~the type described in this section while in prison~~ treatment recommendations as determined  
 14.9 by a comprehensive substance use disorder assessment while incarcerated;

14.10 (5) the offender has not previously been conditionally released under this section; and

14.11 (6) the offender has not within the past ten years been convicted or adjudicated delinquent  
 14.12 for a violent crime as defined in section 609.1095 other than the current conviction for the  
 14.13 controlled substance offense.

14.14 Sec. 15. Minnesota Statutes 2022, section 244.0513, subdivision 4, is amended to read:

14.15 Subd. 4. **Substance use disorder treatment program components.** (a) The substance  
 14.16 use disorder treatment program described in subdivisions 2 and 3 must:

14.17 (1) contain a ~~highly~~ structured ~~daily~~ schedule for the offender;

14.18 (2) contain ~~individualized educational programs designed to improve the basic educational~~  
 14.19 ~~skills of the offender and to provide vocational training, if appropriate~~ individual or group  
 14.20 counseling or both to help the offender identify and address needs related to substance use  
 14.21 and develop strategies to avoid harmful substance use after discharge and to help the offender  
 14.22 obtain the services necessary to establish a lifestyle free of the harmful effects of substance  
 14.23 use disorder;

14.24 (3) contain programs designed to promote the offender's self-worth and the offender's  
 14.25 acceptance of responsibility for the consequences of the offender's own decisions;

14.26 (4) be ~~licensed by the Department of Human Services and~~ designed to serve the inmate  
 14.27 population; and

14.28 (5) require that each offender submit to a ~~chemical use assessment~~ substance use disorder  
 14.29 assessment and that the offender receive the appropriate level of treatment as indicated by  
 14.30 the assessment.

14.31 (b) The commissioner ~~shall~~ may expel from the substance use disorder treatment program  
 14.32 any offender who:

- 15.1 (1) commits a material violation of or repeatedly fails to follow the rules of the program;
- 15.2 (2) commits any criminal offense while in the program; or
- 15.3 (3) presents any risk to other inmates based on the offender's behavior or attitude.

15.4 Sec. 16. Minnesota Statutes 2022, section 244.171, subdivision 4, is amended to read:

15.5 Subd. 4. **Sanctions.** (a) The commissioner shall impose severe and meaningful sanctions  
 15.6 for violating the conditions of the challenge incarceration program. The commissioner shall  
 15.7 remove an offender from the challenge incarceration program if the offender:

- 15.8 (1) commits a material violation of or repeatedly fails to follow the rules of the program;
- 15.9 (2) commits any misdemeanor, gross misdemeanor, or felony offense; or
- 15.10 (3) presents a risk to the public, based on the offender's behavior, attitude, or abuse of  
 15.11 alcohol or controlled substances. The removal of an offender from the challenge incarceration  
 15.12 program is governed by the procedures in the commissioner's rules adopted under section  
 15.13 244.05, subdivision 2.

15.14 (b) An offender who is removed from the challenge incarceration program shall be  
 15.15 imprisoned for a time period equal to the offender's term of imprisonment, minus earned  
 15.16 good time if any, but in no case for longer than the time remaining in the offender's sentence.  
 15.17 "Term of imprisonment" means a time period equal to two-thirds of the sentence originally  
 15.18 executed by the sentencing court, minus jail credit, if any.

15.19 (c) Notwithstanding paragraph (b), an offender who has been removed from the challenge  
 15.20 incarceration program but who remains otherwise eligible for acceptance into the program  
 15.21 may be readmitted at the commissioner's discretion. An offender readmitted to the program  
 15.22 under this paragraph must participate from the beginning and complete all of the program's  
 15.23 phases.

15.24 Sec. 17. Minnesota Statutes 2022, section 244.172, subdivision 1, is amended to read:

15.25 Subdivision 1. **Phase I.** Phase I of the program lasts at least six months. The offender  
 15.26 must be confined at the Minnesota Correctional Facility - Willow River/Moose Lake ~~or~~<sub>2</sub>  
 15.27 the Minnesota Correctional Facility - Togo, or the Minnesota Correctional Facility - Shakopee  
 15.28 and must successfully participate in all intensive treatment, education<sub>2</sub> and work programs  
 15.29 required by the commissioner. The offender must also submit on demand to random drug  
 15.30 and alcohol testing at time intervals set by the commissioner. Throughout phase I, the  
 15.31 commissioner must severely restrict the offender's telephone and visitor privileges.

16.1 Sec. 18. Minnesota Statutes 2022, section 244.19, subdivision 1, is amended to read:

16.2 Subdivision 1. **Appointment; joint services; state services.** (a) If a county or group of  
16.3 counties has established a human services board pursuant to chapter 402, the district court  
16.4 may appoint one or more county probation officers as necessary to perform court services,  
16.5 and the human services board shall appoint persons as necessary to provide correctional  
16.6 services within the authority granted in chapter 402. In all counties of more than 200,000  
16.7 population, which have not organized pursuant to chapter 402, the district court shall appoint  
16.8 one or more persons of good character to serve as county probation officers during the  
16.9 pleasure of the court. All other counties shall provide adult misdemeanor and juvenile  
16.10 probation services to district courts in one of the following ways:

16.11 (1) the court, with the approval of the county boards, may appoint one or more salaried  
16.12 county probation officers to serve during the pleasure of the court;

16.13 (2) when two or more counties offer probation services the district court through the  
16.14 county boards may appoint common salaried county probation officers to serve in the several  
16.15 counties;

16.16 (3) a county or a district court may request the commissioner of corrections to furnish  
16.17 probation services in accordance with the provisions of this section, and the commissioner  
16.18 of corrections shall furnish such services to any county or court that fails to provide its own  
16.19 probation officer by one of the two procedures listed above;

16.20 (4) if a county or district court providing probation services under clause (1) or (2) asks  
16.21 the commissioner of corrections or the legislative body for the state of Minnesota mandates  
16.22 the commissioner of corrections to furnish probation services to the district court, the  
16.23 probation officers and other employees displaced by the changeover shall be employed by  
16.24 the commissioner of corrections. The commissioner of corrections shall request an increase  
16.25 to the county probation officers reimbursement appropriation during the legislative session  
16.26 immediately following the transition of services, in an amount sufficient to pay the salaries  
16.27 of the employees who transferred from county employees to state employees. Reimbursement  
16.28 of funds received under subdivision 5 from a county that requested the commissioner of  
16.29 corrections to furnish probation services shall be appropriated to the commissioner of  
16.30 corrections for the provision of probation services until the county probation officers  
16.31 reimbursement appropriation is sufficiently increased by the legislature. Years of service  
16.32 in the county probation department are to be given full credit for future sick leave and  
16.33 vacation accrual purposes;



17.1 (5) all probation officers serving the juvenile courts on July 1, 1972, shall continue to  
17.2 serve in the county or counties they are now serving.

17.3 (b) The commissioner of management and budget shall place employees transferred to  
17.4 state service under paragraph (a), clause (4), in the proper classifications in the classified  
17.5 service. Each employee is appointed without examination at no loss in salary or accrued  
17.6 vacation or sick leave benefits, but no additional accrual of vacation or sick leave benefits  
17.7 may occur until the employee's total accrued vacation or sick leave benefits fall below the  
17.8 maximum permitted by the state for the employee's position. An employee appointed under  
17.9 paragraph (a), clause (4), shall serve a probationary period of six months. After exhausting  
17.10 labor contract remedies, a noncertified employee may appeal for a hearing within ten days  
17.11 to the commissioner of management and budget, who may uphold the decision, extend the  
17.12 probation period, or certify the employee. The decision of the commissioner of management  
17.13 and budget is final. The state shall negotiate with the exclusive representative for the  
17.14 bargaining unit to which the employees are transferred regarding their seniority. For purposes  
17.15 of computing seniority among those employees transferring from one county unit only, a  
17.16 transferred employee retains the same seniority position as the employee had within that  
17.17 county's probation office.

17.18 Sec. 19. Minnesota Statutes 2022, section 244.19, subdivision 5, is amended to read:

17.19 Subd. 5. **Compensation.** In counties of more than 200,000 population, a majority of the  
17.20 judges of the district court may direct the payment of such salary to probation officers as  
17.21 may be approved by the county board, and in addition thereto shall be reimbursed for all  
17.22 necessary expenses incurred in the performance of their official duties. In all counties which  
17.23 obtain probation services from the commissioner of corrections the commissioner shall, out  
17.24 of appropriations provided therefor, pay probation officers the salary and all benefits fixed  
17.25 by the state law or applicable bargaining unit and all necessary expenses, including secretarial  
17.26 service, office equipment and supplies, postage, telephone and telegraph services, and travel  
17.27 and subsistence. Each county receiving probation services from the commissioner of  
17.28 corrections shall reimburse the department of corrections for the total cost and expenses of  
17.29 such services as incurred by the commissioner of corrections. Total annual costs for each  
17.30 county shall be that portion of the total costs and expenses for the services of one probation  
17.31 officer represented by the ratio which the county's population bears to the total population  
17.32 served by one officer. For the purposes of this section, the population of any county shall  
17.33 be the most recent estimate made by the Department of Health. At least every six months  
17.34 the commissioner of corrections shall bill for the total cost and expenses incurred by the  
17.35 commissioner on behalf of each county which has received probation services. The

18.1 commissioner of corrections shall notify each county of the cost and expenses and the county  
18.2 shall pay to the commissioner the amount due for reimbursement. All such reimbursements  
18.3 shall be deposited in the general fund except as provided in subdivision 1, paragraph (a),  
18.4 clause (4). Objections by a county to all allocation of such cost and expenses shall be  
18.5 presented to and determined by the commissioner of corrections. Each county providing  
18.6 probation services under this section is hereby authorized to use unexpended funds and to  
18.7 levy additional taxes for this purpose.

18.8 The county commissioners of any county of not more than 200,000 population shall,  
18.9 when requested to do so by the juvenile judge, provide probation officers with suitable  
18.10 offices, and may provide equipment, and secretarial help needed to render the required  
18.11 services.

18.12 Sec. 20. Minnesota Statutes 2022, section 260.515, is amended to read:

18.13 **260.515 INTERSTATE COMPACT FOR JUVENILES.**

18.14 The Interstate Compact for Juveniles is enacted into law and entered into with all other  
18.15 states legally joining in it in substantially the following form:

18.16 ARTICLE I

18.17 PURPOSE

18.18 The compacting states to this Interstate Compact recognize that each state is responsible  
18.19 for the proper supervision or return of juveniles, delinquents, and status offenders who are  
18.20 on probation or parole and who have absconded, escaped, or run away from supervision  
18.21 and control and in so doing have endangered their own safety and the safety of others. The  
18.22 compacting states also recognize that each state is responsible for the safe return of juveniles  
18.23 who have run away from home and in doing so have left their state of residence. The  
18.24 compacting states also recognize that Congress, by enacting the Crime Control Act, United  
18.25 States Code, title 4, section 112 (1965), has authorized and encouraged compacts for  
18.26 cooperative efforts and mutual assistance in the prevention of crime.

18.27 It is the purpose of this compact, through means of joint and cooperative action among  
18.28 the compacting states to:

18.29 (A) ensure that the adjudicated juveniles and status offenders subject to this compact  
18.30 are provided adequate supervision and services in the receiving state as ordered by the  
18.31 adjudicating judge or parole authority in the sending state;

18.32 (B) ensure that the public safety interests of the citizens, including the victims of juvenile  
18.33 offenders, in both the sending and receiving states are adequately protected;

19.1 (C) return juveniles who have run away, absconded, or escaped from supervision or  
19.2 control or have been accused of an offense to the state requesting their return;

19.3 (D) make contracts for the cooperative institutionalization in public facilities in member  
19.4 states for delinquent youth needing special services;

19.5 (E) provide for the effective tracking and supervision of juveniles;

19.6 (F) equitably allocate the costs, benefits, and obligations of the compact states;

19.7 (G) establish procedures to manage the movement between states of juvenile offenders  
19.8 released to the community under the jurisdiction of courts, juvenile departments, or any  
19.9 other criminal or juvenile justice agency which has jurisdiction over juvenile offenders;

19.10 (H) insure immediate notice to jurisdictions where defined juvenile offenders are  
19.11 authorized to travel or to relocate across state lines;

19.12 (I) establish procedures to resolve pending charges (detainers) against juvenile offenders  
19.13 prior to transfer or release to the community under the terms of this compact;

19.14 (J) establish a system of uniform data collection on information pertaining to juveniles  
19.15 subject to this compact that allows access by authorized juvenile justice and criminal justice  
19.16 officials, and regular reporting of compact activities to heads of state; executive, judicial,  
19.17 and legislative branches; and juvenile criminal justice administrators;

19.18 (K) monitor compliance with rules governing interstate movement of juveniles and  
19.19 initiate interventions to address and correct noncompliance;

19.20 (L) coordinate training and education regarding the regulation of interstate movement  
19.21 of juveniles for officials involved in such activity; and

19.22 (M) coordinate the implementation and operation of the compact with the Interstate  
19.23 Compact for the Placement of Children, the Interstate Compact for Adult Offender  
19.24 Supervision, and other compacts affecting juveniles particularly in those cases where  
19.25 concurrent or overlapping supervision issues arise.

19.26 It is the policy of the compacting states that the activities conducted by the Interstate  
19.27 Commission created herein are the information of public policies and therefore are public  
19.28 business. Furthermore, the compacting states shall cooperate and observe their individual  
19.29 and collective duties and responsibilities for the prompt return and acceptance of juveniles  
19.30 subject to the provisions of this compact. The provisions of this compact shall be reasonably  
19.31 and liberally construed to accomplish the purpose and policies of the compact.

19.32 ARTICLE II

20.1

## DEFINITIONS

20.2 As used in this compact, unless the context clearly requires a different construction:

20.3 A. "Bylaws" means those bylaws established by the commission for its governance, or  
20.4 for directing or controlling its actions or conduct.

20.5 B. "Compact administrator" means the individual in each compacting state appointed  
20.6 pursuant to the terms of this compact responsible for the administration and management  
20.7 of the state's supervision and transfer of juveniles subject to the terms of this compact, the  
20.8 rules adopted by the Interstate Commission, and policies adopted by the state council under  
20.9 this compact.

20.10 C. "Compacting state" means any state which has enacted the enabling legislation for  
20.11 this compact.

20.12 D. "Commissioner" means the voting representative of each compacting state appointed  
20.13 pursuant to Article III of this compact.

20.14 E. "Court" means any court having jurisdiction over delinquent, neglected, or dependent  
20.15 children.

20.16 F. "Deputy compact administrator" means the individual, if any, in each compacting  
20.17 state appointed to act on behalf of a compact administrator pursuant to the terms of this  
20.18 compact responsible for the administration and management of the state's supervision and  
20.19 transfer of juveniles subject to the terms of this compact, the rules adopted by the Interstate  
20.20 Commission, and policies adopted by the state council under this compact.

20.21 G. "Interstate Commission" means the Interstate Commission for Juveniles created by  
20.22 Article III of this compact.

20.23 H. "Juvenile" means any person defined as a juvenile in any member state or by the rules  
20.24 of the Interstate Commission, including:

20.25 (1) accused delinquent - a person charged with an offense that, if committed by an adult,  
20.26 would be a criminal offense;

20.27 (2) adjudicated delinquent - a person found to have committed an offense that, if  
20.28 committed by an adult, would be a criminal offense;

20.29 (3) accused status offender - a person charged with an offense that would not be a criminal  
20.30 offense if committed by an adult;

20.31 (4) adjudicated status offender - a person found to have committed an offense that would  
20.32 not be a criminal offense if committed by an adult; and

21.1 (5) nonoffender - a person in need of supervision who has not been accused or adjudicated  
21.2 a status offender or delinquent.

21.3 I. "Noncompacting state" means any state which has not enacted the enabling legislation  
21.4 for this compact.

21.5 J. "Probation" or "parole" means any kind of supervision or conditional release of  
21.6 juveniles authorized under the laws of the compacting states.

21.7 K. "Rule" means a written statement by the Interstate Commission promulgated pursuant  
21.8 to Article VI of this compact that is of general applicability, implements, interprets, or  
21.9 prescribes a policy or provision of the compact, or an organizational, procedural, or practice  
21.10 requirement of the commission, and has the force and effect of statutory law in a compacting  
21.11 state, and includes the amendment, repeal, or suspension of an existing rule.

21.12 L. "State" means a state of the United States, the District of Columbia (or its designee),  
21.13 the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American  
21.14 Samoa, and the Northern Marianas.

### 21.15 ARTICLE III

#### 21.16 INTERSTATE COMMISSION FOR JUVENILES

21.17 A. The compacting states hereby create the "Interstate Commission for Juveniles." The  
21.18 commission shall be a body corporate and joint agency of the compacting states. The  
21.19 commission shall have all the responsibilities, powers, and duties set forth herein, and such  
21.20 additional powers as may be conferred upon it by subsequent action of the respective  
21.21 legislatures of the compacting states in accordance with the terms of this compact.

21.22 B. The Interstate Commission shall consist of commissioners appointed by the appropriate  
21.23 appointing authority in each state pursuant to the rules and requirements of each compacting  
21.24 state and in consultation with the State Advisory Council for Interstate Supervision of  
21.25 Juvenile Offenders and Runaways created hereunder. The commissioner shall be the compact  
21.26 administrator. The commissioner of corrections or the commissioner's designee shall serve  
21.27 as the compact administrator, who shall serve on the Interstate Commission in such capacity  
21.28 under or pursuant to the applicable law of the compacting state.

21.29 C. In addition to the commissioners who are the voting representatives of each state, the  
21.30 Interstate Commission shall include individuals who are not commissioners but who are  
21.31 members of interested organizations. Such noncommissioner members must include a  
21.32 member of the national organizations of governors, legislators, state chief justices, attorneys  
21.33 general, Interstate Compact for Adult Offender Supervision, Interstate Compact on the

22.1 Placement of Children, juvenile justice and juvenile corrections officials, and crime victims.  
22.2 All noncommissioner members of the Interstate Commission shall be ex-officio (nonvoting)  
22.3 members. The Interstate Commission may provide in its bylaws for such additional ex-officio  
22.4 (nonvoting) members, including members of other national organizations, in such numbers  
22.5 as shall be determined by the commission.

22.6 D. Each compacting state represented at any meeting of the commission is entitled to  
22.7 one vote. A majority of the compacting states shall constitute a quorum for the transaction  
22.8 of business, unless a larger quorum is required by the bylaws of the Interstate Commission.

22.9 E. The commission shall meet at least once each calendar year. The chair may call  
22.10 additional meetings and, upon the request of a simple majority of the compacting states,  
22.11 shall call additional meetings. Public notice shall be given of all meetings and meetings  
22.12 shall be open to the public.

22.13 F. The Interstate Commission shall establish an executive committee, which shall include  
22.14 commission officers, members, and others as determined by the bylaws. The executive  
22.15 committee shall have the power to act on behalf of the Interstate Commission during periods  
22.16 when the Interstate Commission is not in session, with the exception of rulemaking and/or  
22.17 amendment to the compact. The executive committee shall oversee the day-to-day activities  
22.18 of the administration of the compact managed by an executive director and Interstate  
22.19 Commission staff; administer enforcement and compliance with the provisions of the  
22.20 compact, its bylaws, and rules; and perform such other duties as directed by the Interstate  
22.21 Commission or set forth in the bylaws.

22.22 G. Each member of the Interstate Commission shall have the right and power to cast a  
22.23 vote to which that compacting state is entitled and to participate in the business and affairs  
22.24 of the Interstate Commission. A member shall vote in person and shall not delegate a vote  
22.25 to another compacting state. However, a commissioner, in consultation with the state council,  
22.26 shall appoint another authorized representative, in the absence of the commissioner from  
22.27 that state, to cast a vote on behalf of the compacting state at a specified meeting. The bylaws  
22.28 may provide for members' participation in meetings by telephone or other means of  
22.29 telecommunication or electronic communication.

22.30 H. The Interstate Commission's bylaws shall establish conditions and procedures under  
22.31 which the Interstate Commission shall make its information and official records available  
22.32 to the public for inspection or copying. The Interstate Commission may exempt from  
22.33 disclosure any information or official records to the extent they would adversely affect  
22.34 personal privacy rights or proprietary interests.

23.1 I. Public notice shall be given of all meetings and all meetings shall be open to the public,  
23.2 except as set forth in the rules or as otherwise provided in the compact. The Interstate  
23.3 Commission and any of its committees may close a meeting to the public where it determines  
23.4 by two-thirds vote that an open meeting would be likely to:

23.5 1. relate solely to the Interstate Commission's internal personnel practices and procedures;

23.6 2. disclose matters specifically exempted from disclosure by statute;

23.7 3. disclose trade secrets or commercial or financial information which is privileged or  
23.8 confidential;

23.9 4. involve accusing any person of a crime or formally censuring any person;

23.10 5. disclose information of a personal nature where disclosure would constitute a clearly  
23.11 unwarranted invasion of personal privacy;

23.12 6. disclose investigative records compiled for law enforcement purposes;

23.13 7. disclose information contained in or related to examination, operating or condition  
23.14 reports prepared by, or on behalf of or for the use of, the Interstate Commission with respect  
23.15 to a regulated person or entity for the purpose of regulation or supervision of such person  
23.16 or entity;

23.17 8. disclose information, the premature disclosure of which would significantly endanger  
23.18 the stability of a regulated person or entity;

23.19 9. specifically relate to the Interstate Commission's issuance of a subpoena or its  
23.20 participation in a civil action or other legal proceeding.

23.21 J. For every meeting closed pursuant to this provision, the Interstate Commission's legal  
23.22 counsel shall publicly certify that, in the legal counsel's opinion, the meeting may be closed  
23.23 to the public, and shall reference each relevant exemptive provision. The Interstate  
23.24 Commission shall keep minutes which shall fully and clearly describe all matters discussed  
23.25 in any meeting and shall provide a full and accurate summary of any actions taken, and the  
23.26 reasons therefore, including a description of each of the views expressed on any item and  
23.27 the record of any roll call vote (reflected in the vote of each member on the question). All  
23.28 documents considered in connection with any action shall be identified in such minutes.

23.29 K. The Interstate Commission shall collect standardized data concerning the interstate  
23.30 movement of juveniles as directed through its rules which shall specify the data to be  
23.31 collected, the means of collection, and data exchange and reporting requirements. Such  
23.32 methods of data collection, exchange, and reporting shall insofar as is reasonably possible

24.1 conform to up-to-date technology and coordinate its information functions with the  
24.2 appropriate repository of records.

24.3 ARTICLE IV

24.4 POWERS AND DUTIES OF THE INTERSTATE COMMISSION

24.5 The commission shall have the following powers and duties:

24.6 1. To provide for dispute resolution among compacting states.

24.7 2. To promulgate rules to affect the purposes and obligations as enumerated in this  
24.8 compact, which shall have the force and effect of statutory law and shall be binding in the  
24.9 compact states to the extent and in the manner provided in this compact.

24.10 3. To oversee, supervise, and coordinate the interstate movement of juveniles subject to  
24.11 the terms of this compact and any bylaws adopted and rules promulgated by the Interstate  
24.12 Commission.

24.13 4. To enforce compliance with the compact provisions, the rules promulgated by the  
24.14 Interstate Commission, and the bylaws, using all necessary and proper means, including  
24.15 but not limited to the use of judicial process.

24.16 5. To establish and maintain offices which shall be located within one or more of the  
24.17 compacting states.

24.18 6. To purchase and maintain insurance and bonds.

24.19 7. To borrow, accept, hire, or contract for services of personnel.

24.20 8. To establish and appoint committees and hire staff which it deems necessary for the  
24.21 carrying out of its functions including, but not limited to, an executive committee as required  
24.22 by Article III, which shall have the power to act on behalf of the Interstate Commission in  
24.23 carrying out its powers and duties hereunder.

24.24 9. To elect or appoint such officers, attorneys, employees, agents, or consultants, and to  
24.25 fix their compensation, define their duties, and determine their qualifications; and to establish  
24.26 the Interstate Commission's personnel policies and programs relating to, inter alia, conflicts  
24.27 of interest, rates of compensation, and qualifications of personnel.

24.28 10. To accept any and all donations and grants of money, equipment, supplies, materials,  
24.29 and services, and to receive, utilize, and dispose of it.

24.30 11. To lease, purchase, accept contributions or donations of, or otherwise to own, hold,  
24.31 improve, or use any property, real, personal, or mixed.



25.1 12. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose  
25.2 of any property, real, personal, or mixed.

25.3 13. To establish a budget, make expenditures, and levy dues as provided in Article VIII  
25.4 of this compact.

25.5 14. To sue and be sued.

25.6 15. To adopt a seal and bylaws governing the management and operation of the Interstate  
25.7 Commission.

25.8 16. To perform such functions as may be necessary or appropriate to achieve the purposes  
25.9 of this compact.

25.10 17. To report annually to the legislatures, governors, judiciary, and state councils of the  
25.11 compacting states concerning the activities of the Interstate Commission during the preceding  
25.12 year. Such reports shall also include any recommendations that may have been adopted by  
25.13 the Interstate Commission.

25.14 18. To coordinate education, training, and public awareness regarding the interstate  
25.15 movement of juveniles for officials involved in such activity.

25.16 19. To establish uniform standards of the reporting, collecting, and exchanging of data.

25.17 20. The Interstate Commission shall maintain its corporate books and records in  
25.18 accordance with the bylaws.

## 25.19 ARTICLE V

### 25.20 ORGANIZATION AND OPERATION 25.21 OF THE INTERSTATE COMMISSION

#### 25.22 Section A. Bylaws.

25.23 1. The Interstate Commission shall, by a majority of the members present and voting,  
25.24 within 12 months after the first Interstate Commission meeting, adopt bylaws to govern its  
25.25 conduct as may be necessary or appropriate to carry out the purposes of the compact,  
25.26 including, but not limited to:

25.27 a. establishing the fiscal year of the Interstate Commission;

25.28 b. establishing an executive committee and such other committees as may be necessary;

25.29 c. provide: (i) for the establishment of committees, and (ii) governing any general or  
25.30 specific delegation of any authority or function of the Interstate Commission;

25.31 d. providing reasonable procedures for calling and conducting meetings of the Interstate  
25.32 Commission and ensuring reasonable notice of each such meeting;

- 26.1 e. establishing the titles and responsibilities of the officers of the Interstate Commission;
- 26.2 f. providing a mechanism for concluding the operations of the Interstate Commission
- 26.3 and the return of any surplus funds that may exist upon the termination of the compact after
- 26.4 the payment and/or reserving of all of its debts and obligations;
- 26.5 g. providing "start-up" rules for initial administration of the compact;
- 26.6 h. establishing standards and procedures for compliance and technical assistance in
- 26.7 carrying out the compact.

26.8 Section B. Officers and staff.

26.9 1. The Interstate Commission shall, by a majority of the members, elect annually from

26.10 among its members a chair and a vice-chair, each of whom shall have such authority and

26.11 duties as may be specified in the bylaws. The chair or, in the chair's absence or disability,

26.12 the vice-chair shall preside at all meetings of the Interstate Commission. The officers so

26.13 elected shall serve without compensation or remuneration from the Interstate Commission;

26.14 provided that, subject to the availability of budget funds, the officers shall be reimbursed

26.15 for any ordinary and necessary costs and expenses incurred by them in the performance of

26.16 their responsibilities as officers of the Interstate Commission.

26.17 2. The Interstate Commission shall, through its executive committee, appoint or retain

26.18 an executive director for such period, upon such terms and conditions, and for such

26.19 compensation as the Interstate Commission may deem appropriate. The executive director

26.20 shall serve as secretary to the Interstate Commission, but shall not be a member and shall

26.21 hire and supervise such other staff as may be authorized by the Interstate Commission.

26.22 Section C. Qualified immunity, defense, and indemnification.

26.23 1. The commission's executive director and employees shall be immune from suit and

26.24 liability, either personally or in their official capacity, for any claim for damage to or loss

26.25 of property or personal injury or other civil liability caused or arising out of or relating to

26.26 any actual or alleged act, error, or omission that occurred, or that such person had a

26.27 reasonable basis for believing occurred within the scope of commission employment, duties,

26.28 or responsibilities; provided, that any such person shall not be protected from suit or liability

26.29 for any damage, loss, injury, or liability caused by the intentional or willful and wanton

26.30 misconduct of any such person.

26.31 2. The liability of any commissioner, or the employee or agent of a commissioner, acting

26.32 within the scope of such person's employment or duties for acts, errors, or omissions

26.33 occurring within such person's state may not exceed the limits of liability set forth under

27.1 the Constitution and laws of that state for state officials, employees, and agents. Nothing  
27.2 in this subsection shall be construed to protect any such person from suit or liability for any  
27.3 damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct  
27.4 of any such person.

27.5 3. The Interstate Commission shall defend the executive director or the employees or  
27.6 representatives of the Interstate Commission and, subject to the approval of the attorney  
27.7 general of the state represented by any commissioner of a compacting state, shall defend  
27.8 such commissioner or the commissioner's representatives or employees in any civil action  
27.9 seeking to impose liability arising out of any actual or alleged act, error, or omission that  
27.10 occurred within the scope of Interstate Commission employment, duties, or responsibilities,  
27.11 or that the defendant has a reasonable basis for believing occurred within the scope of  
27.12 Interstate Commission employment, duties, or responsibilities, provided that the actual or  
27.13 alleged act, error, or omission did not result from intentional or willful and wanton  
27.14 misconduct on the part of such person.

27.15 4. The Interstate Commission shall indemnify and hold the commissioner of a compacting  
27.16 state, or the commissioner's representatives or employees, or the Interstate Commission's  
27.17 representatives or employees, harmless in the amount of any settlement or judgment obtained  
27.18 against such persons arising out of any actual or alleged act, error, or omission that occurred  
27.19 within the scope of Interstate Commission employment, duties, or responsibilities, or that  
27.20 such persons had a reasonable basis for believing occurred within the scope of Interstate  
27.21 Commission employment, duties, or responsibilities, provided that the actual or alleged act,  
27.22 error, or omission did not result from intentional or willful and wanton misconduct on the  
27.23 part of such persons.

## 27.24 ARTICLE VI

### 27.25 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

27.26 1. The Interstate Commission shall promulgate and publish rules in order to effectively  
27.27 and efficiently achieve the purposes of the compact.

27.28 2. Rulemaking shall occur pursuant to the criteria set forth in this article and the bylaws  
27.29 and rules adopted pursuant thereto. Such rulemaking shall substantially conform to the  
27.30 principles of the "Model State Administrative Procedures Act," 1981 Act, Uniform Laws  
27.31 Annotated, Vol. 15, page 1 (2000), or such other administrative procedures act, as the  
27.32 Interstate Commission deems appropriate consistent with due process requirements under  
27.33 the United States Constitution as now or hereafter interpreted by the United States Supreme

28.1 Court. All rules and amendments shall become binding as of the date specified, as published  
28.2 with the final version of the rule as approved by the commission.

28.3 3. When promulgating a rule, the Interstate Commission shall, at a minimum:

28.4 a. publish the proposed rule's entire text stating the reasons for that proposed rule;

28.5 b. allow and invite any and all persons to submit written data, facts, opinions, and  
28.6 arguments, which information shall be added to the record, and be made publicly available;

28.7 c. provide an opportunity for an informal hearing if petitioned by ten or more persons;

28.8 and

28.9 d. promulgate a final rule and its effective date, if appropriate, based on input from state  
28.10 or local officials, or interested parties.

28.11 4. The Interstate Commission shall allow, not later than 60 days after a rule is  
28.12 promulgated, any interested person to file a petition in the United States District Court for  
28.13 the District of Columbia or in the federal District Court where the Interstate Commission's  
28.14 principal office is located for judicial review of such rule. If the court finds that the Interstate  
28.15 Commission's action is not supported by substantial evidence in the rulemaking record, the  
28.16 court shall hold the rule unlawful and set it aside. For purposes of this subsection, evidence  
28.17 is substantial if it would be considered substantial evidence under the Model (State)  
28.18 Administrative Procedures Act.

28.19 5. If a majority of the legislatures of the compacting states rejects a rule, those states  
28.20 may, by enactment of a statute or resolution in the same manner used to adopt the compact,  
28.21 cause that such rule shall have no further force and effect in any compacting state.

28.22 6. The existing rules governing the operation of the Interstate Compact on Juveniles  
28.23 superceded by this act shall be null and void 12 months after the first meeting of the Interstate  
28.24 Commission created hereunder.

28.25 7. Upon determination by the Interstate Commission that a state of emergency exists, it  
28.26 may promulgate an emergency rule which shall become effective immediately upon adoption,  
28.27 provided that the usual rulemaking procedures provided hereunder shall be retroactively  
28.28 applied to said rule as soon as reasonably possible, but no later than 90 days after the effective  
28.29 date of the emergency rule.

28.30 ARTICLE VII

28.31 OVERSIGHT, ENFORCEMENT, AND DISPUTE  
28.32 RESOLUTION BY THE INTERSTATE COMMISSION

28.33 Section A. Oversight.

29.1 1. The Interstate Commission shall oversee the administration and operations of the  
29.2 interstate movement of juveniles subject to this compact in the compacting states and shall  
29.3 monitor such activities being administered in noncompacting states which may significantly  
29.4 affect compacting states.

29.5 2. The courts and executive agencies in each compacting state shall enforce this compact  
29.6 and shall take all actions necessary and appropriate to effectuate the compact's purposes  
29.7 and intent. The provisions of this compact and the rules promulgated hereunder shall be  
29.8 received by all the judges, public officers, commissions, and departments of the state  
29.9 government as evidence of the authorized statute and administrative rules. All courts shall  
29.10 take judicial notice of the compact and the rules. In any judicial or administrative proceeding  
29.11 in a compacting state pertaining to the subject matter of this compact which may affect the  
29.12 powers, responsibilities, or actions of the Interstate Commission, it shall be entitled to  
29.13 receive all service of process in any such proceeding, and shall have standing to intervene  
29.14 in the proceeding for all purposes.

29.15 3. The compact administrator shall assess and collect fines, fees, and costs from any  
29.16 state or local entity deemed responsible by the compact administrator for a default as  
29.17 determined by the Interstate Commission under Article XI.

29.18 Section B. Dispute resolution.

29.19 1. The compacting states shall report to the Interstate Commission on all issues and  
29.20 activities necessary for the administration of the compact as well as issues and activities  
29.21 pertaining to compliance with the provisions of the compact and its bylaws and rules.

29.22 2. The Interstate Commission shall attempt, upon the request of a compacting state, to  
29.23 resolve any disputes or other issues which are subject to the compact and which may arise  
29.24 among compacting states and between compacting and noncompacting states. The  
29.25 commission shall promulgate a rule providing for both mediation and binding dispute  
29.26 resolution for disputes among the compacting states.

29.27 3. The Interstate Commission, in the reasonable exercise of its discretion, shall enforce  
29.28 the provisions and rules of this compact using any or all means set forth in Article XI of  
29.29 this compact.

## 29.30 ARTICLE VIII

### 29.31 FINANCE

29.32 1. The Interstate Commission shall pay or provide for the payment of the reasonable  
29.33 expenses of its establishment, organization, and ongoing activities.

30.1 2. The Interstate Commission shall levy on and collect an annual assessment from each  
30.2 compacting state to cover the cost of the internal operations and activities of the Interstate  
30.3 Commission and its staff which must be in a total amount sufficient to cover the Interstate  
30.4 Commission's annual budget as approved each year. The aggregate annual assessment  
30.5 amount shall be allocated based upon a formula to be determined by the Interstate  
30.6 Commission, taking into consideration the population of each compacting state and the  
30.7 volume of interstate movement of juveniles in each compacting state, and shall promulgate  
30.8 a rule binding upon all compacting states which governs said assessment.

30.9 3. The Interstate Commission shall not incur any obligations of any kind prior to securing  
30.10 the funds adequate to meet the same; nor shall the Interstate Commission pledge the credit  
30.11 of any of the compacting states, except by and with the authority of the compacting state.

30.12 4. The Interstate Commission shall keep accurate accounts of all receipts and  
30.13 disbursements. The receipts and disbursements of the Interstate Commission shall be subject  
30.14 to the audit and accounting procedures established under its bylaws. However, all receipts  
30.15 and disbursements of funds handled by the Interstate Commission shall be audited yearly  
30.16 by a certified or licensed public accountant and the report of the audit shall be included in  
30.17 and become part of the annual report of the Interstate Commission.

30.18 5. Minnesota's annual assessment shall not exceed \$30,000. The Interstate Compact for  
30.19 Juveniles fund is established as a special fund in the Department of Corrections. The fund  
30.20 consists of money appropriated for the purpose of meeting financial obligations imposed  
30.21 on the state as a result of Minnesota's participation in this compact. An assessment levied  
30.22 or any other financial obligation imposed under this compact is effective against the state  
30.23 only to the extent that money to pay the assessment or meet the financial obligation has  
30.24 been appropriated and deposited in the fund established in this paragraph.

## 30.25 ARTICLE IX

### 30.26 THE STATE ADVISORY COUNCIL

30.27 Each member state shall create a State Advisory Council for the Interstate Compact for  
30.28 Juveniles. The Advisory Council on the Interstate Compact for Juveniles ~~consists~~ shall be  
30.29 combined with the Advisory Council on Interstate Adult Offender Supervision established  
30.30 by section 243.1606 and consist of the following individuals or their designees:

30.31 (1) the governor;

30.32 (2) the chief justice of the Supreme Court;

31.1 (3) two senators, one from the majority and the other from the minority party, selected  
31.2 by the Subcommittee on Committees of the senate Committee on Rules and Administration;

31.3 (4) two representatives, one from the majority and the other from the minority party,  
31.4 selected by the house speaker;

31.5 (5) a representative from the Department of Human Services regarding the Interstate  
31.6 Compact for the Placement of Children;

31.7 (6) the compact administrator, selected as provided in Article III;

31.8 (7) the executive director of the Office of Justice Programs or designee;

31.9 (8) the deputy compact administrator; ~~and~~

31.10 (9) a representative from the State Public Defender's Office;

31.11 (10) a representative from the Minnesota County Attorney's Association;

31.12 (11) a representative from the Minnesota Sheriff's Association;

31.13 (12) a representative from the Minnesota Association of County Probation Officers;

31.14 (13) a representative from the Minnesota Association of Community Corrections Act

31.15 Counties;

31.16 (14) a representative from the community at large;

31.17 (15) a representative from a community organization working with victims of crimes;

31.18 and

31.19 ~~(9)~~ (16) other members as appointed by the commissioner of corrections.

31.20 The council may elect a chair from among its members.

31.21 The council shall oversee and administer the state's participation in the compact as  
31.22 described in Article III. The council shall appoint the compact administrator as the state's  
31.23 commissioner.

31.24 The state advisory council will advise and exercise advocacy concerning that state's  
31.25 participation in Interstate Commission activities and other duties as may be determined by  
31.26 that state, including, but not limited to, development of policy concerning operations and  
31.27 procedures of the compact within that state.

31.28 Expiration; expenses. The provisions of section 15.059 apply to the council except that  
31.29 it does not expire.

31.30

## ARTICLE X

32.1 COMPACTING STATES, EFFECTIVE DATE,  
32.2 AND AMENDMENT

32.3 1. Any state, the District of Columbia (or its designee), the Commonwealth of Puerto  
32.4 Rico, the United States Virgin Islands, Guam, American Samoa, and the Northern Marianas  
32.5 Islands as defined in Article II of this compact is eligible to become a compacting state.

32.6 2. The compact shall become effective and binding upon legislative enactment of the  
32.7 compact into law by no less than 35 of the states. The initial effective date shall be the later  
32.8 of July 1, 2004, or upon enactment into law by the 35th jurisdiction. Thereafter, it shall  
32.9 become effective and binding as to any other compacting state upon enactment of the  
32.10 compact into law by that state. The governors of nonmember states or their designees shall  
32.11 be invited to participate in the activities of the Interstate Commission on a nonvoting basis  
32.12 prior to adoption of the compact by all states and territories of the United States.

32.13 3. The Interstate Commission may propose amendments to the compact for enactment  
32.14 by the compacting states. No amendment shall become effective and binding upon the  
32.15 Interstate Commission and the compacting states unless and until it is enacted into law by  
32.16 unanimous consent of the compacting states.

32.17 ARTICLE XI

32.18 WITHDRAWAL, DEFAULT, TERMINATION,  
32.19 AND JUDICIAL ENFORCEMENT

32.20 Section A. Withdrawal.

32.21 1. Once effective, the compact shall continue in force and remain binding upon each  
32.22 and every compacting state; provided that a compacting state may withdraw from the  
32.23 compact specifically repealing the statute, which enacted the compact into law.

32.24 2. The effective date of withdrawal is the effective date of the repeal.

32.25 3. The withdrawing state shall immediately notify the chair of the Interstate Commission  
32.26 in writing upon the introduction of legislation repealing this compact in the withdrawing  
32.27 state. The Interstate Commission shall notify the other compacting states of the withdrawing  
32.28 state's intent to withdraw within 60 days of its receipt thereof.

32.29 4. The withdrawing state is responsible for all assessments, obligations, and liabilities  
32.30 incurred through the effective date of withdrawal, including any obligations, the performance  
32.31 of which extend beyond the effective date of withdrawal.

32.32 5. Reinstatement following withdrawal of any compacting state shall occur upon the  
32.33 withdrawing state reenacting the compact or upon such later date as determined by the  
32.34 Interstate Commission.



33.1 Section B. Technical assistance, fines, suspension, termination, and default.

33.2 1. If the Interstate Commission determines that any compacting state has at any time  
33.3 defaulted in the performance of any of its obligations or responsibilities under this compact,  
33.4 or the bylaws or duly promulgated rules, the Interstate Commission may impose any or all  
33.5 of the following penalties:

33.6 a. remedial training and technical assistance as directed by the Interstate Commission;

33.7 b. alternative dispute resolution;

33.8 c. fines, fees, and costs in such amounts as are deemed to be reasonable as fixed by the  
33.9 Interstate Commission;

33.10 d. suspension or termination of membership in the compact, which shall be imposed  
33.11 only after all other reasonable means of securing compliance under the bylaws and rules  
33.12 have been exhausted and the Interstate Commission has therefore determined that the  
33.13 offending state is in default. Immediate notice of suspension shall be given by the Interstate  
33.14 Commission to the governor, the chief justice, or the chief judicial officer of the state; the  
33.15 majority and minority leaders of the defaulting state's legislature; and the state council. The  
33.16 grounds for default include, but are not limited to, failure of a compacting state to perform  
33.17 such obligations or responsibilities imposed upon it by this compact, the bylaws, or duly  
33.18 promulgated rules and any other grounds designated in commission bylaws and rules. The  
33.19 Interstate Commission shall immediately notify the defaulting state in writing of the penalty  
33.20 imposed by the Interstate Commission and of the default pending a cure of the default. The  
33.21 commission shall stipulate the conditions and the time period within which the defaulting  
33.22 state must cure its default. If the defaulting state fails to cure the default within the time  
33.23 period specified by the commission, the defaulting state shall be terminated from the compact  
33.24 upon an affirmative vote of a majority of the compacting states and all rights, privileges,  
33.25 and benefits conferred by this compact shall be terminated from the effective date of  
33.26 termination.

33.27 2. Within 60 days of the effective date of termination of a defaulting state, the commission  
33.28 shall notify the governor, the chief justice or chief judicial officer, the majority and minority  
33.29 leaders of the defaulting state's legislature, and the state council of such termination.

33.30 3. The defaulting state is responsible for all assessments, obligations, and liabilities  
33.31 incurred through the effective date of termination including any obligations, the performance  
33.32 of which extends beyond the effective date of termination.

34.1 4. The Interstate Commission shall not bear any costs relating to the defaulting state  
34.2 unless otherwise mutually agreed upon in writing between the Interstate Commission and  
34.3 the defaulting state.

34.4 5. Reinstatement following termination of any compacting state requires both a  
34.5 reenactment of the compact by the defaulting state and the approval of the Interstate  
34.6 Commission pursuant to the rules.

34.7 Section C. Judicial enforcement.

34.8 The Interstate Commission may, by majority vote of the members, initiate legal action  
34.9 in the United States District Court for the District of Columbia or, at the discretion of the  
34.10 Interstate Commission, in the federal district where the Interstate Commission has its offices,  
34.11 to enforce compliance with the provisions of the compact, its duly promulgated rules and  
34.12 bylaws, against any compacting state in default. In the event judicial enforcement is  
34.13 necessary, the prevailing party shall be awarded all costs of such litigation, including  
34.14 reasonable attorney fees.

34.15 Section D. Dissolution of compact.

34.16 1. The compact dissolves effective upon the date of the withdrawal or default of the  
34.17 compacting state, which reduces membership in the compact to one compacting state.

34.18 2. Upon the dissolution of this compact, the compact becomes null and void and shall  
34.19 be of no further force or effect, and the business and affairs of the Interstate Commission  
34.20 shall be concluded and any surplus funds shall be distributed in accordance with the bylaws.

34.21 ARTICLE XII

34.22 SEVERABILITY AND CONSTRUCTION

34.23 1. The provisions of this compact shall be severable, and if any phrase, clause, sentence,  
34.24 or provision is deemed unenforceable, the remaining provisions of this compact shall be  
34.25 enforceable.

34.26 2. The provisions of this compact shall be liberally constructed to effectuate its purposes.

34.27 ARTICLE XIII

34.28 BINDING EFFECT OF COMPACT AND OTHER LAWS

34.29 Section A. Other laws.

34.30 1. Nothing herein prevents the enforcement of any other law of a compacting state that  
34.31 is not inconsistent with this compact.

35.1 2. All compacting states' laws other than state constitutions and other interstate compacts  
35.2 conflicting with this compact are superseded to the extent of the conflict.

35.3 Section B. Binding effect of the compact.

35.4 1. All lawful actions of the Interstate Commission, including all rules and bylaws  
35.5 promulgated by the Interstate Commission, are binding upon the compacting state.

35.6 2. All agreements between the Interstate Commission and the compacting states are  
35.7 binding in accordance with their terms.

35.8 3. Upon the request of a party to a conflict over meaning or interpretation of Interstate  
35.9 Commission actions, and upon a majority vote of the compacting states, the Interstate  
35.10 Commission may issue advisory opinions regarding such meaning of interpretation.

35.11 4. In the event any provision of this compact exceeds the constitutional limits imposed  
35.12 on the legislature of any compacting state, the obligations, duties, powers, or jurisdiction  
35.13 sought to be conferred by such provision upon the Interstate Commission shall be ineffective  
35.14 and such obligations, duties, powers, or jurisdiction shall remain in the compacting state  
35.15 and shall be exercised by the agency thereof to which such obligations, duties, powers, or  
35.16 jurisdiction are delegated by law in effect at the time this compact becomes effective.

35.17 Sec. 21. Minnesota Statutes 2022, section 260B.176, is amended by adding a subdivision  
35.18 to read:

35.19 Subd. 1a. **Risk-assessment instrument.** (a) If a peace officer, probation officer, or  
35.20 parole officer who takes a child into custody does not release the child according to  
35.21 subdivision 1, the officer must communicate with or deliver the child to a juvenile secure  
35.22 detention facility to determine whether the child should be released or detained.

35.23 (b) To determine whether a child should be released or detained, a facility's supervisor  
35.24 must use an objective and racially, ethnically, and gender-responsive juvenile detention  
35.25 risk-assessment instrument developed by the commissioner of corrections, county, group  
35.26 of counties, or judicial district, in consultation with the state coordinator or coordinators of  
35.27 the Minnesota Juvenile Detention Alternative Initiative.

35.28 (c) The risk-assessment instrument must:

35.29 (1) assess the likelihood that a child released from preadjudication detention under this  
35.30 section or section 260B.178 would endanger others or not return for a court hearing;

36.1 (2) identify the appropriate setting for a child who might endanger others or not return  
 36.2 for a court hearing pending adjudication, with either continued detention or placement in a  
 36.3 noncustodial community-based supervision setting; and

36.4 (3) identify the type of noncustodial community-based supervision setting necessary to  
 36.5 minimize the risk that a child who is released from custody will endanger others or not  
 36.6 return for a court hearing.

36.7 (d) If, after using the instrument, a determination is made that the child should be released,  
 36.8 the person taking the child into custody or the facility supervisor must release the child  
 36.9 according to subdivision 1.

36.10 **EFFECTIVE DATE.** This section is effective August 15, 2023.

36.11 Sec. 22. Minnesota Statutes 2022, section 299A.41, subdivision 4, is amended to read:

36.12 Subd. 4. **Public safety officer.** "Public safety officer" includes:

36.13 (1) a peace officer defined in section 626.84, subdivision 1, paragraph (c) or (d);

36.14 (2) a correction officer employed at a correctional facility and charged with maintaining  
 36.15 the safety, security, discipline, and custody of inmates at the facility;

36.16 (3) a corrections staff person working in a public agency and supervising offenders in  
 36.17 the community as defined in sections 243.05, subdivision 6; 244.19, subdivision 1; and  
 36.18 401.01, subdivision 2;

36.19 ~~(3)~~ (4) an individual employed on a full-time basis by the state or by a fire department  
 36.20 of a governmental subdivision of the state, who is engaged in any of the following duties:

36.21 (i) firefighting;

36.22 (ii) emergency motor vehicle operation;

36.23 (iii) investigation into the cause and origin of fires;

36.24 (iv) the provision of emergency medical services; or

36.25 (v) hazardous material responder;

36.26 ~~(4)~~ (5) a legally enrolled member of a volunteer fire department or member of an  
 36.27 independent nonprofit firefighting corporation who is engaged in the hazards of firefighting;

36.28 ~~(5)~~ (6) a good samaritan while complying with the request or direction of a public safety  
 36.29 officer to assist the officer;

37.1 ~~(6)~~ (7) a reserve police officer or a reserve deputy sheriff while acting under the  
37.2 supervision and authority of a political subdivision;

37.3 ~~(7)~~ (8) a driver or attendant with a licensed basic or advanced life-support transportation  
37.4 service who is engaged in providing emergency care;

37.5 ~~(8)~~ (9) a first responder who is certified by the emergency medical services regulatory  
37.6 board to perform basic emergency skills before the arrival of a licensed ambulance service  
37.7 and who is a member of an organized service recognized by a local political subdivision to  
37.8 respond to medical emergencies to provide initial medical care before the arrival of an  
37.9 ambulance; and

37.10 ~~(9)~~ (10) a person, other than a state trooper, employed by the commissioner of public  
37.11 safety and assigned to the State Patrol, whose primary employment duty is either Capitol  
37.12 security or the enforcement of commercial motor vehicle laws and regulations.

37.13 Sec. 23. Minnesota Statutes 2022, section 629.292, subdivision 2, is amended to read:

37.14 Subd. 2. **Procedure on receipt of request.** The request shall be delivered to the  
37.15 commissioner of corrections or other official designated by the commissioner having custody  
37.16 of the prisoner, who shall forthwith:

37.17 ~~(a)~~ (1) certify the term of commitment under which the prisoner is being held, the time  
37.18 already served on the sentence, the time remaining to be served, the good time earned, the  
37.19 time of parole eligibility of the prisoner, and any decisions of the commissioner of corrections  
37.20 relating to the prisoner; ~~and~~

37.21 ~~(b)~~ (2) send by registered or certified mail, return receipt requested, one copy of the  
37.22 request and certificate to the court and one copy to the prosecuting attorney to whom it is  
37.23 addressed; and

37.24 (3) send by e-filing and e-serving the paperwork, one copy of the request to the court  
37.25 and one copy to the prosecuting attorney to whom it is addressed.

37.26 Sec. 24. **INDETERMINATE SENTENCE RELEASE BOARD.**

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

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

38.1 **Sec. 25. MENTAL HEALTH UNIT PILOT PROGRAM.**

38.2 (a) The commissioner of corrections shall establish a pilot program with interested  
38.3 counties to provide mental health care to individuals with serious and persistent mental  
38.4 illness who are incarcerated in county jails. The pilot program must require the participating  
38.5 counties to pay according to Minnesota Statutes, section 243.51, a per diem for  
38.6 reimbursement of the Mental Health Unit at the Minnesota Correctional Facility - Oak Park  
38.7 Heights, and other costs incurred by the Department of Corrections.

38.8 (b) The commissioner in consultation with the Minnesota Sheriffs' Association shall  
38.9 develop program protocols, guidelines, and procedures and qualifications for participating  
38.10 counties and incarcerated individuals to be treated in the Mental Health Unit. The program  
38.11 is limited to a total of five incarcerated individuals from the participating counties at any  
38.12 one time. Incarcerated individuals must volunteer to be treated in the unit and be able to  
38.13 participate in programming with other incarcerated individuals.

38.14 (c) The Minnesota Correctional Facility - Oak Park Heights warden, director of  
38.15 psychology, and associate director of behavioral health, or a designee of each, in consultation  
38.16 with the Minnesota Sheriffs' Association, the Minnesota branch of the National Association  
38.17 on Mental Illness, and the Department of Human Services, shall oversee the pilot program.

38.18 (d) On November 15, 2024, the warden shall submit a report to the chairs and ranking  
38.19 minority members of the legislative committees and divisions with jurisdiction over  
38.20 corrections describing the protocols, guidelines, and procedures for participation in the pilot  
38.21 program by counties and incarcerated individuals, challenges with staffing, cost sharing  
38.22 with counties, capacity of the program, services provided to the incarcerated individuals,  
38.23 program outcomes, concerns regarding the program, and recommendations for the viability  
38.24 of a long-term program.

38.25 (e) The pilot program expires November 16, 2024.

38.26 **Sec. 26. REVISOR INSTRUCTION.**

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

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

39.1 Sec. 27. **REPEALER.**

39.2 Minnesota Statutes 2022, sections 244.14; and 244.15, are repealed.

#### **244.14 INTENSIVE COMMUNITY SUPERVISION; BASIC ELEMENTS.**

Subdivision 1. **Requirements.** This section governs the intensive community supervision programs established under section 244.13. The commissioner shall operate the programs in conformance with this section. The commissioner shall administer the programs to further the following goals:

- (1) to punish the offender;
- (2) to protect the safety of the public;
- (3) to facilitate employment of the offender during the intensive community supervision and afterward; and
- (4) to require the payment of restitution ordered by the court to compensate the victims of the offender's crime.

Subd. 2. **Good time not available.** An offender serving a sentence on intensive community supervision for a crime committed before August 1, 1993, does not earn good time, notwithstanding section 244.04.

Subd. 3. **Sanctions.** The commissioner shall impose severe and meaningful sanctions for violating the conditions of an intensive community supervision program. The commissioner shall provide for revocation of intensive community supervision of an offender who:

- (1) commits a material violation of or repeatedly fails to follow the rules of the program;
- (2) commits any misdemeanor, gross misdemeanor, or felony offense; or
- (3) presents a risk to the public, based on the offender's behavior, attitude, or abuse of alcohol or controlled substances. The revocation of intensive community supervision is governed by the procedures in the commissioner's rules adopted under section 244.05, subdivision 2.

An offender whose intensive community supervision is revoked shall be imprisoned for a time period equal to the offender's term of imprisonment, but in no case for longer than the time remaining in the offender's sentence. "Term of imprisonment" means a time period equal to two-thirds of the sentence originally executed by the sentencing court, minus jail credit, if any.

Subd. 4. **All phases.** Throughout all phases of an intensive community supervision program, the offender shall submit at any time to an unannounced search of the offender's person, vehicle, or premises by an intensive supervision agent. If the offender received a restitution order as part of the sentence, the offender shall make weekly payments as scheduled by the agent until the full amount is paid.

#### **244.15 INTENSIVE COMMUNITY SUPERVISION; PHASES I TO IV.**

Subdivision 1. **Duration.** Phase I of an intensive community supervision program is six months, or one-half the time remaining in the offender's term of imprisonment, whichever is less. Phase II lasts for at least one-third of the time remaining in the offender's term of imprisonment at the beginning of phase II. Phase III lasts for at least one-third of the time remaining in the offender's term of imprisonment at the beginning of phase III. Phase IV continues until the commissioner determines that the offender has successfully completed the program or until the offender's sentence, minus jail credit, expires, whichever occurs first. If an offender successfully completes the intensive community supervision program before the offender's sentence expires, the offender shall be placed on supervised release for the remainder of the sentence.

Subd. 2. **Random drug testing.** (a) During phase I, the offender will be subjected at least weekly to urinalysis and breath tests to detect the presence of controlled substances or alcohol. The tests will be random and unannounced.

(b) During phase II, the tests will be done at least twice monthly.

(c) During phases III and IV, the tests will be done at random at the frequency determined by the intensive supervision agent.

Subd. 3. **House arrest.** (a) During phase I, the offender will be under house arrest in a residence approved by the offender's intensive supervision agent and may not move to another residence without permission. "House arrest" means that the offender's movements will be severely restricted and continually monitored by the assigned agent.

(b) During phase II, modified house arrest is imposed.



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(c) During phases III and IV, the offender is subjected to a daily curfew instead of house arrest.

Subd. 4. **Face-to-face contacts.** (a) During phase I, the assigned intensive supervision agent shall have at least four face-to-face contacts with the offender each week.

(b) During phase II, two face-to-face contacts a week are required.

(c) During phase III, one face-to-face contact a week is required.

(d) During phase IV, two face-to-face contacts a month are required.

(e) When an offender is an inmate of a jail or a resident of a facility which is staffed full time, the assigned agent may reduce face-to-face contacts to one per week during all phases.

Subd. 5. **Work required.** During phases I, II, III, and IV, the offender must spend at least 40 hours a week performing approved work, undertaking constructive activity designed to obtain employment, or attending a treatment or education program as directed by the commissioner. An offender may not spend more than six months in a residential treatment program that does not require the offender to spend at least 40 hours a week performing approved work or undertaking constructive activity designed to obtain employment.

Subd. 6. **Electronic surveillance.** (a) During any phase, the offender may be placed on electronic surveillance if the intensive supervision agent so directs. If electronic surveillance is directed during phase I, the commissioner must require that the inmate be kept in custody, or that the inmate's intensive supervised release agent, or the agent's designee, directly supervise the offender until electronic surveillance is activated.

(b) It is the responsibility of the inmate placed on electronic surveillance to ensure that the inmate's residence is properly equipped and the inmate's telecommunications system is properly configured to support electronic surveillance prior to being released from custody or the direct supervision of an intensive supervised release agent. An inmate who fails to comply with this paragraph may be found in violation of the inmate's conditions of release after a revocation hearing.

Subd. 7. **Other requirements.** The commissioner may include any other conditions in the various phases of the intensive community supervision program that the commissioner finds necessary and appropriate.