

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

S.F. No. 2380

(SENATE AUTHORS: SEEBERGER, Oumou Verbeten, Westlin and Pratt)

DATE	D-PG	OFFICIAL STATUS
03/02/2023	1266	Introduction and first reading Referred to Judiciary and Public Safety
03/15/2023	1799	Author added Pratt
03/23/2023		Comm report: To pass as amended and re-refer to State and Local Government and Veterans

1.1 A bill for an act

1.2 relating to corrections; providing for a supervision standards committee; modifying

1.3 probation, supervised release, and community corrections; providing for

1.4 rulemaking; requiring reports; appropriating money; amending Minnesota Statutes

1.5 2022, sections 243.05, subdivision 1; 244.05, subdivision 3; 244.19, subdivisions

1.6 1, 5; 244.195, subdivisions 1, 2, by adding subdivisions; 244.20; 244.21; 401.01;

1.7 401.02; 401.025, subdivision 1; 401.06; 401.09; 401.10; 401.11; 401.14, subdivision

1.8 3; 401.16; 609.14, subdivision 1, by adding a subdivision; proposing coding for

1.9 new law in Minnesota Statutes, chapter 401; repealing Minnesota Statutes 2022,

1.10 sections 244.18; 244.19, subdivisions 6, 7, 8; 244.22; 244.24; 244.30.

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

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

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

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

1.15 control of the commissioner of corrections, provided that:

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

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

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

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

1.20 years;

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

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

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

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

1.25 which would have been allowed for good conduct had the sentence been for 25 years;

2.1 (3) any inmate sentenced prior to September 1, 1963, who would be eligible for parole
2.2 had the inmate been sentenced after September 1, 1963, shall be eligible for parole; and

2.3 (4) any new rule or policy or change of rule or policy adopted by the commissioner of
2.4 corrections which has the effect of postponing eligibility for parole has prospective effect
2.5 only and applies only with respect to persons committing offenses after the effective date
2.6 of the new rule or policy or change.

2.7 (b) Upon being paroled and released, an inmate is and remains in the legal custody and
2.8 under the control of the commissioner, subject at any time to be returned to a facility of the
2.9 Department of Corrections established by law for the confinement or treatment of convicted
2.10 persons and the parole rescinded by the commissioner.

2.11 (c) The written order of the commissioner of corrections, is sufficient authority for any
2.12 peace officer, state correctional investigator, or state parole and probation agent to retake
2.13 and place in actual custody any person on parole or supervised release. In addition, when
2.14 it appears necessary in order to prevent escape or enforce discipline, any state parole and
2.15 probation agent or state correctional investigator may, without order of warrant, take and
2.16 detain a parolee or person on supervised release or work release and bring the person to the
2.17 commissioner for action.

2.18 (d) The written order of the commissioner of corrections is sufficient authority for any
2.19 peace officer, state correctional investigator, or state parole and probation agent to retake
2.20 and place in actual custody any person on probation under the supervision of the
2.21 commissioner pursuant to section 609.135. Additionally, when it appears necessary in order
2.22 to prevent escape or enforce discipline, any state parole and probation agent or state
2.23 correctional investigator may, without an order, retake and detain a probationer and bring
2.24 the probationer before the court for further proceedings under section 609.14.

2.25 (e) The written order of the commissioner of corrections is sufficient authority for any
2.26 peace officer, state correctional investigator, or state parole and probation agent to detain
2.27 any person on pretrial release who absconds from pretrial release or fails to abide by the
2.28 conditions of pretrial release.

2.29 (f) Persons conditionally released, and those on probation under the supervision of the
2.30 commissioner of corrections pursuant to section 609.135 may be placed within or outside
2.31 the boundaries of the state at the discretion of the commissioner of corrections or the court,
2.32 and the limits fixed for these persons may be enlarged or reduced according to their conduct.

2.33 (g) Except as otherwise provided in subdivision 1b, in considering applications for
2.34 conditional release or discharge, the commissioner is not required to hear oral argument

3.1 from any attorney or other person not connected with an adult correctional facility of the
3.2 Department of Corrections in favor of or against the parole or release of any inmates. The
3.3 commissioner may institute inquiries by correspondence, taking testimony, or otherwise,
3.4 as to the previous history, physical or mental condition, and character of the inmate and, to
3.5 that end, has the authority to require the attendance of the chief executive officer of any
3.6 state adult correctional facility and the production of the records of these facilities, and to
3.7 compel the attendance of witnesses. The commissioner is authorized to administer oaths to
3.8 witnesses for these purposes.

3.9 ~~(h) Unless the district court directs otherwise, state parole and probation agents may~~
3.10 ~~require a person who is under the supervision of the commissioner of corrections to perform~~
3.11 ~~community work service for violating a condition of probation imposed by the court.~~
3.12 ~~Community work service may be imposed for the purpose of protecting the public, to aid~~
3.13 ~~the offender's rehabilitation, or both. Agents may impose up to eight hours of community~~
3.14 ~~work service for each violation and up to a total of 24 hours per offender per 12-month~~
3.15 ~~period, beginning with the date on which community work service is first imposed. The~~
3.16 ~~commissioner may authorize an additional 40 hours of community work services, for a total~~
3.17 ~~of 64 hours per offender per 12-month period, beginning with the date on which community~~
3.18 ~~work service is first imposed. At the time community work service is imposed, parole and~~
3.19 ~~probation agents are required to provide written notice to the offender that states:~~

3.20 ~~(1) the condition of probation that has been violated;~~

3.21 ~~(2) the number of hours of community work service imposed for the violation; and~~

3.22 ~~(3) the total number of hours of community work service imposed to date in the 12-month~~
3.23 ~~period.~~

3.24 ~~An offender may challenge the imposition of community work service by filing a petition~~
3.25 ~~in district court. An offender must file the petition within five days of receiving written~~
3.26 ~~notice that community work service is being imposed. If the offender challenges the~~
3.27 ~~imposition of community work service, the state bears the burden of showing, by a~~
3.28 ~~preponderance of the evidence, that the imposition of community work service is reasonable~~
3.29 ~~under the circumstances.~~

3.30 ~~Community work service includes sentencing to service.~~

3.31 ~~(i) Prior to revoking a nonviolent controlled substance offender's parole or probation~~
3.32 ~~based on a technical violation, when the offender does not present a risk to the public and~~
3.33 ~~the offender is amenable to continued supervision in the community, a parole or probation~~
3.34 ~~agent must identify community options to address and correct the violation including, but~~

4.1 ~~not limited to, inpatient substance use disorder treatment. If a probation or parole agent~~
 4.2 ~~determines that community options are appropriate, the agent shall seek to restructure the~~
 4.3 ~~offender's terms of release to incorporate those options. If an offender on probation stipulates~~
 4.4 ~~in writing to restructure the terms of release, a probation agent must forward a report to the~~
 4.5 ~~district court containing:~~

4.6 (1) ~~the specific nature of the technical violation of probation;~~

4.7 (2) ~~the recommended restructure to the terms of probation; and~~

4.8 (3) ~~a copy of the offender's signed stipulation indicating that the offender consents to~~
 4.9 ~~the restructuring of probation.~~

4.10 ~~The recommended restructuring of probation becomes effective when confirmed by a~~
 4.11 ~~judge. The order of the court shall be proof of such confirmation and amend the terms of~~
 4.12 ~~the sentence imposed by the court under section 609.135. If a nonviolent controlled substance~~
 4.13 ~~offender's parole or probation is revoked, the offender's agent must first attempt to place~~
 4.14 ~~the offender in a local jail. For purposes of this paragraph, "nonviolent controlled substance~~
 4.15 ~~offender" is a person who meets the criteria described under section 244.0513, subdivision~~
 4.16 ~~2, clauses (1), (2), and (5), and "technical violation" means any violation of a court order~~
 4.17 ~~of probation or a condition of parole, except an allegation of a subsequent criminal act that~~
 4.18 ~~is alleged in a formal complaint, citation, or petition.~~

4.19 Sec. 2. Minnesota Statutes 2022, section 244.05, subdivision 3, is amended to read:

4.20 Subd. 3. **Sanctions for violation.** (a) If an inmate violates the conditions of the inmate's
 4.21 supervised release imposed by the commissioner, the commissioner may:

4.22 (1) continue the inmate's supervised release term; with or without:

4.23 (i) modifying or enlarging the conditions imposed on the inmate; or

4.24 (ii) transferring the inmate's case to a specialized caseload; or

4.25 (2) revoke the inmate's supervised release and reimprison the inmate for the appropriate
 4.26 period of time.

4.27 (b) Before revoking an inmate's supervised release because of a technical violation that
 4.28 would result in reimprisonment, the commissioner must identify alternative interventions
 4.29 to address and correct the violation only if:

4.30 (1) the inmate does not present a risk to the public; and

4.31 (2) the inmate is amenable to continued supervision.

5.1 (c) If alternative interventions are appropriate and available, the commissioner must
5.2 restructure the inmate's terms of release to incorporate the alternative interventions.

5.3 (d) Prior to revoking a nonviolent controlled substance offender's supervised release
5.4 based on a technical violation, when the offender does not present a risk to the public and
5.5 the offender is amenable to continued supervision in the community, the commissioner
5.6 must identify community options to address and correct the violation including, but not
5.7 limited to, inpatient substance use disorder treatment. If the commissioner determines that
5.8 community options are appropriate, the commissioner shall restructure the inmate's terms
5.9 of release to incorporate those options. If a nonviolent controlled substance offender's
5.10 supervised release is revoked, the offender's agent must first attempt to place the offender
5.11 in a local jail. For purposes of this subdivision, "nonviolent controlled substance offender"
5.12 is a person who meets the criteria described under section 244.0513, subdivision 2, clauses
5.13 (1), (2), and (5), and "technical violation" means a violation of a condition of supervised
5.14 release, except an allegation of a subsequent criminal act that is alleged in a formal complaint,
5.15 citation, or petition.

5.16 (e) The period of time for which a supervised release may be revoked may not exceed
5.17 the period of time remaining in the inmate's sentence, except that if a sex offender is
5.18 sentenced and conditionally released under Minnesota Statutes 2004, section 609.108,
5.19 subdivision 5, the period of time for which conditional release may be revoked may not
5.20 exceed the balance of the conditional release term.

5.21 Sec. 3. Minnesota Statutes 2022, section 244.19, subdivision 1, is amended to read:

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

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

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

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

6.8 (4) if a county or district court providing probation services under clause (1) or (2) asks
6.9 the commissioner of corrections or the legislative body for the state of Minnesota mandates
6.10 the commissioner of corrections to furnish probation services to the district court, the
6.11 probation officers and other employees displaced by the changeover shall be employed by
6.12 the commissioner of corrections. Years of service in the county probation department are
6.13 to be given full credit for future sick leave and vacation accrual purposes;

6.14 (5) ~~all probation officers serving the juvenile courts on July 1, 1972, shall continue to~~
6.15 ~~serve~~ if a county receiving probation services under clause (3) decides to provide the services
6.16 under clause (1) or (2), the probation officers and other employees displaced by the
6.17 changeover shall be employed by the county at no loss of salary. Years of service in the
6.18 state are to be given full credit for future sick leave and vacation accrual purposes in the
6.19 county or counties they are now serving.

6.20 (b) A county or counties providing probation services under paragraph (a), clause (1)
6.21 or (2), is designated a "CPO county" for purposes of receiving a subsidy under chapter 401.
6.22 A county or counties receiving probation services under paragraph (a), clause (3), is not
6.23 eligible for a subsidy under chapter 401 and the commissioner of corrections is appropriated
6.24 the county's share of funding for the purpose of providing probation services and authority
6.25 to seek reimbursement from the county under subdivision 5.

6.26 (c) A county that requests the commissioner of corrections to provide probation services
6.27 under paragraph (a), clause (3), shall collaborate with the commissioner to develop a
6.28 comprehensive plan as described in section 401.06.

6.29 ~~(b)~~ (d) The commissioner of management and budget shall place employees transferred
6.30 to state service under paragraph (a), clause (4), in the proper classifications in the classified
6.31 service. Each employee is appointed without examination at no loss in salary or accrued
6.32 vacation or sick leave benefits, but no additional accrual of vacation or sick leave benefits
6.33 may occur until the employee's total accrued vacation or sick leave benefits fall below the
6.34 maximum permitted by the state for the employee's position. An employee appointed under

7.1 paragraph (a), clause (4), shall serve a probationary period of six months. After exhausting
7.2 labor contract remedies, a noncertified employee may appeal for a hearing within ten days
7.3 to the commissioner of management and budget, who may uphold the decision, extend the
7.4 probation period, or certify the employee. The decision of the commissioner of management
7.5 and budget is final. The state shall negotiate with the exclusive representative for the
7.6 bargaining unit to which the employees are transferred regarding their seniority. For purposes
7.7 of computing seniority among those employees transferring from one county unit only, a
7.8 transferred employee retains the same seniority position as the employee had within that
7.9 county's probation office.

7.10 Sec. 4. Minnesota Statutes 2022, section 244.19, subdivision 5, is amended to read:

7.11 Subd. 5. **Compensation.** ~~In counties of more than 200,000 population, a majority of the~~
7.12 ~~judges of the district court may direct the payment of such salary to probation officers as~~
7.13 ~~may be approved by the county board, and in addition thereto shall be reimbursed for all~~
7.14 ~~necessary expenses incurred in the performance of their official duties.~~ In all counties which
7.15 obtain probation services from the commissioner of corrections the commissioner shall, out
7.16 of appropriations provided therefor, pay probation officers the salary and all benefits fixed
7.17 by the state law or applicable bargaining unit and all necessary expenses, including secretarial
7.18 service, office equipment and supplies, postage, telephone and telegraph services, and travel
7.19 and subsistence. Each county receiving probation services from the commissioner of
7.20 corrections shall reimburse the department of corrections for the total cost and expenses of
7.21 such services as incurred by the commissioner of corrections, excluding the cost and expense
7.22 of services provided under the state's obligation in section 244.20. ~~Total annual costs for~~
7.23 ~~each county shall be that portion of the total costs and expenses for the services of one~~
7.24 ~~probation officer represented by the ratio which the county's population bears to the total~~
7.25 ~~population served by one officer. For the purposes of this section, the population of any~~
7.26 ~~county shall be the most recent estimate made by the Department of Health.~~ At least every
7.27 six months the commissioner of corrections shall bill for the total cost and expenses incurred
7.28 by the commissioner on behalf of each county which has received probation services. The
7.29 commissioner of corrections shall notify each county of the cost and expenses and the county
7.30 shall pay to the commissioner the amount due for reimbursement. All such reimbursements
7.31 shall be deposited in the general fund used to provide services for each county according
7.32 to their reimbursement amount. Objections by a county to all allocation of such cost and
7.33 expenses shall be presented to and determined by the commissioner of corrections. Each
7.34 county providing probation services under this section is hereby authorized to use unexpended
7.35 funds and to levy additional taxes for this purpose.

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

8.5 Sec. 5. Minnesota Statutes 2022, section 244.195, subdivision 1, is amended to read:

8.6 Subdivision 1. **Definitions.** (a) As used in this subdivision and sections 244.196 to
8.7 244.1995, the following terms have the meanings given them.

8.8 (b) "Commissioner" means the commissioner of corrections.

8.9 (c) "Conditional release" means parole, supervised release, conditional release as
8.10 authorized by section 609.3455, subdivision 6, 7, or 8; Minnesota Statutes 2004, section
8.11 609.108, subdivision 6; or Minnesota Statutes 2004, section 609.109, subdivision 7, work
8.12 release as authorized by sections 241.26, 244.065, and 631.425, probation, furlough, and
8.13 any other authorized temporary release from a correctional facility.

8.14 (d) "Court services director" means the director or designee of a county probation agency
8.15 that is not organized under section 244.19 or an agency organized under chapter 401.

8.16 (e) "Detain" means to take into actual custody, including custody within a local
8.17 correctional facility.

8.18 (f) "Local correctional facility" has the meaning given in section 241.021, subdivision
8.19 1.

8.20 (g) "Probation agency" means the Department of Corrections field office or a probation
8.21 agency organized under section 244.19 or chapter 401.

8.22 (h) "Probation officer" means a court services director, county probation officer, or any
8.23 other community supervision officer employed by the commissioner or by a probation
8.24 agency organized under section 244.19 or chapter 401.

8.25 (i) "Release" means to release from actual custody.

8.26 Sec. 6. Minnesota Statutes 2022, section 244.195, subdivision 2, is amended to read:

8.27 Subd. 2. **Detention pending hearing.** When it appears necessary to enforce discipline
8.28 or to prevent a person on conditional release from escaping or absconding from supervision,
8.29 a court services director has the authority to issue a written order directing any peace officer
8.30 or any probation officer in the state serving the district and juvenile courts to detain and
8.31 bring the person before the court or the commissioner, whichever is appropriate, for

9.1 disposition. If the person on conditional release commits a violation described in section
 9.2 609.14, subdivision 1a, paragraph (a), the court services director must have a reasonable
 9.3 belief that the order is necessary to prevent the person from escaping or absconding from
 9.4 supervision or that the continued presence of the person in the community presents a risk
 9.5 to public safety before issuing a written order. This written order is sufficient authority for
 9.6 the peace officer or probation officer to detain the person for not more than 72 hours,
 9.7 excluding Saturdays, Sundays, and holidays, pending a hearing before the court or the
 9.8 commissioner.

9.9 Sec. 7. Minnesota Statutes 2022, section 244.195, is amended by adding a subdivision to
 9.10 read:

9.11 Subd. 6. **Intermediate sanctions.** (a) Unless the district court directs otherwise, a
 9.12 probation officer may require a person committed to the officer's care by the court to perform
 9.13 community work service for violating a condition of probation imposed by the court.
 9.14 Community work service may be imposed for the purpose of protecting the public, aiding
 9.15 the person's rehabilitation, or both. A probation officer may impose up to eight hours of
 9.16 community work service for each violation and up to a total of 24 hours per person per
 9.17 12-month period, beginning on the date on which community work service is first imposed.
 9.18 The court services director or probation agency may authorize an additional 40 hours of
 9.19 community work service, for a total of 64 hours per person per 12-month period, beginning
 9.20 with the date on which community work service is first imposed. At the time community
 9.21 work service is imposed, probation officers are required to provide written notice to the
 9.22 person that states:

9.23 (1) the condition of probation that has been violated;

9.24 (2) the number of hours of community work service imposed for the violation; and

9.25 (3) the total number of hours of community work service imposed to date in the 12-month
 9.26 period.

9.27 (b) A person on supervision may challenge the imposition of community work service
 9.28 by filing a petition in district court within five days of receiving written notice that
 9.29 community work service is being imposed. If the person challenges the imposition of
 9.30 community work service, the state bears the burden of showing, by a preponderance of the
 9.31 evidence, that the imposition of community work service is reasonable under the
 9.32 circumstances.

9.33 (c) Community work service includes sentencing to service.

10.1 Sec. 8. Minnesota Statutes 2022, section 244.195, is amended by adding a subdivision to
 10.2 read:

10.3 Subd. 7. **Contacts.** Supervision contacts may be conducted over videoconference
 10.4 technology in accordance with the probation agency's established policy.

10.5 Sec. 9. Minnesota Statutes 2022, section 244.20, is amended to read:

10.6 **244.20 PROBATION SUPERVISION.**

10.7 Notwithstanding sections 244.19, subdivision 1, and 609.135, subdivision 1, the
 10.8 Department of Corrections shall have exclusive responsibility for providing probation
 10.9 services for adult felons in counties that do not take part in the Community Corrections Act.
 10.10 ~~In counties that do not take part in the Community Corrections Act, the responsibility for~~
 10.11 ~~providing probation services for individuals convicted of gross misdemeanor offenses shall~~
 10.12 ~~be discharged according to local judicial policy.~~

10.13 Sec. 10. Minnesota Statutes 2022, section 244.21, is amended to read:

10.14 **244.21 INFORMATION ON OFFENDERS UNDER SUPERVISION; REPORTS.**

10.15 Subdivision 1. **Collection of information by probation service providers; report**
 10.16 **required.** By January 1, 1998, probation service providers shall begin collecting and
 10.17 maintaining information on offenders under supervision. The commissioner of corrections
 10.18 shall specify the nature and extent of the information to be collected. By April 1 of every
 10.19 year, each probation service provider shall report a summary of the information collected
 10.20 to the commissioner as a condition of state subsidy funding under chapter 401.

10.21 Subd. 2. **Commissioner of corrections report.** By January 15, 1998 2024, the
 10.22 commissioner of corrections shall report to the chairs of the ~~senate crime prevention and~~
 10.23 ~~house of representatives judiciary~~ legislative committees with jurisdiction over public safety
 10.24 and finance on recommended methods of coordinating the exchange of information collected
 10.25 on offenders under subdivision 1: (1) between probation service providers; and (2) between
 10.26 probation service providers and the Department of Corrections, ~~without requiring service~~
 10.27 ~~providers to acquire uniform computer software.~~

10.28 Sec. 11. Minnesota Statutes 2022, section 401.01, is amended to read:

10.29 **401.01 PURPOSE AND DEFINITION; ASSISTANCE GRANTS SUBSIDIES.**

10.30 Subdivision 1. **Grants Subsidies.** For the purpose of more effectively protecting society
 10.31 and to promote efficiency and economy in the delivery of correctional services, the

11.1 commissioner is authorized to ~~make grants to assist~~ subsidize counties in the development,
 11.2 implementation, and operation of community-based corrections programs including
 11.3 preventive or diversionary correctional programs, conditional release programs, community
 11.4 corrections centers, and facilities for the detention or confinement, care and treatment of
 11.5 persons convicted of crime or adjudicated delinquent. ~~The commissioner may authorize the~~
 11.6 ~~use of a percentage of a grant for the operation of an emergency shelter or make a separate~~
 11.7 ~~grant for the rehabilitation of a facility owned by the grantee and used as a shelter to bring~~
 11.8 ~~the facility into compliance with state and local laws pertaining to health, fire, and safety,~~
 11.9 ~~and to provide security.~~

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

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

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

11.14 (d) "Conditional release" means parole, supervised release, conditional release as
 11.15 authorized by section 609.3455, subdivision 6, 7, or 8; Minnesota Statutes 2004, section
 11.16 609.108, subdivision 6; or Minnesota Statutes 2004, section 609.109, subdivision 7, work
 11.17 release as authorized by sections 241.26, 244.065, and 631.425, probation, furlough, and
 11.18 any other authorized temporary release from a correctional facility.

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

11.20 (f) "CPO county" means a county that participates in funding under this act by providing
 11.21 local corrections service for all juveniles and individuals on probation for misdemeanors,
 11.22 pursuant to section 244.19, subdivision 1, paragraph (a), clause (1) or (2).

11.23 (g) "Detain" means to take into actual custody, including custody within a local
 11.24 correctional facility.

11.25 ~~(g)~~ (h) "Joint board" means the board provided in section 471.59.

11.26 ~~(h)~~ (i) "Local correctional facility" has the meaning given in section 241.021, subdivision
 11.27 1.

11.28 ~~(i)~~ (j) "Local correctional service" means those services authorized by and employees,
 11.29 officers, and agents appointed under section 244.19, subdivision 1.

11.30 ~~(j)~~ (k) "Release" means to release from actual custody.

11.31 (l) "Tribal government" means one of the federally recognized Tribes described in section
 11.32 3.922.

12.1 Sec. 12. Minnesota Statutes 2022, section 401.02, is amended to read:

12.2 **401.02 COUNTIES OR REGIONS; SERVICES INCLUDABLE.**

12.3 Subdivision 1. **Qualification of counties or Tribal governments.** (a) One or more
 12.4 counties, ~~having an aggregate population of 30,000 or more persons,~~ or Tribal governments
 12.5 may qualify for a ~~grant as provided in~~ subsidy under section 401.01 by ~~the enactment of~~
 12.6 ~~appropriate resolutions creating and establishing a corrections advisory board,~~ designating
 12.7 the officer or agency to be responsible for administering ~~grant funds~~ subsidies, and providing
 12.8 for the preparation of a comprehensive plan for the development, implementation and
 12.9 operation of the correctional services described in ~~section~~ sections 401.01 and 401.11,
 12.10 including the assumption of those correctional services, other than the operation of state
 12.11 facilities, presently provided in such counties by the Department of Corrections, and
 12.12 providing for centralized administration and control of those correctional services described
 12.13 in section 401.01. Counties participating as a CCA county must also enact the appropriate
 12.14 resolutions creating and establishing a corrections advisory board.

12.15 Where counties or Tribal governments combine as authorized in this section, they shall
 12.16 comply with the provisions of section 471.59.

12.17 (b) A county that has participated in the Community Corrections Act for five or more
 12.18 years is eligible to continue to participate in the Community Corrections Act.

12.19 (c) If a county or Tribal government withdraws from the subsidy program as outlined
 12.20 in subdivision 1 and asks the commissioner of corrections or the legislature mandates the
 12.21 commissioner of corrections to furnish probation services to the county, the probation
 12.22 officers and other employees displaced by the changeover shall be employed by the
 12.23 commissioner of corrections at no loss of salary. Years of service in the county probation
 12.24 department are to be given full credit for future sick leave and vacation accrual purposes.

12.25 Subd. 2. **Planning counties; advisory board members expenses.** To assist counties
 12.26 which have complied with the provisions of subdivision 1 and require financial aid to defray
 12.27 all or a part of the expenses incurred by corrections advisory board members in discharging
 12.28 their official duties pursuant to section 401.08, the commissioner may designate counties
 12.29 as "planning counties", and, upon receipt of resolutions by the governing boards of the
 12.30 counties certifying the need for and inability to pay the expenses described in this subdivision,
 12.31 advance to the counties an amount not to exceed five percent of the maximum quarterly
 12.32 subsidy for which the counties are eligible. The expenses described in this subdivision shall
 12.33 be paid in the same manner and amount as for state employees.

13.1 Subd. 3. **Establishment and reorganization of administrative structure.** Any county
13.2 or group of counties which have qualified for participation in the ~~community corrections~~
13.3 subsidy program provided by this chapter may establish, organize, and reorganize an
13.4 administrative structure and provide for the budgeting, staffing, and operation of court
13.5 services and probation, construction or improvement to juvenile detention and juvenile
13.6 correctional facilities and adult detention and correctional facilities, and other activities
13.7 required to conform to the purposes of this chapter. No contrary general or special statute
13.8 divests any county or group of counties of the authority granted by this subdivision.

13.9 Subd. 5. **Intermediate sanctions.** ~~Unless the district court directs otherwise, county~~
13.10 ~~probation officers may require a person committed to the officer's care by the court to~~
13.11 ~~perform community work service for violating a condition of probation imposed by the~~
13.12 ~~court. Community work service may be imposed for the purpose of protecting the public,~~
13.13 ~~to aid the offender's rehabilitation, or both. Probation officers may impose up to eight hours~~
13.14 ~~of community work service for each violation and up to a total of 24 hours per offender per~~
13.15 ~~12-month period, beginning on the date on which community work service is first imposed.~~
13.16 ~~The chief executive officer of a community corrections agency may authorize an additional~~
13.17 ~~40 hours of community work service, for a total of 64 hours per offender per 12-month~~
13.18 ~~period, beginning with the date on which community work service is first imposed. At the~~
13.19 ~~time community work service is imposed, probation officers are required to provide written~~
13.20 ~~notice to the offender that states:~~

13.21 ~~(1) the condition of probation that has been violated;~~

13.22 ~~(2) the number of hours of community work service imposed for the violation; and~~

13.23 ~~(3) the total number of hours of community work service imposed to date in the 12-month~~
13.24 ~~period.~~

13.25 ~~An offender may challenge the imposition of community work service by filing a petition~~
13.26 ~~in district court. An offender must file the petition within five days of receiving written~~
13.27 ~~notice that community work service is being imposed. If the offender challenges the~~
13.28 ~~imposition of community work service, the state bears the burden of showing, by a~~
13.29 ~~preponderance of the evidence, that the imposition of community work service is reasonable~~
13.30 ~~under the circumstances.~~

13.31 ~~Community work service includes sentencing to service.~~

14.1 Sec. 13. Minnesota Statutes 2022, section 401.025, subdivision 1, is amended to read:

14.2 Subdivision 1. **Peace officers and probation officers serving CCA counties.** (a) When
14.3 it appears necessary to enforce discipline or to prevent a person on conditional release from
14.4 escaping or absconding from supervision, the chief executive officer or designee of a
14.5 community corrections agency in a CCA county has the authority to issue a written order
14.6 directing any peace officer or any probation officer in the state serving the district and
14.7 juvenile courts to detain and bring the person before the court or the commissioner, whichever
14.8 is appropriate, for disposition. If the person on conditional release commits a violation
14.9 described in section 609.14, subdivision 1a, paragraph (a), the chief executive officer or
14.10 designee must have a reasonable belief that the order is necessary to prevent the person
14.11 from escaping or absconding from supervision or that the continued presence of the person
14.12 in the community presents a risk to public safety before issuing a written order. This written
14.13 order is sufficient authority for the peace officer or probation officer to detain the person
14.14 for not more than 72 hours, excluding Saturdays, Sundays, and holidays, pending a hearing
14.15 before the court or the commissioner.

14.16 (b) The chief executive officer or designee of a community corrections agency in a CCA
14.17 county has the authority to issue a written order directing a peace officer or probation officer
14.18 serving the district and juvenile courts to release a person detained under paragraph (a)
14.19 within 72 hours, excluding Saturdays, Sundays, and holidays, without an appearance before
14.20 the court or the commissioner. This written order is sufficient authority for the peace officer
14.21 or probation officer to release the detained person.

14.22 (c) The chief executive officer or designee of a community corrections agency in a CCA
14.23 county has the authority to issue a written order directing any peace officer or any probation
14.24 officer serving the district and juvenile courts to detain any person on court-ordered pretrial
14.25 release who absconds from pretrial release or fails to abide by the conditions of pretrial
14.26 release. A written order issued under this paragraph is sufficient authority for the peace
14.27 officer or probation officer to detain the person.

14.28 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to violations
14.29 that occur on or after that date.

15.1 Sec. 14. Minnesota Statutes 2022, section 401.06, is amended to read:

15.2 **401.06 COMPREHENSIVE PLAN; STANDARDS OF ELIGIBILITY;**
 15.3 **COMPLIANCE.**

15.4 Subdivision 1. Commissioner approval required. (a) No county or group of counties
 15.5 or Tribal government or group of Tribal governments electing to provide correctional
 15.6 services pursuant to sections 401.01 to 401.16 shall be under this chapter is eligible for the
 15.7 subsidy herein provided unless and until its comprehensive plan ~~shall have~~ has been approved
 15.8 by the commissioner. A comprehensive plan must comply with commissioner-developed
 15.9 standards and reporting requirements and must sufficiently address community needs and
 15.10 supervision standards.

15.11 (b) If the commissioner provides supervision to a county that elects not to provide the
 15.12 supervision, the commissioner must prepare a comprehensive plan for the county and present
 15.13 it to the local county board of commissioners. The Department of Corrections is subject to
 15.14 all the standards and requirements under this chapter and supervision standards and policies.

15.15 (c) A comprehensive plan is valid for four years, and a corrections advisory board must
 15.16 review and update the plan two years after the plan has been approved or two years after
 15.17 submitted to the commissioner, whichever is earlier.

15.18 (d) All approved comprehensive plans, including updated plans, must be made publicly
 15.19 available on the Department of Corrections' website.

15.20 Subd. 2. Rulemaking. The commissioner ~~shall~~ must, pursuant to in accordance with
 15.21 the Administrative Procedure Act, promulgate adopt rules establishing standards of eligibility
 15.22 for CCA and CPO counties and Tribal governments to receive funds under sections 401.01
 15.23 to 401.16 this chapter.

15.24 Subd. 3. Substantial compliance required. (a) To remain eligible for the subsidy,
 15.25 counties shall and Tribal governments must maintain substantial compliance with the
 15.26 minimum standards established pursuant according to sections 401.01 to 401.16 this chapter
 15.27 and the policies and procedures governing the services described in under section 401.025
 15.28 as prescribed by the commissioner.

15.29 (b) Counties shall also must:

15.30 (1) be in substantial compliance with other correctional operating standards permitted
 15.31 by law and established by the commissioner; and

16.1 ~~shall~~ (2) report statistics required by the commissioner, including but not limited to
 16.2 information on individuals convicted as an extended jurisdiction juvenile ~~identified in~~ under
 16.3 section 241.016, subdivision 1, paragraph (c).

16.4 Subd. 4. Commissioner review. (a) The commissioner ~~shall~~ must review annually the
 16.5 comprehensive plans submitted by participating counties and Tribal governments, including
 16.6 the facilities and programs operated under the plans. The commissioner ~~is hereby authorized~~
 16.7 ~~to~~ may enter ~~upon~~ any facility operated under the plan, and inspect books and records, for
 16.8 purposes of recommending needed changes or improvements.

16.9 ~~When~~ (b) If the commissioner ~~shall determine~~ determines that there are reasonable
 16.10 grounds to believe that a county or group of counties or Tribal government or group of
 16.11 Tribal governments is not in substantial compliance with minimum standards, the
 16.12 commissioner must provide at least 30 days' notice ~~shall be given~~ to the county or counties
 16.13 ~~and~~ or Tribal government or Tribal governments of a commissioner-conducted hearing
 16.14 ~~conducted by the commissioner~~ to ascertain whether there is substantial compliance or
 16.15 satisfactory progress being made toward compliance.

16.16 Subd. 5. Noncompliance with comprehensive plan. (a) After a hearing, the
 16.17 commissioner may sanction a county or group of counties or Tribal government or group
 16.18 of Tribal governments under this subdivision if the commissioner determined that the agency
 16.19 is not maintaining substantial compliance with minimum standards or that satisfactory
 16.20 progress toward compliance has not been made.

16.21 (b) The commissioner may suspend all or a portion of any subsidy ~~until the required~~
 16.22 ~~standard of operation has been met~~ without issuing a corrective action plan.

16.23 (c) The commissioner may issue a corrective action plan, which must:

16.24 (1) be in writing;

16.25 (2) identify all deficiencies;

16.26 (3) detail the corrective action required to remedy the deficiencies; and

16.27 (4) provide a deadline to:

16.28 (i) correct each deficiency; and

16.29 (ii) report to the commissioner progress toward correcting the deficiency.

16.30 (d) After the deficiency has been corrected, documentation must be submitted to the
 16.31 commissioner detailing compliance with the corrective action plan. If the commissioner
 16.32 determines that the county or group of counties or Tribal government or group of Tribal

17.1 governments has not complied with the plan, the commissioner may suspend all or a portion
 17.2 of the subsidy.

17.3 Sec. 15. Minnesota Statutes 2022, section 401.09, is amended to read:

17.4 **401.09 OTHER SUBSIDY PROGRAMS; PURCHASE OF STATE SERVICES.**

17.5 Failure of a county or group of counties to elect to come within the provisions of sections
 17.6 401.01 to 401.16 shall not affect their eligibility for any other state grant or subsidy for
 17.7 correctional purposes otherwise provided by law. Any comprehensive plan submitted
 17.8 pursuant to sections 401.01 to 401.16 may include the purchase of selected correctional
 17.9 services from the state by contract, including the temporary detention and confinement of
 17.10 persons convicted of crime or adjudicated delinquent; confinement to be in an appropriate
 17.11 state facility as otherwise provided by law. The commissioner shall annually determine the
 17.12 costs of the purchase of services under this section and deduct them from the subsidy due
 17.13 and payable to the county or counties concerned; provided that no contract shall exceed in
 17.14 cost the amount of subsidy to which the participating county or counties are eligible.

17.15 Sec. 16. Minnesota Statutes 2022, section 401.10, is amended to read:

17.16 **401.10 COMMUNITY CORRECTIONS AID.**

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

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

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

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

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

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

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

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

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

18.12 ~~(3) For each of the 87 counties, the county's "adjusted net tax capacity percent" is the~~
18.13 ~~county's adjusted net tax capacity amount, defined in the same manner as it is defined for~~
18.14 ~~cities in section 477A.011, subdivision 20, divided by the statewide total adjusted net tax~~
18.15 ~~capacity amount. The adjusted net tax capacity percent must sum to 100 percent across the~~
18.16 ~~87 counties.~~

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

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

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

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

18.29 ~~(8) Each participating county's "base funding amount" is the aid amount that the county~~
18.30 ~~received under this section for fiscal year 1995 plus the amount received in caseload or~~
18.31 ~~workload reduction, felony caseload reduction, and sex offender supervision grants in fiscal~~
18.32 ~~year 2015, as reported by the commissioner of corrections. In fiscal year 1997 and thereafter,~~
18.33 ~~no county's aid amount under this section may be less than its base funding amount, provided~~

19.1 that the total amount appropriated for this purpose is at least as much as the aggregate base
19.2 funding amount defined in clause (9).

19.3 (9) The "aggregate base funding amount" is equal to the sum of the base funding amounts
19.4 for all participating counties. If a county that participated under this section chooses not to
19.5 participate in any given year, then the aggregate base funding amount must be reduced by
19.6 that county's base funding amount. If a county that did not participate under this section in
19.7 fiscal year 1995 chooses to participate on or after July 1, 2015, then the aggregate base
19.8 funding amount must be increased by the amount of aid that the county would have received
19.9 had it participated in fiscal year 1995 plus the estimated amount it would have received in
19.10 caseload or workload reduction, felony caseload reduction, and sex offender supervision
19.11 grants in fiscal year 2015, as reported by the commissioner of corrections, and the amount
19.12 of increase shall be that county's base funding amount.

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

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

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

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

19.27 (a) Beginning in fiscal year 2024, the subsidy paid to each county and Tribal government
19.28 and the commissioner of corrections for supervision in counties or Tribal jurisdictions served
19.29 by the department shall equal the sum of:

19.30 (1) a base funding amount equal to \$200,000, plus:

19.31 (i) ten percent of the total for all appropriations to the commissioner for community
19.32 supervision and postrelease services during the fiscal year prior to the fiscal year for which

20.1 the subsidy will be paid multiplied by the county's or Tribe's percent share of the state's
 20.2 total population as determined by the most recent census; and

20.3 (ii) ten percent of the total for all appropriations to the commissioner for community
 20.4 supervision and postrelease services during the fiscal year prior to the fiscal year for which
 20.5 the subsidy will be paid multiplied by the county's or Tribe's percent share of the state's
 20.6 total geographic area; and

20.7 (2) a community supervision formula equal to the sum of:

20.8 (i) for felony cases, a felony per diem rate of \$5.33 multiplied by the sum of the county's
 20.9 adult felony population, adult supervised release and parole populations, and juvenile
 20.10 supervised release and parole populations as reported in the most recent probation survey
 20.11 published by the commissioner and then, multiplied by 365; and

20.12 (ii) for gross misdemeanor, misdemeanor, and juvenile probation cases, the felony per
 20.13 diem rate used in item (i) multiplied by 0.5 and then multiplied by the sum of the county's
 20.14 gross misdemeanor, misdemeanor, and juvenile populations as reported in the most recent
 20.15 probation survey published by the commissioner, multiplied by 365.

20.16 (b) Each participating county's "community corrections aid amount" equals the sum of
 20.17 (1) the county's base funding amount, and (2) the county's formula amount.

20.18 (c) If in any year the total amount appropriated for the purpose of this section is more
 20.19 than or less than the total of base funding plus community supervision formula funding for
 20.20 all counties, then the sum of each county's base funding plus community supervision formula
 20.21 funding shall be adjusted by the ratio of amounts appropriated for this purpose divided by
 20.22 the total of base funding plus community supervision formula funding for all counties.

20.23 Subd. 2. **Transfer of funds.** Notwithstanding any law to the contrary, the commissioner
 20.24 of corrections, after notifying the committees on finance of the senate and ways and means
 20.25 of the house of representatives, may, at the end of any fiscal year, transfer any unobligated
 20.26 funds, including funds available due the withdrawal of a county under section 401.16, in
 20.27 any appropriation to the Department of Corrections to the appropriation under sections
 20.28 401.01 to 401.16, which appropriation shall not cancel but is reappropriated for the purposes
 20.29 of sections 401.01 to 401.16.

20.30 Subd. 3. **Formula review.** ~~Prior to January 16, 2002, the committees with jurisdiction~~
 20.31 ~~over community corrections funding decisions in the house of representatives and the senate,~~
 20.32 ~~in consultation with the Department of Corrections and any interested county organizations,~~
 20.33 ~~must review the formula in subdivision 1 and make recommendations to the legislature for~~

21.1 ~~its continuation, modification, replacement, or discontinuation.~~ For fiscal year 2025 and
 21.2 subsequent fiscal years, the commissioner shall make a funding recommendation based
 21.3 upon the commissioner's workload study and the caseload data collected by the commissioner.

21.4 Subd. 4. Report; supervision fees. (a) The commissioner must collect annual summary
 21.5 expenditure data and funding from each community supervision provider in the state.

21.6 (b) On January 15, 2025, and every year thereafter, the commissioner must submit a
 21.7 report to the chairs and ranking minority members of the legislative committees and divisions
 21.8 with jurisdiction over public safety finance and policy on the data collected under paragraph
 21.9 (a). The report may be made in conjunction with reporting under section 244.21.

21.10 Sec. 17. Minnesota Statutes 2022, section 401.11, is amended to read:

21.11 **401.11 COMPREHENSIVE PLAN ITEMS; GRANT REVIEW.**

21.12 Subdivision 1. Items. The comprehensive plan submitted to the commissioner for
 21.13 approval ~~shall~~ must include ~~those~~ items prescribed by ~~rule~~ policy of the commissioner,
 21.14 ~~which may require the inclusion of the following~~ including but not limited to:

21.15 ~~(a)~~ (1) the manner in which presentence and postsentence investigations and reports for
 21.16 the district courts and social history reports for the juvenile courts will be made;

21.17 ~~(b)~~ (2) the manner in which conditional release services to the courts and persons under
 21.18 jurisdiction of the commissioner ~~of corrections~~ will be provided;

21.19 ~~(c)~~ (3) a program for ~~the detention, supervision, and treatment of~~ detaining, supervising,
 21.20 and treating persons under pretrial detention or under commitment;

21.21 ~~(d)~~ (4) delivery of other local correctional services ~~defined in section 401.01;~~

21.22 ~~(e)~~ (5) proposals for new programs, which proposals must demonstrate a need for the
 21.23 program, ~~its~~ and the program's purpose, objective, administrative structure, staffing pattern,
 21.24 staff training, financing, evaluation process, degree of community involvement, client
 21.25 participation, and duration ~~of program;~~ and

21.26 (6) outcome and output data, expenditures, and costs.

21.27 Subd. 2. Review. ~~In addition to the foregoing requirements made by this section,~~ Each
 21.28 participating CCA county or group of counties ~~shall~~ must develop and implement a procedure
 21.29 for ~~the review of grant~~ reviewing subsidy applications made to the corrections advisory
 21.30 board and for the manner in which corrections advisory board action will be taken on ~~them~~
 21.31 the applications. A description of ~~this~~ the procedure must be made available to members of
 21.32 the public upon request.

22.1 Sec. 18. Minnesota Statutes 2022, section 401.14, subdivision 3, is amended to read:

22.2 Subd. 3. **Installment payments.** The commissioner of corrections shall make payments
 22.3 for community corrections services to each county in 12 installments per year. The
 22.4 commissioner shall ensure that the pertinent payment of the allotment for each month is
 22.5 made to each county on the first working day after the end of each month of the calendar
 22.6 year, except for the last month of the calendar year. The commissioner shall ensure that
 22.7 each county receives its payment of the allotment for that month no later than the last
 22.8 working day of that month. ~~The payment described in this subdivision for services rendered~~
 22.9 ~~during June 1985 shall be made on the first working day of July 1985.~~

22.10 Sec. 19. Minnesota Statutes 2022, section 401.16, is amended to read:

22.11 **401.16 WITHDRAWAL FROM PROGRAM.**

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

22.22 Sec. 20. **[401.17] COMMUNITY SUPERVISION ADVISORY COMMITTEE.**

22.23 Subdivision 1. Establishment; members. (a) The commissioner must establish a
 22.24 Community Supervision Advisory Committee to develop and make recommendations to
 22.25 the commissioner on standards for probation, supervised release, and community supervision.
 22.26 The committee consists of 16 members as follows:

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

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

22.31 (3) three county commissioner representatives appointed by the Association of Minnesota
 22.32 Counties;

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

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

23.5 (6) one commissioner-appointed representative from the Department of Corrections;

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

23.7 (8) three individuals who have been supervised, either individually or collectively, under
 23.8 each of the state's three community supervision delivery systems appointed by the
 23.9 commissioner in consultation with the Minnesota Association of County Probation Officers
 23.10 and the Minnesota Association of Community Corrections Act Counties; and

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

23.12 (b) When an appointing authority selects an individual for membership on the committee,
 23.13 the authority must make reasonable efforts to reflect geographic diversity and to appoint
 23.14 qualified members of protected groups, as defined under section 43A.02, subdivision 33.

23.15 (c) The commissioner must convene the first meeting of the committee on or before July
 23.16 15, 2024.

23.17 Subd. 2. **Terms; removal; reimbursement.** (a) If there is a vacancy, the appointing
 23.18 authority must appoint an individual to fill the vacancy. Committee members must elect
 23.19 any officers and create any subcommittees necessary for the efficient discharge of committee
 23.20 duties.

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

23.23 (c) Each committee member must be reimbursed for all reasonable expenses actually
 23.24 paid or incurred by that member in the performance of official duties in the same manner
 23.25 as other employees of the state. The public members of the committee must be compensated
 23.26 at the rate of \$55 for each day or part of the day spent on committee activities.

23.27 Subd. 3. **Duties; committee.** (a) The committee must comply with section 401.10.

23.28 (b) By June 30, 2024, the committee must provide written advice and recommendations
 23.29 to the commissioner on developing policy on:

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

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

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

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

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

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

24.18 (7) developing performance indicators for supervision success as well as recidivism;

24.19 (8) developing a statewide training, coaching, and quality assurance system overseen
24.20 by an evidence-based practices coordinator; and

24.21 (9) devising a plan, by December 1, 2024, to eliminate the financial penalty incurred by
24.22 a jurisdiction that successfully discharges an offender from supervision before the offender's
24.23 term of supervision concludes.

24.24 (c) By December 1, 2024, and every six years thereafter, the committee must review
24.25 and reassess the existing workload study published by the commissioner under subdivision
24.26 4 and make recommendations to the commissioner based on the committee's review.

24.27 (d) By June 30, 2024, the committee must submit a report on supervision fees to the
24.28 commissioner and the chairs and ranking minority members of the legislative committees
24.29 with jurisdiction over corrections policy and funding. The committee must collect data on
24.30 supervision fees and include the data in the report.

24.31 Subd. 4. **Duties; commissioner.** The commissioner, in consultation with the committee,
24.32 must complete a workload study by December 1, 2024, to develop a capitated rate for

25.1 equitably funding community supervision throughout the state. The study must be updated
25.2 every six years after the initial study is completed.

25.3 Subd. 5. **Data collection; report.** (a) By June 1, 2024, the advisory committee, in
25.4 consultation with the Minnesota Counties Computer Cooperative, must create a method to
25.5 (1) standardize data classifications across the three delivery systems, and (2) collect data
25.6 for the commissioner to publish in an annual report to the chairs and ranking minority
25.7 members of the legislative committees and divisions with jurisdiction over public safety
25.8 finance and policy.

25.9 (b) The advisory committee's method, at a minimum, must provide for collecting the
25.10 following data:

25.11 (1) the number of offenders placed on probation each year;

25.12 (2) the offense levels and offense types for which offenders are placed on probation;

25.13 (3) violation and revocation rates and the identified grounds for the violations and
25.14 revocations, including final disposition of the violation action such as execution of the
25.15 sentence, imposition of new conditions, or a custodial sanction;

25.16 (4) the number of offenders granted early discharge from probation;

25.17 (5) the number of offenders restructured on supervision, including imposition of new
25.18 conditions of release; and

25.19 (6) the number of offenders revoked from supervision and the identified grounds for
25.20 revocation.

25.21 (c) On February 1, 2025, and every year thereafter, the commissioner must prepare a
25.22 report that contains the data collected under the method established by the committee under
25.23 this subdivision. The report must provide an analysis of the collected data by race, gender,
25.24 and county.

25.25 (d) Nothing in this section overrides the commissioner's authority to require additional
25.26 data be provided under sections 241.065, 401.06, 401.10, and 401.11.

25.27 Subd. 6. **Response.** (a) Within 45 days of receiving the committee's recommendations,
25.28 the commissioner must respond in writing to the committee's advice and recommendations
25.29 under subdivision 3. The commissioner's response must explain:

25.30 (1) whether the agency will adopt policy changes based on the recommendations;

25.31 (2) the timeline for adopting policy changes; and

26.1 (3) why the commissioner will not or cannot include any individual recommendations
26.2 of the committee in the agency's policy.

26.3 (b) The commissioner must submit the advice and recommendations of the committee
26.4 to the chairs and ranking minority members of the legislative committees with jurisdiction
26.5 over public safety and finance.

26.6 Subd. 7. **Staff; meeting room; office equipment.** The commissioner must provide the
26.7 committee with a committee administrator, staff support, a meeting room, and access to
26.8 office equipment and services.

26.9 Sec. 21. Minnesota Statutes 2022, section 609.14, subdivision 1, is amended to read:

26.10 Subdivision 1. **Grounds.** (a) When it appears that the defendant has violated any of the
26.11 conditions of probation or intermediate sanction, or has otherwise been guilty of misconduct
26.12 which warrants the imposing or execution of sentence, the court may without notice revoke
26.13 the stay and direct that the defendant be taken into immediate custody. Revocation should
26.14 only be used as a last resort when rehabilitation has failed.

26.15 (b) When it appears that the defendant violated any of the conditions of probation during
26.16 the term of the stay, but the term of the stay has since expired, the defendant's probation
26.17 officer or the prosecutor may ask the court to initiate probation revocation proceedings
26.18 under the Rules of Criminal Procedure at any time within six months after the expiration
26.19 of the stay. The court also may initiate proceedings under these circumstances on its own
26.20 motion. If proceedings are initiated within this six-month period, the court may conduct a
26.21 revocation hearing and take any action authorized under rule 27.04 at any time during or
26.22 after the six-month period.

26.23 (c) Notwithstanding the provisions of section 609.135 or any law to the contrary, after
26.24 proceedings to revoke the stay have been initiated by a court order revoking the stay and
26.25 directing either that the defendant be taken into custody or that a summons be issued in
26.26 accordance with paragraph (a), the proceedings to revoke the stay may be concluded and
26.27 the summary hearing provided by subdivision 2 may be conducted after the expiration of
26.28 the stay or after the six-month period set forth in paragraph (b). The proceedings to revoke
26.29 the stay shall not be dismissed on the basis that the summary hearing is conducted after the
26.30 term of the stay or after the six-month period. The ability or inability to locate or apprehend
26.31 the defendant prior to the expiration of the stay or during or after the six-month period shall
26.32 not preclude the court from conducting the summary hearing unless the defendant
26.33 demonstrates that the delay was purposefully caused by the state in order to gain an unfair
26.34 advantage.

27.1 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to violations
27.2 that occur on or after that date.

27.3 Sec. 22. Minnesota Statutes 2022, section 609.14, is amended by adding a subdivision to
27.4 read:

27.5 Subd. 1a. **Violations where policies favor continued rehabilitation.** (a) Correctional
27.6 treatment is better provided through a community resource than through confinement, it
27.7 would not unduly depreciate the seriousness of the violation if probation was not revoked,
27.8 and the policies favoring probation outweigh the need for confinement if a person has not
27.9 previously violated a condition of probation or intermediate sanction and does any of the
27.10 following in violation of a condition imposed by the court:

27.11 (1) fails to abstain from the use of controlled substances without a valid prescription,
27.12 unless the person is under supervision for a violation of section:

27.13 (i) 169A.20;

27.14 (ii) 609.2112, subdivision 1, paragraph (a), clauses (2) to (6); or

27.15 (iii) 609.2113, subdivision 1, clauses (2) to (6), 2, clauses (2) to (6), or 3, clauses (2) to
27.16 (6);

27.17 (2) fails to abstain from the use of alcohol, unless the person is under supervision for a
27.18 violation of section:

27.19 (i) 169A.20;

27.20 (ii) 609.2112, subdivision 1, paragraph (a), clauses (2) to (6); or

27.21 (iii) 609.2113, subdivision 1, clauses (2) to (6), 2, clauses (2) to (6), or 3, clauses (2) to
27.22 (6);

27.23 (3) possesses drug paraphernalia in violation of section 152.092;

27.24 (4) fails to obtain or maintain employment;

27.25 (5) fails to pursue a course of study or vocational training;

27.26 (6) fails to report a change in employment, unless the person is prohibited from having
27.27 contact with minors and the employment would involve such contact;

27.28 (7) violates a curfew;

27.29 (8) fails to report contact with a law enforcement agency, unless the person was charged
27.30 with a misdemeanor, gross misdemeanor, or felony; or

28.1 (9) commits any offense for which the penalty is a petty misdemeanor.

28.2 (b) A violation by a person described in paragraph (a) does not warrant the imposition
 28.3 or execution of sentence and the court may not direct that the person be taken into immediate
 28.4 custody unless the court receives a written report, signed under penalty of perjury pursuant
 28.5 to section 358.116, showing probable cause to believe the person violated probation and
 28.6 establishing by a preponderance of the evidence that the continued presence of the person
 28.7 in the community would present a risk to public safety. If the court does not direct that the
 28.8 person be taken into custody, the court may request a supplemental report from the
 28.9 supervising agent containing:

28.10 (1) the specific nature of the violation;

28.11 (2) the response of the person under supervision to the violation, if any; and

28.12 (3) the actions the supervising agent has taken or will take to address the violation.

28.13 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to violations
 28.14 that occur on or after that date.

28.15 **Sec. 23. LOCAL CORRECTIONAL FEES; IMPOSITION ON OFFENDERS.**

28.16 By August 1, 2025, each local correctional agency under Minnesota Statutes, section
 28.17 244.18, must provide a plan for phasing out local correctional fees. A copy of the plan must
 28.18 be provided to all individuals under supervision by the agency. Local correctional fees must
 28.19 not increase from the effective date of this section through August 1, 2025.

28.20 **Sec. 24. COMMUNITY SUPERVISION ADVISORY COMMITTEE; REPORT.**

28.21 (a) By January 15, 2025, the committee must submit a report to the chairs and ranking
 28.22 minority members of the legislative committees with jurisdiction over public safety policy
 28.23 and finance on progress toward developing standards and recommendations under Minnesota
 28.24 Statutes, section 401.17, subdivision 3.

28.25 (b) By January 15, 2026, the committee must submit a final report to the chairs and
 28.26 ranking minority members of the legislative committees with jurisdiction over public safety
 28.27 policy and finance on the standards and recommendations developed according to Minnesota
 28.28 Statutes, section 401.17, subdivision 3. At a minimum, the recommendations must include
 28.29 a proposed state-level Community Supervision Advisory Board with a governance structure
 28.30 and duties for the board.

29.1 Sec. 25. COMMUNITY SUPERVISION TARGETED INNOVATION GRANTS;
29.2 SPECIAL REVENUE ACCOUNT; APPROPRIATION.

29.3 (a) The community supervision targeted innovation account is created in the special
29.4 revenue fund consisting of money deposited, donated, allotted, transferred, or otherwise
29.5 provided to the account. Of the amount in the account, up to \$..... each year is appropriated
29.6 to the commissioner of corrections for grants to be awarded to local and Tribal community
29.7 supervision agencies and nonprofits that provide services to persons on community
29.8 supervision.

29.9 (b) The commissioner shall award grants to applicants that operate, or intend to operate,
29.10 innovative programs that target specific aspects of community supervision such as:

29.11 (1) access to community options, including but not limited to inpatient substance use
29.12 disorder treatment for nonviolent controlled substance offenders to address and correct
29.13 behavior that is, or is likely to result in, a technical violation of the conditions of release;

29.14 (2) reentry services;

29.15 (3) restorative justice;

29.16 (4) juvenile diversion;

29.17 (5) family-centered approaches to supervision; and

29.18 (6) funding the cost of mandated services and equipment as a means to improve
29.19 compliance rates for persons on community supervision.

29.20 (c) Grant recipients must provide an annual report to the commissioner that includes:

29.21 (1) the services provided by the grant recipient;

29.22 (2) the number of individuals served in the previous year;

29.23 (3) measurable outcomes of the recipient's program; and

29.24 (4) any other information required by the commissioner.

29.25 (d) By January 15, 2025, the commissioner shall report to the chairs and ranking minority
29.26 members of the legislative committees with jurisdiction over criminal justice policy and
29.27 finance on how the appropriations in this section were used. The report must detail the
29.28 impact the appropriations had on improving community supervision practices and outcomes.

29.29 (e) The commissioner may use up to 2.5 percent of the annual appropriation to administer
29.30 the grants.

30.1 Sec. 26. **COMMUNITY SUPERVISION TARGETED INNOVATION ACCOUNT;**
30.2 **TRANSFER.**

30.3 \$..... in fiscal year 2024 is transferred from the general fund to the community
30.4 supervision targeted innovation account in the special revenue fund.

30.5 Sec. 27. **ACCOUNT ESTABLISHED; TRANSFER; APPROPRIATION.**

30.6 (a) A community supervision account is established as a special revenue account in the
30.7 state treasury.

30.8 (b) \$99,761,000 in fiscal year 2024 is transferred from the base appropriation to the
30.9 Department of Corrections to the community supervision account in the special revenue
30.10 fund.

30.11 (c) \$83,178,000 in fiscal year 2024 is transferred from the general fund to the community
30.12 supervision account in the special revenue fund. This appropriation is added to the base.

30.13 (d) For fiscal year 2025 and each year thereafter, the amount deposited in the community
30.14 supervision account pursuant to paragraphs (b) and (c) shall be the sum of the fiscal year
30.15 2024 appropriation multiplied by the ratio of the annual implicit price deflator for government
30.16 consumption expenditures and gross investment for state and local governments as prepared
30.17 by the United States Department of Commerce, for the most recently available year to the
30.18 2022 implicit price deflator for state and local government purchases.

30.19 Sec. 28. **REPEALER.**

30.20 (a) Minnesota Statutes 2022, sections 244.19, subdivisions 6, 7, and 8; 244.22; 244.24;
30.21 and 244.30, are repealed.

30.22 (b) Minnesota Statutes 2022, section 244.18, is repealed.

30.23 **EFFECTIVE DATE.** Paragraph (a) is effective August 1, 2023, and paragraph (b) is
30.24 effective August 1, 2025.

244.18 LOCAL CORRECTIONAL FEES; IMPOSITION ON OFFENDERS.

Subdivision 1. **Definition.** As used in this section, "local correctional fees" include fees for the following correctional services:

- (1) community service work placement and supervision;
- (2) restitution collection;
- (3) supervision;
- (4) court ordered investigations;
- (5) any other court ordered service;
- (6) postprison supervision or other form of release; or

(7) supervision or other services provided to probationers or parolees under section 243.1605 to be provided by a local probation and parole agency established under section 244.19 or community corrections agency established under chapter 401.

Subd. 2. **Local correctional fees.** A local correctional agency may establish a schedule of local correctional fees to charge persons under the supervision and control of the local correctional agency to defray costs associated with correctional services. The local correctional fees on the schedule must be reasonably related to defendants' abilities to pay and the actual cost of correctional services.

Subd. 3. **Fee collection.** The chief executive officer of a local correctional agency may impose and collect local correctional fees. The local correctional agency may collect the fee at any time while the offender is under sentence or after the sentence has been discharged. A local probation and parole agency established under section 244.19 or community corrections agency established under section 401.02 may not impose a fee under this section if the offender is supervised by the commissioner of corrections and the commissioner of corrections imposes and collects a fee under section 241.272. The agency may use any available civil means of debt collection in collecting a local correctional fee.

Subd. 4. **Exemption from fee.** The chief executive officer of the local correctional agency may waive payment of the fee if the officer determines that the offender does not have the ability to pay the fee, the prospects for payment are poor, or there are extenuating circumstances justifying waiver of the fee. Instead of waiving the fee, the local correctional agency may require the offender to perform community work service as a means of paying the fee.

Subd. 5. **Restitution payment priority.** If a defendant has been ordered by a court to pay restitution, the defendant shall be obligated to pay the restitution ordered before paying the local correctional fee. However, if the defendant is making reasonable payments to satisfy the restitution obligation, the local correctional agency may also collect a local correctional fee.

Subd. 6. **Use of fees.** The local correctional fees shall be used by the local correctional agency to pay the costs of local correctional services. Local correctional fees may not be used to supplant existing local funding for local correctional services.

244.19 PROBATION OFFICERS.

Subd. 6. **Reimbursement of counties.** In order to reimburse the counties for the cost which they assume under this section of providing probation and parole services to wards of the commissioner of corrections and to aid the counties in achieving the purposes of this section, the commissioner of corrections shall annually, from funds appropriated for that purpose, pay 50 percent of the costs of probation officers' salaries to all counties of not more than 200,000 population. Nothing in this section will invalidate any payments to counties made pursuant to this section before May 15, 1963. Salary costs include fringe benefits, but only to the extent that fringe benefits do not exceed those provided for state civil service employees. On or before July 1 of each even-numbered year each county or group of counties which provide their own probation services to the district court under subdivision 1, clause (1) or (2), shall submit to the commissioner of corrections an estimate of its costs under this section. Reimbursement to those counties shall be made on the basis of the estimate or actual expenditures incurred, whichever is less. Reimbursement for those counties which obtain probation services from the commissioner of corrections pursuant to subdivision 1, clause (3), must be made on the basis of actual expenditures. Salary costs shall not be reimbursed unless county probation officers are paid salaries commensurate with the salaries paid to comparable positions in the classified service of the state civil service. The salary range to which each county probation officer is assigned shall be determined by the authority having power to appoint probation

officers, and shall be based on the officer's length of service and performance. The appointing authority shall annually assign each county probation officer to a position on the salary scale commensurate with the officer's experience, tenure, and responsibilities. The judge shall file with the county auditor an order setting each county probation officer's salary. Time spent by a county probation officer as a court referee shall not qualify for reimbursement. Reimbursement shall be prorated if the appropriation is insufficient. A new position eligible for reimbursement under this section may not be added by a county without the written approval of the commissioner of corrections. When a new position is approved, the commissioner shall include the cost of the position in calculating each county's share.

Subd. 7. **Certificate of counties entitled to state aid.** On or before January 1 of each year, until 1970 and on or before April 1 thereafter, the commissioner of corrections shall deliver to the commissioner of management and budget a certificate in duplicate for each county of the state entitled to receive state aid under the provisions of this section. Upon the receipt of such certificate, the commissioner of management and budget shall issue a payment to the county treasurer for the amount shown by each certificate to be due to the county specified. The commissioner of management and budget shall transmit such payment to the county treasurer together with a copy of the certificate prepared by the commissioner of corrections.

Subd. 8. **Exception.** This section shall not apply to Ramsey County.

244.22 PROBATION SERVICE PROVIDERS; CASELOAD REDUCTION GRANT MONEY.

(a) The commissioner of corrections shall review the planned expenditures of probation service providers before allocating probation caseload reduction grants appropriated by the legislature. The review must determine whether the planned expenditures comply with applicable law.

(b) In counties where probation services are provided by both county and Department of Corrections employees, a collaborative plan addressing the local needs shall be developed. The commissioner of corrections shall specify the manner in which probation caseload reduction grant money shall be distributed between the providers according to the approved plan.

244.24 CLASSIFICATION SYSTEM FOR ADULT OFFENDERS.

By February 1, 1998, all probation agencies shall adopt written policies for classifying adult offenders. The commissioner of corrections shall assist probation agencies in locating organizations that may provide training and technical assistance to the agencies concerning methods to develop and implement effective, valid classification systems.

244.30 CAP ON INCARCERATION FOR FIRST-TIME SUPERVISED RELEASE VIOLATIONS; EXCEPTION FOR SEX OFFENDERS.

(a) If the commissioner revokes the supervised release of a person whose release on the current offense has not previously been revoked, the commissioner may order the person to be incarcerated for no more than 90 days or until the expiration of the person's sentence, whichever is less.

(b) This section does not apply to offenders on supervised release for a violation of section 609.342, 609.343, 609.344, 609.345, 609.3451, or 609.3453.

(c) The commissioner may order a person described in this section to be incarcerated for more than 90 days if the commissioner determines that substantial and compelling reasons exist to believe that the longer incarceration period is necessary to protect the public.