

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

S.F. No. 413

(SENATE AUTHORS: LANG)

DATE
01/24/2019

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OFFICIAL STATUS
Introduction and first reading
Referred to Judiciary and Public Safety Finance and Policy

1.1 A bill for an act
1.2 relating to public safety; authorizing commissioner of corrections to house offenders
1.3 in nonpublicly owned facilities; amending Minnesota Statutes 2018, section 241.01,
1.4 subdivision 3a.

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

1.6 Section 1. Minnesota Statutes 2018, section 241.01, subdivision 3a, is amended to read:

1.7 Subd. 3a. **Commissioner, powers and duties.** The commissioner of corrections has the
1.8 following powers and duties:

1.9 (a) To accept persons committed to the commissioner by the courts of this state for care,
1.10 custody, and rehabilitation.

1.11 (b) To determine the place of confinement of committed persons in a correctional facility
1.12 or other facility of the Department of Corrections, or a nonpublicly owned facility, and to
1.13 prescribe reasonable conditions and rules for their employment, conduct, instruction, and
1.14 discipline within or outside the facility. Inmates shall not exercise custodial functions or
1.15 have authority over other inmates.

1.16 (c) To administer the money and property of the department.

1.17 (d) To administer, maintain, and inspect all state correctional facilities.

1.18 (e) To transfer authorized positions and personnel between state correctional facilities
1.19 as necessary to properly staff facilities and programs.

1.20 (f) To utilize state correctional facilities in the manner deemed to be most efficient and
1.21 beneficial to accomplish the purposes of this section, but not to close the Minnesota
1.22 Correctional Facility-Stillwater or the Minnesota Correctional Facility-St. Cloud without

2.1 legislative approval. The commissioner may place juveniles and adults at the same state
2.2 minimum security correctional facilities, if there is total separation of and no regular contact
2.3 between juveniles and adults, except contact incidental to admission, classification, and
2.4 mental and physical health care.

2.5 (g) To organize the department and employ personnel the commissioner deems necessary
2.6 to discharge the functions of the department, including a chief executive officer for each
2.7 facility under the commissioner's control who shall serve in the unclassified civil service
2.8 and may, under the provisions of section 43A.33, be removed only for cause.

2.9 (h) To define the duties of these employees and to delegate to them any of the
2.10 commissioner's powers, duties and responsibilities, subject to the commissioner's control
2.11 and the conditions the commissioner prescribes.

2.12 (i) To annually develop a comprehensive set of goals and objectives designed to clearly
2.13 establish the priorities of the Department of Corrections. This report shall be submitted to
2.14 the governor commencing January 1, 1976. The commissioner may establish ad hoc advisory
2.15 committees.

2.16 (j) The commissioner, in order to address bed capacity shortfalls, shall enter into a
2.17 contract either to purchase and operate or to lease-to-own and operate an existing prison
2.18 facility located in Appleton, Minnesota. The commissioner shall attempt to conclude
2.19 negotiations by January 1, 2020.