

1.1 A bill for an act

1.2 relating to public safety; modifying and expanding the conditional release  
1.3 program for nonviolent drug offenders; including an advisory board for  
1.4 consultation with the commissioner of public safety for the conditional release  
1.5 program; repealing the program's sunset; amending Minnesota Statutes 2008,  
1.6 section 244.055, subdivisions 2, 3, 5, 7, by adding subdivisions; repealing  
1.7 Minnesota Statutes 2008, section 244.055, subdivisions 6, 11.

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

1.9 Section 1. Minnesota Statutes 2008, section 244.055, subdivision 2, is amended to read:

1.10 Subd. 2. **Conditional release of certain nonviolent controlled substance**  
1.11 **offenders and nonviolent nondrug offenders.** An offender who has been committed to  
1.12 the commissioner's custody may petition the commissioner for conditional release from  
1.13 prison before the offender's scheduled supervised release date or target release date if:

1.14 (1) the offender is serving a sentence for violating section 152.021, subdivision 2  
1.15 or 2a; 152.022, ~~subdivision 2~~; 152.023; 152.024; or 152.025, or serving a sentence for a  
1.16 nonviolent nondrug offense;

1.17 (2) the offender committed the crime as a result of a controlled substance addiction;  
1.18 ~~and not primarily for profit~~;

1.19 (3) the offender has served at least 36 months or one-half of the offender's term of  
1.20 imprisonment, whichever is less;

1.21 (4) the offender successfully completed a chemical dependency treatment program  
1.22 of the type described in this section while in prison;

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

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

2.4 Sec. 2. Minnesota Statutes 2008, section 244.055, subdivision 3, is amended to read:

2.5 Subd. 3. **Offer of chemical dependency treatment.** The commissioner shall offer  
2.6 all offenders meeting the criteria described in subdivision 2, clauses (1), (2), (5), and (6),  
2.7 the opportunity to begin a suitable chemical dependency treatment program of the type  
2.8 described in this section within 160 days after the offender's term of imprisonment begins  
2.9 or as soon after 160 days as possible. In making the determination under subdivision 2,  
2.10 clause (2), that the offender has a controlled substance addiction, the commissioner shall  
2.11 consider the chemical dependency assessment completed at intake, and that the offender is  
2.12 more suitable for early release, the commissioner shall consider validated risk assessment  
2.13 tools such as the Level of Service Inventory-Revised (LSI-R).

2.14 Sec. 3. Minnesota Statutes 2008, section 244.055, subdivision 5, is amended to read:

2.15 Subd. 5. **Additional requirements.** To be eligible for release under this section,  
2.16 an offender shall sign a written contract with the commissioner agreeing to comply with  
2.17 the requirements of this section and the conditions imposed by the commissioner. ~~In~~  
2.18 ~~addition to other items, the contract must specifically refer to the term of imprisonment~~  
2.19 ~~extension in subdivision 6.~~ In addition, the offender shall agree to submit to random drug  
2.20 and alcohol tests and electronic or home monitoring as determined by the commissioner or  
2.21 the offender's supervising agent. The commissioner may impose additional requirements  
2.22 on the offender that are necessary to carry out the goals of this section.

2.23 Sec. 4. Minnesota Statutes 2008, section 244.055, subdivision 7, is amended to read:

2.24 Subd. 7. **Release procedures.** After consulting with the panel of judges created  
2.25 under subdivision 7a, the commissioner may deny conditional release to an offender under  
2.26 this section if the commissioner determines that the offender's release may reasonably pose  
2.27 a danger to the public or an individual. In making this determination, the commissioner  
2.28 shall follow the procedures contained in section 244.05, subdivision 5, and the rules  
2.29 adopted by the commissioner under that subdivision. The commissioner shall consider  
2.30 whether the offender was involved in criminal gang activity during the offender's prison  
2.31 term. The commissioner shall also consider the offender's custody classification and  
2.32 level of risk of violence and the availability of appropriate community supervision for  
2.33 the offender. Conditional release granted under this section continues until the offender's

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3.1 sentence expires, unless release is rescinded under subdivision 8. The commissioner  
3.2 may not grant conditional release unless a release plan is in place for the offender that  
3.3 addresses, at a minimum, plans for aftercare, community-based chemical dependency  
3.4 treatment, gaining employment, and securing housing.

3.5 Sec. 5. Minnesota Statutes 2008, section 244.055, is amended by adding a subdivision  
3.6 to read:

3.7 Subd. 7a. **Panel of judges.** The Chief Justice of the Supreme Court shall appoint  
3.8 three retired judges to advise the commissioner of corrections on eligibility decisions  
3.9 made under this section.

3.10 Sec. 6. Minnesota Statutes 2008, section 244.055, is amended by adding a subdivision  
3.11 to read:

3.12 Subd. 10a. **Savings used for drug treatment.** The commissioner shall use any  
3.13 savings realized from the early release of offenders under this section for chemical  
3.14 dependency treatment programs in state correctional facilities.

3.15 Sec. 7. **REPEALER.**

3.16 Minnesota Statutes 2008, section 244.055, subdivisions 6 and 11, are repealed.

**244.055 CONDITIONAL RELEASE OF NONVIOLENT CONTROLLED  
SUBSTANCE OFFENDERS; TREATMENT.**

Subd. 6. **Extension of term of imprisonment for offenders who fail in treatment.**  
When an offender fails to successfully complete the chemical dependency treatment program under this section, the commissioner shall add the time that the offender was participating in the program to the offender's term of imprisonment. However, the offender's term of imprisonment may not be extended beyond the offender's executed sentence.

Subd. 11. **Sunset.** This section expires July 1, 2009.