

1.1 ..... moves to amend H.F. No. 1948 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. Minnesota Statutes 2018, section 13.851, is amended by adding a subdivision  
1.4 to read:

1.5 Subd. 12. **Mental health screening.** The treatment of data collected by a sheriff or local  
1.6 corrections agency related to individuals who may have a mental illness is governed by  
1.7 section 641.15, subdivision 3a.

1.8 Sec. 2. Minnesota Statutes 2018, section 15A.0815, subdivision 3, is amended to read:

1.9 Subd. 3. **Group II salary limits.** The salary for a position listed in this subdivision shall  
1.10 not exceed 120 percent of the salary of the governor. This limit must be adjusted annually  
1.11 on January 1. The new limit must equal the limit for the prior year increased by the percentage  
1.12 increase, if any, in the Consumer Price Index for all urban consumers from October of the  
1.13 second prior year to October of the immediately prior year. The commissioner of management  
1.14 and budget must publish the limit on the department's website. This subdivision applies to  
1.15 the following positions:

1.16 Executive director of Gambling Control Board;

1.17 Commissioner of Iron Range resources and rehabilitation;

1.18 Commissioner, Bureau of Mediation Services;

1.19 Ombudsman for mental health and developmental disabilities;

1.20 Ombudsman for corrections;

1.21 Chair, Metropolitan Council;

1.22 School trust lands director;

2.1 Executive director of pari-mutuel racing; and

2.2 Commissioner, Public Utilities Commission.

2.3 Sec. 3. Minnesota Statutes 2018, section 144.121, subdivision 1a, is amended to read:

2.4 Subd. 1a. **Fees for ionizing radiation-producing equipment.** (a) A facility with ionizing  
2.5 radiation-producing equipment must pay an annual initial or annual renewal registration  
2.6 fee consisting of a base facility fee of \$100 and an additional fee for each radiation source,  
2.7 as follows:

2.8	(1) medical or veterinary equipment	\$ 100
2.9	(2) dental x-ray equipment	\$ 40
2.10	(3) x-ray equipment not used on	\$ 100
2.11	humans or animals	
2.12	(4) devices with sources of ionizing	\$ 100
2.13	radiation not used on humans or	
2.14	animals	
2.15	(5) <u>security screening system</u>	<u>\$ 100</u>

2.16 (b) A facility with radiation therapy and accelerator equipment must pay an annual  
2.17 registration fee of \$500. A facility with an industrial accelerator must pay an annual  
2.18 registration fee of \$150.

2.19 (c) Electron microscopy equipment is exempt from the registration fee requirements of  
2.20 this section.

2.21 (d) For purposes of this section, a security screening system means radiation-producing  
2.22 equipment designed and used for security screening of humans who are in the custody of a  
2.23 correctional or detention facility, and used by the facility to image and identify contraband  
2.24 items concealed within or on all sides of a human body. For purposes of this section, a  
2.25 correctional or detention facility is a facility licensed under section 241.021 and operated  
2.26 by a state agency or political subdivision charged with detection, enforcement, or  
2.27 incarceration in respect to state criminal and traffic laws.

2.28 Sec. 4. Minnesota Statutes 2018, section 144.121, is amended by adding a subdivision to  
2.29 read:

2.30 **Subd. 9. Exemption from examination requirements; operators of security screening**  
2.31 **systems.** (a) An employee of a correctional or detention facility who operates a security  
2.32 screening system and the facility in which the system is being operated are exempt from  
2.33 the requirements of subdivisions 5 and 6.

3.1 (b) An employee of a correctional or detention facility who operates a security screening  
3.2 system and the facility in which the system is being operated must meet the requirements  
3.3 of a variance to Minnesota Rules, parts 4732.0305 and 4732.0565, issued under Minnesota  
3.4 Rules, parts 4717.7000 to 4717.7050. This paragraph expires on December 31 of the year  
3.5 that the permanent rules adopted by the commissioner governing security screening systems  
3.6 are published in the State Register.

3.7 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.8 Sec. 5. Minnesota Statutes 2018, section 241.01, subdivision 3a, is amended to read:

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

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

3.13 (b) To determine the place of confinement of committed persons in a correctional facility  
3.14 or other facility of the Department of Corrections and to prescribe reasonable conditions  
3.15 and rules for their employment, conduct, instruction, and discipline within or outside the  
3.16 facility. After July 1, 2019, the commissioner shall not allow inmates to be housed in facilities  
3.17 that are not owned and operated by the state, a local unit of government, or a group of local  
3.18 units of government. Inmates shall not exercise custodial functions or have authority over  
3.19 other inmates.

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

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

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

3.24 (f) To utilize state correctional facilities in the manner deemed to be most efficient and  
3.25 beneficial to accomplish the purposes of this section, but not to close the Minnesota  
3.26 Correctional Facility-Stillwater or the Minnesota Correctional Facility-St. Cloud without  
3.27 legislative approval. The commissioner may place juveniles and adults at the same state  
3.28 minimum security correctional facilities, if there is total separation of and no regular contact  
3.29 between juveniles and adults, except contact incidental to admission, classification, and  
3.30 mental and physical health care.

3.31 (g) To organize the department and employ personnel the commissioner deems necessary  
3.32 to discharge the functions of the department, including a chief executive officer for each

4.1 facility under the commissioner's control who shall serve in the unclassified civil service  
4.2 and may, under the provisions of section 43A.33, be removed only for cause.

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

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

4.10 **EFFECTIVE DATE.** This section is effective the day following final enactment.

4.11 Sec. 6. **[241.90] OFFICE OF OMBUDSMAN; CREATION; QUALIFICATIONS;**  
4.12 **FUNCTION.**

4.13 The Office of Ombudsman for the Department of Corrections is hereby created. The  
4.14 ombudsman shall serve at the pleasure of the governor in the unclassified service, shall be  
4.15 selected without regard to political affiliation, and shall be a person highly competent and  
4.16 qualified to analyze questions of law, administration, and public policy. No person may  
4.17 serve as ombudsman while holding any other public office. The ombudsman for corrections  
4.18 shall be accountable to the governor and shall have the authority to investigate decisions,  
4.19 acts, and other matters of the Department of Corrections so as to promote the highest  
4.20 attainable standards of competence, efficiency, and justice in the administration of  
4.21 corrections.

4.22 Sec. 7. **[241.91] DEFINITION.**

4.23 For the purposes of sections 241.90 to 241.95, "administrative agency" or "agency"  
4.24 means any division, official, or employee of the Department of Corrections, the commissioner  
4.25 of corrections, the Board of Pardons, and any regional or local correctional facility licensed  
4.26 or inspected by the commissioner of corrections, whether public or private, established and  
4.27 operated for the detention and confinement of adults or juveniles, including but not limited  
4.28 to programs or facilities operating under chapter 401, adult halfway homes, group foster  
4.29 homes, secure juvenile detention facilities, juvenile residential facilities, municipal holding  
4.30 facilities, juvenile temporary holdover facilities, regional or local jails, lockups, work houses,  
4.31 work farms, and detention and treatment facilities, but does not include:

4.32 (1) any court or judge;

5.1 (2) any member of the senate or house of representatives of the state;

5.2 (3) the governor or the governor's personal staff;

5.3 (4) any instrumentality of the federal government; or

5.4 (5) any interstate compact.

5.5 Sec. 8. **[241.92] ORGANIZATION OF OFFICE OF OMBUDSMAN.**

5.6 Subdivision 1. **Employee selection.** The ombudsman may select, appoint, and compensate  
5.7 out of available funds assistants and employees as deemed necessary to discharge  
5.8 responsibilities. The ombudsman and full-time staff shall be members of the Minnesota  
5.9 State Retirement Association.

5.10 Subd. 2. **Assistant ombudsman.** The ombudsman may appoint an assistant ombudsman  
5.11 in the unclassified service.

5.12 Subd. 3. **Delegation of duties.** The ombudsman may delegate to staff members any of  
5.13 the ombudsman's authority or duties except the duty of formally making recommendations  
5.14 to an administrative agency or reports to the Office of the Governor or to the legislature.

5.15 Sec. 9. **[241.93] POWERS OF OMBUDSMAN; INVESTIGATIONS; ACTION ON**  
5.16 **COMPLAINTS; RECOMMENDATIONS.**

5.17 Subdivision 1. **Powers.** The ombudsman may:

5.18 (1) prescribe the methods by which complaints are to be made, reviewed, and acted  
5.19 upon; provided, however, that the ombudsman may not levy a complaint fee;

5.20 (2) determine the scope and manner of investigations to be made;

5.21 (3) except as otherwise provided, determine the form, frequency, and distribution of  
5.22 conclusions, recommendations, and proposals; provided, however, that the governor or a  
5.23 representative may, at any time the governor deems necessary, request and receive  
5.24 information from the ombudsman. Neither the ombudsman nor any member of the  
5.25 ombudsman's staff shall be compelled to testify or to produce evidence in any judicial or  
5.26 administrative proceeding with respect to any matter involving the exercise of the  
5.27 ombudsman's official duties except as may be necessary to enforce the provisions of sections  
5.28 241.90 to 241.95;

5.29 (4) investigate, upon a complaint or upon personal initiative, any action of an  
5.30 administrative agency;

6.1 (5) request and be given access to information in the possession of an administrative  
6.2 agency deemed necessary for the discharge of responsibilities;

6.3 (6) examine the records and documents of an administrative agency;

6.4 (7) enter and inspect, at any time, premises within the control of an administrative agency;

6.5 (8) subpoena any person to appear, give testimony, or produce documentary or other  
6.6 evidence that the ombudsman deems relevant to a matter under inquiry, and may petition  
6.7 the appropriate state court to seek enforcement with the subpoena; provided, however, that  
6.8 any witness at a hearing or before an investigation shall possess the same privileges reserved  
6.9 to a witness in the courts or under the laws of this state;

6.10 (9) bring an action in an appropriate state court to provide the operation of the powers  
6.11 provided in this subdivision. The ombudsman may use the services of legal assistance to  
6.12 Minnesota prisoners for legal counsel. The provisions of sections 241.90 to 241.95 are in  
6.13 addition to other provisions of law under which any remedy or right of appeal or objection  
6.14 is provided for any person, or any procedure provided for inquiry or investigation concerning  
6.15 any matter. Nothing in sections 241.90 to 241.95 shall be construed to limit or affect any  
6.16 other remedy or right of appeal or objection nor shall it be deemed part of an exclusionary  
6.17 process; and

6.18 (10) be present at commissioner of corrections parole, supervised release, and parole  
6.19 revocation hearings and deliberations.

6.20 Subd. 2. **Actions against ombudsman.** No proceeding or civil action except removal  
6.21 from office or a proceeding brought pursuant to chapter 13 shall be commenced against the  
6.22 ombudsman for actions taken under the provisions of sections 241.90 to 241.95, unless the  
6.23 act or omission is actuated by malice or is grossly negligent.

6.24 Subd. 3. **Matters appropriate for investigation.** (a) In selecting matters for attention,  
6.25 the ombudsman should particularly address actions of an administrative agency that may  
6.26 be:

6.27 (1) contrary to law or rule;

6.28 (2) unreasonable, unfair, oppressive, or inconsistent with any policy or judgment of an  
6.29 administrative agency;

6.30 (3) mistaken in law or arbitrary in the ascertainment of facts;

6.31 (4) unclear or inadequately explained when reasons should have been revealed; or

6.32 (5) inefficiently performed.

7.1 (b) The ombudsman may also be concerned with strengthening procedures and practices  
7.2 that lessen the risk that objectionable actions of the administrative agency will occur.

7.3 Subd. 4. **Complaints.** (a) The ombudsman may receive a complaint from any source  
7.4 concerning an action of an administrative agency. The ombudsman may, on personal motion  
7.5 or at the request of another, investigate any action of an administrative agency.

7.6 (b) The ombudsman may exercise powers without regard to the finality of any action of  
7.7 an administrative agency; however, the ombudsman may require a complainant to pursue  
7.8 other remedies or channels of complaint open to the complainant before accepting or  
7.9 investigating the complaint.

7.10 (c) After completing investigation of a complaint, the ombudsman shall inform the  
7.11 complainant, the administrative agency, and the official or employee of the action taken.

7.12 (d) A letter to the ombudsman from a person in an institution under the control of an  
7.13 administrative agency shall be forwarded immediately and unopened to the ombudsman's  
7.14 office. A reply from the ombudsman to the person shall be promptly delivered unopened  
7.15 to the person after its receipt by the institution.

7.16 (e) No complainant shall be punished nor shall the general condition of the complainant's  
7.17 confinement or treatment be unfavorably altered as a result of the complainant having made  
7.18 a complaint to the ombudsman.

7.19 Subd. 5. **Investigation of adult local jails and detention facilities.** Either the  
7.20 ombudsman or the jail inspection unit of the Department of Corrections may investigate  
7.21 complaints involving local adult jails and detention facilities. The ombudsman and  
7.22 Department of Corrections must enter into an arrangement with one another that ensures  
7.23 they are not duplicating services.

7.24 Subd. 6. **Recommendations.** (a) If, after duly considering a complaint and whatever  
7.25 material the ombudsman deems pertinent, the ombudsman is of the opinion that the complaint  
7.26 is valid, the ombudsman may recommend that an administrative agency should:

7.27 (1) consider the matter further;

7.28 (2) modify or cancel its actions;

7.29 (3) alter a ruling;

7.30 (4) explain more fully the action in question; or

7.31 (5) take any other step that the ombudsman recommends to the administrative agency  
7.32 involved.

8.1 If the ombudsman so requests, the agency shall, within the time the ombudsman specifies,  
8.2 inform the ombudsman about the action taken on the ombudsman's recommendations or  
8.3 the reasons for not complying with it.

8.4 (b) If the ombudsman has reason to believe that any public official or employee has  
8.5 acted in a manner warranting criminal or disciplinary proceedings, the ombudsman may  
8.6 refer the matter to the appropriate authorities.

8.7 (c) If the ombudsman believes that an action upon which a valid complaint is founded  
8.8 has been dictated by a statute, and that the statute produces results or effects that are unfair  
8.9 or otherwise objectionable, the ombudsman shall bring to the attention of the governor and  
8.10 the legislature the ombudsman's view concerning desirable statutory change.

8.11 Subd. 7. **Grants.** The ombudsman may apply for and receive grants from public and  
8.12 private entities for purposes of carrying out the ombudsman's powers and duties under  
8.13 sections 241.90 to 241.95.

8.14 Sec. 10. **[241.94] ACCESS BY OMBUDSMAN TO DATA.**

8.15 Notwithstanding section 13.384 or 13.85, the ombudsman has access to corrections and  
8.16 detention data and medical data maintained by an agency and classified as private data on  
8.17 individuals or confidential data on individuals when access to the data is necessary for the  
8.18 ombudsman to perform the powers under section 241.93.

8.19 Sec. 11. **[241.95] PUBLICATION OF RECOMMENDATIONS; REPORTS.**

8.20 Subdivision 1. **Publication.** The ombudsman may publish conclusions and suggestions  
8.21 by transmitting them to the Office of the Governor. Before announcing a conclusion or  
8.22 recommendation that expressly or impliedly criticizes an administrative agency or any  
8.23 person, the ombudsman shall consult with that agency or person. When publishing an opinion  
8.24 adverse to an administrative agency or any person, the ombudsman shall include in the  
8.25 publication any statement of reasonable length made to the ombudsman by that agency or  
8.26 person in defense or mitigation of the action.

8.27 Subd. 2. **Annual report.** In addition to whatever reports the ombudsman may make on  
8.28 an ad hoc basis, the ombudsman shall report to the governor and the senate and house  
8.29 committee chairs and minority leads for the committees with fiscal and policy jurisdiction  
8.30 over public safety and corrections at the end of each year on the ombudsman's functions  
8.31 during the preceding year.

9.1 Sec. 12. Minnesota Statutes 2018, section 243.48, subdivision 1, is amended to read:

9.2 Subdivision 1. **General searches.** The commissioner of corrections, the governor,  
9.3 lieutenant governor, members of the legislature, ~~and~~ state officers, and the ombudsman for  
9.4 corrections may visit the inmates at pleasure, but no other persons without permission of  
9.5 the chief executive officer of the facility, under rules prescribed by the commissioner. A  
9.6 moderate fee may be required of visitors, other than those allowed to visit at pleasure. All  
9.7 fees so collected shall be reported and remitted to the commissioner of management and  
9.8 budget under rules as the commissioner may deem proper, and when so remitted shall be  
9.9 placed to the credit of the general fund.

9.10 Sec. 13. **[243.521] ADMINISTRATIVE AND DISCIPLINARY SEGREGATION.**

9.11 Subdivision 1. **Authorization.** In any adult correctional facility under the control of the  
9.12 commissioner of corrections, the commissioner may require an inmate to be placed on  
9.13 disciplinary segregation status for rule violations or on administrative segregation status  
9.14 when the continued presence of the inmate in general population would pose a serious threat  
9.15 to life, property, self, staff, or other inmates or to the security or orderly running of the  
9.16 institution. Inmates pending investigation for trial on a criminal act or pending transfer may  
9.17 be included, provided the warden's written approval is sought and granted within seven  
9.18 business days of placing the inmate in restrictive housing under this provision. The warden  
9.19 of each facility must document anytime such approval is granted and the reason for it, and  
9.20 submit a quarterly report to the commissioner of corrections.

9.21 Subd. 2. **Conditions in segregated housing.** The restrictive housing unit shall provide  
9.22 living conditions that are approximate of those offenders in general population, including  
9.23 reduced lighting during nighttime hours.

9.24 Subd. 3. **Review of disciplinary segregation status.** The commissioner of corrections  
9.25 shall receive notification of all offenders with consecutive placement in a restrictive housing  
9.26 setting for more than 30 days. This notification shall occur on a monthly basis. In the event  
9.27 an offender is placed into restrictive housing for more than 120 days, the reason for the  
9.28 placement and the behavior management plan for the offender shall be submitted to the  
9.29 commissioner of corrections.

9.30 Subd. 4. **Graduated Interventions.** The commissioner shall design and implement a  
9.31 continuum of interventions, including informal sanctions, administrative segregation, formal  
9.32 discipline, disciplinary segregation, and step-down management. The commissioner shall  
9.33 implement a method of due process for all offenders with formal discipline proceedings.

10.1 Subd. 5. **Mental Health Screening.** (a) If it is apparent that the inmate is exhibiting  
10.2 serious symptoms of a mental illness that prevents them from understanding or fully  
10.3 participating in the disciplinary process, a mental health professional shall be consulted  
10.4 regarding appropriate treatment and placement. For other inmates placed in a restrictive  
10.5 setting, an inmate shall be screened by a health services staff within 24 hours of placement  
10.6 in a restrictive housing setting. If the screening indicates symptoms of a mental illness, a  
10.7 qualified mental health professional shall be consulted regarding appropriate treatment and  
10.8 placement. The health services staff shall document any time an offender screens in for  
10.9 symptoms of a mental health symptoms and whether or not the health services staff member  
10.10 connected with a mental health professional.

10.11 (b) If mental health staff believe the offender's behavior may be more appropriately  
10.12 treated through alternative interventions or programming, or determine that the offender's  
10.13 actions were the result of mental illness, this information must be considered during the  
10.14 disciplinary process.

10.15 Subd. 6. **Mental health care within segregated housing.** A health services staff shall  
10.16 perform a daily wellness round in the restrictive housing setting. If a health services staff  
10.17 indicates symptoms of a mental illness, a qualified mental health professional shall be  
10.18 consulted regarding appropriate treatment and placement.

10.19 Subd. 7. **Incentives for return to the general population.** The commissioner shall  
10.20 design and implement a system of incentives so that an inmate who demonstrates appropriate  
10.21 behavior can earn additional privileges and an accelerated return to the general population.

10.22 Subd. 8. **Discharge from segregated housing.** An inmate shall not be released to the  
10.23 community directly from a stay in restrictive housing for 60 or more days absent a compelling  
10.24 reason. In cases where there is a compelling reason, the commissioner of corrections or  
10.25 assistant commissioner shall directly authorize the inmate released into community from  
10.26 restrictive housing.

10.27 Subd. 9. **Reporting.** (a) By January 15, 2020, and by January 15 each year thereafter,  
10.28 the commissioner of corrections shall report to the chairs and ranking minority members  
10.29 of the house of representatives and senate committees with jurisdiction over public safety  
10.30 and judiciary on the status of the implementation of the provisions in this section. This  
10.31 report shall include, but not be limited to, data regarding:

10.32 (1) the number of inmates in each institution placed in restrictive housing during the  
10.33 past year;

10.34 (2) the ages of inmates placed in restrictive housing during the past year;

- 11.1 (3) the number of inmates transferred from restrictive housing to the mental health unit;  
11.2 (4) disciplinary sanctions by infraction;  
11.3 (5) the lengths of terms served in restrictive housing, including terms served  
11.4 consecutively; and  
11.5 (6) the number of inmates by race in restrictive housing.  
11.6 (b) The Department of Corrections shall submit a qualitative report detailing outcomes,  
11.7 measures, and challenges to implementation of step-down management program by April  
11.8 1, 2020.

11.9 Sec. 14. **[243.95] PRIVATE PRISON CONTRACTS PROHIBITED.**

11.10 The commissioner may not contract with privately owned and operated prisons for the  
11.11 care, custody, and rehabilitation of offenders committed to the custody of the commissioner.  
11.12 **EFFECTIVE DATE.** This section is effective the day following final enactment.

11.13 Sec. 15. Minnesota Statutes 2018, section 299C.091, subdivision 5, is amended to read:

11.14 Subd. 5. **Removal of data from system.** Notwithstanding section 138.17, the bureau  
11.15 shall destroy data entered into the system when three years have elapsed since the data were  
11.16 entered into the system, except as otherwise provided in this subdivision. If the bureau has  
11.17 information that the individual has been convicted as an adult, or has been adjudicated or  
11.18 has a stayed adjudication as a juvenile for an offense that would be a crime if committed  
11.19 by an adult, since entry of the data into the system, the data must be maintained until three  
11.20 years have elapsed since the last record of a conviction or adjudication or stayed adjudication  
11.21 of the individual-, except that if the individual is committed to the custody of the  
11.22 commissioner of corrections and the commissioner documents activities meeting the criminal  
11.23 gang identification criteria that take place while the individual is confined in a state  
11.24 correctional facility, the three-year period begins after release from incarceration. Upon  
11.25 request of the law enforcement agency that submitted data to the system, the bureau shall  
11.26 destroy the data regardless of whether three years have elapsed since the data were entered  
11.27 into the system.

11.28 Sec. 16. Minnesota Statutes 2018, section 631.412, is amended to read:

11.29 **631.412 SAME SEX ESCORT FOR INMATES BEING TRANSFERRED.**

11.30 (a) Except as provided in paragraph (b), when a sheriff or other correctional officer has  
11.31 custody of a person charged with or convicted of a crime and transfers that person more

12.1 than 100 miles, that sheriff or other correctional officer shall provide the transferee with a  
12.2 custodial escort of the same sex as the transferee. A sheriff may employ, when the occasion  
12.3 exists, a suitable person to carry out this section. The expenses of the person's employment  
12.4 must be paid out of county funds not otherwise appropriated.

12.5 (b) A sheriff or other correctional officer is not required to provide a same sex escort if:  
12.6 (1) the vehicle used to transport the transferee has video and audio recording equipment  
12.7 installed; (2) the vehicle's video and audio recording equipment is operational and positioned  
12.8 to record the portion of the vehicle where the transferee is held during the transfer; and (3)  
12.9 the video and audio equipment records the duration of the transfer. A recording of an inmate  
12.10 transfer made under this paragraph must be maintained by the sheriff or agency employing  
12.11 the correctional officer for at least 12 months after the date of the transfer.

12.12 **Sec. 17. [641.015] PLACEMENT IN PRIVATE PRISONS PROHIBITED.**

12.13 Subdivision 1. **Placement prohibited.** After August 1, 2019, a sheriff shall not allow  
12.14 inmates committed to the custody of the sheriff to be housed in facilities that are not owned  
12.15 and operated by a local government, or a group of local units of government.

12.16 Subd. 2. **Contracts prohibited.** The county board may not authorize the sheriff to  
12.17 contract with privately owned and operated prisons for the care, custody, and rehabilitation  
12.18 of offenders committed to the custody of the sheriff.

12.19 **EFFECTIVE DATE.** This section is effective the day following final enactment.

12.20 **Sec. 18. [641.061] LOCAL CORRECTIONAL OFFICERS DISCIPLINE**  
12.21 **PROCEDURES.**

12.22 Subdivision 1. **Definitions.** (a) For purposes of this section, the terms defined in this  
12.23 subdivision have the meanings given them.

12.24 (b) "Correctional officer" or "officer" means a person employed in a security capacity  
12.25 by a local correctional or detention facility.

12.26 (c) "Exclusive representative" means an employee organization which has been certified  
12.27 by the commissioner of the Bureau of Mediation Services to meet and negotiate with an  
12.28 employer on behalf of all employees in the appropriate unit.

12.29 (d) "Formal statement" means the questioning of an officer in the course of obtaining a  
12.30 recorded, stenographic, or signed statement to be used as evidence in a disciplinary  
12.31 proceeding against the officer.

13.1 Subd. 2. **Applicability.** This section applies to local correctional authorities.

13.2 Subd. 3. **Formal statement; procedures.** A formal statement of a correctional officer  
13.3 must be taken according to subdivisions 4 to 15.

13.4 Subd. 4. **Place of formal statement.** A formal statement must be taken at a facility of  
13.5 the employing or investigating agency or at a place agreed to by the investigating individual  
13.6 and the investigated correctional officer and exclusive representative.

13.7 Subd. 5. **Complaint.** A correctional officer's formal statement may not be taken unless  
13.8 a written complaint signed by the complainant stating the complainant's knowledge is filed  
13.9 with the employing or investigating agency and the correctional officer and exclusive  
13.10 representative have been given a summary of the allegations.

13.11 Subd. 6. **Witnesses; investigative reports.** Upon request, the investigating agency or  
13.12 the correctional officer shall provide the other party with a list of witnesses the agency or  
13.13 correctional officer expects to testify at an administrative hearing or arbitration authorized  
13.14 to recommend, approve, or order discipline and the substance of the testimony. A party is  
13.15 entitled to copies of any witness statements in the possession of the other party and an officer  
13.16 is entitled to a copy of the investigating agency's investigative report, provided that any  
13.17 references in a witness statement or investigative report that would reveal the identity of  
13.18 confidential informants need not be disclosed except for good cause shown upon order of  
13.19 the person presiding over the administrative hearing or arbitration.

13.20 Subd. 7. **Sessions.** Sessions at which a formal statement is taken must be of reasonable  
13.21 duration and must give the correctional officer reasonable periods for rest and personal  
13.22 necessities. When practicable, sessions must be held during the correctional officer's regularly  
13.23 scheduled work shift. If the session is not held during the correctional officer's regularly  
13.24 scheduled work shift, the correctional officer must be paid by the employing agency at the  
13.25 officer's current compensation rate for time spent attending the session. Notification of a  
13.26 formal statement must also be provided to the correctional officer's exclusive representative  
13.27 and the exclusive representative shall be allowed to be present during the session.

13.28 Subd. 8. **Record.** A complete record of sessions at which a formal statement is taken  
13.29 must be made by electronic recording or otherwise. A complete copy or transcript must be  
13.30 provided to the correctional officer and the officer's exclusive representative without charge  
13.31 or undue delay. The session may be recorded by the investigating officer and by the  
13.32 correctional officer under investigation.

13.33 Subd. 9. **Presence of attorney and union representative.** The correctional officer  
13.34 whose formal statement is taken has the right to have a union representative or an attorney

14.1 retained by the officer, or both, present during the session. The correctional officer may  
14.2 request the presence of a union representative, attorney, or both, at any time before or during  
14.3 the session. When a request under this subdivision is made, no formal statement may be  
14.4 taken until a reasonable opportunity is provided for the correctional officer to obtain the  
14.5 presence of a union representative or attorney.

14.6 Subd. 10. **Admissions.** Before an officer's formal statement is taken, the officer shall  
14.7 be advised in writing or on the record that admissions made in the course of the formal  
14.8 statement may be used as evidence of misconduct or as a basis for discipline.

14.9 Subd. 11. **Disclosure of financial records.** No employer may require an officer to  
14.10 produce or disclose the officer's personal financial records except pursuant to a valid search  
14.11 warrant or subpoena.

14.12 Subd. 12. **Release of photographs.** No local correctional facility or governmental unit  
14.13 may publicly release photographs of an officer without the written permission of the officer,  
14.14 except that the facility or unit may display a photograph of an officer to a prospective witness  
14.15 as part of an agency or unit investigation.

14.16 Subd. 13. **Disciplinary letter.** No disciplinary letter or reprimand may be included in  
14.17 an officer's personnel record unless the officer has been given a copy of the letter or  
14.18 reprimand.

14.19 Subd. 14. **Retaliatory action prohibited.** No officer may be discharged, disciplined,  
14.20 or threatened with discharge or discipline as retaliation for or solely by reason of the officer's  
14.21 exercise of the rights provided by this section.

14.22 Subd. 15. **Rights not reduced.** The rights of officers provided by this section are in  
14.23 addition to and do not diminish the rights and privileges of officers that are provided under  
14.24 an applicable collective bargaining agreement or any other applicable law.

14.25 Sec. 19. Minnesota Statutes 2018, section 641.15, subdivision 3a, is amended to read:

14.26 Subd. 3a. **Intake procedure; approved mental health screening.** (a) As part of its  
14.27 intake procedure for new ~~prisoners~~ inmates, the sheriff or local corrections shall use a mental  
14.28 health screening tool approved by the commissioner of corrections in consultation with the  
14.29 commissioner of human services and local corrections staff to identify persons who may  
14.30 have mental illness.

14.31 (b) Names of persons who have screened positive or may have a mental illness may be  
14.32 shared with the local county social services agency. The jail may refer an offender to county  
14.33 personnel of the welfare system, as defined in section 13.46, subdivision 1, paragraph (c),

15.1 in order to arrange for services upon discharge and may share private data on the offender  
15.2 as necessary to:

15.3 (1) provide assistance in filling out an application for medical assistance or  
15.4 MinnesotaCare;

15.5 (2) make a referral for case management as provided under section 245.467, subdivision  
15.6 4;

15.7 (3) provide assistance in obtaining a state photo identification;

15.8 (4) secure a timely appointment with a psychiatrist or other appropriate community  
15.9 mental health provider;

15.10 (5) provide prescriptions for a 30-day supply of all necessary medications; or

15.11 (6) coordinate behavioral health services.

15.12 (c) Notwithstanding section 138.17, if an offender is referred to a government entity  
15.13 within the welfare system pursuant to paragraph (b), and the offender refuses all services  
15.14 from entity, the entity must, within 15 days of the refusal, destroy all private data on the  
15.15 offender that it created or received because of the referral.

15.16 **Sec. 20. COORDINATED CRISIS RESPONSE PLAN.**

15.17 (a) By January 15, 2021, the commissioner of corrections shall develop and implement  
15.18 a coordinated crisis response plan to support facility, central office, and field services staff.

15.19 (b) In developing the response plan, the commissioner may consult with the Department  
15.20 of Corrections Office of Special Investigations, the Department of Corrections Victim  
15.21 Assistance Program, human resources offices, facility and field services administration,  
15.22 peer support programs, county attorneys, victim witness coordinators, community based  
15.23 victim advocates, the Crime Victim Reparations Board, employee assistance programs,  
15.24 offices or organizations assisting with workers compensation claims and benefits, mental  
15.25 health services, central office administration, and supervisors.

15.26 (c) To increase support to staff in crisis, the coordinated crisis response plan shall, at a  
15.27 minimum, include the following:

15.28 (1) a protocol establishing collaboration between the offices, services, and organizations  
15.29 identified in paragraph (b);

15.30 (2) a process to develop and implement individualized support plans based on the  
15.31 identified needs of staff members in crisis;

16.1 (3) identification or development of training on trauma-informed victim and crisis  
16.2 response; and

16.3 (4) a plan to implement training on trauma-informed victim and crisis response including  
16.4 initial training, refresher courses, and training for new employees.

16.5 **Sec. 21. APPROPRIATION; CORRECTIONAL OFFICERS.**

16.6 \$..... in fiscal year 2020 and \$..... in fiscal year 2021 are appropriated from the general  
16.7 fund to the commissioner of corrections to increase the number of full-time equivalent  
16.8 correctional officer positions in correctional facilities across the state by an additional 150  
16.9 officer positions in fiscal year 2020 and an additional 60 officer positions in fiscal year  
16.10 2021. The commissioner of corrections shall increase the number of full-time equivalent  
16.11 correctional officer positions in correctional facilities across the state by an additional 60  
16.12 officer positions in fiscal year 2022 and an additional 58 officer positions in fiscal year  
16.13 2023. These appropriations are added to the base budget of the Department of Corrections.

16.14 **Sec. 22. APPROPRIATION; CORRECTIONS.**

16.15 (a) \$..... in fiscal year 2020 and \$..... in fiscal year 2021 are appropriated from the  
16.16 general fund to the commissioner of corrections to develop and implement the coordinated  
16.17 crisis response plan in section 20.

16.18 (b) \$..... in fiscal year 2020 and \$..... in fiscal year 2021 are appropriated from the  
16.19 general fund to the commissioner of corrections to establish and fund the ombudsman for  
16.20 corrections.

16.21 **Sec. 23. APPROPRIATION; COMMISSIONER OF HEALTH.**

16.22 \$29,000 in fiscal year 2020 and \$21,000 in fiscal year 2021 are appropriated from the  
16.23 state government special revenue fund to the commissioner of health for rulemaking under  
16.24 Minnesota Statutes, section 144.121."

16.25 Amend the title accordingly