

# HOUSE RESEARCH

## Bill Summary

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**Version:** As Amended in Committee

**Authors:** Fuller and others

**Subject:** Establishment of parole board

**Analyst:** Jeff Diebel, 651-296-5041

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### Overview

This bill establishes a corrections board with the authority to parole certain inmates who are incarcerated in state prisons. The bill sets forth the membership of the board, describes its powers and duties, and establishes minimum criteria that an inmate must meet in order to be eligible for parole consideration. It also outlines the board's powers with respect to those offenders who are paroled and describes how their conduct in the community will be regulated.

### Article 1

#### Corrections Board

##### Section

**1** **Corrections board.** Creates a corrections board with the authority to parole inmates of state correctional facilities.

**Subdivision 1. Creation.** Creates a five-member corrections board. Authorizes the governor to appoint four of the members, no more than two of which belong to the same political party. Provides that the fifth member is an unclassified officer of the Department of Corrections (DOC) appointed by the commissioner of corrections who

**Section**

shall serve as chair of the board.

**Subd. 2. Qualifications.** Requires that candidates for appointment to the board must have knowledge or experience in corrections or related fields and be selected based on their sound judgment and their ability to consider both the needs of potential parolees and public safety. Requires that at least one member must be female, at least one must be male, and at least one must be a member of a racial minority group.

**Subd. 3. Terms of office; reappointment.** Provides that members' terms last six years and that members may be reappointed.

**Subd. 4. Compensation; expenses.** Provides for the compensation of board members.

**Subd. 5. Quorum.** Provides that three members constitute a quorum of the board and that the chair may, with the commissioner's approval, appoint DOC employees to provide administrative support to the board.

**2 Board powers; limitations.** Prescribes the powers of the board to parole inmates of state correctional facilities.

**Subdivision 1. Powers.** Authorizes the board to parole state prison inmates under the following circumstances:

- inmates who are more than 60 years old who have served at least three years of their sentence;
- inmates who committed their offense when they were minors, were certified to stand trial as adults, and have served at least ten years of their sentence;
- inmates sentenced for: drug possession offenses, crimes arising out of chemical dependency, indeterminate terms, conspiracies if a co-conspirator dominated the inmate or was the inmate's domestic partner, crimes based on unintended consequences, or commercial crimes; and
- inmates for whom there has been a profound change in character or conduct.

**Subd. 2. Limitations.** Prohibits the board from paroling an inmate until the inmate has served one-half of the inmate's "sentence-to-serve"; that is, one-half of the time the inmate will spend in prison, not on supervised release, except that persons released solely based on a profound change in character must serve two-thirds of their sentences.

**Subd. 3. Legal custody of parolees.** Provides that, once paroled, the offender remains in the legal custody of the board and may be returned to prison at any time. Provides authority for law enforcement agencies to take paroled offenders into custody.

**Subd. 4. Parole hearings.** Describes the process for conducting parole hearings.

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- 3 Credits for prisoners.** Requires that all inmates be credited for their good conduct and charged with their bad conduct while in prison. Requires the commissioner to inform the board of an inmate's behavioral status one month before the inmate's parole hearing.
- 4 Duty of board; final discharge.** Authorizes the board to grant a paroled offender a final discharge from confinement and describes the process and criteria for doing so. Requires that the board be satisfied that the offender is rehabilitated, trustworthy, and will remain law-abiding, and that discharge is compatible with public safety.
- 5 Supervision by commissioner of corrections; agents.** Requires the commissioner of corrections to supervise offenders released on parole. Provides for the appointment of state agents to perform this function and outlines their duties. Requires the commissioner to provide administrative support to the board.
- 6 Deputization of out-of-state agents.** Permits the board to deputize employees of other states to act as agents of Minnesota to effect the return of offenders who have violated their parole or probation.
- 7 Sexual offenders.** Requires the board to determine whether level III sex offenders should be referred to county attorneys for possible civil commitment as a sexually dangerous person prior to their release.
- 8 Rules governing paroles.** Authorizes the board to adopt rules governing the granting of parole and final discharge. Provides that any rule having the effect of postponing parole eligibility be given prospective effect only.
- 9 Appropriation.** Appropriates an unspecified amount from the general fund to the commissioner of corrections to implement this bill.
- 10 Effective date.** Day following final enactment.

**Article 2**

**Conformance Amendment**

- 1 1 Sex offenders; civil commitment determination.** Authorizes the commissioner to forward a level III sex offender's case to the Board, along with appropriate documentation, and requires the board to make a preliminary determination whether a petition under the sexually dangerous person/ psychopathic personality commitment law would be appropriate.