

1.1 moves to amend H.F. No. 3156, the delete everything amendment
1.2 (H3156DE1), as follows:

1.3 Page 2, delete section 3 and insert:

1.4 "Sec. 3. **TEMPORARY EMERGENCY POWER; COMMISSIONER OF**
1.5 **CORRECTIONS; EARLY CONDITIONAL RELEASE FOR CERTAIN**
1.6 **NONVIOLENT OFFENDERS.**

1.7 Subdivision 1. **Applicability.** The powers granted in this section apply beginning on
1.8 the date a peacetime public health emergency is declared by the governor pursuant to
1.9 Minnesota Statutes, section 12.31, in response to a potential or actual outbreak of COVID-19.
1.10 The powers expire when the declaration of the peacetime public health emergency expires.
1.11 For purposes of this section, "peacetime public health emergency" means any peacetime
1.12 emergency declared by the governor in an executive order that relates to the infectious
1.13 disease known as COVID-19.

1.14 Subd. 2. **Temporary powers granted; limitations.** The commissioner of corrections
1.15 is granted temporary powers described and limited by this section to protect the health and
1.16 safety of state and local correctional employees and inmates as well as the public. The
1.17 temporary powers granted to the commissioner in this section may only be used to prepare
1.18 for, prevent, or respond to an outbreak of COVID-19.

1.19 Subd. 3. **Expanded authority to grant conditional release to certain nonviolent**
1.20 **offenders.** (a) Notwithstanding any law to the contrary, the commissioner may place an
1.21 eligible inmate who has 180 days or less to serve in the inmate's term of imprisonment on
1.22 conditional release. The commissioner may not grant conditional release under this
1.23 subdivision to an inmate who is serving a sentence for a crime of violence as that term is
1.24 defined in paragraph (e). The commissioner must give priority for conditional release under
1.25 this subdivision to inmates who are most likely to suffer serious illness or death from

2.1 COVID-19 according to current guidelines published by the United States Center for Disease
2.2 Control.

2.3 (b) Before the commissioner releases an inmate under the authority granted in this
2.4 subdivision, the commissioner must:

2.5 (1) prepare a release plan that meets current agency standards and that also:

2.6 (i) requires the inmate to report to the inmate's supervised release agent if the inmate
2.7 tests positive for the COVID-19 virus; and

2.8 (ii) includes the names and approximate ages of persons residing in the inmate's
2.9 designated residence and identifies residents with preexisting medical conditions; and

2.10 (2) complete the notification process, including notice to victims who requested notice
2.11 of the inmate's release.

2.12 (c) The commissioner may direct that an inmate released under this section meet with
2.13 the inmate's supervised release agent by telephone or video conference.

2.14 (d) The supervised release agent of an inmate released under this subdivision must
2.15 immediately notify the commissioner if the agent learns that the inmate tested positive for
2.16 COVID-19.

2.17 (e) The conditions of release granted under this section are governed by the statutes and
2.18 rules governing supervised release, except that release may be rescinded without hearing
2.19 by the commissioner if the commissioner determines that continuation of the conditional
2.20 release poses a danger to the public or to an individual. If the commissioner rescinds an
2.21 offender's conditional release, the offender shall be returned to prison and shall serve the
2.22 remaining portion of the offender's term of imprisonment.

2.23 (f) The conditional release authority granted in this subdivision is in addition to any
2.24 other conditional release authority granted to the commissioner.

2.25 (g) For purposes of this subdivision, "crime of violence" means: felony convictions of
2.26 the following offenses: Minnesota Statutes, sections 609.185 (murder in the first degree);
2.27 609.19 (murder in the second degree); 609.195 (murder in the third degree); 609.20
2.28 (manslaughter in the first degree); 609.205 (manslaughter in the second degree); 609.215
2.29 (aiding suicide and aiding attempted suicide); 609.221 (assault in the first degree); 609.222
2.30 (assault in the second degree); 609.223 (assault in the third degree); 609.2231 (assault in
2.31 the fourth degree); 609.224 (assault in the fifth degree); 609.2242 (domestic assault);
2.32 609.2247 (domestic assault by strangulation); 609.229 (crimes committed for the benefit
2.33 of a gang); 609.235 (use of drugs to injure or facilitate crime); 609.24 (simple robbery);

3.1 609.245 (aggravated robbery); 609.25 (kidnapping); 609.255 (false imprisonment); 609.322
3.2 (solicitation, inducement, and promotion of prostitution; sex trafficking); 609.342 (criminal
3.3 sexual conduct in the first degree); 609.343 (criminal sexual conduct in the second degree);
3.4 609.344 (criminal sexual conduct in the third degree); 609.345 (criminal sexual conduct in
3.5 the fourth degree); 609.377 (malicious punishment of a child); 609.378 (neglect or
3.6 endangerment of a child); 609.486 (commission of crime while wearing or possessing a
3.7 bullet-resistant vest); 609.52 (involving theft of a firearm and theft involving the theft of a
3.8 controlled substance, an explosive, or an incendiary device); 609.561 (arson in the first
3.9 degree); 609.562 (arson in the second degree); 609.582, subdivision 1 or 2 (burglary in the
3.10 first and second degrees); 609.66, subdivision 1e (drive-by shooting); 609.67 (unlawfully
3.11 owning, possessing, operating a machine gun or short-barreled shotgun); 609.71 (riot);
3.12 609.713 (terroristic threats); 609.749 (harassment); 609.855, subdivision 5 (shooting at a
3.13 public transit vehicle or facility); and an attempt to commit any of these offenses.

3.14 Subd. 4. **Reports.** The commissioner shall submit the following reports to the members
3.15 of the legislative committees and divisions with jurisdiction over corrections policy and
3.16 finance regarding the temporary powers that were exercised under this section:

3.17 (1) within 30 days of the expiration of the declaration of the peacetime public health
3.18 emergency, the commissioner shall submit a report that must include, at a minimum, a
3.19 timeline as to when temporary powers were exercised and an explanation as to why the
3.20 exercise of temporary powers was necessary; and

3.21 (2) within 180 days of the expiration of the declaration of the peacetime public health
3.22 emergency, the commissioner shall submit a report that must include, at a minimum,
3.23 aggregate data on the number of inmates who were granted conditional release, committed
3.24 a new offense, were reincarcerated for a technical violation, and tested positive for
3.25 COVID-19.

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