

169.10

ARTICLE 7

169.11

COMMUNITY SUPERVISION REFORM

169.12 Section 1. Minnesota Statutes 2020, section 241.272, is amended to read:

169.13 **241.272 FEE COLLECTION; PROHIBITED.**

169.14 Subdivision 1. **Definition.** (a) As used in this section, the following terms have the
169.15 meanings given ~~them~~.

169.16 (b) "Correctional fees" include fees for the following correctional services:

169.17 (1) ~~community service work placement and supervision;~~

169.18 (2) ~~restitution collection;~~

169.19 (3) ~~supervision;~~

169.20 (4) ~~(2)~~ court-ordered investigations; or

169.21 (5) ~~(3)~~ any other service provided by a probation officer or parole agency for offenders
169.22 supervised by the commissioner of corrections, a local unit of government, or a community
169.23 corrections agency.

169.24 (c) "Probation" has the meaning given in section 609.02, subdivision 15.

169.25 (d) "Supervised release" has the meaning given in section 244.01, subdivision 7.

169.26 ~~Subd. 2. **Correctional fees established.** To defray costs associated with correctional~~
169.27 ~~services, the commissioner of corrections may establish a schedule of correctional fees to~~
169.28 ~~charge persons convicted of a crime and supervised by the commissioner. The correctional~~
169.29 ~~fees on the schedule must be reasonably related to offenders' abilities to pay and the actual~~
169.30 ~~cost of correctional services.~~

170.1 Subd. 2a. **Prohibition.** The commissioner of corrections, local units of government, and
170.2 community corrections agencies are prohibited from assessing and collecting correctional
170.3 fees from persons on probation, parole, supervised release, or conditional release except as
170.4 otherwise provided in this section.

170.5 ~~Subd. 3. **Fee collection.** (a) The commissioner of corrections may impose and collect~~
170.6 ~~fees from individuals on probation and supervised release at any time while the offender is~~
170.7 ~~under sentence or after the sentence has been discharged.~~

170.8 (b) ~~The commissioner may use any available civil means of debt collection in collecting~~
170.9 ~~a correctional fee.~~

170.10 ~~Subd. 4. **Exemption from fee.** The commissioner of corrections may waive payment~~
170.11 ~~of the fee if the commissioner determines that the offender does not have the ability to pay~~
170.12 ~~the fee, the prospects for payment are poor, or there are extenuating circumstances justifying~~

170.13 ~~waiver of the fee. Instead of waiving the fee, the commissioner may require the offender to~~
170.14 ~~perform community work service as a means of paying the fee.~~

170.15 ~~Subd. 5. **Restitution payment priority.** If an offender has been ordered by a court to~~
170.16 ~~pay restitution, the offender shall be obligated to pay the restitution ordered before paying~~
170.17 ~~the correctional fee. However, if the offender is making reasonable payments to satisfy the~~
170.18 ~~restitution obligation, the commissioner may also collect a correctional fee.~~

170.19 ~~Subd. 6. **Use of fees.** Excluding correctional fees collected from offenders supervised~~
170.20 ~~by department agents under the authority of section 244.19, subdivision 1, paragraph (a);~~
170.21 ~~clause (3), all correctional fees collected under this section go to the general fund. Fees~~
170.22 ~~collected by agents under the authority of section 244.19, subdivision 1, paragraph (a);~~
170.23 ~~clause (3), shall go to the county treasurer in the county where supervision is provided.~~
170.24 ~~These fees may only be used in accordance with section 244.18, subdivision 6.~~

170.25 ~~Subd. 7. **Annual report.** Beginning January 15, 2001, the commissioner shall submit~~
170.26 ~~an annual report on the implementation of this section to the chairs and ranking minority~~
170.27 ~~members of the senate and house of representatives committees and divisions with jurisdiction~~
170.28 ~~over criminal justice funding and policy. At a minimum, the report shall include information~~
170.29 ~~on the types of correctional services for which fees were imposed, the aggregate amount of~~
170.30 ~~fees imposed, and the amount of fees collected.~~

170.31 ~~Subd. 8. **Sex offender treatment fee.** The commissioner of corrections may authorize~~
170.32 ~~sex offender treatment providers to charge and collect treatment co-pays from all offenders~~
170.33 ~~in their treatment program. The amount of treatment co-pay assessed to each offender is~~
171.1 ~~based upon a fee schedule approved by the commissioner. Fees collected under this authority~~
171.2 ~~are used by the treatment provider to fund the cost of treatment.~~

171.3 ~~**EFFECTIVE DATE.** This section is effective July 1, 2023.~~

171.4 ~~Sec. 2. Minnesota Statutes 2020, section 243.05, subdivision 1, is amended to read:~~

171.5 ~~Subdivision 1. **Conditional release.** (a) The commissioner of corrections may parole~~
171.6 ~~any person sentenced to confinement in any state correctional facility for adults under the~~
171.7 ~~control of the commissioner of corrections, provided that:~~

171.8 ~~(1) no inmate serving a life sentence for committing murder before May 1, 1980, other~~
171.9 ~~than murder committed in violation of clause (1) of section 609.185 who has not been~~
171.10 ~~previously convicted of a felony shall be paroled without having served 20 years, less the~~
171.11 ~~diminution that would have been allowed for good conduct had the sentence been for 20~~
171.12 ~~years;~~

171.13 ~~(2) no inmate serving a life sentence for committing murder before May 1, 1980, who~~
171.14 ~~has been previously convicted of a felony or though not previously convicted of a felony~~
171.15 ~~is serving a life sentence for murder in the first degree committed in violation of clause (1)~~
171.16 ~~of section 609.185 shall be paroled without having served 25 years, less the diminution~~
171.17 ~~which would have been allowed for good conduct had the sentence been for 25 years;~~

171.18 (3) any inmate sentenced prior to September 1, 1963, who would be eligible for parole
171.19 had the inmate been sentenced after September 1, 1963, shall be eligible for parole; and

171.20 (4) any new rule or policy or change of rule or policy adopted by the commissioner of
171.21 corrections which has the effect of postponing eligibility for parole has prospective effect
171.22 only and applies only with respect to persons committing offenses after the effective date
171.23 of the new rule or policy or change.

171.24 (b) Upon being paroled and released, an inmate is and remains in the legal custody and
171.25 under the control of the commissioner, subject at any time to be returned to a facility of the
171.26 Department of Corrections established by law for the confinement or treatment of convicted
171.27 persons and the parole rescinded by the commissioner.

171.28 (c) The written order of the commissioner of corrections, is sufficient authority for any
171.29 peace officer, state correctional investigator, or state parole and probation agent to retake
171.30 and place in actual custody any person on parole or supervised release. In addition, when
171.31 it appears necessary in order to prevent escape or enforce discipline, any state parole and
171.32 probation agent or state correctional investigator may, without order of warrant, take and
172.1 detain a parolee or person on supervised release or work release and bring the person to the
172.2 commissioner for action.

172.3 (d) The written order of the commissioner of corrections is sufficient authority for any
172.4 peace officer, state correctional investigator, or state parole and probation agent to retake
172.5 and place in actual custody any person on probation under the supervision of the
172.6 commissioner pursuant to section 609.135. Additionally, when it appears necessary in order
172.7 to prevent escape or enforce discipline, any state parole and probation agent or state
172.8 correctional investigator may, without an order, retake and detain a probationer and bring
172.9 the probationer before the court for further proceedings under section 609.14.

172.10 (e) The written order of the commissioner of corrections is sufficient authority for any
172.11 peace officer, state correctional investigator, or state parole and probation agent to detain
172.12 any person on pretrial release who absconds from pretrial release or fails to abide by the
172.13 conditions of pretrial release.

172.14 (f) Persons conditionally released, and those on probation under the supervision of the
172.15 commissioner of corrections pursuant to section 609.135 may be placed within or outside
172.16 the boundaries of the state at the discretion of the commissioner of corrections or the court,
172.17 and the limits fixed for these persons may be enlarged or reduced according to their conduct.

172.18 (g) Except as otherwise provided in subdivision 1b, in considering applications for
172.19 conditional release or discharge, the commissioner is not required to hear oral argument
172.20 from any attorney or other person not connected with an adult correctional facility of the
172.21 Department of Corrections in favor of or against the parole or release of any inmates. The
172.22 commissioner may institute inquiries by correspondence, taking testimony, or otherwise,
172.23 as to the previous history, physical or mental condition, and character of the inmate and, to
172.24 that end, has the authority to require the attendance of the chief executive officer of any

172.25 state adult correctional facility and the production of the records of these facilities, and to
172.26 compel the attendance of witnesses. The commissioner is authorized to administer oaths to
172.27 witnesses for these purposes.

172.28 ~~(h) Unless the district court directs otherwise, state parole and probation agents may~~
172.29 ~~require a person who is under the supervision of the commissioner of corrections to perform~~
172.30 ~~community work service for violating a condition of probation imposed by the court.~~
172.31 ~~Community work service may be imposed for the purpose of protecting the public, to aid~~
172.32 ~~the offender's rehabilitation, or both. Agents may impose up to eight hours of community~~
172.33 ~~work service for each violation and up to a total of 24 hours per offender per 12-month~~
172.34 ~~period, beginning with the date on which community work service is first imposed. The~~
173.1 ~~commissioner may authorize an additional 40 hours of community work services, for a total~~
173.2 ~~of 64 hours per offender per 12-month period, beginning with the date on which community~~
173.3 ~~work service is first imposed. At the time community work service is imposed, parole and~~
173.4 ~~probation agents are required to provide written notice to the offender that states:~~

173.5 ~~(1) the condition of probation that has been violated;~~

173.6 ~~(2) the number of hours of community work service imposed for the violation; and~~

173.7 ~~(3) the total number of hours of community work service imposed to date in the 12-month~~
173.8 ~~period.~~

173.9 ~~An offender may challenge the imposition of community work service by filing a petition~~
173.10 ~~in district court. An offender must file the petition within five days of receiving written~~
173.11 ~~notice that community work service is being imposed. If the offender challenges the~~
173.12 ~~imposition of community work service, the state bears the burden of showing, by a~~
173.13 ~~preponderance of the evidence, that the imposition of community work service is reasonable~~
173.14 ~~under the circumstances.~~

173.15 ~~Community work service includes sentencing to service.~~

173.16 ~~(i) Prior to revoking a nonviolent controlled substance offender's parole or probation~~
173.17 ~~based on a technical violation, when the offender does not present a risk to the public and~~
173.18 ~~the offender is amenable to continued supervision in the community, a parole or probation~~
173.19 ~~agent must identify community options to address and correct the violation including, but~~
173.20 ~~not limited to, inpatient chemical dependency treatment. If a probation or parole agent~~
173.21 ~~determines that community options are appropriate, the agent shall seek to restructure the~~
173.22 ~~offender's terms of release to incorporate those options. If an offender on probation stipulates~~
173.23 ~~in writing to restructure the terms of release, a probation agent must forward a report to the~~
173.24 ~~district court containing:~~

173.25 ~~(1) the specific nature of the technical violation of probation;~~

173.26 ~~(2) the recommended restructure to the terms of probation; and~~

173.27 ~~(2) a copy of the offender's signed stipulation indicating that the offender consents to~~
173.28 ~~the restructuring of probation.~~

173.29 The recommended restructuring of probation becomes effective when confirmed by a
173.30 judge. The order of the court shall be proof of such confirmation and amend the terms of
173.31 the sentence imposed by the court under section 609.125. If a nonviolent controlled substance
173.32 offender's parole or probation is revoked, the offender's agent must first attempt to place
173.33 the offender in a local jail. For purposes of this paragraph, "nonviolent controlled substance
174.1 offender" is a person who meets the criteria described under section 244.0513, subdivision
174.2 2, clauses (1), (2), and (5), and "technical violation" means any violation of a court order
174.3 of probation or a condition of parole, except an allegation of a subsequent criminal act that
174.4 is alleged in a formal complaint, citation, or petition.

174.5 Sec. 3. Minnesota Statutes 2020, section 244.05, subdivision 3, is amended to read:

174.6 Subd. 3. **Sanctions for violation.** If an inmate violates the conditions of the inmate's
174.7 supervised release imposed by the commissioner, the commissioner may:

174.8 (1) continue the inmate's supervised release term, with or without modifying or enlarging
174.9 the conditions imposed on the inmate, or transferring the inmate's case to a specialized
174.10 caseload; or

174.11 (2) revoke the inmate's supervised release and reimprison the inmate for the appropriate
174.12 period of time.

174.13 Prior to revoking ~~a nonviolent controlled substance~~ an offender's supervised release
174.14 based on a technical violation, when the offender does not present a risk to the public ~~and~~
174.15 ~~the offender is amenable to continued supervision in the community~~, the commissioner
174.16 must identify community options to address and correct the violation ~~including, but not~~
174.17 ~~limited to, inpatient chemical dependency treatment~~. If the commissioner determines that
174.18 community options are appropriate, the commissioner shall restructure the inmate's terms
174.19 of release to incorporate those options. ~~If a nonviolent controlled substance offender's~~
174.20 ~~supervised release is revoked, the offender's agent must first attempt to place the offender~~
174.21 ~~in a local jail~~. For purposes of this subdivision, ~~"nonviolent controlled substance offender"~~
174.22 ~~is a person who meets the criteria described under section 244.0513, subdivision 2, clauses~~
174.23 ~~(1), (2), and (5), and "technical violation" means a violation of a condition of supervised~~
174.24 ~~release, except an allegation of a subsequent criminal act that is alleged in a formal complaint,~~
174.25 ~~citation, or petition.~~

174.26 The period of time for which a supervised release may be revoked may not exceed the
174.27 period of time remaining in the inmate's sentence, except that if a sex offender is sentenced
174.28 and conditionally released under Minnesota Statutes 2004, section 609.108, subdivision 5,
174.29 the period of time for which conditional release may be revoked may not exceed the balance
174.30 of the conditional release term.

175.1 Sec. 4. Minnesota Statutes 2020, section 244.19, subdivision 1, is amended to read:

175.2 Subdivision 1. **Appointment; joint services; state services.** (a) If a county or group of
175.3 counties has established a human services board pursuant to chapter 402, the district court
175.4 may appoint one or more county probation officers as necessary to perform court services,
175.5 and the human services board shall appoint persons as necessary to provide correctional
175.6 services within the authority granted in chapter 402. In all counties of more than 200,000
175.7 population, which have not organized pursuant to chapter 402, the district court shall appoint
175.8 one or more persons of good character to serve as county probation officers during the
175.9 pleasure of the court. All other counties shall provide adult misdemeanor and juvenile
175.10 probation services to district courts in one of the following ways:

175.11 (1) the court, with the approval of the county boards, may appoint one or more salaried
175.12 county probation officers to serve during the pleasure of the court;

175.13 (2) when two or more counties offer probation services the district court through the
175.14 county boards may appoint common salaried county probation officers to serve in the several
175.15 counties;

175.16 (3) a county or a district court may request the commissioner of corrections to furnish
175.17 probation services in accordance with the provisions of this section, and the commissioner
175.18 of corrections shall furnish such services to any county or court that fails to provide its own
175.19 probation officer by one of the two procedures listed above;

175.20 (4) if a county or district court providing probation services under clause (1) or (2) asks
175.21 the commissioner of corrections or the legislative body for the state of Minnesota mandates
175.22 the commissioner of corrections to furnish probation services to the district court, the
175.23 probation officers and other employees displaced by the changeover shall be employed by
175.24 the commissioner of corrections. Years of service in the county probation department are
175.25 to be given full credit for future sick leave and vacation accrual purposes;

175.26 (5) all probation officers serving the juvenile courts on July 1, 1972, shall continue to
175.27 serve in the county or counties they are now serving if a county receiving probation services
175.28 under clause (3) decides to provide those services under clause (1) or (2), the probation
175.29 officers and other employees displaced by the changeover shall be employed by the county
175.30 at no loss in salary. Years of service in the state are to be given full credit for future sick
175.31 leave and vacation accrual purposes.

175.32 (b) A county or counties providing probation services under paragraph (a), clause (1)
175.33 or (2), is designated a CPO county for purposes of receiving a grant under chapter 401. A
175.34 county or counties receiving probation services under paragraph (a), clause (3), is not eligible
176.1 for a grant under chapter 401, and the commissioner of corrections is appropriated the
176.2 county's share of funding for the purpose of providing probation services, and authority to
176.3 seek reimbursement from the county under subdivision 5.

176.4 (c) A county that requests the commissioner of corrections to provide probation services
176.5 under paragraph (a), clause (3), shall collaborate with the commissioner to develop a
176.6 comprehensive plan as described in section 401.06.

176.7 ~~(b)~~ (d) The commissioner of management and budget shall place employees transferred
176.8 to state service under paragraph (a), clause (4), in the proper classifications in the classified
176.9 service. Each employee is appointed without examination at no loss in salary or accrued
176.10 vacation or sick leave benefits, but no additional accrual of vacation or sick leave benefits
176.11 may occur until the employee's total accrued vacation or sick leave benefits fall below the
176.12 maximum permitted by the state for the employee's position. An employee appointed under
176.13 paragraph (a), clause (4), shall serve a probationary period of six months. After exhausting
176.14 labor contract remedies, a noncertified employee may appeal for a hearing within ten days
176.15 to the commissioner of management and budget, who may uphold the decision, extend the
176.16 probation period, or certify the employee. The decision of the commissioner of management
176.17 and budget is final. The state shall negotiate with the exclusive representative for the
176.18 bargaining unit to which the employees are transferred regarding their seniority. For purposes
176.19 of computing seniority among those employees transferring from one county unit only, a
176.20 transferred employee retains the same seniority position as the employee had within that
176.21 county's probation office.

176.22 Sec. 5. Minnesota Statutes 2020, section 244.19, subdivision 5, is amended to read:

176.23 Subd. 5. **Compensation.** ~~In counties of more than 200,000 population, a majority of the~~
176.24 ~~judges of the district court may direct the payment of such salary to probation officers as~~
176.25 ~~may be approved by the county board, and in addition thereto shall be reimbursed for all~~
176.26 ~~necessary expenses incurred in the performance of their official duties. In all counties which~~
176.27 ~~obtain probation services from the commissioner of corrections the commissioner shall, out~~
176.28 ~~of appropriations provided therefor, pay probation officers the salary and all benefits fixed~~
176.29 ~~by the state law or applicable bargaining unit and all necessary expenses, including secretarial~~
176.30 ~~service, office equipment and supplies, postage, telephone and telegraph services, and travel~~
176.31 ~~and subsistence. Each county receiving probation services from the commissioner of~~
176.32 ~~corrections shall reimburse the department of corrections for the total cost and expenses of~~
176.33 ~~such services as incurred by the commissioner of corrections, excluding the cost and expense~~
176.34 ~~of services provided under the state's obligation in section 244.20. Total annual costs for~~
177.1 ~~each county shall be that portion of the total costs and expenses for the services of one~~
177.2 ~~probation officer represented by the ratio which the county's population bears to the total~~
177.3 ~~population served by one officer. For the purposes of this section, the population of any~~
177.4 ~~county shall be the most recent estimate made by the Department of Health. At least every~~
177.5 ~~six months the commissioner of corrections shall bill for the total cost and expenses incurred~~
177.6 ~~by the commissioner on behalf of each county which has received probation services. The~~
177.7 ~~commissioner of corrections shall notify each county of the cost and expenses and the county~~
177.8 ~~shall pay to the commissioner the amount due for reimbursement. All such reimbursements~~
177.9 ~~shall be deposited in the general fund used to provide services for each county according~~
177.10 ~~to their reimbursement amount. Objections by a county to all allocation of such cost and~~
177.11 ~~expenses shall be presented to and determined by the commissioner of corrections. Each~~

177.12 county providing probation services under this section is hereby authorized to use unexpended
177.13 funds and to levy additional taxes for this purpose.

177.14 The county commissioners of any county of not more than 200,000 population shall,
177.15 when requested to do so by the juvenile judge, provide probation officers with suitable
177.16 offices, and may provide equipment, and secretarial help needed to render the required
177.17 services.

177.18 Sec. 6. Minnesota Statutes 2020, section 244.195, subdivision 1, is amended to read:

177.19 Subdivision 1. **Definitions.** (a) As used in this subdivision and sections 244.196 to
177.20 244.1995, the following terms have the meanings given them.

177.21 (b) "Commissioner" means the commissioner of corrections.

177.22 (c) "Conditional release" means parole, supervised release, conditional release as
177.23 authorized by section 609.3455, subdivision 6, 7, or 8; Minnesota Statutes 2004, section
177.24 609.108, subdivision 6; or Minnesota Statutes 2004, section 609.109, subdivision 7, work
177.25 release as authorized by sections 241.26, 244.065, and 631.425, probation, furlough, and
177.26 any other authorized temporary release from a correctional facility.

177.27 (d) "Court services director" means the director or designee of a county probation agency
177.28 that is not organized under section 244.19 or an agency organized under chapter 401.

177.29 (e) "Detain" means to take into actual custody, including custody within a local
177.30 correctional facility.

177.31 (f) "Local correctional facility" has the meaning given in section 241.021, subdivision
177.32 1.

178.1 (g) "Probation agency" means the Department of Corrections field office or a probation
178.2 agency organized under section 244.19 or chapter 401.

178.3 (h) "Probation officer" means a court services director, county probation officer, or any
178.4 other community supervision officer employed by the commissioner or by a probation
178.5 agency organized under section 244.19 or chapter 401.

178.6 ~~(g)~~ (i) "Release" means to release from actual custody.

178.7 Sec. 7. Minnesota Statutes 2020, section 244.195, is amended by adding a subdivision to
178.8 read:

178.9 Subd. 6. **Intermediate sanctions.** (a) Unless the district court directs otherwise, a
178.10 probation officer may require a person committed to the officer's care by the court to perform
178.11 community work service for violating a condition of probation imposed by the court.
178.12 Community work service may be imposed for the purpose of protecting the public, to aid
178.13 the person's rehabilitation, or both. A probation officer may impose up to eight hours of
178.14 community work service for each violation and up to a total of 24 hours per person per
178.15 12-month period, beginning on the date on which community work service is first imposed.

178.16 The court services director or probation agency may authorize an additional 40 hours of
178.17 community work service, for a total of 64 hours per person per 12-month period, beginning
178.18 with the date on which community work service is first imposed. At the time community
178.19 work service is imposed, probation officers are required to provide written notice to the
178.20 person that states:

178.21 (1) the condition of probation that has been violated;
178.22 (2) the number of hours of community work service imposed for the violation; and
178.23 (3) the total number of hours of community work service imposed to date in the 12-month
178.24 period.

178.25 (b) A person on supervision may challenge the imposition of community work service
178.26 by filing a petition in district court within five days of receiving written notice that
178.27 community work service is being imposed. If the person challenges the imposition of
178.28 community work service, the state bears the burden of showing, by a preponderance of the
178.29 evidence, that the imposition of community work service is reasonable under the
178.30 circumstances.

178.31 (c) Community work service includes sentencing to service.

179.1 Sec. 8. Minnesota Statutes 2020, section 244.195, is amended by adding a subdivision to
179.2 read:

179.3 Subd. 7. **Contacts.** Supervision contacts may be conducted over video conference
179.4 technology at the discretion of the probation agent.

179.5 Sec. 9. Minnesota Statutes 2020, section 244.20, is amended to read:

179.6 **244.20 PROBATION SUPERVISION.**

179.7 Notwithstanding sections 244.19, subdivision 1, and 609.135, subdivision 1, the
179.8 Department of Corrections shall have exclusive responsibility for providing probation
179.9 services for adult felons in counties that do not take part in the Community Corrections Act.
179.10 ~~In counties that do not take part in the Community Corrections Act, the responsibility for~~
179.11 ~~providing probation services for individuals convicted of gross misdemeanor offenses shall~~
179.12 ~~be discharged according to local judicial policy.~~

179.13 Sec. 10. Minnesota Statutes 2020, section 244.21, is amended to read:

179.14 **244.21 INFORMATION ON OFFENDERS UNDER SUPERVISION; REPORTS.**

179.15 Subdivision 1. **Collection of information by probation service providers; report**
179.16 **required.** (a) By January 1, 1998, probation service providers shall begin collecting and
179.17 maintaining information on offenders under supervision. The commissioner of corrections
179.18 shall specify the nature and extent of the information to be collected. By April 1 of every
179.19 year, each probation service provider shall report a summary of the information collected
179.20 to the commissioner as a condition of state grant funding under chapter 401.

179.21 (b) Beginning August 1, 2023, and each year thereafter, each entity required to submit
179.22 a report under paragraph (a) must include in their report the total number of days in the
179.23 previous fiscal year that offenders supervised by the entity had their probation or supervised
179.24 release revoked.

179.25 Subd. 2. **Commissioner of corrections report.** By January 15, ~~1998~~ 2023, the
179.26 commissioner of corrections shall report to the chairs of the ~~senate crime prevention and~~
179.27 ~~house of representatives judiciary~~ legislative committees with jurisdiction over public safety
179.28 and finance on recommended methods of coordinating the exchange of information collected
179.29 on offenders under subdivision 1: (1) between probation service providers; and (2) between
179.30 probation service providers and the Department of Corrections, ~~without requiring service~~
179.31 ~~providers to acquire uniform computer software.~~

180.1 Sec. 11. Minnesota Statutes 2020, section 401.01, is amended to read:

180.2 **401.01 PURPOSE AND DEFINITION; ASSISTANCE GRANTS.**

180.3 Subdivision 1. **Grants.** For the purpose of more effectively protecting society and to
180.4 promote efficiency and economy in the delivery of correctional services, the commissioner
180.5 is authorized to make grants to assist counties in the development, implementation, and
180.6 operation of community-based corrections programs including preventive or diversionary
180.7 correctional programs, conditional release programs, community corrections centers, and
180.8 facilities for the detention or confinement, care and treatment of persons convicted of crime
180.9 or adjudicated delinquent. ~~The commissioner may authorize the use of a percentage of a~~
180.10 ~~grant for the operation of an emergency shelter or make a separate grant for the rehabilitation~~
180.11 ~~of a facility owned by the grantee and used as a shelter to bring the facility into compliance~~
180.12 ~~with state and local laws pertaining to health, fire, and safety, and to provide security.~~

180.13 Subd. 1a. **Credit for early discharge.** In calculating grants authorized under subdivision
180.14 1, the commissioner must not reduce the amount of a grant based on offenders being
180.15 discharged from community supervision prior to the sentence expiration date imposed by
180.16 the sentencing court.

180.17 Subd. 2. **Definitions.** (a) For the purposes of sections 401.01 to 401.16, the following
180.18 terms have the meanings given them.

180.19 (b) "CCA county" means a county that participates in the Community Corrections Act.

180.20 (c) "Commissioner" means the commissioner of corrections or a designee.

180.21 (d) "Conditional release" means parole, supervised release, conditional release as
180.22 authorized by section 609.3455, subdivision 6, 7, or 8; Minnesota Statutes 2004, section
180.23 609.108, subdivision 6; or Minnesota Statutes 2004, section 609.109, subdivision 7, work
180.24 release as authorized by sections 241.26, 244.065, and 631.425, probation, furlough, and
180.25 any other authorized temporary release from a correctional facility.

180.26 (e) "County probation officer" means a probation officer appointed under section 244.19.

180.27 (f) "CPO county" means a county that participates in funding under this act by providing
180.28 local corrections service for all juveniles and individuals on probation for misdemeanors,
180.29 pursuant to section 244.19, subdivision 1, paragraph (a), clause (1) or (2).

180.30 (g) "Detain" means to take into actual custody, including custody within a local
180.31 correctional facility.

180.32 ~~(g)~~ (h) "Joint board" means the board provided in section 471.59.

181.1 ~~(h)~~ (i) "Local correctional facility" has the meaning given in section 241.021, subdivision
181.2 1.

181.3 ~~(i)~~ (j) "Local correctional service" means those services authorized by and employees,
181.4 officers, and agents appointed under section 244.19, subdivision 1.

181.5 ~~(j)~~ (k) "Release" means to release from actual custody.

181.6 (l) "Tribal government" means one of the federally recognized Tribes described in section
181.7 3.922.

181.8 Sec. 12. Minnesota Statutes 2020, section 401.02, is amended to read:

181.9 **401.02 COUNTIES OR REGIONS; SERVICES INCLUDABLE.**

181.10 Subdivision 1. **Qualification of counties or Tribal governments.** (a) One or more
181.11 counties, ~~having an aggregate population of 30,000 or more persons, or Tribal governments~~
181.12 may qualify for a grant as provided in section 401.01 by ~~the enactment of appropriate~~
181.13 ~~resolutions creating and establishing a corrections advisory board,~~ designating the officer
181.14 or agency to be responsible for administering grant funds, and providing for the preparation
181.15 of a comprehensive plan for the development, implementation and operation of the
181.16 correctional services described in ~~section~~ sections 401.01 and 401.11, including the
181.17 assumption of those correctional services, other than the operation of state facilities, presently
181.18 provided in such counties by the Department of Corrections, and providing for centralized
181.19 administration and control of those correctional services described in section 401.01. Counties
181.20 participating as a CCA county must also enact the appropriate resolutions creating and
181.21 establishing a corrections advisory board.

181.22 Where counties or Tribal governments combine as authorized in this section, they shall
181.23 comply with the provisions of section 471.59.

181.24 (b) A county that has participated in the Community Corrections Act for five or more
181.25 years is eligible to continue to participate in the Community Corrections Act.

181.26 (c) If a county or Tribal government withdraws from the grant program as outlined in
181.27 subdivision 1 of this section and asks the commissioner of corrections, or the legislative
181.28 body or the state of Minnesota mandates the commissioner of corrections to furnish probation
181.29 services to the county, the probation officers and other employees displaced by the
181.30 changeover shall be employed by the commissioner of corrections. Years of service in the

181.31 county probation department are to be given full credit for future sick leave and vacation
181.32 accrual purposes.

182.1 Subd. 2. **Planning counties; advisory board members expenses.** To assist counties
182.2 which have complied with the provisions of subdivision 1 and require financial aid to defray
182.3 all or a part of the expenses incurred by corrections advisory board members in discharging
182.4 their official duties pursuant to section 401.08, the commissioner may designate counties
182.5 as "planning counties", and, upon receipt of resolutions by the governing boards of the
182.6 counties certifying the need for and inability to pay the expenses described in this subdivision,
182.7 advance to the counties an amount not to exceed five percent of the maximum quarterly
182.8 ~~subsidy grant~~ for which the counties are eligible. The expenses described in this subdivision
182.9 shall be paid in the same manner and amount as for state employees.

182.10 Subd. 3. **Establishment and reorganization of administrative structure.** Any county
182.11 or group of counties which have qualified for participation in the ~~community corrections~~
182.12 ~~subsidy grant~~ program provided by this chapter may establish, organize, and reorganize an
182.13 administrative structure and provide for the budgeting, staffing, and operation of court
182.14 services and probation, construction or improvement to juvenile detention and juvenile
182.15 correctional facilities and adult detention and correctional facilities, and other activities
182.16 required to conform to the purposes of this chapter. No contrary general or special statute
182.17 divests any county or group of counties of the authority granted by this subdivision.

182.18 Subd. 5. **Intermediate sanctions.** ~~Unless the district court directs otherwise, county~~
182.19 ~~probation officers may require a person committed to the officer's care by the court to~~
182.20 ~~perform community work service for violating a condition of probation imposed by the~~
182.21 ~~court. Community work service may be imposed for the purpose of protecting the public,~~
182.22 ~~to aid the offender's rehabilitation, or both. Probation officers may impose up to eight hours~~
182.23 ~~of community work service for each violation and up to a total of 24 hours per offender per~~
182.24 ~~12-month period, beginning on the date on which community work service is first imposed.~~
182.25 ~~The chief executive officer of a community corrections agency may authorize an additional~~
182.26 ~~40 hours of community work service, for a total of 64 hours per offender per 12-month~~
182.27 ~~period, beginning with the date on which community work service is first imposed. At the~~
182.28 ~~time community work service is imposed, probation officers are required to provide written~~
182.29 ~~notice to the offender that states:~~

182.30 ~~(1) the condition of probation that has been violated;~~

182.31 ~~(2) the number of hours of community work service imposed for the violation; and~~

182.32 ~~(3) the total number of hours of community work service imposed to date in the 12-month~~
182.33 ~~period.~~

183.1 An offender may challenge the imposition of community work service by filing a petition
183.2 in district court. An offender must file the petition within five days of receiving written
183.3 notice that community work service is being imposed. If the offender challenges the
183.4 imposition of community work service, the state bears the burden of showing, by a

183.5 ~~preponderance of the evidence, that the imposition of community work service is reasonable~~
183.6 ~~under the circumstances.~~

183.7 ~~Community work service includes sentencing to service.~~

183.8 Sec. 13. Minnesota Statutes 2020, section 401.04, is amended to read:

183.9 **401.04 ACQUISITION OF PROPERTY; SELECTION OF ADMINISTRATIVE**
183.10 **STRUCTURE; EMPLOYEES.**

183.11 Any county or group of counties electing to come within the provisions of sections
183.12 401.01 to 401.16 may (a) acquire by any lawful means, including purchase, lease or transfer
183.13 of custodial control, the lands, buildings and equipment necessary and incident to the
183.14 accomplishment of the purposes of sections 401.01 to 401.16, (b) determine and establish
183.15 the administrative structure best suited to the efficient administration and delivery of the
183.16 correctional services described in section 401.01, and (c) employ a director and other officers,
183.17 employees and agents as deemed necessary to carry out the provisions of sections 401.01
183.18 to 401.16. To the extent that participating counties shall assume and take over state and
183.19 local correctional services presently provided in counties, employment shall be given to
183.20 those state and local officers, employees and agents thus displaced; if hired by a county,
183.21 employment shall, to the extent possible and notwithstanding the provisions of any other
183.22 law or ordinance to the contrary, be deemed a transfer in grade with all of the benefits
183.23 enjoyed by such officer, employee or agent while in the service of the state or local
183.24 correctional service.

183.25 State or local employees displaced by county participation in the ~~subsidy grant~~ program
183.26 provided by this chapter are on layoff status and, if not hired by a participating county as
183.27 provided herein, may exercise their rights under layoff procedures established by law or
183.28 union agreement whichever is applicable.

183.29 State or local officers and employees displaced by a county's participation in the
183.30 Community Corrections Act and hired by the participating county shall retain all fringe
183.31 benefits and recall from layoff benefits accrued by seniority and enjoyed by them while in
183.32 the service of the state.

184.1 Sec. 14. Minnesota Statutes 2021 Supplement, section 401.06, is amended to read:

184.2 **401.06 COMPREHENSIVE PLAN; STANDARDS OF ELIGIBILITY;**
184.3 **COMPLIANCE.**

184.4 No county or group of counties or Tribal government or group of Tribal governments
184.5 electing to provide correctional services pursuant to sections 401.01 to 401.16 shall be
184.6 eligible for the ~~subsidy grant~~ herein provided unless and until its comprehensive plan shall
184.7 have been approved by the commissioner. The commissioner shall, pursuant to the
184.8 Administrative Procedure Act, promulgate rules establishing standards of eligibility for
184.9 CCA and CPO counties and Tribal governments to receive ~~funds grants~~ under sections
184.10 401.01 to 401.16. To remain eligible for ~~subsidy grants~~ counties and Tribal governments

184.11 shall maintain substantial compliance with the minimum standards established pursuant to
184.12 sections 401.01 to 401.16 and the policies and procedures governing the services described
184.13 in section 401.025 as prescribed by the commissioner. Counties shall also be in substantial
184.14 compliance with other correctional operating standards permitted by law and established
184.15 by the commissioner and shall report statistics required by the commissioner including but
184.16 not limited to information on individuals convicted as an extended jurisdiction juvenile
184.17 identified in section 241.016, subdivision 1, paragraph (c). The commissioner shall review
184.18 annually the comprehensive plans submitted by participating counties and Tribal
184.19 governments, including the facilities and programs operated under the plans. The
184.20 commissioner is hereby authorized to enter upon any facility operated under the plan, and
184.21 inspect books and records, for purposes of recommending needed changes or improvements.
184.22 When the commissioner provides supervision to a county that elects not to provide the
184.23 supervision, the commissioner shall prepare a comprehensive plan for the county and shall
184.24 present it to the local county board of commissioners. The Department of Corrections shall
184.25 be subject to all the standards and requirements established in sections 401.01 to 401.16
184.26 and promulgated rules.

184.27 When the commissioner shall determine that there are reasonable grounds to believe
184.28 that a county or group of counties or Tribal government or group of Tribal governments is
184.29 not in substantial compliance with minimum standards, at least 30 days' notice shall be
184.30 given the county or counties or Tribal government or group of Tribal governments and a
184.31 hearing conducted by the commissioner to ascertain whether there is substantial compliance
184.32 or satisfactory progress being made toward compliance. The commissioner may suspend
184.33 all or a portion of any subsidy grant until the required standard of operation has been met.

185.1 Sec. 15. Minnesota Statutes 2020, section 401.09, is amended to read:

185.2 **401.09 OTHER SUBSIDY PROGRAMS; PURCHASE OF STATE SERVICES.**

185.3 Failure of a county or group of counties to elect to come within the provisions of sections
185.4 401.01 to 401.16 shall not affect their eligibility for any other state grant or subsidy for
185.5 correctional purposes otherwise provided by law. Any comprehensive plan submitted
185.6 pursuant to sections 401.01 to 401.16 may include the purchase of selected correctional
185.7 services from the state by contract, including the temporary detention and confinement of
185.8 persons convicted of crime or adjudicated delinquent; confinement to be in an appropriate
185.9 state facility as otherwise provided by law. The commissioner shall annually determine the
185.10 costs of the purchase of services under this section and deduct them from the subsidy grant
185.11 due and payable to the county or counties concerned; provided that no contract shall exceed
185.12 in cost the amount of subsidy grant to which the participating county or counties are eligible.

185.13 Sec. 16. Minnesota Statutes 2020, section 401.10, is amended to read:

185.14 **401.10 COMMUNITY CORRECTIONS AID.**

185.15 Subdivision 1. ~~Aid calculations~~ **Funding formula.** To determine the community
185.16 corrections aid amount to be paid to each participating county, the commissioner of
185.17 corrections must apply the following formula:

185.18 (1) For each of the 87 counties in the state, a percent score must be calculated for each
185.19 of the following five factors:

185.20 (i) percent of the total state population aged ten to 24 residing within the county according
185.21 to the most recent federal census, and, in the intervening years between the taking of the
185.22 federal census, according to the most recent estimate of the state demographer;

185.23 (ii) percent of the statewide total number of felony case filings occurring within the
185.24 county, as determined by the state court administrator;

185.25 (iii) percent of the statewide total number of juvenile case filings occurring within the
185.26 county, as determined by the state court administrator;

185.27 (iv) percent of the statewide total number of gross misdemeanor case filings occurring
185.28 within the county, as determined by the state court administrator; and

185.29 (v) percent of the total statewide number of convicted felony offenders who did not
185.30 receive an executed prison sentence, as monitored and reported by the Sentencing Guidelines
185.31 Commission.

186.1 The percents in items (ii) to (v) must be calculated by combining the most recent
186.2 three-year period of available data. The percents in items (i) to (v) each must sum to 100
186.3 percent across the 87 counties.

186.4 (2) For each of the 87 counties, the county's percents in clause (1), items (i) to (v), must
186.5 be weighted, summed, and divided by the sum of the weights to yield an average percent
186.6 for each county, referred to as the county's "composite need percent." When performing
186.7 this calculation, the weight for each of the percents in clause (1), items (i) to (v), is 1.0. The
186.8 composite need percent must sum to 100 percent across the 87 counties.

186.9 (3) For each of the 87 counties, the county's "adjusted net tax capacity percent" is the
186.10 county's adjusted net tax capacity amount, defined in the same manner as it is defined for
186.11 cities in section 477A.011, subdivision 20, divided by the statewide total adjusted net tax
186.12 capacity amount. The adjusted net tax capacity percent must sum to 100 percent across the
186.13 87 counties.

186.14 (4) For each of the 87 counties, the county's composite need percent must be divided by
186.15 the county's adjusted net tax capacity percent to produce a ratio that, when multiplied by
186.16 the county's composite need percent, results in the county's "tax base adjusted need percent."

186.17 (5) For each of the 87 counties, the county's tax base adjusted need percent must be
186.18 added to twice the composite need percent, and the sum must be divided by 3, to yield the
186.19 county's "weighted need percent."

186.20 (6) Each participating county's weighted need percent must be added to the weighted
186.21 need percent of each other participating county to yield the "total weighted need percent
186.22 for participating counties."

186.23 (7) Each participating county's weighted need percent must be divided by the total
186.24 weighted need percent for participating counties to yield the county's "share percent." The
186.25 share percents for participating counties must sum to 100 percent.

186.26 (8) Each participating county's "base funding amount" is the aid amount that the county
186.27 received under this section for fiscal year 1995 plus the amount received in easeload or
186.28 workload reduction, felony easeload reduction, and sex offender supervision grants in fiscal
186.29 year 2015, as reported by the commissioner of corrections. In fiscal year 1997 and thereafter,
186.30 no county's aid amount under this section may be less than its base funding amount, provided
186.31 that the total amount appropriated for this purpose is at least as much as the aggregate base
186.32 funding amount defined in clause (9).

187.1 (9) The "aggregate base funding amount" is equal to the sum of the base funding amounts
187.2 for all participating counties. If a county that participated under this section chooses not to
187.3 participate in any given year, then the aggregate base funding amount must be reduced by
187.4 that county's base funding amount. If a county that did not participate under this section in
187.5 fiscal year 1995 chooses to participate on or after July 1, 2015, then the aggregate base
187.6 funding amount must be increased by the amount of aid that the county would have received
187.7 had it participated in fiscal year 1995 plus the estimated amount it would have received in
187.8 easeload or workload reduction, felony easeload reduction, and sex offender supervision
187.9 grants in fiscal year 2015, as reported by the commissioner of corrections, and the amount
187.10 of increase shall be that county's base funding amount.

187.11 (10) In any given year, the total amount appropriated for this purpose first must be
187.12 allocated to participating counties in accordance with each county's base funding amount.
187.13 Then, any remaining amount in excess of the aggregate base funding amount must be
187.14 allocated to participating counties in proportion to each county's share percent, and is referred
187.15 to as the county's "formula amount."

187.16 Each participating county's "community corrections aid amount" equals the sum of (i)
187.17 the county's base funding amount, and (ii) the county's formula amount.

187.18 (11) However, if in any year the total amount appropriated for the purpose of this section
187.19 is less than the aggregate base funding amount, then each participating county's community
187.20 corrections aid amount is the product of (i) the county's base funding amount multiplied by
187.21 (ii) the ratio of the total amount appropriated to the aggregate base funding amount.

187.22 ~~For each participating county, the county's community corrections aid amount calculated~~
187.23 ~~in this subdivision is the total amount of subsidy to which the county is entitled under~~
187.24 ~~sections 401.01 to 401.16.~~

187.25 (a) The state shall institute one funding formula for supervising people in the community.
187.26 For fiscal year 2023, the commissioner shall use the following formula to determine each
187.27 county and Tribal government grant and the department's funding for supervision in counties
187.28 or Tribal jurisdictions served by the department. Funding and allocations for intensive
187.29 supervised release are not included in the formula and regardless of the results of the formula,
187.30 in fiscal year 2023, the commissioner shall provide 50 percent funding to CPO counties as
187.31 previously required in section 244.19, subdivision 6. The following amounts shall be summed
187.32 to arrive at the total for a county, Tribal government, or the department:

187.33 (1) \$250,000;

188.1 (2) ten percent of the total appropriation for community supervision and postrelease
188.2 services to the department for community supervision in fiscal year 2022 multiplied by the
188.3 county's or Tribe's percentage of the state's total population;

188.4 (3) ten percent of the total appropriation to the department for community supervision
188.5 in fiscal year 2022 multiplied by the county's or Tribe's percentage of the state's total
188.6 geographic area;

188.7 (4) the result of the following methodology:

188.8 (i) use the county's felony supervision population as reflected in the most recent probation
188.9 survey by the department and analysis conducted in 2021 by an independent contractor;

188.10 (ii) use the hours required to supervise the felony population based on 2,080 hours of
188.11 full-time equivalent officer time in one year; and

188.12 (iii) assume a \$100,000 cost for each full-time equivalent officer and multiply that
188.13 amount by the average full-time equivalent time for the county for one year; and

188.14 (5) the department may prorate the total amount distributed in clauses (2), (3), and (4),
188.15 as necessary, so as to not exceed the total appropriation for fiscal year 2023.

188.16 (b) For use in fiscal year 2024 and beyond, to replace the methodology in paragraph (a),
188.17 clause (4), the state shall implement a workload methodology developed by the Supervision
188.18 Standards Committee to calculate the average per diem costs of supervising people in
188.19 communities and accounting for people of different risk and need levels who are juveniles,
188.20 on probation for a misdemeanor, on probation for a gross misdemeanor, on probation for a
188.21 felony, on supervised or conditional release, or on intensive supervised release. The
188.22 Department of Corrections and the Supervision Standards Committee shall report the
188.23 methodology and the calculated fiscal impacts of the formula described in this paragraph
188.24 estimated for each of fiscal years 2024, 2025, 2026, and 2027 to the chairs and ranking
188.25 minority members of the legislative committees with jurisdiction over public safety finance
188.26 and policy, to the governor, and to the Department of Management and Budget by October

188.27 15, 2022, for consideration in biennial budget development under section 16A.10, subdivision
188.28 2. The department may prorate the total amount distributed in fiscal year 2024 and subsequent
188.29 years as necessary, so as to not exceed the total appropriation for that fiscal year.

188.30 (c) The reimbursement formulas developed under paragraphs (a) and (b) must:

188.31 (1) limit the weight of a misdemeanor case to no more than one-half of the weight
188.32 assigned to a felony case with a comparable risk level assessment for purposes of calculating
188.33 weighted caseloads; and

189.1 (2) account for the absence of work performed in an entity's caseload that occurs when
189.2 offenders under the entity's supervision are reincarcerated. The formulas must reduce an
189.3 entity's current grant award by the amount of savings that would have been generated in
189.4 the prior year from supervision that was not performed because of offender reincarceration.

189.5 Subd. 2. **Transfer of funds.** Notwithstanding any law to the contrary, the commissioner
189.6 of corrections, after notifying the committees on finance of the senate and ways and means
189.7 of the house of representatives, may, at the end of any fiscal year, transfer any unobligated
189.8 funds, including funds available due the withdrawal of a county under section 401.16, in
189.9 any appropriation to the Department of Corrections to the appropriation under sections
189.10 401.01 to 401.16, which appropriation shall not cancel but is reappropriated for the purposes
189.11 of sections 401.01 to 401.16.

189.12 Subd. 3. **Formula review.** ~~Prior to January 16, 2002, the committees with jurisdiction~~
189.13 ~~over community corrections funding decisions in the house of representatives and the senate,~~
189.14 ~~in consultation with the Department of Corrections and any interested county organizations,~~
189.15 ~~must review the formula in subdivision 1 and make recommendations to the legislature for~~
189.16 ~~its continuation, modification, replacement, or discontinuation.~~ (a) For fiscal year 2024 and
189.17 subsequent fiscal years, the commissioner shall make a funding recommendation based
189.18 upon the following two components:

189.19 (1) for the first component the following amounts shall be summed to arrive at the total
189.20 for a county, Tribal government, or the department:

189.21 (i) \$250,000;

189.22 (ii) ten percent of the total appropriation to the department for community supervision
189.23 in the previous fiscal year multiplied by the county's percentage of the state's total population
189.24 according to 2020 census data; and

189.25 (iii) ten percent of the total appropriation to the department for community supervision
189.26 in the previous fiscal year multiplied by the county's percentage of the state's total geographic
189.27 area as reflected in square miles; and

189.28 (2) for the second component funding shall reflect the results of the workload study in
189.29 subdivision 1, paragraph (b).

189.30 (b) Every six years the workload study shall be repeated and updated by the Department
189.31 of Corrections in consultation with the Community Supervision Advisory Board if
189.32 established.

190.1 (c) For the purposes of the recommendations required under this section, every six years
190.2 the \$250,000 base amount shall be adjusted to reflect the statewide average cost of 2.5
190.3 probation officer full-time equivalent employees.

190.4 Sec. 17. Minnesota Statutes 2020, section 401.11, is amended to read:

190.5 **401.11 COMPREHENSIVE PLAN ITEMS; GRANT REVIEW.**

190.6 Subdivision 1. **Items.** The comprehensive plan submitted to the commissioner for
190.7 approval shall include those items prescribed by rule of the commissioner, which may
190.8 require the inclusion of the following: (a) the manner in which presentence and postsentence
190.9 investigations and reports for the district courts and social history reports for the juvenile
190.10 courts will be made; (b) the manner in which conditional release services to the courts and
190.11 persons under jurisdiction of the commissioner of corrections will be provided; (c) a program
190.12 for the detention, supervision, and treatment of persons under pretrial detention or under
190.13 commitment; (d) delivery of other correctional services defined in section 401.01; (e)
190.14 proposals for new programs, which proposals must demonstrate a need for the program, its
190.15 purpose, objective, administrative structure, staffing pattern, staff training, financing,
190.16 evaluation process, degree of community involvement, client participation, and duration of
190.17 program.

190.18 Subd. 2. **Review.** In addition to the foregoing requirements made by this section, each
190.19 participating CCA county or group of counties shall develop and implement a procedure
190.20 for the review of grant applications made to the corrections advisory board and for the
190.21 manner in which corrections advisory board action will be taken on them. A description of
190.22 this procedure must be made available to members of the public upon request.

190.23 Sec. 18. Minnesota Statutes 2020, section 401.12, is amended to read:

190.24 **401.12 CONTINUATION OF CURRENT SPENDING LEVEL BY COUNTIES.**

190.25 Participating counties shall not diminish their current level of spending for correctional
190.26 expenses as defined in section 401.01, to the extent of any subsidy grant received pursuant
190.27 to sections 401.01 to 401.16; rather the subsidy grant herein provided is for the expenditure
190.28 for correctional purposes in excess of those funds currently being expended. Should a
190.29 participating county be unable to expend the full amount of the subsidy grant to which it
190.30 would be entitled in any one year under the provisions of sections 401.01 to 401.16, the
190.31 commissioner shall retain the surplus, subject to disbursement in the following year wherein
190.32 such county can demonstrate a need for and ability to expend same for the purposes provided
190.33 in section 401.01. If in any biennium the subsidy grant is increased by an inflationary
191.1 adjustment which results in the county receiving more actual subsidy grant than it did in
191.2 the previous calendar year, the county shall be eligible for that increase only if the current

191.3 level of spending is increased by a percentage equal to that increase within the same
191.4 biennium.

191.5 Sec. 19. Minnesota Statutes 2020, section 401.14, subdivision 1, is amended to read:

191.6 Subdivision 1. **Payment.** Upon compliance by a county or group of counties with the
191.7 prerequisites for participation in the subsidy grant prescribed by sections 401.01 to 401.16,
191.8 and approval of the comprehensive plan by the commissioner, the commissioner shall
191.9 determine whether funds exist for the payment of the subsidy grant and proceed to pay same
191.10 in accordance with applicable rules.

191.11 Sec. 20. Minnesota Statutes 2020, section 401.14, subdivision 3, is amended to read:

191.12 Subd. 3. **Installment payments.** The commissioner of corrections shall make payments
191.13 for community corrections services to each county in 12 installments per year. The
191.14 commissioner shall ensure that the pertinent payment of the allotment for each month is
191.15 made to each county on the first working day after the end of each month of the calendar
191.16 year, except for the last month of the calendar year. The commissioner shall ensure that
191.17 each county receives its payment of the allotment for that month no later than the last
191.18 working day of that month. ~~The payment described in this subdivision for services rendered~~
191.19 ~~during June 1985 shall be made on the first working day of July 1985.~~

191.20 Sec. 21. Minnesota Statutes 2020, section 401.15, subdivision 2, is amended to read:

191.21 Subd. 2. **Ranking review.** The commissioner shall biennially review the ranking accorded
191.22 each county by the equalization formula provided in section 401.10 and compute the subsidy
191.23 grant rate accordingly.

191.24 Sec. 22. Minnesota Statutes 2020, section 401.16, is amended to read:

191.25 **401.16 WITHDRAWAL FROM PROGRAM.**

191.26 Any participating county or Tribal government may, at the beginning of any calendar
191.27 quarter, by resolution of its board of commissioners or Tribal government leaders, notify
191.28 the commissioner of its intention to withdraw from the subsidy grant program established
191.29 by sections 401.01 to 401.16, and the withdrawal shall be effective the last day of the last
191.30 month of the third quarter in after which the notice was given. ~~Upon withdrawal, the~~
191.31 ~~unexpended balance of moneys allocated to the county, or that amount necessary to reinstate~~
192.1 ~~state correctional services displaced by that county's participation, including complement~~
192.2 ~~positions, may, upon approval of the legislative advisory commission, be transferred to the~~
192.3 ~~commissioner for the reinstatement of the displaced services and the payment of any other~~
192.4 ~~correctional subsidies for which the withdrawing county had previously been eligible.~~

192.5 Sec. 23. SUPERVISION STANDARDS COMMITTEE.

192.6 Subdivision 1. **Establishment; members.** (a) The commissioner of corrections shall
192.7 establish a supervision standards committee to develop standards for probation, supervised
192.8 release, and community supervision. The committee consists of 13 members as follows:

192.9 (1) two directors appointed by the Minnesota Association of Community Corrections
192.10 Act Counties;

192.11 (2) two probation directors appointed by the Minnesota Association of County Probation
192.12 Officers;

192.13 (3) two county commissioner representatives appointed by the Association of Minnesota
192.14 Counties;

192.15 (4) two behavioral health, treatment, or programming providers who work directly with
192.16 individuals on correctional supervision, one appointed by the Department of Human Services
192.17 and one appointed by the Minnesota Association of County Social Service Administrators;

192.18 (5) two representatives appointed by the Minnesota Indian Affairs Council;

192.19 (6) the commissioner of corrections or a designee and one additional representative of
192.20 the department appointed by the commissioner; and

192.21 (7) the chair of the statewide evidence-based practice advisory committee.

192.22 (b) When an appointing authority selects an individual for membership on the committee,
192.23 the authority shall make reasonable efforts to reflect geographic diversity and to appoint
192.24 qualified members of protected groups, as defined in Minnesota Statutes, section 43A.02,
192.25 subdivision 33.

192.26 (c) The commissioner shall convene the first meeting of the committee on or before July
192.27 15, 2022.

192.28 Subd. 2. **Terms; removal; reimbursement.** (a) In the case of a vacancy on the
192.29 committee, the appointing authority shall appoint a person to fill the vacancy. The members
192.30 of the committee shall elect any officers and create any subcommittees necessary for the
192.31 efficient discharge of committee duties.

193.1 (b) A member may be removed by the appointing authority at any time at the pleasure
193.2 of the appointing authority.

193.3 (c) A member of the committee shall be reimbursed for all reasonable expenses actually
193.4 paid or incurred by that member in the performance of official duties in the same manner
193.5 as other employees of the state. The public members of the committee shall be compensated
193.6 at the rate of \$55 for each day or part thereof spent on committee activities.

193.7 Subd. 3. **Duties.** (a) The committee shall comply with the requirements of section 401.10.

193.8 (b) By June 30, 2023, the committee shall provide written advice and recommendations
193.9 to the commissioner of corrections for creation of administrative rules and policy regarding
193.10 the following:

193.11 (1) developing statewide supervision standards and definitions to be applied to community
193.12 supervision provided by CPO counties, CCA counties, and the Department of Corrections;

193.13 (2) requiring community supervision agencies to use the same agreed-upon risk screener
193.14 and risk and needs assessment tools, as the main supervision assessment methods, or a
193.15 universal five-level matrix allowing for consistent supervision levels and that all tools in
193.16 use be validated on Minnesota's community supervision population and revalidated every
193.17 five years;

193.18 (3) requiring the use of assessment-driven, formalized collaborative case planning to
193.19 focus case planning goals on identified criminogenic and behavioral health need areas for
193.20 moderate- and high-risk individuals;

193.21 (4) limiting standard conditions required for all people on supervision across all
193.22 supervision systems and judicial districts, ensure that conditions of supervision are directly
193.23 related to the offense of the person on supervision, and tailor special conditions to people
193.24 on supervision identified as high risk and need;

193.25 (5) providing gender-responsive, culturally appropriate services and trauma-informed
193.26 approaches;

193.27 (6) developing a statewide incentives and sanctions grid to guide responses to client
193.28 behavior while under supervision to be reviewed and updated every five years to maintain
193.29 alignment with national best practices; and

193.30 (7) developing performance indicators for supervision success as well as recidivism.

193.31 (c) The committee shall explore the role of a permanent state Community Supervision
193.32 Advisory Board for the purposes of the required report in subdivision 6.

194.1 Subd. 4. **Response.** Within 45 days of receiving the committee's recommendations, the
194.2 commissioner must respond in writing to the committee's advice and recommendations.
194.3 The commissioner's response must explain whether the agency will promulgate rules based
194.4 on the recommendations, the timeline for rulemaking, and an explanation of why the
194.5 commissioner will not or cannot include any individual recommendations of the committee
194.6 in the agency's promulgation of rules. The commissioner must also submit the advice and
194.7 recommendations of the committee and the commissioner's written response, to the
194.8 Governor's Council on Justice Reinvestment and to the chairs and ranking minority members
194.9 of the legislative committees with jurisdiction over public safety and finance at the same
194.10 time.

194.11 Subd. 5. **Staff; meeting room; office equipment.** The commissioner shall provide the
194.12 committee with staff support, a meeting room, and access to office equipment and services.

194.13 Subd. 6. **Report.** (a) On January 15, 2023, and January 15, 2024, the committee shall
194.14 submit a report to the chairs and ranking minority members of the legislative committees
194.15 with jurisdiction over public safety and finance and the Governor's Council on Justice
194.16 Reinvestment on progress regarding the development of standards and recommendations
194.17 under subdivision 3.

194.18 (b) On January 15, 2025, the committee shall submit a final report to the chairs and
194.19 ranking minority members of the legislative committees with jurisdiction over public safety
194.20 and finance and the Governor's Council on Justice Reinvestment on the standards and
194.21 recommendations developed according to subdivision 3. The recommendations must include,
194.22 at a minimum, a proposed state-level Community Supervision Advisory Board with a
194.23 governance structure and duties for the board.

194.24 Subd. 7. **Expiration.** The committee expires the earlier of January 25, 2025, or the day
194.25 after the final report is submitted to the legislature and the Governor's Council on Justice
194.26 Reinvestment.

194.27 Sec. 24. **REPEALER.**

194.28 (a) Minnesota Statutes 2020, sections 244.19, subdivisions 6, 7, and 8; 244.22; 244.24;
194.29 244.30; and 401.025, are repealed.

194.30 (b) Minnesota Statutes 2020, sections 244.18; and 609.102, subdivisions 1, 2, and 2a,
194.31 are repealed.

194.32 **EFFECTIVE DATE.** Paragraph (a) is effective July 1, 2022. Paragraph (b) is effective
194.33 July 1, 2023.