

1.1 moves to amend H.F. No. 1838 as follows:

1.2 Page 8, after line 17, insert:

1.3 "Sec. Minnesota Statutes 2022, section 244.195, subdivision 2, is amended to read:

1.4 Subd. 2. **Detention pending hearing.** When it appears necessary to enforce discipline
 1.5 or to prevent a person on conditional release from escaping or absconding from supervision,
 1.6 a court services director has the authority to issue a written order directing any peace officer
 1.7 or any probation officer in the state serving the district and juvenile courts to detain and
 1.8 bring the person before the court or the commissioner, whichever is appropriate, for
 1.9 disposition. If the person on conditional release commits a violation described in section
 1.10 609.14, subdivision 1a, paragraph (a), the court services director must have a reasonable
 1.11 belief that the order is necessary to prevent the person from escaping or absconding from
 1.12 supervision or that the continued presence of the person in the community presents a risk
 1.13 to public safety before issuing a written order. This written order is sufficient authority for
 1.14 the peace officer or probation officer to detain the person for not more than 72 hours,
 1.15 excluding Saturdays, Sundays, and holidays, pending a hearing before the court or the
 1.16 commissioner."

1.17 Page 13, after line 9, insert:

1.18 "Sec. Minnesota Statutes 2022, section 401.025, subdivision 1, is amended to read:

1.19 Subdivision 1. **Peace officers and probation officers serving CCA counties.** (a) When
 1.20 it appears necessary to enforce discipline or to prevent a person on conditional release from
 1.21 escaping or absconding from supervision, the chief executive officer or designee of a
 1.22 community corrections agency in a CCA county has the authority to issue a written order
 1.23 directing any peace officer or any probation officer in the state serving the district and
 1.24 juvenile courts to detain and bring the person before the court or the commissioner, whichever

2.1 is appropriate, for disposition. If the person on conditional release commits a violation
2.2 described in section 609.14, subdivision 1a, paragraph (a), the chief executive officer or
2.3 designee must have a reasonable belief that the order is necessary to prevent the person
2.4 from escaping or absconding from supervision or that the continued presence of the person
2.5 in the community presents a risk to public safety before issuing a written order. This written
2.6 order is sufficient authority for the peace officer or probation officer to detain the person
2.7 for not more than 72 hours, excluding Saturdays, Sundays, and holidays, pending a hearing
2.8 before the court or the commissioner.

2.9 (b) The chief executive officer or designee of a community corrections agency in a CCA
2.10 county has the authority to issue a written order directing a peace officer or probation officer
2.11 serving the district and juvenile courts to release a person detained under paragraph (a)
2.12 within 72 hours, excluding Saturdays, Sundays, and holidays, without an appearance before
2.13 the court or the commissioner. This written order is sufficient authority for the peace officer
2.14 or probation officer to release the detained person.

2.15 (c) The chief executive officer or designee of a community corrections agency in a CCA
2.16 county has the authority to issue a written order directing any peace officer or any probation
2.17 officer serving the district and juvenile courts to detain any person on court-ordered pretrial
2.18 release who absconds from pretrial release or fails to abide by the conditions of pretrial
2.19 release. A written order issued under this paragraph is sufficient authority for the peace
2.20 officer or probation officer to detain the person.

2.21 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to violations
2.22 that occur on or after that date."

2.23 Page 16, delete lines 32 to 34 and insert:

2.24 "(a) Beginning in fiscal year 2024, the subsidy paid to each county and Tribal government
2.25 and the commissioner of corrections for supervision in counties or Tribal jurisdictions served
2.26 by the department shall equal the sum of:

2.27 (1) a base funding amount equal to \$200,000, plus:

2.28 (i) ten percent of the total for all appropriations to the commissioner for community
2.29 supervision and postrelease services during the fiscal year prior to the fiscal year for which
2.30 the subsidy will be paid multiplied by the county's or Tribe's percent share of the state's
2.31 total population as determined by the most recent census; and

2.32 (ii) ten percent of the total for all appropriations to the commissioner for community
2.33 supervision and postrelease services during the fiscal year prior to the fiscal year for which

3.1 the subsidy will be paid multiplied by the county's or Tribe's percent share of the state's
3.2 total geographic area; and

3.3 (2) a community supervision formula equal to the sum of:

3.4 (i) for felony cases, a felony per diem rate of \$5.33 multiplied by the sum of the county's
3.5 adult felony population, adult supervised release and parole populations, and juvenile
3.6 supervised release and parole populations as reported in the most recent probation survey
3.7 published by the commissioner and then, multiplied by 365; and

3.8 (ii) for gross misdemeanor, misdemeanor, and juvenile probation cases, the felony per
3.9 diem rate used in item (i) multiplied by 0.5 and then multiplied by the sum of the county's
3.10 gross misdemeanor, misdemeanor, and juvenile populations as reported in the most recent
3.11 probation survey by the commissioner, multiplied by 365.

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

3.14 (c) If in any year the total amount appropriated for the purpose of this section is more
3.15 than or less than the total of base funding plus community supervision formula funding for
3.16 all counties, then the sum of each county's base funding plus community supervision formula
3.17 funding shall be adjusted by the ratio of amounts appropriated for this purpose divided by
3.18 the total of base funding plus community supervision formula funding for all counties."

3.19 Page 17, delete lines 1 to 3

3.20 Page 17, line 17, delete "....." and insert "the commissioner's workload study and the
3.21 caseload data collected by the commissioner."

3.22 Page 18, after line 23, insert:

3.23 "Sec. Minnesota Statutes 2022, section 609.14, subdivision 1, is amended to read:

3.24 Subdivision 1. **Grounds.** (a) When it appears that the defendant has violated any of the
3.25 conditions of probation or intermediate sanction, or has otherwise been guilty of misconduct
3.26 which warrants the imposing or execution of sentence, the court may without notice revoke
3.27 the stay and direct that the defendant be taken into immediate custody. Revocation should
3.28 only be used as a last resort when rehabilitation has failed.

3.29 (b) When it appears that the defendant violated any of the conditions of probation during
3.30 the term of the stay, but the term of the stay has since expired, the defendant's probation
3.31 officer or the prosecutor may ask the court to initiate probation revocation proceedings
3.32 under the Rules of Criminal Procedure at any time within six months after the expiration

4.1 of the stay. The court also may initiate proceedings under these circumstances on its own
4.2 motion. If proceedings are initiated within this six-month period, the court may conduct a
4.3 revocation hearing and take any action authorized under rule 27.04 at any time during or
4.4 after the six-month period.

4.5 (c) Notwithstanding the provisions of section 609.135 or any law to the contrary, after
4.6 proceedings to revoke the stay have been initiated by a court order revoking the stay and
4.7 directing either that the defendant be taken into custody or that a summons be issued in
4.8 accordance with paragraph (a), the proceedings to revoke the stay may be concluded and
4.9 the summary hearing provided by subdivision 2 may be conducted after the expiration of
4.10 the stay or after the six-month period set forth in paragraph (b). The proceedings to revoke
4.11 the stay shall not be dismissed on the basis that the summary hearing is conducted after the
4.12 term of the stay or after the six-month period. The ability or inability to locate or apprehend
4.13 the defendant prior to the expiration of the stay or during or after the six-month period shall
4.14 not preclude the court from conducting the summary hearing unless the defendant
4.15 demonstrates that the delay was purposefully caused by the state in order to gain an unfair
4.16 advantage.

4.17 EFFECTIVE DATE. This section is effective August 1, 2023, and applies to violations
4.18 that occur on or after that date.

4.19 Sec. Minnesota Statutes 2022, section 609.14, is amended by adding a subdivision to
4.20 read:

4.21 Subd. 1a. **Violations where policies favor continued rehabilitation.** (a) Correctional
4.22 treatment is better provided through a community resource than through confinement, it
4.23 would not unduly depreciate the seriousness of the violation if probation was not revoked,
4.24 and the policies favoring probation outweigh the need for confinement if a person has not
4.25 previously violated a condition of probation or intermediate sanction and does any of the
4.26 following in violation of a condition imposed by the court:

4.27 (1) fails to abstain from the use of controlled substances without a valid prescription,
4.28 unless the person is under supervision for a violation of:

4.29 (i) section 169A.20;

4.30 (ii) 609.2112, subdivision 1, paragraph (a), clauses (2) to (6); or

4.31 (iii) 609.2113, subdivision 1, clauses (2) to (6), subdivision 2, clauses (2) to (6), or
4.32 subdivision 3, clauses (2) to (6);

5.1 (2) fails to abstain from the use of alcohol, unless the person is under supervision for a
5.2 violation of:

5.3 (i) section 169A.20;

5.4 (ii) 609.2112, subdivision 1, paragraph (a), clauses (2) to (6); or

5.5 (iii) 609.2113, subdivision 1, clauses (2) to (6), subdivision 2, clauses (2) to (6), or
5.6 subdivision 3, clauses (2) to (6);

5.7 (3) possesses drug paraphernalia in violation of section 152.092;

5.8 (4) fails to obtain or maintain employment;

5.9 (5) fails to pursue a course of study or vocational training;

5.10 (6) fails to report a change in employment, unless the person is prohibited from having
5.11 contact with minors and the employment would involve such contact;

5.12 (7) violates a curfew;

5.13 (8) fails to report contact with a law enforcement agency, unless the person was charged
5.14 with a misdemeanor, gross misdemeanor, or felony; or

5.15 (9) commits any offense for which the penalty is a petty misdemeanor.

5.16 (b) A violation by a person described in paragraph (a) does not warrant the imposition
5.17 or execution of sentence and the court may not direct that the person be taken into immediate
5.18 custody unless the court receives a written report, signed under penalty of perjury pursuant
5.19 to section 358.116, showing probable cause to believe the person violated probation and
5.20 establishing by a preponderance of the evidence that the continued presence of the person
5.21 in the community would present a risk to public safety. If the court does not direct that the
5.22 person be taken into custody, the court may request a supplemental report from the
5.23 supervising agent containing:

5.24 (1) the specific nature of the violation;

5.25 (2) the response of the person under supervision to the violation, if any; and

5.26 (3) the actions the supervising agent has taken or will take to address the violation.

5.27 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to violations
5.28 that occur on or after that date."

5.29 Page 19, line 10, delete "a person who has" and insert "three persons who have" and
5.30 delete "probation" and insert "community supervision in each of the state's three community
5.31 supervision delivery systems"

6.1 Page 19, line 12, before the semicolon, insert "The committee members appointed
6.2 under this clause must individually or collectively have been supervised under each of the
6.3 three community supervision delivery systems"

6.4 Page 19, line 30, after "Duties" insert "; committee"

6.5 Page 20, line 23, delete "and"

6.6 Page 20, line 24, delete the period and insert "; and"

6.7 Page 20, after line 24, insert:

6.8 "(8) developing a statewide training, coaching, and quality assurance system overseen
6.9 by an evidence-based practices coordinator;

6.10 (9) devising a plan, by December 1, 2024, to eliminate the financial penalty incurred by
6.11 a jurisdiction that successfully discharges an offender from supervision before the offender's
6.12 term of supervision concludes; and

6.13 (10) developing a process by which the commissioner holds supervision providers
6.14 accountable for complying with their comprehensive plans required under section 401.06.

6.15 (c) By December 1, 2024, and every six years thereafter, the committee shall review
6.16 and reassess the existing workload study published by the commissioner and make
6.17 recommendations to the commissioner based on the committee's review."

6.18 Page 20, line 25, before "By" insert "(d)"

6.19 Page 20, line 28, after the period, insert "The report must provide a plan for phasing out
6.20 local correctional fees prior to the repeal of section 244.18 on August 1, 2025."

6.21 Page 20, after line 28, insert:

6.22 "Subd. 4. **Duties; commissioner.** The commissioner, in consultation with the committee,
6.23 must complete a workload study by December 1, 2024, to develop a capitated rate for
6.24 equitably funding community supervision throughout the state. The study must be updated
6.25 every six years after completion of the initial study.

6.26 Subd. 5. **Data collection; report.** (a) By June 1, 2024, the advisory committee, in
6.27 consultation with the Minnesota Counties Computer Cooperative, must create a method to
6.28 (1) standardize data classifications across the three delivery systems, and (2) collect data
6.29 for the commissioner to publish in an annual report.

6.30 (b) The advisory committee's method, at a minimum, must provide for the collection of
6.31 the following data:

- 7.1 (1) the number of offenders placed on probation each year;
- 7.2 (2) the offense levels and offense types for which offenders are placed on probation;
- 7.3 (3) violation and revocation rates and the identified grounds for the violations and
- 7.4 revocations; and
- 7.5 (4) the number of offenders granted early discharge from probation.

7.6 (c) Beginning on February 1, 2025, each year thereafter, the commissioner shall prepare

7.7 a report that contains the data collected under the protocols established by the committee

7.8 under paragraph (c). The report must provide an analysis of the collected data by race,

7.9 gender, and county."

7.10 Renumber the subdivisions in sequence

7.11 Page 21, line 1, delete "at the same time"

7.12 Page 21, line 2, delete everything after "committee"

7.13 Page 21, line 3, delete everything before "to"

7.14 Page 21, line 6, after "with" insert "a committee administrator,"

7.15 Page 21, after line 15, insert:

7.16 "Sec. **COMMUNITY SUPERVISION TARGETED INNOVATION GRANTS;**

7.17 **SPECIAL REVENUE ACCOUNT; APPROPRIATION.**

7.18 (a) The community supervision targeted innovation account is created in the special

7.19 revenue fund consisting of money deposited, donated, allotted, transferred, or otherwise

7.20 provided to the account. Of the amount in the account, up to \$..... each year is appropriated

7.21 to the commissioner of corrections for grants to be awarded to local and Tribal community

7.22 supervision agencies and nonprofits that provide services to persons on community

7.23 supervision.

7.24 (b) The commissioner shall award grants to applicants that operate, or intend to operate,

7.25 innovative programs that target specific aspects of community supervision such as:

7.26 (1) access to community options including, but not limited to, inpatient substance use

7.27 disorder treatment for nonviolent controlled substance offenders to address and correct

7.28 behavior that is, or is likely to result in, a technical violation of the conditions of release;

7.29 (2) reentry services;

7.30 (3) restorative justice;

- 8.1 (4) juvenile diversion;
8.2 (5) family centered approaches to supervision; and
8.3 (6) funding the cost of mandated services and equipment as a means to improve
8.4 compliance rates for persons on community supervision.

8.5 (c) Grant recipients must provide an annual report to the commissioner that includes:

- 8.6 (1) the services provided by the grant recipient;
8.7 (2) the number of individuals served in the previous year;
8.8 (3) measurable outcomes of the recipient's program; and
8.9 (4) any other information required by the commissioner.

8.10 (d) By January 15, 2025, the commissioner shall report to the chairs and ranking minority
8.11 members of the legislative committees with jurisdiction over criminal justice policy and
8.12 finance on how the appropriations in this section were used. The report must detail the
8.13 impact the appropriations had on improving community supervision practices and outcomes.

8.14 (e) The commissioner may use up to 2.5 percent of the annual appropriation to administer
8.15 the grants.

8.16 Sec. **COMMUNITY SUPERVISION TARGETED INNOVATION ACCOUNT;**
8.17 **TRANSFER.**

8.18 \$..... in fiscal year 2024 is transferred from the general fund to the community
8.19 supervision targeted innovation account in the special revenue fund.

8.20 Sec. **ACCOUNT ESTABLISHED; TRANSFER; APPROPRIATION.**

8.21 (a) A community supervision account is established as a special revenue account in the
8.22 state treasury.

8.23 (b) \$99,761,000 in fiscal year 2024 is transferred from the base appropriation to the
8.24 Department of Corrections to the community supervision account in the special revenue
8.25 fund.

8.26 (c) \$83,178,000 in fiscal year 2024 is transferred from the general fund to the community
8.27 supervision account in the special revenue fund. This appropriation is added to the base.

8.28 (d) For fiscal year 2025 and each year thereafter, the amount deposited in the community
8.29 supervision account pursuant to paragraph (b) and paragraph (c) shall be the sum of the
8.30 fiscal year 2024 appropriation multiplied by the ratio of the annual implicit price deflator

9.1 for government consumption expenditures and gross investment for state and local
9.2 governments as prepared by the United States Department of Commerce, for the most
9.3 recently available year to the 2022 implicit price deflator for state and local government
9.4 purchases."

9.5 Page 21, line 17, before "Minnesota" insert "(a)"

9.6 Page 21, line 18, before "244.30" insert "and" and delete "; and 401.025"

9.7 Page 21, after line 18, insert:

9.8 "(b) Minnesota Statutes 2022, section 244.18 is repealed.

9.9 **EFFECTIVE DATE.** Paragraph (a) is effective August 1, 2023, and paragraph (b) is
9.10 effective August 1, 2025."

9.11 Renumber the sections in sequence and correct the internal references

9.12 Amend the title accordingly