

1.1 moves to amend H.F. No. 1078, the delete everything amendment
1.2 (H1078DE3), as follows:

1.3 Page 20, after line 25, insert:

1.4 **"(a) Technology"**

1.5 Page 20, after line 28, insert:

1.6 **"(b) Correctional Facilities Security Audit**

1.7 **Group**

1.8 \$54,000 the first year and \$81,000 the second
1.9 year are for the correctional facilities security
1.10 audit group to prepare security audit standards,
1.11 conduct security audits, and prepare required
1.12 reports.

1.13 **"(c) Indeterminate Sentence Release Board"**

1.14 Page 45, line 21, strike "and"

1.15 Page 45, line 23, strike the period and insert "; and"

1.16 Page 45, after line 23, insert:

1.17 "(5) beginning in 2023, a written aggregate of the state correctional facilities security
1.18 audit group's recommendations based on each security audit and assessment of a state
1.19 correctional facility and the commissioner's responses to the recommendations."

1.20 Page 49, after line 14, insert:

1.21 "(e) The department's inspection unit must report directly to a division head outside of
1.22 the correctional institutions division."

1.23 Page 56, after line 24, insert:

2.1 "Sec. 12. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision
2.2 to read:

2.3 Subd. 1g. **Biennial assessment and audit of security practices; state correctional**
2.4 **facilities.** (a) Beginning in 2022, the commissioner shall have the department's inspection
2.5 unit conduct biennial security audits of each state correctional facility using the standards
2.6 promulgated by the state correctional facilities security audit group. The unit must prepare
2.7 a report for each assessment and audit and submit the report to the state correctional facilities
2.8 security audit group within 30 days of completion of the audit.

2.9 (b) Corrections and detention confidential data, as defined in section 13.85, subdivision
2.10 3, that is contained in reports and records of the group maintain that classification, regardless
2.11 of their classification in the hands of the person who provided the data, and are not subject
2.12 to discovery or introduction into evidence in a civil or criminal action against the state
2.13 arising out of the matters the group is reviewing. Information, documents, and records
2.14 otherwise available from other sources are not immune from discovery or use in a civil or
2.15 criminal action solely because they were acquired during the group's audit. This section
2.16 does not limit a person who presented information to the group or who is a member of the
2.17 group from testifying about matters within the person's knowledge. However, in a civil or
2.18 criminal proceeding, a person may not be questioned about the person's good faith
2.19 presentation of information to the group or opinions formed by the person as a result of the
2.20 group's audits.

2.21 Sec. 13. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision
2.22 to read:

2.23 Subd. 1h. **State correctional facilities security audit group.** (a) Beginning in fiscal
2.24 year 2022, the commissioner shall form a state correctional facilities security audit group.
2.25 The group must consist of the following members:

2.26 (1) a department employee who is not assigned to the correctional institutions division,
2.27 appointed by the commissioner;

2.28 (2) the ombudsperson for corrections;

2.29 (3) an elected sheriff or designee nominated by the Minnesota Sheriffs Association and
2.30 appointed by the commissioner;

2.31 (4) a physical plant safety consultant, appointed by the governor;

2.32 (5) a private security consultant with expertise in correctional facility security, appointed
2.33 by the governor;

3.1 (6) two senators, one appointed by the senate majority leader and one appointed by the
3.2 minority leader; and

3.3 (7) two representatives, one appointed by the speaker of the house and one appointed
3.4 by the minority leader of the house of representatives.

3.5 (b) By January 1, 2022, the group shall establish security audit standards for state
3.6 correctional facilities. In developing the standards, the group, or individual members of the
3.7 group, may gather information from state correctional facilities and state correctional staff
3.8 and inmates. The security audit group must periodically review the standards and modify
3.9 them as needed. The group must report the standards to the chairs and ranking minority
3.10 members of the house and senate committees with jurisdiction over public safety policy
3.11 and finance by February 15, 2022.

3.12 (c) The group shall review facility audit reports submitted to the group by the agency's
3.13 inspection unit. Notwithstanding any law to the contrary, the group is entitled to review the
3.14 full audit reports including corrections and detention confidential data. Within 60 days of
3.15 receiving an audit report from the department's inspection unit, the group must make
3.16 recommendations to the commissioner. Within 45 days of receiving the group's
3.17 recommendations, the commissioner must reply in writing to the group's findings and
3.18 recommendations. The commissioner's response must explain whether the agency will
3.19 implement the group's recommendations, the timeline for implementation of the changes,
3.20 and, if not, why the commissioner will not or cannot implement the group's recommendations.

3.21 (d) Beginning in 2023, the commissioner must include a written aggregate of the group's
3.22 recommendations based on each security audit and assessment of a state correctional facility
3.23 and the commissioner's responses to the recommendations in the biennial report required
3.24 under section 241.016, subdivision 1. The commissioner shall not include corrections and
3.25 detention confidential data, as defined in section 13.85, subdivision 3, in the commissioner's
3.26 report to the legislature.

3.27 (e) The commissioner shall provide staffing and administrative support to the group."

3.28 Page 56, line 27, delete "lg" and insert "li"

3.29 Page 65, after line 26, insert:

3.30 "Sec. Minnesota Statutes 2020, section 243.48, subdivision 1, is amended to read:

3.31 Subdivision 1. **General searches.** The commissioner of corrections, the state correctional
3.32 facilities audit group, the governor, lieutenant governor, members of the legislature, state
3.33 officers, and the ombudsperson for corrections may visit the inmates at pleasure, but no

4.1 other persons without permission of the chief executive officer of the facility, under rules
4.2 prescribed by the commissioner. A moderate fee may be required of visitors, other than
4.3 those allowed to visit at pleasure. All fees so collected shall be reported and remitted to the
4.4 commissioner of management and budget under rules as the commissioner may deem proper,
4.5 and when so remitted shall be placed to the credit of the general fund."

4.6 Renumber the sections in sequence and correct the internal references