

ARTICLE 19**COMMUNITY SUPERVISION REFORM**

Section 1. Minnesota Statutes 2022, section 243.05, subdivision 1, is amended to read:

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

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

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

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

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

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the Department of Corrections established by law for the confinement or treatment of convicted persons and the parole rescinded by the commissioner.

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

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

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

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

2.16 (g) Except as otherwise provided in subdivision 1b, in considering applications for
2.17 conditional release or discharge, the commissioner is not required to hear oral argument
2.18 from any attorney or other person not connected with an adult correctional facility of the
2.19 Department of Corrections in favor of or against the parole or release of any inmates. The
2.20 commissioner may institute inquiries by correspondence, taking testimony, or otherwise,
2.21 as to the previous history, physical or mental condition, and character of the inmate and, to
2.22 that end, has the authority to require the attendance of the chief executive officer of any
2.23 state adult correctional facility and the production of the records of these facilities, and to
2.24 compel the attendance of witnesses. The commissioner is authorized to administer oaths to
2.25 witnesses for these purposes.

2.26 ~~(h) Unless the district court directs otherwise, state parole and probation agents may~~
2.27 ~~require a person who is under the supervision of the commissioner of corrections to perform~~
2.28 ~~community work service for violating a condition of probation imposed by the court.~~
2.29 ~~Community work service may be imposed for the purpose of protecting the public, to aid~~
2.30 ~~the offender's rehabilitation, or both. Agents may impose up to eight hours of community~~
2.31 ~~work service for each violation and up to a total of 24 hours per offender per 12-month~~
2.32 ~~period, beginning with the date on which community work service is first imposed. The~~
2.33 ~~commissioner may authorize an additional 40 hours of community work services, for a total~~
2.34 ~~of 64 hours per offender per 12-month period, beginning with the date on which community~~

3.1 ~~work service is first imposed. At the time community work service is imposed, parole and~~
3.2 ~~probation agents are required to provide written notice to the offender that states:~~

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

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

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

3.7 ~~An offender may challenge the imposition of community work service by filing a petition~~
3.8 ~~in district court. An offender must file the petition within five days of receiving written~~
3.9 ~~notice that community work service is being imposed. If the offender challenges the~~
3.10 ~~imposition of community work service, the state bears the burden of showing, by a~~
3.11 ~~preponderance of the evidence, that the imposition of community work service is reasonable~~
3.12 ~~under the circumstances.~~

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

3.14 ~~(i) Prior to~~ (h) Before revoking a nonviolent controlled substance offender's parole or
3.15 probation based on a technical violation, when the offender does not present a risk to the
3.16 public and the offender is amenable to continued supervision in the community, a parole
3.17 or probation agent must identify community options to address and correct the violation
3.18 including, but not limited to, inpatient substance use disorder treatment. If a probation or
3.19 parole agent determines that community options are appropriate and available in the state,
3.20 the agent ~~shall~~ must seek to restructure the offender's terms of release to incorporate those
3.21 options. If an offender on probation stipulates in writing to restructure the terms of release,
3.22 a probation agent must forward a report to the district court containing:

3.23 (1) the specific nature of the technical violation of probation;

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

3.25 (3) a copy of the offender's signed stipulation indicating that the offender consents to
3.26 the restructuring of probation.

3.27 (i) The recommended restructuring of probation becomes effective when confirmed by
3.28 a judge. The order of the court ~~shall be~~ is proof of ~~such~~ confirmation and ~~amend~~ amends
3.29 the terms of the sentence imposed by the court under section 609.135.

3.30 (j) If a nonviolent controlled substance offender's parole or probation is revoked, the
3.31 offender's agent must first attempt to place the offender in a local jail.

3.32 (k) For purposes of ~~this paragraph,~~ paragraphs (h) to (k):

4.1 (1) "nonviolent controlled substance offender" ~~is~~ means a person who meets the criteria
4.2 described under section 244.0513, subdivision 2, clauses (1), (2), and (5);² and

4.3 (2) "technical violation" means any violation of a court order of probation or a condition
4.4 of parole, except an allegation of a subsequent criminal act that is alleged in a formal
4.5 complaint, citation, or petition.

4.6 Sec. 2. Minnesota Statutes 2022, section 244.05, subdivision 3, is amended to read:

4.7 Subd. 3. ~~Sanctions for violation~~ Revoking supervised release; alternative
4.8 interventions. (a) ~~If an inmate~~ a supervised individual violates the conditions of ~~the inmate's~~
4.9 supervised release imposed on that individual by the commissioner, the commissioner may:

4.10 (1) continue the ~~inmate's~~ individual's supervised release term; with or without:

4.11 (i) modifying or enlarging the conditions imposed on the inmate individual; or

4.12 (ii) transferring the individual's case to a specialized caseload; or

4.13 (2) revoke the ~~inmate's~~ supervised individual's supervised release and reimprison ~~the~~
4.14 inmate that individual for the appropriate period ~~of time~~.

4.15 ~~Prior to revoking a nonviolent controlled substance offender's supervised release based~~
4.16 ~~on a technical violation, when the offender does not present a risk to the public and the~~
4.17 ~~offender is amenable to continued supervision in the community, the commissioner must~~
4.18 ~~identify community options to address and correct the violation including, but not limited~~
4.19 ~~to, inpatient substance use disorder treatment. If the commissioner determines that community~~
4.20 ~~options are appropriate, the commissioner shall restructure the inmate's terms of release to~~
4.21 ~~incorporate those options. If a nonviolent controlled substance offender's supervised release~~
4.22 ~~is revoked, the offender's agent must first attempt to place the offender in a local jail. For~~
4.23 ~~purposes of this subdivision, "nonviolent controlled substance offender" is a person who~~
4.24 ~~meets the criteria described under section 244.0513, subdivision 2, clauses (1), (2), and (5),~~
4.25 ~~and "technical violation" means a violation of a condition of supervised release, except an~~
4.26 ~~allegation of a subsequent criminal act that is alleged in a formal complaint, citation, or~~
4.27 ~~petition.~~

4.28 (b) Before revoking an individual's supervised release because of a technical violation
4.29 that would result in reimprisonment, the commissioner must identify alternative interventions
4.30 to address and correct the violation only if:

4.31 (1) the individual does not present a risk to the public; and

4.32 (2) the individual is amenable to continued supervision in the community.

5.1 (c) If alternative interventions are appropriate and available, the commissioner must
 5.2 restructure the supervised individual's terms of release to incorporate the alternative
 5.3 interventions.

5.4 (d) The period of time for which a supervised release may be revoked may not exceed
 5.5 the period of time remaining in the inmate's supervised individual's sentence, except that
 5.6 but if a sex offender is sentenced and conditionally released under Minnesota Statutes 2004,
 5.7 section 609.108, subdivision 5, the period of time for which conditional release may be
 5.8 revoked may not exceed the balance of the conditional release term.

5.9 (e) For purposes of this subdivision:

5.10 (1) "supervised individual" has the meaning given to "inmate" in section 244.01; and

5.11 (2) "technical violation" means a violation of a condition of supervised release, except
 5.12 an allegation of a subsequent criminal act that is alleged in a formal complaint, citation, or
 5.13 petition.

5.14 Sec. 3. Minnesota Statutes 2022, section 244.18, is amended to read:

5.15 **244.18 LOCAL CORRECTIONAL FEES; IMPOSITION ON OFFENDERS**
 5.16 **SCHEDULE, COLLECTION, AND USE.**

5.17 Subdivision 1. ~~Definition~~ **Definitions.** ~~As used in (a)~~ For purposes of this section, "local
 5.18 correctional fees" the terms defined in this subdivision have the meanings given them.

5.19 (b) "Correctional fees":

5.20 (1) effective August 1, 2027, means fees charged or contracted for by a probation agency
 5.21 or the commissioner of corrections for court-ordered or community-provided correctional
 5.22 services, including but not limited to drug testing, electronic home monitoring, treatment,
 5.23 and programming; and

5.24 (2) effective August 1, 2023, through July 31, 2027, include fees for the following
 5.25 correctional services:

5.26 ~~(1)~~ (i) community service work placement and supervision;

5.27 ~~(2)~~ (ii) restitution collection;

5.28 ~~(3)~~ (iii) supervision;

5.29 ~~(4) court-ordered~~ (iv) court-ordered investigations;

5.30 ~~(5)~~ (v) any other court-ordered court-ordered service;

6.1 ~~(6)~~ (vi) postprison supervision or other form of release; ~~or~~ and

6.2 ~~(7)~~ (vii) supervision or other probation-related services provided to ~~probationers or~~
 6.3 ~~parolees under section 243.1605 to be provided by a local probation and parole agency~~
 6.4 ~~established under section 244.19 or community corrections agency established under chapter~~
 6.5 ~~401~~ by a probation agency or by the Department of Corrections for individuals supervised
 6.6 by the commissioner of corrections.

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

6.8 (d) "Probation agency" means a probation agency, including a Tribal Nation, organized
 6.9 under section 244.19 or chapter 401.

6.10 Subd. 2. ~~Local correctional fees~~ Fee schedule. A ~~local correctional agency~~ probation
 6.11 agency or the commissioner of corrections may establish a schedule of ~~local~~ correctional
 6.12 fees to charge ~~persons~~ individuals under the supervision and control of the ~~local correctional~~
 6.13 agency or the commissioner, including individuals on supervised release, to defray costs
 6.14 associated with correctional services. The ~~local~~ correctional fees on ~~the~~ an agency's and the
 6.15 commissioner's schedule must be reasonably related to defendants' abilities to pay and the
 6.16 actual cost of correctional services.

6.17 Subd. 3. ~~Fee collection~~ Imposing and collecting fees. (a) The chief executive officer
 6.18 of a ~~local correctional~~ probation agency or the commissioner may impose and collect ~~local~~
 6.19 a correctional fees fee from individuals under the supervision and control of the agency or
 6.20 the commissioner. The ~~local correctional~~ probation agency or commissioner may collect
 6.21 the fee at any time while the ~~offender~~ individual is under sentence or after the sentence has
 6.22 been discharged.

6.23 (b) A ~~local probation and parole agency established under section 244.19 or community~~
 6.24 ~~corrections agency established under section 401.02~~ may not impose a fee under this section
 6.25 on an individual under the agency's supervision and control if:

6.26 (1) the ~~offender~~ individual is supervised by the commissioner ~~of corrections;~~ and

6.27 (2) the commissioner ~~of corrections~~ imposes and collects a fee under this section ~~241.272.~~

6.28 (c) The agency or the commissioner may use any available civil means of debt collection
 6.29 in collecting to collect a local correctional fee.

6.30 Subd. 4. ~~Exemption from~~ Waiving fee. The chief executive officer of the ~~local~~
 6.31 ~~correctional~~ a probation agency may waive payment of the or the commissioner must waive
 6.32 a correctional fee for an individual under the agency's or commissioner's supervision and
 6.33 control if the officer or commissioner determines that:

7.1 (1) the offender individual does not have the ability to pay the fee;

7.2 (2) the prospects for payment are poor; or

7.3 (3) there are extenuating circumstances justifying a waiver of the fee.

7.4 (b) Instead of waiving the a fee, the local correctional agency chief executive officer or
7.5 commissioner may:

7.6 (1) require the offender individual to perform community work service as a means in
7.7 lieu of paying the fee; or

7.8 (2) credit the individual's involvement in programming at a rate established by the chief
7.9 executive officer or commissioner.

7.10 Subd. 5. **Prioritizing restitution payment priority.** If a defendant has been ordered by
7.11 a court to pay restitution, the defendant ~~shall be obligated to~~ must pay the restitution ~~ordered~~
7.12 before paying the local a correctional fee. However, if the defendant is making reasonable
7.13 payments to satisfy the restitution obligation, the local correctional probation agency or
7.14 commissioner may also simultaneously collect a local correctional fee, subject to subdivision
7.15 4.

7.16 Subd. 6. **Use of Using fees.** ~~The local~~ (a) Except as provided under paragraph (b), clause
7.17 (1), for a probation agency and the Department of Corrections, correctional fees shall must
7.18 be used by the local correctional agency or the department to pay the costs of local
7.19 correctional services. Local correctional fees may but must not be used to supplant existing
7.20 local funding for local correctional services.

7.21 (b) Correctional fees must be deposited as follows:

7.22 (1) correctional fees collected by Department of Corrections agents providing felony
7.23 supervision under section 244.20 go to the general fund; and

7.24 (2) all other correctional fees collected by Department of Corrections agents and probation
7.25 agents go to the county or Tribal Nation treasurer in the county or Tribal Nation where
7.26 supervision is provided, as applicable under section 244.19, subdivision 1f.

7.27 Subd. 7. **Annual report.** (a) By January 15 each year, the commissioner must submit
7.28 an annual report on implementing the commissioner's duties under this section to the chairs
7.29 and ranking minority members of the senate and house of representatives committees and
7.30 divisions with jurisdiction over criminal justice funding and policy. At a minimum, the
7.31 report must include information on the types of correctional services for which fees were
7.32 imposed, the aggregate amount of fees imposed, and the amount of fees collected.

8.1 (b) This subdivision expires August 1, 2027.

8.2 Subd. 8. Treatment fee for sex offenders. (a) The commissioner may authorize providers
8.3 of sex offender treatment to charge and collect treatment co-pays from all offenders in their
8.4 treatment program, with a co-pay assessed to each offender based on a fee schedule approved
8.5 by the commissioner.

8.6 (b) Fees collected under this subdivision must be used by the treatment provider to fund
8.7 the cost of treatment.

8.8 Subd. 9. Sunsetting supervision fees; sunset plan. (a) By August 1, 2025, each probation
8.9 agency must provide to the commissioner a written plan for phasing out supervision fees
8.10 for individuals under the agency's supervision and control, and the commissioner must
8.11 review and approve the plan by August 1, 2027. By August 1, 2027, the commissioner must
8.12 develop a written plan for phasing out supervision fees for individuals under the
8.13 commissioner's supervision and control.

8.14 (b) A copy of an approved plan must be provided to all individuals under the supervision
8.15 and control of the agency or the commissioner and in a language and manner that each
8.16 individual can understand.

8.17 (c) Supervision fees must not be increased from August 1, 2023, through July 31, 2027.

8.18 (d) This subdivision expires August 1, 2027.

8.19 **EFFECTIVE DATE.** This section is effective August 1, 2023.

8.20 Sec. 4. Minnesota Statutes 2022, section 244.19, is amended to read:

8.21 **244.19 PROBATION SERVICES AND OFFICERS.**

8.22 Subdivision 1. ~~Appointment; joint services; state services~~ **Probation services; how**
8.23 **provided for CPO and non-CPO jurisdictions.** (a) ~~If a county or group of counties has~~
8.24 ~~established a human services board pursuant to chapter 402, the district court may appoint~~
8.25 ~~one or more county probation officers as necessary to perform court services, and the human~~
8.26 ~~services board shall appoint persons as necessary to provide correctional services within~~
8.27 ~~the authority granted in chapter 402. In all counties of more than 200,000 population, which~~
8.28 ~~have not organized pursuant to chapter 402, the district court shall appoint one or more~~
8.29 ~~persons of good character to serve as county probation officers during the pleasure of the~~
8.30 ~~court. All other counties shall provide adult misdemeanor and juvenile probation services~~
8.31 ~~to district courts in one of the following ways:~~

9.1 (a) If a county or Tribal Nation is not a Community Corrections Act jurisdiction under
 9.2 chapter 401, the county must, or the Tribal Nation may, provide adult misdemeanor and
 9.3 juvenile probation services to district courts according to subdivision 1b.

9.4 (b) This section applies to CPO and non-CPO jurisdictions.

9.5 Subd. 1a. **Definitions.** (a) For purposes of this section, the terms defined in this
 9.6 subdivision have the meanings given them.

9.7 (b) "CPO jurisdiction" means:

9.8 (1) a county or Tribal Nation providing probation services under subdivision 1b,
 9.9 paragraph (b); or

9.10 (2) a group of counties or Tribal Nations providing probation services under subdivision
 9.11 1b, paragraph (c).

9.12 (c) "Non-CPO jurisdiction" means a county, Tribal Nation, group of counties, or group
 9.13 of Tribal Nations receiving probation services under subdivision 1b, paragraph (d).

9.14 (d) "Tribal Nation" means a federally recognized Tribal Nation within the boundaries
 9.15 of the state of Minnesota.

9.16 Subd. 1b. **CPO and non-CPO jurisdictions; establishment.** (a) Adult misdemeanor
 9.17 and juvenile probation services for CPO and non-CPO jurisdictions must be provided
 9.18 according to this subdivision.

9.19 ~~(1)~~ (b) The court, with the approval of the county boards or respective Tribal Nation
 9.20 governments, may appoint one or more salaried county or Tribal probation officers to serve
 9.21 during at the pleasure of the court;

9.22 ~~(2) when~~ (c) If two or more counties or Tribal Nations offer probation services, the
 9.23 district court through the county boards or respective Tribal Nation governments may appoint
 9.24 common salaried county or Tribal probation officers to serve in the several counties; or
 9.25 Tribal Nations, or both, if applicable.

9.26 ~~(3)~~ (d) A county or a district court Tribal Nation may request the commissioner of
 9.27 corrections to furnish probation services in accordance with the provisions of this section,
 9.28 and the commissioner of corrections shall must furnish such the services to any county or
 9.29 court Tribal Nation that fails to provide its own probation officer by one of the two procedures
 9.30 listed above; according to paragraph (b) or (c).

9.31 ~~(4)~~ (e) If a county or district court Tribal Nation providing probation services under
 9.32 clause (1) or (2) paragraph (b) or (c) asks the commissioner of corrections or the legislative

10.1 ~~body for the state of Minnesota mandates the commissioner of corrections~~ to furnish
 10.2 probation services ~~to the district court~~ or the legislature mandates the commissioner to
 10.3 furnish probation services, the probation officers and other employees displaced by the
 10.4 changeover ~~shall~~ must be employed by the commissioner ~~of corrections~~ at no loss of salary.
 10.5 Years of service in the county or Tribal probation department are to be given full credit for
 10.6 future sick leave and vacation accrual purposes; This paragraph applies to the extent
 10.7 consistent with state and Tribal law.

10.8 ~~(5) all probation officers serving the juvenile courts on July 1, 1972, shall continue to~~
 10.9 ~~serve in the county or counties they are now serving.~~

10.10 (f) If a county or Tribal Nation receiving probation services under paragraph (d) decides
 10.11 to provide the services under paragraph (b) or (c), the probation officers and other employees
 10.12 displaced by the changeover must be employed by the county or Tribal Nation at no loss
 10.13 of salary. Years of service in the state are to be given full credit for future sick leave and
 10.14 vacation accrual purposes. This paragraph applies to the extent consistent with state and
 10.15 Tribal law.

10.16 (g) In accordance with this section, a Tribal Nation may elect to provide probation
 10.17 services to the following individuals in any Tribal Nation or county in which the individuals
 10.18 reside:

10.19 (1) an individual who is enrolled or eligible to be enrolled in a Tribal Nation; and

10.20 (2) an individual who resides in an enrolled member's household.

10.21 Subd. 1c. Community supervision funding; eligibility for funding formula. (a) A
 10.22 CPO jurisdiction:

10.23 (1) must collaborate with the commissioner to develop a comprehensive plan under
 10.24 section 401.06; and

10.25 (2) is subject to all applicable eligibility provisions under chapter 401 necessary to
 10.26 receive a subsidy under section 401.10.

10.27 (b) A non-CPO jurisdiction is eligible to receive a subsidy under section 401.10 but is
 10.28 not a Community Corrections Act jurisdiction under chapter 401, and the commissioner:

10.29 (1) is appropriated the jurisdiction's share of funding under section 401.10 for providing
 10.30 probation services; and

10.31 (2) may seek reimbursement from the jurisdiction according to subdivision 5a.

11.1 Subd. 1d. Commissioner of corrections; reimbursing CPO and non-CPO
 11.2 jurisdictions. As calculated by the community supervision formula under section 401.10,
 11.3 the commissioner must:

11.4 (1) reimburse a CPO jurisdiction for the cost that the jurisdiction assumes under this
 11.5 section for providing probation services, including supervising juveniles committed to the
 11.6 commissioner of corrections; and

11.7 (2) reimburse a non-CPO jurisdiction for the commissioner's provision of probation
 11.8 services to the jurisdiction under this section.

11.9 Subd. 1e. Commissioner of management and budget. (b) (a) The commissioner of
 11.10 management and budget shall must place employees transferred to state service under
 11.11 paragraph (a), clause (4) subdivision 1b, paragraph (e), in the proper classifications in the
 11.12 classified service. Each employee is appointed without examination at no loss in salary or
 11.13 accrued vacation or sick leave benefits, but no additional accrual of vacation or sick leave
 11.14 benefits may occur until the employee's total accrued vacation or sick leave benefits fall
 11.15 below the maximum permitted by the state for the employee's position.

11.16 (b) An employee appointed under paragraph (a), clause (4), shall subdivision 1b,
 11.17 paragraph (e), must serve a six-month probationary period of six months. After exhausting
 11.18 labor contract remedies, a noncertified employee may appeal for a hearing within ten days
 11.19 to the commissioner of management and budget, who may uphold the decision, extend the
 11.20 probation period, or certify the employee. The decision of the commissioner of management
 11.21 and budget is final. If an employee is not certified after the probationary period, the employee
 11.22 may appeal for a hearing within ten days to the commissioner of management and budget,
 11.23 who may uphold the decision not to certify, extend the probationary period, or certify the
 11.24 employee. An employee may not appeal the commissioner's initial decision until after
 11.25 exhausting labor contract remedies, and the commissioner's decision is final after appeal.

11.26 (c) The state shall must negotiate the employees' seniority with the exclusive
 11.27 representative for the bargaining unit to which the employees are transferred regarding their
 11.28 seniority. For purposes of computing seniority among those employees transferring from
 11.29 one county unit only, a transferred employee retains the same seniority position as the
 11.30 employee had within that county's probation office.

11.31 Subd. 1f. Tribal Nations; sovereignty; state consultation. (a) Nothing in this chapter
 11.32 relating to probation services is intended to infringe on the sovereignty of a Tribal Nation.
 11.33 Notwithstanding any other law to the contrary and to the extent consistent with a Tribal

12.1 Nation's sovereignty, a Tribal Nation is subject to the same requirements and has the same
12.2 authority as a county providing or receiving probation services under this section.

12.3 (b) The Department of Corrections and Minnesota Management and Budget must consult
12.4 with Tribal Nations and offer guidance as necessary to implement and fulfill the purposes
12.5 of this chapter.

12.6 ~~Subd. 2. **Sufficiency of services.** Probation services shall be sufficient in amount to~~
12.7 ~~meet the needs of the district court in each county. County probation officers serving district~~
12.8 ~~courts in all counties of not more than 200,000 population shall also, pursuant to subdivision~~
12.9 ~~3, provide probation and parole services to wards of the commissioner of corrections resident~~
12.10 ~~in their counties. To provide these probation services counties containing a city of 10,000~~
12.11 ~~or more population shall, as far as practicable, have one probation officer for not more than~~
12.12 ~~35,000 population; in counties that do not contain a city of such size, the commissioner of~~
12.13 ~~corrections shall, after consultation with the chief judge of the district court and the county~~
12.14 ~~commissioners and in the light of experience, establish probation districts to be served by~~
12.15 ~~one officer.~~

12.16 ~~All probation officers appointed for any district court or community corrections agency~~
12.17 ~~shall be selected from a list of eligible candidates who have minimally qualified according~~
12.18 ~~to the same or equivalent examining procedures as used by the commissioner of management~~
12.19 ~~and budget to certify eligibles to the commissioner of corrections in appointing parole~~
12.20 ~~agents, and the Department of Management and Budget shall furnish the names of such~~
12.21 ~~candidates on request. This subdivision shall not apply to a political subdivision having a~~
12.22 ~~civil service or merit system unless the subdivision elects to be covered by this subdivision.~~

12.23 ~~Subd. 3. **Probation officers; powers and duties.** All county probation officers serving~~
12.24 ~~a district court shall act under the orders of the court in reference to any person committed~~
12.25 ~~to their care by the court, and in the performance of their duties shall have the general powers~~
12.26 ~~of a peace officer; and it shall be their duty to make such investigations with regard to any~~
12.27 ~~person as may be required by the court before, during, or after the trial or hearing, and to~~
12.28 ~~furnish to the court such information and assistance as may be required; to take charge of~~
12.29 ~~any person before, during or after trial or hearing when so directed by the court, and to keep~~
12.30 ~~such records and to make such reports to the court as the court may order.~~

12.31 ~~All county probation officers serving a district court shall, in addition, provide probation~~
12.32 ~~and parole services to wards of the commissioner of corrections resident in the counties~~
12.33 ~~they serve, and shall act under the orders of said commissioner of corrections in reference~~
12.34 ~~to any ward committed to their care by the commissioner of corrections.~~

13.1 ~~All probation officers serving a district court shall, under the direction of the authority~~
13.2 ~~having power to appoint them, initiate programs for the welfare of persons coming within~~
13.3 ~~the jurisdiction of the court to prevent delinquency and crime and to rehabilitate within the~~
13.4 ~~community persons who come within the jurisdiction of the court and are properly subject~~
13.5 ~~to efforts to accomplish prevention and rehabilitation. They shall, under the direction of the~~
13.6 ~~court, cooperate with all law enforcement agencies, schools, child welfare agencies of a~~
13.7 ~~public or private character, and other groups concerned with the prevention of crime and~~
13.8 ~~delinquency and the rehabilitation of persons convicted of crime and delinquency.~~

13.9 ~~All probation officers serving a district court shall make monthly and annual reports to~~
13.10 ~~the commissioner of corrections, on forms furnished by the commissioner, containing such~~
13.11 ~~information on number of cases cited to the juvenile division of district court, offenses,~~
13.12 ~~adjudications, dispositions, and related matters as may be required by the commissioner of~~
13.13 ~~corrections. The reports shall include the information on individuals convicted as an extended~~
13.14 ~~jurisdiction juvenile identified in section 241.016, subdivision 1, paragraph (e).~~

13.15 All county and Tribal Nation probation officers serving a district court:

13.16 (1) must:

13.17 (i) act under the orders of the court in reference to any person committed to their care
13.18 by the court;

13.19 (ii) provide probation services, including supervising juveniles committed to the
13.20 commissioner of corrections, for all individuals on probation who reside in the counties and
13.21 Tribal Nations that the officers serve;

13.22 (iii) act under the orders of the commissioner in reference to any juvenile committed to
13.23 their care by the commissioner;

13.24 (iv) under the direction of the authority having power to appoint them, initiate programs
13.25 for the welfare of persons coming within the jurisdiction of the court to prevent delinquency
13.26 and crime and to rehabilitate within the community persons who come within the jurisdiction
13.27 of the court and are properly subject to efforts to accomplish prevention and rehabilitation;
13.28 and

13.29 (v) under the direction of the court, cooperate with all law enforcement agencies, schools,
13.30 child welfare agencies of a public or private character, and other groups concerned with
13.31 preventing crime and delinquency and rehabilitating persons convicted of crime and
13.32 delinquency;

13.33 (2) in the performance of their duties have the general powers of a peace officer; and

14.1 (3) are responsible for:

14.2 (i) investigating any person as may be required by the court before, during, or after the
 14.3 trial or hearing and furnishing to the court information and assistance as may be required;

14.4 (ii) supervising any person before, during, or after trial or hearing when directed by the
 14.5 court; and

14.6 (iii) keeping records and making reports to the court as the court may order.

14.7 Subd. 5. Commissioner compensation to non-CPO jurisdiction. ~~In counties of more~~
 14.8 ~~than 200,000 population, a majority of the judges of the district court may direct the payment~~
 14.9 ~~of such salary to probation officers as may be approved by the county board, and in addition~~
 14.10 ~~thereto shall be reimbursed for all necessary expenses incurred in the performance of their~~
 14.11 ~~official duties. In all counties which obtain probation services from the commissioner of~~
 14.12 ~~corrections~~ For a non-CPO jurisdiction, the commissioner shall must, out of appropriations
 14.13 provided therefor under subdivision 5a, paragraph (b), pay probation officers the salary and
 14.14 all benefits fixed by the state law or applicable bargaining unit and all necessary expenses,
 14.15 including secretarial service, office equipment and supplies, postage, telephone and telegraph
 14.16 services, and travel and subsistence.

14.17 Subd. 5a. Department of Corrections billing; CPO and non-CPO jurisdiction
 14.18 reimbursement. (a) At least every six months, the commissioner must bill for the total cost
 14.19 and expenses incurred by the commissioner on behalf of each non-CPO jurisdiction that
 14.20 has received probation services. The commissioner must notify each non-CPO jurisdiction
 14.21 of the cost and expenses, and the jurisdiction must pay to the commissioner the amount due
 14.22 for reimbursement.

14.23 (b) Each county receiving probation services from the commissioner of corrections shall
 14.24 CPO and non-CPO jurisdiction must reimburse the Department of Corrections for the total
 14.25 cost and expenses of such the probation services as incurred by the commissioner of
 14.26 corrections, excluding the cost and expense of services provided under the state's obligation
 14.27 for adult felony supervision in section 244.20. Total annual costs for each county shall be
 14.28 that portion of the total costs and expenses for the services of one probation officer
 14.29 represented by the ratio which the county's population bears to the total population served
 14.30 by one officer. For the purposes of this section, the population of any county shall be the
 14.31 most recent estimate made by the Department of Health. At least every six months the
 14.32 commissioner of corrections shall bill for the total cost and expenses incurred by the
 14.33 commissioner on behalf of each county which has received probation services. The
 14.34 commissioner of corrections shall notify each county of the cost and expenses and the county

15.1 ~~shall pay to the commissioner the amount due for reimbursement. All such reimbursements~~
15.2 ~~shall be deposited in the general fund. Money received under this paragraph from a non-CPO~~
15.3 ~~jurisdiction must be annually appropriated to the commissioner for providing probation~~
15.4 ~~services to the jurisdiction.~~

15.5 ~~(c) Objections by a county non-CPO jurisdiction to all allocation of such cost and~~
15.6 ~~expenses shall must be presented to and determined by the commissioner of corrections.~~
15.7 ~~Each county providing probation services under this section is hereby authorized to use~~
15.8 ~~unexpended funds and to levy additional taxes for this purpose.~~

15.9 ~~(d) In addition to the billing and reimbursement requirements under this section, invoicing~~
15.10 ~~and payments for probation services are as provided under sections 401.14 and 401.15.~~

15.11 ~~Subd. 5b. **Office assistance.** The county commissioners of any county of not more than~~
15.12 ~~200,000 population shall, when requested to do so by the juvenile judge, provide probation~~
15.13 ~~officers with suitable offices, and may provide equipment, and secretarial help needed to~~
15.14 ~~render the required services.~~

15.15 ~~Subd. 6. **Reimbursement of counties.** In order to reimburse the counties for the cost~~
15.16 ~~which they assume under this section of providing probation and parole services to wards~~
15.17 ~~of the commissioner of corrections and to aid the counties in achieving the purposes of this~~
15.18 ~~section, the commissioner of corrections shall annually, from funds appropriated for that~~
15.19 ~~purpose, pay 50 percent of the costs of probation officers' salaries to all counties of not more~~
15.20 ~~than 200,000 population. Nothing in this section will invalidate any payments to counties~~
15.21 ~~made pursuant to this section before May 15, 1963. Salary costs include fringe benefits, but~~
15.22 ~~only to the extent that fringe benefits do not exceed those provided for state civil service~~
15.23 ~~employees. On or before July 1 of each even-numbered year each county or group of counties~~
15.24 ~~which provide their own probation services to the district court under subdivision 1, clause~~
15.25 ~~(1) or (2), shall submit to the commissioner of corrections an estimate of its costs under this~~
15.26 ~~section. Reimbursement to those counties shall be made on the basis of the estimate or actual~~
15.27 ~~expenditures incurred, whichever is less. Reimbursement for those counties which obtain~~
15.28 ~~probation services from the commissioner of corrections pursuant to subdivision 1, clause~~
15.29 ~~(3), must be made on the basis of actual expenditures. Salary costs shall not be reimbursed~~
15.30 ~~unless county probation officers are paid salaries commensurate with the salaries paid to~~
15.31 ~~comparable positions in the classified service of the state civil service. The salary range to~~
15.32 ~~which each county probation officer is assigned shall be determined by the authority having~~
15.33 ~~power to appoint probation officers, and shall be based on the officer's length of service~~
15.34 ~~and performance. The appointing authority shall annually assign each county probation~~
15.35 ~~officer to a position on the salary scale commensurate with the officer's experience, tenure,~~

16.1 ~~and responsibilities. The judge shall file with the county auditor an order setting each county~~
 16.2 ~~probation officer's salary. Time spent by a county probation officer as a court referee shall~~
 16.3 ~~not qualify for reimbursement. Reimbursement shall be prorated if the appropriation is~~
 16.4 ~~insufficient. A new position eligible for reimbursement under this section may not be added~~
 16.5 ~~by a county without the written approval of the commissioner of corrections. When a new~~
 16.6 ~~position is approved, the commissioner shall include the cost of the position in calculating~~
 16.7 ~~each county's share.~~

16.8 ~~Subd. 7. **Certificate of counties entitled to state aid.** On or before January 1 of each~~
 16.9 ~~year, until 1970 and on or before April 1 thereafter, the commissioner of corrections shall~~
 16.10 ~~deliver to the commissioner of management and budget a certificate in duplicate for each~~
 16.11 ~~county of the state entitled to receive state aid under the provisions of this section. Upon~~
 16.12 ~~the receipt of such certificate, the commissioner of management and budget shall issue a~~
 16.13 ~~payment to the county treasurer for the amount shown by each certificate to be due to the~~
 16.14 ~~county specified. The commissioner of management and budget shall transmit such payment~~
 16.15 ~~to the county treasurer together with a copy of the certificate prepared by the commissioner~~
 16.16 ~~of corrections.~~

16.17 ~~Subd. 8. **Exception.** This section shall not apply to Ramsey County.~~

16.18 Sec. 5. Minnesota Statutes 2022, section 244.195, is amended to read:

16.19 ~~**244.195 DETENTION AND RELEASE; PROBATIONERS, CONDITIONAL**~~
 16.20 ~~**RELEASEES, AND PRETRIAL RELEASEES** DEFINITIONS.~~

16.21 ~~Subdivision 1. **Definitions Scope.** (a) As used in this subdivision For purposes of sections~~
 16.22 ~~244.195 to 244.24, the following terms defined in this section have the meanings given~~
 16.23 ~~them.~~

16.24 ~~(b) "Commissioner" means the commissioner of corrections.~~

16.25 ~~(c) "Conditional release" means parole, supervised release, conditional release as~~
 16.26 ~~authorized by section 609.3455, subdivision 6, 7, or 8; Minnesota Statutes 2004, section~~
 16.27 ~~609.108, subdivision 6; or Minnesota Statutes 2004, section 609.109, subdivision 7, work~~
 16.28 ~~release as authorized by sections 241.26, 244.065, and 631.425, probation, furlough, and~~
 16.29 ~~any other authorized temporary release from a correctional facility.~~

16.30 ~~(d) "Court services director" means the director or designee of a county probation agency~~
 16.31 ~~that is not organized under chapter 401.~~

16.32 ~~(e) "Detain" means to take into actual custody, including custody within a local~~
 16.33 ~~correctional facility.~~

17.1 (f) "~~Local correctional facility~~" has the meaning given in section 241.021, subdivision
17.2 ~~4.~~

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

17.4 **Subd. 2. Detention pending hearing.** ~~When it appears necessary to enforce discipline~~
17.5 ~~or to prevent a person on conditional release from escaping or absconding from supervision,~~
17.6 ~~a court services director has the authority to issue a written order directing any peace officer~~
17.7 ~~or any probation officer in the state serving the district and juvenile courts to detain and~~
17.8 ~~bring the person before the court or the commissioner, whichever is appropriate, for~~
17.9 ~~disposition. This written order is sufficient authority for the peace officer or probation officer~~
17.10 ~~to detain the person for not more than 72 hours, excluding Saturdays, Sundays, and holidays,~~
17.11 ~~pending a hearing before the court or the commissioner.~~

17.12 **Subd. 3. Release before hearing.** ~~A court services director has the authority to issue a~~
17.13 ~~written order directing any peace officer or probation officer serving the district and juvenile~~
17.14 ~~courts in the state to release a person detained under subdivision 2 within 72 hours, excluding~~
17.15 ~~Saturdays, Sundays, and holidays, without an appearance before the court or the~~
17.16 ~~commissioner. This written order is sufficient authority for the peace officer or probation~~
17.17 ~~officer to release the detained person.~~

17.18 **Subd. 4. Detention of pretrial releasee.** ~~A court services director has the authority to~~
17.19 ~~issue a written order directing any peace officer or any probation officer serving the district~~
17.20 ~~and juvenile courts in the state to detain any person on court-ordered pretrial release who~~
17.21 ~~absconds from pretrial release or fails to abide by the conditions of pretrial release. A written~~
17.22 ~~order issued under this subdivision is sufficient authority for the peace officer or probation~~
17.23 ~~officer to detain the person.~~

17.24 **Subd. 6. Commissioner.** "Commissioner" means the commissioner of corrections.

17.25 **Subd. 7. Detain.** "Detain" means to take into actual custody, including custody within
17.26 a local correctional facility.

17.27 **Subd. 8. Probation.** "Probation" has the meaning given in section 609.02, subdivision
17.28 15.

17.29 **Subd. 9. Probation agency.** "Probation agency" means an entity supervising an individual
17.30 on probation, which may include the Department of Corrections field services or an agency,
17.31 including a Tribal Nation, organized under section 244.19 or chapter 401.

17.32 **Subd. 10. Probation officer.** "Probation officer" means a county or Tribal probation
17.33 officer or community supervision officer employed by a probation agency.

18.1 Subd. 11. **Probation violation sanction.** "Probation violation sanction":

18.2 (1) includes but is not limited to electronic monitoring, intensive probation, sentencing
18.3 to service, reporting to a day reporting center, substance use disorder or mental health
18.4 treatment or counseling, community work service, remote electronic alcohol monitoring,
18.5 random drug testing, and participation in an educational or restorative justice program; and

18.6 (2) does not include any type of custodial sanction, including but not limited to detention
18.7 and incarceration.

18.8 Subd. 12. **Release.** "Release" means to release from actual custody.

18.9 Subd. 13. **Sanctions conference.** "Sanctions conference" means a voluntary conference
18.10 at which a probation officer; an individual on probation; and, if appropriate, other interested
18.11 parties meet to discuss the probation violation sanction imposed because of the individual's
18.12 technical violation.

18.13 Subd. 14. **Sanctions conference form.** "Sanctions conference form" means a
18.14 plain-language form developed by a probation agency with the approval of the district court
18.15 that explains the sanctions conference and that the individual on probation may elect to
18.16 participate in the sanctions conference or proceed to a judicial hearing.

18.17 Subd. 15. **Technical violation.** "Technical violation" means any violation of a court
18.18 order of probation, except an allegation of a subsequent criminal act that is alleged in a
18.19 formal complaint, citation, or petition.

18.20 Sec. 6. **[244.1951] DETENTION AND RELEASE; INTERMEDIATE SANCTIONS;**
18.21 **SUPERVISION CONTACTS.**

18.22 Subdivision 1. **Detention pending hearing.** (a) If necessary to enforce discipline or to
18.23 prevent an individual on probation from escaping or absconding from supervision, a probation
18.24 agency has the authority to issue a written order directing any peace officer or any probation
18.25 officer in the state serving the district and juvenile courts to detain and bring the individual
18.26 before the court or the commissioner, whichever is appropriate, for disposition.

18.27 (b) If an individual on probation commits a violation under section 609.14, subdivision
18.28 1a, paragraph (a), the probation agency must have a reasonable belief before issuing the
18.29 order that:

18.30 (1) the order is necessary to prevent the person from escaping or absconding from
18.31 supervision; or

19.1 (2) the continued presence of the person in the community presents the potential to cause
19.2 further harm to the public or self.

19.3 (c) An order under this subdivision is sufficient authority for the peace officer or probation
19.4 officer to detain the person for no more than 72 hours, excluding Saturdays, Sundays, and
19.5 holidays, pending a hearing before the court or the commissioner.

19.6 Subd. 2. **Release before hearing.** (a) A probation agency has the authority to issue a
19.7 written order directing any peace officer or any probation officer serving the district and
19.8 juvenile courts in the state to release a person detained under subdivision 1 within 72 hours,
19.9 excluding Saturdays, Sundays, and holidays, without an appearance before the court or the
19.10 commissioner.

19.11 (b) An order under this subdivision is sufficient authority for the peace officer or
19.12 probation officer to release the detained person.

19.13 Subd. 3. **Detaining pretrial releasee.** (a) A probation agency has the authority to issue
19.14 a written order directing any peace officer or any probation officer serving the district and
19.15 juvenile courts in the state to detain any person on court-ordered pretrial release who absconds
19.16 from pretrial release or fails to abide by the conditions of pretrial release.

19.17 (b) An order issued under this subdivision is sufficient authority for the peace officer or
19.18 probation officer to detain the person.

19.19 Subd. 4. **Intermediate sanctions.** (a) Unless the district court directs otherwise, a
19.20 probation officer may require a person committed to the officer's care by the court to perform
19.21 community work service for violating a court-imposed condition of probation. Community
19.22 work service may be imposed to deter behaviors that place the public at risk or to aid the
19.23 person's rehabilitation, or both.

19.24 (b) Community work service may be imposed as follows:

19.25 (1) a probation officer may impose up to eight hours of community work service for
19.26 each violation and up to a total of 24 hours per person per 12-month period, beginning on
19.27 the date on which community work service is first imposed; and

19.28 (2) the officer's probation agency may authorize an additional 40 hours of community
19.29 work service, for a total of 64 hours per person per 12-month period, beginning with the
19.30 date on which community work service is first imposed.

19.31 (c) If community work service is imposed, a probation officer must provide written
19.32 notice to the person in their care that states:

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

20.5 (d) A person on probation supervision may challenge the imposition of community work
 20.6 service by filing a petition in district court within five days of receiving written notice that
 20.7 community work service is being imposed. If the person challenges the imposition of
 20.8 community work service, the state bears the burden of showing, by a preponderance of the
 20.9 evidence, that imposing community work service is reasonable under the circumstances.

20.10 (e) For purposes of this subdivision, "community work service" includes sentencing to
 20.11 service.

20.12 Subd. 5. **Supervision contacts.** Supervision contacts or appointments may be conducted
 20.13 over videoconference technology in accordance with the probation agency's established
 20.14 policy.

20.15 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to violations
 20.16 committed on or after that date.

20.17 Sec. 7. Minnesota Statutes 2022, section 244.197, is amended to read:

20.18 **244.197 ~~INITIATION OF~~ INITIATING SANCTIONS CONFERENCE.**

20.19 Subdivision 1. **Authority; scope.** (a) Unless the district court directs otherwise, a
 20.20 probation agency may use a sanctions conference to address an offender's a technical violation
 20.21 of probation an individual on probation. If a sanctions conference is used, sections 244.197
 20.22 to 244.1995 apply.

20.23 (b) Sections 244.197 to 244.1995 apply to both adults and juveniles on probation.

20.24 Subd. 2. **Violation notice of violation.** ~~When~~ (a) If a probation agency has reason to
 20.25 believe that ~~an offender~~ an individual on probation has committed a technical violation of
 20.26 ~~probation~~, the agency shall must:

20.27 (1) notify the offender individual in writing of the specific nature of the technical
 20.28 violation; and the scheduling of

20.29 (2) schedule a sanctions conference, including the date, time, and location of the sanctions
 20.30 conference.

21.1 (b) The notice ~~shall~~ must also state that if the ~~offender~~ individual on probation fails to
 21.2 appear at the sanctions conference, the probation agency may apprehend and detain the
 21.3 ~~offender~~ individual under section ~~244.195~~ 244.1951 and ask the court to ~~commence~~ initiate
 21.4 revocation proceedings under section 609.14 and rule 27.04 of the Rules of Criminal
 21.5 Procedure.

21.6 (c) To the extent feasible, the sanctions conference must take place within seven days
 21.7 ~~of mailing of the notice to~~ after the ~~offender~~ individual on probation is mailed the notice.
 21.8 The notice must include the conference's date, time, and location.

21.9 Subd. 3. **Providing sanctions conference form; signed stipulation.** At the ~~a~~ a sanctions
 21.10 conference, ~~the county~~ a probation officer ~~shall~~ must provide the ~~offender~~ individual on
 21.11 probation with a copy of a sanctions conference form ~~explaining the sanctions conference~~
 21.12 ~~and the offender's options for proceeding.~~ The ~~offender~~ individual must:

21.13 (1) stipulate, in writing, that the ~~offender has~~ individual:

21.14 (i) has received a copy of the sanctions conference form; and that the offender understands

21.15 (ii) understands the information contained in the form and the options available to the
 21.16 ~~offender. The offender also must~~ the individual; and

21.17 (2) declare, in writing, ~~the offender's decision to either~~ whether the individual will
 21.18 participate in the sanctions conference or proceed with a judicial hearing.

21.19 Sec. 8. Minnesota Statutes 2022, section 244.198, is amended to read:

21.20 **244.198 PARTICIPATION PARTICIPATING IN SANCTIONS CONFERENCE.**

21.21 Subdivision 1. **Election Electing to participate.** If the ~~offender~~ an individual on
 21.22 probation elects to participate in the sanctions conference, the ~~county~~ individual's probation
 21.23 officer ~~shall~~ must inform the ~~offender,~~ individual:

21.24 (1) orally ~~and,~~ in writing, and in a language and manner that the individual can understand
 21.25 of the probation violation sanction that the ~~county~~ probation officer is recommending for
 21.26 the technical violation of probation. ~~The county probation officer shall inform the offender;~~
 21.27 and

21.28 (2) that the probation violation sanction becomes effective ~~upon confirmation~~ when
 21.29 confirmed by a district court judge of the district court.

21.30 Subd. 1a. **Alternatives to incarceration.** ~~At a sanctions conference regarding a~~
 21.31 ~~nonviolent controlled substance offender, when the offender does not present a risk to the~~
 21.32 ~~public and the offender is amenable to continued supervision in the community, a probation~~

22.1 ~~agency must identify community options to address and correct the violation including, but~~
 22.2 ~~not limited to, inpatient substance use disorder treatment. If the agency determines that~~
 22.3 ~~community options are appropriate, the county probation officer shall recommend a sanction~~
 22.4 ~~that incorporates those options. For purposes of this subdivision, "nonviolent controlled~~
 22.5 ~~substance offender" is a person who meets the criteria described under section 244.0513,~~
 22.6 ~~subdivision 2, clauses (1), (2), and (5).~~

22.7 (a) At a sanctions conference for a nonviolent controlled substance offender, a probation
 22.8 agency must identify community options to address and correct an offender's technical
 22.9 violation only if:

22.10 (1) the offender does not present a risk to the public; and

22.11 (2) the offender is amenable to continued supervision in the community.

22.12 (b) If the probation agency determines that community options are appropriate and
 22.13 available in the state, the probation officer must recommend a probation violation sanction
 22.14 that incorporates the community options.

22.15 (c) For purposes of this subdivision, "nonviolent controlled substance offender" means
 22.16 an individual who meets the criteria under section 244.0513, subdivision 2, clauses (1), (2),
 22.17 and (5).

22.18 **Subd. 2. Report to district court.** (a) If the offender an individual on probation elects
 22.19 to participate in the sanctions conference, the county probation officer conducting the
 22.20 sanctions conference shall must provide a report to the district court containing:

22.21 (1) the specific nature of the technical violation of probation;

22.22 (2) the notice provided to the offender of the technical violation of probation and the
 22.23 scheduling of the sanctions conference individual under section 244.197, subdivision 2;

22.24 (3) a copy of the offender's individual's signed stipulation indicating that the offender
 22.25 received a copy of the sanctions conference form and understood it and declaration under
 22.26 section 244.197, subdivision 3; and

22.27 (4) a copy of the offender's written declaration to participate in the sanctions conference;
 22.28 and

22.29 (5) (4) the recommended probation violation sanction under subdivision 1 or 1a.

22.30 (b) The recommended probation violation sanction becomes is effective when confirmed
 22.31 by a judge, and the order of the court shall be is proof of such confirmation.

23.1 Subd. 3. **Response to district court action.** (a) ~~Upon the county probation officer's~~
 23.2 ~~receipt of a confirmed order by the judge~~ If a probation officer receives a judge's confirmed
 23.3 order, the county probation officer shall must notify both the offender individual on probation
 23.4 and the prosecuting authority in writing that the court has approved the probation violation
 23.5 sanction has been approved by the court.

23.6 (b) If the court does not confirm the officer's recommendation of the county probation
 23.7 officer;

23.8 (1) the probation violation sanction ~~shall~~ does not go into effect;

23.9 (2) the county probation officer ~~shall~~ must notify the offender individual on probation
 23.10 that the court has not confirmed the sanction; and

23.11 ~~(e) If the court does not confirm the recommendation,~~ (3) the county probation officer
 23.12 may ask the court to ~~commence~~ initiate revocation proceedings under section 609.14.

23.13 Subd. 4. **Appeal.** ~~An offender~~ An individual on probation may appeal the judge's
 23.14 confirmation of the probation violation sanction as provided in rule 28.05 of the Rules of
 23.15 Criminal Procedure.

23.16 Sec. 9. Minnesota Statutes 2022, section 244.199, is amended to read:

23.17 **244.199 ELECTION ELECTING NOT TO PARTICIPATE.**

23.18 ~~If the offender~~ an individual on probation elects not to participate in the sanctions
 23.19 conference, the county probation officer may:

23.20 (1) ask the court to initiate revocation proceedings or refer the matter to the appropriate
 23.21 prosecuting authority for action under section 609.14. ~~The county probation officer also~~
 23.22 ~~may;~~ or

23.23 (2) take action to apprehend and detain the ~~offender individual~~ individual under section ~~244.195~~
 23.24 244.1951.

23.25 Sec. 10. Minnesota Statutes 2022, section 244.1995, is amended to read:

23.26 **244.1995 SANCTIONS CONFERENCE PROCEDURES.**

23.27 The chief executive officer of a ~~local corrections agency~~ probation agency, with approval
 23.28 of the district court, ~~shall~~ must develop procedures for the sanctions conference ~~identified~~
 23.29 ~~in~~ under sections ~~244.196~~ 244.197 to 244.199; and develop a sanctions conference form
 23.30 that includes notice to the ~~offender~~ individual on probation:

24.1 (1) of the specific court-ordered condition of ~~release~~ probation that the ~~offender~~ individual
24.2 has allegedly violated, the probation officer's authority to ask the court to revoke the
24.3 ~~offender's individual's~~ probation for the technical violation, and the ~~offender's individual's~~
24.4 right to elect to participate in a sanctions conference to address the technical violation in
24.5 lieu of the probation officer asking the court to revoke the ~~offender's individual's~~ probation;

24.6 (2) that participation in the sanctions conference is in lieu of a court hearing under section
24.7 609.14; and that, if the ~~offender~~ individual elects to participate in the sanctions conference,
24.8 the ~~offender~~ individual must admit, or agree not to contest, the alleged technical violation
24.9 and must waive the right to contest the violation at a judicial hearing, present evidence, call
24.10 witnesses, cross-examine the state's witnesses, and be represented by counsel;

24.11 (3) that, if the ~~offender~~ individual chooses, the ~~offender has a right~~ individual is entitled
24.12 to a hearing before the court under section 609.14; for a determination of whether the
24.13 ~~offender~~ individual committed the alleged violation, including the right to be present at the
24.14 hearing, to cross-examine witnesses, to have witnesses subpoenaed for the ~~offender~~
24.15 individual, to have an attorney present or to have an attorney appointed if the ~~offender~~
24.16 individual cannot afford one, and to require the state to prove the allegations against the
24.17 ~~offender~~ individual;

24.18 (4) that if, after a hearing, the court finds that the violations have been proven, the court
24.19 may continue the sentence, subject to the same, modified, or additional conditions, or order
24.20 a sanction that may include incarceration, additional fines, revocation of the stay of sentence,
24.21 imposition of sentence, or other sanctions;

24.22 (5) that the decision to participate in the sanctions conference will not result in the
24.23 probation officer recommending revocation of the ~~offender's individual's~~ stay of sentence;
24.24 unless the ~~offender~~ individual subsequently fails to successfully complete the probation
24.25 violation sanction by a specified date;

24.26 (6) that various types of probation violation sanctions may be imposed and that the
24.27 probation violation sanctions imposed on the ~~offender~~ individual will depend on the nature
24.28 of the individual's technical violation, ~~the offender's~~ criminal history, and ~~the offender's~~
24.29 level of supervision;

24.30 (7) that the probation violation sanctions supplement any existing conditions of ~~release~~
24.31 probation; and

24.32 (8) that participation in the sanctions conference requires ~~completion of~~ completing all
24.33 probation violation sanctions imposed by the probation agency; and that ~~failure~~ failing to
24.34 successfully complete ~~the any~~ imposed probation violation ~~sanctions~~ sanction could result

25.1 in additional sanctions or ~~the commencement of~~ initiation of revocation proceedings under
 25.2 section 609.14.

25.3 Sec. 11. Minnesota Statutes 2022, section 244.20, is amended to read:

25.4 **244.20 PROBATION; FELONY SUPERVISION.**

25.5 Notwithstanding sections 244.19, ~~subdivision 1~~ subdivisions 1 to 1d, and 609.135,
 25.6 subdivision 1, the Department of Corrections ~~shall have:~~

25.7 (1) has exclusive responsibility for providing probation services for adult felons in
 25.8 counties and Tribal Nations that do not take part in the Community Corrections Act. ~~In~~
 25.9 ~~counties that do not take part in the Community Corrections Act, the responsibility for~~
 25.10 ~~providing probation services for individuals convicted of gross misdemeanor offenses shall~~
 25.11 ~~be discharged according to local judicial policy.~~ subsidy program under chapter 401; and

25.12 (2) to provide felony supervision, retains the county's or Tribal Nation's funding allotted
 25.13 under section 401.10 for providing felony probation services.

25.14 Sec. 12. Minnesota Statutes 2022, section 244.21, is amended to read:

25.15 **244.21 INFORMATION ON ~~OFFENDERS UNDER SUPERVISION~~ INDIVIDUALS**
 25.16 **ON PROBATION; REPORTS.**

25.17 Subdivision 1. ~~Collection of~~ **Collecting information by probation service providers;**
 25.18 **report required.** ~~By January 1, 1998,~~ (a) Probation service providers shall begin collecting
 25.19 and maintaining must collect and maintain information on offenders under supervision;
 25.20 individuals on probation, and the commissioner of corrections shall must specify the nature
 25.21 and extent of the information to be collected and made available to the commissioner.

25.22 (b) As a condition of state subsidy funding under section 401.10, each probation agency
 25.23 must by April 1 of every each year, each probation service provider shall report:

25.24 (1) a summary of the information collected to the commissioner under paragraph (a);
 25.25 and

25.26 (2) any other probation- and supervision-related data necessary for the Department of
 25.27 Corrections' mandated legislative reports.

25.28 Subd. 2. **Commissioner of corrections; report.** ~~By January 15, 1998~~ each year, the
 25.29 ~~commissioner of corrections shall must~~ report to the chairs of the senate crime prevention
 25.30 ~~and house of representatives judiciary legislative committees with jurisdiction over public~~

26.1 safety policy and finance on recommended methods of coordinating the exchange of
 26.2 information collected on ~~offenders~~ individuals on probation under subdivision 1:

26.3 (1) between probation service providers; and

26.4 (2) between probation service providers and the Department of Corrections, ~~without~~
 26.5 ~~requiring service providers to acquire uniform computer software.~~

26.6 Sec. 13. Minnesota Statutes 2022, section 244.24, is amended to read:

26.7 **244.24 CLASSIFICATION SYSTEM FOR ADULT OFFENDERS ASSESSING**
 26.8 **RISK FOR INDIVIDUALS ON PROBATION.**

26.9 ~~By February 1, 1998,~~ All probation agencies ~~shall~~ must adopt written policies for
 26.10 ~~classifying adult offenders. The commissioner of corrections shall assist probation agencies~~
 26.11 ~~in locating organizations that may provide training and technical assistance to the agencies~~
 26.12 ~~concerning methods to develop and implement effective, valid classification systems~~
 26.13 assessing risk levels for individuals on probation. A probation agency must use a risk screener
 26.14 and risk and needs assessment tools as prescribed by its written policies.

26.15 Sec. 14. **[244.33] COMMUNITY SUPERVISION; TARGETED INNOVATION**
 26.16 **GRANTS.**

26.17 (a) The community supervision targeted innovation grant account is established in the
 26.18 special revenue fund in the state treasury. Appropriations and transfers to the account are
 26.19 credited to the account. Earnings, such as interest, dividends, and any other earnings arising
 26.20 from assets of the account, are credited to the account. Money remaining in the account at
 26.21 the end of the fiscal year is not canceled to the general fund but remains in the account until
 26.22 expended. Money in the account is annually appropriated to the commissioner.

26.23 (b) The commissioner must award grants to applicants that operate, or intend to operate,
 26.24 innovative programs that target specific aspects of community supervision that align with
 26.25 risk, need, and responsivity principles. When awarding grants, the commissioner must seek
 26.26 to ensure geographical and equitable representation across the state. The programs may
 26.27 include but are not limited to:

26.28 (1) access to community treatment options to address and correct behavior that is, or is
 26.29 likely to result in, a technical violation of the conditions of supervision or release;

26.30 (2) reentry services;

26.31 (3) restorative justice;

- 27.1 (4) juvenile diversion;
- 27.2 (5) family-centered approaches to supervision;
- 27.3 (6) funding the cost to implement programming and support services that decrease an
 27.4 individual's level of risk for continued recidivism or revocation based on interventions found
 27.5 effective through research-guided practices; and
- 27.6 (7) alternatives to incarceration programs.
- 27.7 (c) Grant recipients must provide an annual report to the commissioner that includes:
- 27.8 (1) the services provided by the grant recipient;
- 27.9 (2) the number of individuals served in the previous year and their supervision and risk
 27.10 assessment levels;
- 27.11 (3) measurable outcomes of the recipient's program; and
- 27.12 (4) any other information required by the commissioner.
- 27.13 (d) By January 15, 2025, and each year thereafter, the commissioner must report to the
 27.14 chairs and ranking minority members of the legislative committees with jurisdiction over
 27.15 criminal justice policy and finance on how the grant funding in this section was used. The
 27.16 report must detail the impact that the funding had on improving community supervision
 27.17 practices and outcomes.
- 27.18 (e) For any appropriation under this section, the commissioner may use up to five percent
 27.19 of the appropriation to administer the grants.

27.20 Sec. 15. Minnesota Statutes 2022, section 401.01, is amended to read:

27.21 **401.01 COMMUNITY CORRECTIONS ACT; PURPOSE AND DEFINITION;**
 27.22 **ASSISTANCE GRANTS.**

27.23 Subdivision 1. **Grants Subsidies for community-based correctional programs.** ~~For~~
 27.24 ~~the purpose of~~ (a) To more effectively ~~protecting~~ protect society and to promote efficiency
 27.25 and economy in the ~~delivery of~~ delivering correctional services, the commissioner is
 27.26 authorized to make grants to assist ~~may subsidize~~ counties in the ~~development and Tribal~~
 27.27 Nations to help them develop, ~~implementation~~ implement, and ~~operation of~~ operate
 27.28 community-based ~~corrections~~ correctional programs, including:

- 27.29 (1) preventive or diversionary correctional programs;₂
- 27.30 (2) conditional release programs;₂

28.1 (3) community corrections centers; and

28.2 (4) facilities for the detention detaining or confinement confining, care caring, and
 28.3 treatment of treating persons convicted of crime or adjudicated delinquent. The commissioner
 28.4 may authorize the use of a percentage of a grant for the operation of an emergency shelter
 28.5 or make a separate grant for the rehabilitation of a facility owned by the grantee and used
 28.6 as a shelter to bring the facility into compliance with state and local laws pertaining to
 28.7 health, fire, and safety, and to provide security.

28.8 (b) Counties and Tribal Nations must use risk, need, and responsivity principles in their
 28.9 correctional programming.

28.10 Subd. 2. **Definitions.** (a) For the purposes of sections 401.01 to 401.16 this chapter, the
 28.11 following terms defined in this subdivision have the meanings given them.

28.12 (b) ~~"CCA county"~~ "CCA jurisdiction" means a county or Tribal Nation that participates
 28.13 in the Community Corrections Act, the subsidy program under this chapter.

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

28.15 (d) "Conditional release" means:

28.16 (1) parole, supervised release, or conditional release as authorized by section 609.3455,
 28.17 subdivision 6, 7, or 8; Minnesota Statutes 2004, section 609.108, subdivision 6; or Minnesota
 28.18 Statutes 2004, section 609.109, subdivision 7;

28.19 (2) work release as authorized by sections 241.26, 244.065, and 631.425; and

28.20 (3) probation, furlough, and any other authorized temporary release from a correctional
 28.21 facility.

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

28.23 ~~(f) (e) "Detain" means to take into actual custody, including custody within a local~~
 28.24 ~~correctional facility.~~

28.25 ~~(g) (f) "Joint board" means the board provided in~~ under section 471.59.

28.26 ~~(h) "Local correctional facility" has the meaning given in section 241.021, subdivision~~
 28.27 ~~1.~~

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

29.1 (g) "Non-CCA jurisdiction" means a county or Tribal Nation that is not participating in
 29.2 the Community Corrections Act subsidy program and provides or receives probation services
 29.3 according to section 244.19.

29.4 (h) "Probation officer" means a county or Tribal probation officer under a CCA or
 29.5 non-CCA jurisdiction appointed with the powers under section 244.19.

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

29.7 (j) "Tribal Nation" means a federally recognized Tribal Nation within the boundaries of
 29.8 the state of Minnesota.

29.9 Sec. 16. Minnesota Statutes 2022, section 401.02, is amended to read:

29.10 **401.02 COUNTIES OR REGIONS; INCLUDED CORRECTIONAL SERVICES**
 29.11 **INCLUDABLE.**

29.12 Subdivision 1. **Qualification of counties requirements.** ~~(a) One or more counties,~~
 29.13 ~~having an aggregate population of 30,000 or more persons,~~ A county or Tribal Nation may
 29.14 qualify for a grant as provided in the subsidy program under section 401.01 by the enactment
 29.15 of appropriate resolutions creating and establishing a corrections advisory board,;

29.16 (1) designating the an officer or agency to be responsible for administering grant funds,
 29.17 the subsidy; and providing for the preparation of

29.18 (2) preparing a comprehensive plan for the development developing, implementation
 29.19 implementing, and operation of operating the correctional services described in section
 29.20 401.01, including the assumption of those correctional services, other than the operation of
 29.21 state facilities, presently provided in such counties by the Department of Corrections, and
 29.22 providing for centralized administration and control of those correctional services described
 29.23 in section 401.01 under this chapter.

29.24 (b) When preparing a comprehensive plan, a county or Tribal Nation must:

29.25 (1) provide correctional services, not including the operation of state facilities, that are
 29.26 currently provided by the Department of Corrections or, for Tribal Nations, probation
 29.27 services in a Tribal Nation;

29.28 (2) provide for centralized administration and control of the correctional services; and

29.29 (3) enact the appropriate resolutions to create and establish a local advisory board.

29.30 ~~Where~~ (c) If counties or Tribal Nations combine as authorized in under this section, they
 29.31 shall must comply with the provisions of section 471.59. Unless the context indicates

30.1 otherwise, a CCA or non-CCA jurisdiction includes a group of counties or a group of Tribal
 30.2 Nations.

30.3 Subd. 1a. **Continued eligibility.** (b) A ~~county~~ single CCA jurisdiction that has
 30.4 participated in the Community Corrections Act for five or more years ~~is eligible to~~ may
 30.5 continue to participate in the Community Corrections Act.

30.6 Subd. 2. **Planning counties; expenses of corrections advisory board members**
 30.7 **expenses.** (a) To assist ~~counties which have~~ a county or Tribal Nation that has complied
 30.8 with ~~the provisions of~~ subdivision 1 and ~~require~~ requires financial aid to defray all or a part
 30.9 of the expenses incurred by corrections advisory board members in discharging their official
 30.10 duties ~~pursuant~~ according to section 401.08, the commissioner may:

30.11 (1) designate ~~counties~~ the county or Tribal Nation as "planning counties", a "planning
 30.12 county"; and;

30.13 (2) upon ~~receipt of resolutions~~ receiving a resolution by the governing ~~boards~~ board of
 30.14 the ~~counties~~ county or Tribal Nation certifying the need for and inability to pay the expenses
 30.15 ~~described in~~ under this subdivision, advance to the ~~counties~~ county or Tribal Nation an
 30.16 amount not to exceed five percent of the maximum quarterly subsidy for which the ~~counties~~
 30.17 ~~are~~ county or Tribal Nation is eligible.

30.18 (b) The expenses ~~described in~~ under this subdivision ~~shall~~ must be paid in the same
 30.19 manner and amount as for state employees.

30.20 Subd. 3. **Establishment Establishing and reorganization of reorganizing**
 30.21 **administrative structure.** (a) Any county or ~~group of counties which have~~ Tribal Nation
 30.22 that has qualified for ~~participation~~ participating in the ~~community corrections~~ subsidy
 30.23 program ~~provided by this chapter~~ may establish, organize, and reorganize an administrative
 30.24 structure and ~~provide for the budgeting~~:

30.25 (1) ~~budget, staffing staff, and operation of~~ operate court services and probation;
 30.26 ~~construction~~;

30.27 (2) ~~construct or improvement to~~ improve juvenile detention and juvenile correctional
 30.28 facilities and adult detention and correctional facilities; and

30.29 (3) ~~provide for~~ other activities required to conform to ~~the purposes of~~ this chapter.

30.30 (b) No ~~contrary general or special statute~~ other law divests any county or ~~group of~~
 30.31 ~~counties~~ Tribal Nation of the authority granted ~~by~~ under this subdivision.

31.1 ~~Subd. 5. **Intermediate sanctions.** Unless the district court directs otherwise, county~~
31.2 ~~probation officers may require a person committed to the officer's care by the court to~~
31.3 ~~perform community work service for violating a condition of probation imposed by the~~
31.4 ~~court. Community work service may be imposed for the purpose of protecting the public,~~
31.5 ~~to aid the offender's rehabilitation, or both. Probation officers may impose up to eight hours~~
31.6 ~~of community work service for each violation and up to a total of 24 hours per offender per~~
31.7 ~~12-month period, beginning on the date on which community work service is first imposed.~~
31.8 ~~The chief executive officer of a community corrections agency may authorize an additional~~
31.9 ~~40 hours of community work service, for a total of 64 hours per offender per 12-month~~
31.10 ~~period, beginning with the date on which community work service is first imposed. At the~~
31.11 ~~time community work service is imposed, probation officers are required to provide written~~
31.12 ~~notice to the offender that states:~~

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

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

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

31.17 ~~An offender may challenge the imposition of community work service by filing a petition~~
31.18 ~~in district court. An offender must file the petition within five days of receiving written~~
31.19 ~~notice that community work service is being imposed. If the offender challenges the~~
31.20 ~~imposition of community work service, the state bears the burden of showing, by a~~
31.21 ~~preponderance of the evidence, that the imposition of community work service is reasonable~~
31.22 ~~under the circumstances.~~

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

31.24 ~~Subd. 6. **Tribal Nation; sovereignty; state consultation.** (a) Nothing in this chapter~~
31.25 ~~relating to correctional services is intended to infringe on the sovereignty of a Tribal Nation.~~
31.26 ~~Notwithstanding any other law to the contrary and to the extent consistent with a Tribal~~
31.27 ~~Nation's sovereignty, a Tribal Nation is subject to the same requirements and has the same~~
31.28 ~~authority as a county participating in the subsidy program or as a non-CCA jurisdiction~~
31.29 ~~under this chapter.~~

31.30 ~~(b) The Department of Corrections and the Community Supervision Advisory Committee~~
31.31 ~~under section 401.17 must consult with Tribal Nations and offer guidance as necessary to~~
31.32 ~~implement and fulfill the purposes of this chapter.~~

32.1 Sec. 17. Minnesota Statutes 2022, section 401.025, is amended to read:

32.2 **401.025 DETENTION AND RELEASE; PROBATIONERS, CONDITIONAL**
 32.3 **RELEASEES, AND PRETRIAL RELEASEES.**

32.4 Subdivision 1. **Peace officers and probation officers serving CCA counties**
 32.5 **jurisdictions.** ~~(a) When it appears~~ If necessary to enforce discipline or to prevent a person
 32.6 on conditional release from escaping or absconding from supervision, the chief executive
 32.7 officer or designee of ~~a community corrections agency in a CCA county~~ jurisdiction has
 32.8 the authority to issue a written order ~~directing any peace officer or any probation officer in~~
 32.9 ~~the state serving the district and juvenile courts to detain and bring the person before the~~
 32.10 ~~court or the commissioner, whichever is appropriate, for disposition. This written order is~~
 32.11 ~~sufficient authority for the peace officer or probation officer to detain the person for not~~
 32.12 ~~more than 72 hours, excluding Saturdays, Sundays, and holidays, pending a hearing before~~
 32.13 ~~the court or the commissioner~~ as provided under section 244.1951, subdivisions 1 to 3.

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

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

32.26 Subd. 2. **Peace officers and probation officers in other counties and state correctional**
 32.27 **investigators.** (a) The chief executive officer or designee of a ~~community corrections agency~~
 32.28 ~~in a CCA county~~ jurisdiction has the authority to issue a written order directing any state
 32.29 correctional investigator ~~or any~~ peace officer, or probation officer, ~~or county probation~~
 32.30 ~~officer from another county~~ to detain a person under sentence or on probation who:

32.31 (1) fails to report to serve a sentence at a local correctional facility;

32.32 (2) fails to return from furlough or authorized temporary release from a local correctional
 32.33 facility;

33.1 (3) escapes from a local correctional facility; or

33.2 (4) absconds from court-ordered home detention.

33.3 (b) The chief executive officer or designee of a ~~community corrections agency in a CCA~~
 33.4 ~~county jurisdiction~~ has the authority to issue a written order directing any state correctional
 33.5 investigator ~~or any, peace officer, or probation officer, or county probation officer from~~
 33.6 ~~another county~~ to detain any person on court-ordered pretrial release who absconds from
 33.7 pretrial release or fails to abide by the conditions of pretrial release.

33.8 (c) ~~A written~~ An order issued under paragraph (a) or (b) is sufficient authority for the
 33.9 state correctional investigator, peace officer, or probation officer, ~~or county probation officer~~
 33.10 to detain the person.

33.11 Subd. 3. ~~Offenders~~ Individuals under Department of Corrections commitment. ~~CCA~~
 33.12 All counties shall and Tribal Nations must comply with the policies prescribed by the
 33.13 commissioner when providing supervision and other correctional services to ~~persons~~
 33.14 individuals conditionally released ~~pursuant~~ according to sections 241.26, 242.19, 243.05,
 33.15 243.1605, 244.05, and 244.065, including intercounty transfer of ~~persons~~ individuals on
 33.16 conditional release and the conduct of presentence investigations.

33.17 Sec. 18. Minnesota Statutes 2022, section 401.03, is amended to read:

33.18 **401.03 RULEMAKING AUTHORITY; TECHNICAL ASSISTANCE.**

33.19 (a) The commissioner ~~shall~~ must, as provided in chapter 14, ~~promulgate~~ adopt rules ~~for~~
 33.20 ~~the implementation of sections 401.01 to 401.16, to implement this chapter~~ and shall provide
 33.21 consultation and technical assistance to counties and Tribal Nations to ~~aid~~ help them ~~in the~~
 33.22 ~~development of~~ develop comprehensive plans.

33.23 (b) The time limit to adopt rules under section 14.125 does not apply.

33.24 Sec. 19. Minnesota Statutes 2022, section 401.04, is amended to read:

33.25 **401.04 ~~ACQUISITION OF~~ ACQUIRING PROPERTY; ~~SELECTION OF~~**
 33.26 **SELECTING ADMINISTRATIVE STRUCTURE; EMPLOYEES.**

33.27 Subdivision 1. County and Tribal Nation authority. Any county or ~~group of counties~~
 33.28 Tribal Nation electing to ~~come within the provisions of sections 401.01 to 401.16~~ become
 33.29 a CCA jurisdiction may (a):

34.1 (1) acquire by any lawful means, including purchase, lease, or transfer of custodial
 34.2 control, the lands, buildings, and equipment necessary and incident to ~~the accomplishment~~
 34.3 of accomplishing the purposes of ~~sections 401.01 to 401.16, (b) this chapter;~~

34.4 (2) determine and establish ~~the~~ an administrative structure best suited to the efficient
 34.5 administration and delivery of ~~the~~ correctional services ~~described in section 401.01, and~~
 34.6 ~~(e); and~~

34.7 (3) employ a director and other officers, employees, and agents as deemed necessary to
 34.8 ~~carry out the provisions of sections 401.01 to 401.16~~ implement this chapter.

34.9 **Subd. 2. Providing for displaced employees.** (a) To the extent that ~~participating counties~~
 34.10 ~~shall assume and take~~ a county assumes and takes over state and local correctional services
 34.11 presently provided in ~~counties, employment shall be given to those state and local officers,~~
 34.12 ~~employees and agents thus displaced;~~ the county, the probation officers and other employees
 34.13 displaced by the changeover must be employed by the county at no loss of salary. Years of
 34.14 service in the state are to be given full credit for future sick leave and vacation accrual
 34.15 purposes.

34.16 (b) If an officer or other employee is hired by a county, employment ~~shall~~ must, to the
 34.17 extent possible and notwithstanding ~~the provisions of any other law or ordinance~~ to the
 34.18 contrary, be deemed a transfer in grade with all of the benefits enjoyed by ~~such~~ the officer,
 34.19 or employee or agent while in the service of the state or local correctional service.

34.20 (c) State or local employees displaced by county participation in the subsidy program
 34.21 ~~provided by this chapter~~ are on layoff status and, if not hired by a participating county as
 34.22 ~~provided herein~~ under this subdivision, may exercise their rights under layoff procedures
 34.23 established by law or ~~union~~ collective-bargaining agreement, whichever is applicable.

34.24 (d) State or local officers and employees displaced by a county's participation in the
 34.25 Community Corrections Act and hired by the participating county ~~shall~~ retain all fringe
 34.26 benefits and recall from layoff benefits accrued by seniority and enjoyed by them while in
 34.27 the service of the state.

34.28 (e) This subdivision applies to the extent consistent with state and Tribal law.

34.29 Sec. 20. Minnesota Statutes 2022, section 401.05, subdivision 1, is amended to read:

34.30 Subdivision 1. **Authorization to use and accept funds.** (a) Any county ~~or group of~~
 34.31 ~~counties~~ electing to ~~come within the provisions of sections 401.01 to 401.16~~ become a CCA
 34.32 jurisdiction may, through ~~their~~ its governing ~~bodies,~~ body:

35.1 (1) use unexpended funds;

35.2 (2) accept gifts, grants, and subsidies from any lawful source; and

35.3 (3) apply for and accept federal funds.

35.4 (b) This section applies to Tribal Nations, to the extent consistent with the laws of their
 35.5 respective Tribal governments.

35.6 Sec. 21. Minnesota Statutes 2022, section 401.06, is amended to read:

35.7 **401.06 COMPREHENSIVE PLAN; STANDARDS OF ELIGIBILITY;**
 35.8 **COMPLIANCE.**

35.9 Subdivision 1. Commissioner approval required. No (a) A county or group of counties
 35.10 electing to provide correctional services pursuant to sections 401.01 to 401.16 shall be
 35.11 eligible. Tribal Nation is ineligible for the its calculated subsidy herein provided under
 35.12 section 401.10 unless and until its comprehensive plan shall have has been approved by the
 35.13 commissioner.

35.14 (b) A non-CCA jurisdiction providing adult misdemeanor and juvenile probation services
 35.15 to district courts according to section 244.19, subdivision 1b, paragraph (b) or (c), must
 35.16 develop a comprehensive plan in consultation with the commissioner. To the extent consistent
 35.17 with this chapter and section 244.19, a non-CCA jurisdiction under this paragraph is subject
 35.18 to all the subsidy-related standards and requirements under this chapter and to all supervision
 35.19 standards and commissioner-prescribed policies.

35.20 (c) If the commissioner provides probation services to a non-CCA jurisdiction under
 35.21 section 244.19, subdivision 1b, paragraph (d), the commissioner must prepare a
 35.22 comprehensive plan for the non-CCA jurisdiction and present it to the local county board
 35.23 of commissioners or Tribal government. To the extent consistent with this chapter and
 35.24 section 244.19, the commissioner is subject to all the subsidy-related standards and
 35.25 requirements under this chapter and to all supervision standards and commissioner-prescribed
 35.26 policies.

35.27 (d) All comprehensive plans must:

35.28 (1) comply with commissioner-developed standards and reporting requirements, including
 35.29 requirements under section 401.11, subdivision 1;

35.30 (2) provide a budget for planned correctional services and programming; and

35.31 (3) sufficiently address community needs and supervision standards, including strategic
 35.32 planning that ties planned correctional services and programming to successful community

36.1 supervision outcomes, including but not limited to reducing an individual's assessed level
 36.2 of risk for recidivism and addressing an individual's needs that lead to positive adjustment
 36.3 and prosocial behavior.

36.4 (e) Each CCA and non-CCA jurisdiction must track and report on the use of correctional
 36.5 fees under section 244.18 in their comprehensive plans. At a minimum, each jurisdiction
 36.6 must report on the types of correctional services for which fees were imposed, the aggregate
 36.7 amount of fees imposed, and the amount of fees collected.

36.8 (f) A comprehensive plan is valid for four years, and a corrections advisory board or
 36.9 non-CCA jurisdiction must review and update its plan two years after the plan has been
 36.10 approved or two years after submission to the commissioner, whichever is earlier. An
 36.11 updated plan must include an updated budget and list which services that a county or Tribal
 36.12 Nation plans to provide before its next four-year comprehensive plan.

36.13 (g) All approved comprehensive plans, including updated plans, must be made publicly
 36.14 available on the Department of Corrections website.

36.15 Subd. 2. **Rulemaking.** The commissioner ~~shall, pursuant to~~ must, in accordance with
 36.16 the Administrative Procedure Act, ~~promulgate~~ adopt rules establishing standards of eligibility
 36.17 for counties and Tribal Nations to receive a subsidy and other funds under sections 401.01
 36.18 ~~to 401.16~~ this chapter.

36.19 Subd. 3. **Substantial compliance required.** (a) To remain eligible for the subsidy
 36.20 ~~counties shall,~~ a CCA and non-CCA jurisdiction must maintain substantial compliance with
 36.21 the minimum standards, as applicable, established ~~pursuant~~ according to sections 401.01
 36.22 ~~to 401.16 and~~ this chapter and the policies and procedures governing the services ~~described~~
 36.23 ~~in~~ under section 401.025, subdivision 3, as prescribed by the commissioner. ~~Counties shall~~
 36.24 also

36.25 (b) A CCA and non-CCA jurisdiction must:

36.26 (1) be in substantial compliance with other correctional operating standards permitted
 36.27 by law and established by the commissioner; and ~~shall~~

36.28 (2) report ~~statistics~~ data required by the commissioner in accordance with section 244.21,
 36.29 including but not limited to data under this chapter and information on individuals convicted
 36.30 as an extended jurisdiction juvenile ~~identified in~~ under section 241.016, subdivision 1,
 36.31 paragraph (c).

36.32 Subd. 4. **Commissioner review.** (a) The commissioner ~~shall~~ must review ~~annually the~~
 36.33 comprehensive plans submitted by participating counties all comprehensive plans, including

37.1 the facilities and programs operated under the plans. The commissioner is hereby authorized
 37.2 ~~to~~ may enter upon any facility operated under the plan; and inspect books and records; for
 37.3 purposes of recommending needed changes or improvements.

37.4 ~~When~~ (b) If the commissioner ~~shall determine~~ determines that there are reasonable
 37.5 grounds to believe that a ~~county or group of counties~~ CCA or non-CCA jurisdiction is not
 37.6 in substantial compliance with minimum standards, the commissioner must provide at least
 37.7 30 days' notice ~~shall be given to~~ the county or counties and CCA or non-CCA jurisdiction
 37.8 of a commissioner-conducted hearing conducted by the commissioner to ascertain whether
 37.9 there is substantial compliance or satisfactory progress being made toward compliance.

37.10 Subd. 5. Noncompliance; remedies. (a) After a hearing, the commissioner may sanction
 37.11 a CCA or non-CCA jurisdiction according to this subdivision if the commissioner determines
 37.12 that the CCA or non-CCA jurisdiction is not maintaining substantial compliance with
 37.13 minimum standards or that satisfactory progress toward compliance has not been made.

37.14 (b) The commissioner may:

37.15 (1) suspend all or a portion of any subsidy until the required standard of operation has
 37.16 been met; without issuing a corrective action plan; or

37.17 (2) issue a corrective action plan.

37.18 (c) A corrective action plan must:

37.19 (1) be in writing;

37.20 (2) identify all deficiencies;

37.21 (3) detail the corrective action required to remedy the deficiencies; and

37.22 (4) provide a deadline to:

37.23 (i) correct each deficiency; and

37.24 (ii) report to the commissioner progress toward correcting the deficiency.

37.25 (d) After the deficiency has been corrected, documentation must be submitted to the
 37.26 commissioner detailing compliance with the corrective action plan. If the commissioner
 37.27 determines that the CCA or non-CCA jurisdiction has not complied with the plan, the
 37.28 commissioner may suspend all or a portion of the subsidy.

37.29 EFFECTIVE DATE. This section is effective August 1, 2023, and applies to all
 37.30 four-year comprehensive plans submitted on or after that date.

38.1 Sec. 22. Minnesota Statutes 2022, section 401.08, is amended to read:

38.2 **401.08 CORRECTIONS ADVISORY BOARD.**

38.3 Subdivision 1. **Board members of board.** ~~The~~ A corrections advisory board ~~provided~~
 38.4 ~~in section 401.02, subdivision 1, shall~~ must consist of at least nine members, who ~~shall~~ must
 38.5 be representative of law enforcement, prosecution, the judiciary, education, corrections,
 38.6 ~~ethnic minorities~~ different ethnicities, the social services, and the ~~lay citizen~~ general public.

38.7 Subd. 2. **Appointment; terms.** (a) The members of ~~the~~ a corrections advisory board
 38.8 ~~shall~~ must:

38.9 (1) be appointed by the board of county commissioners ~~or, respective Tribal Nation~~
 38.10 government, or the joint board in the case of multiple counties ~~and shall~~ or Tribal Nations;

38.11 (2) serve for terms of two years ~~from and after the date of their appointment;~~ and shall

38.12 (3) remain in office until their successors are duly appointed.

38.13 ~~The~~ (b) A board may elect its own officers.

38.14 Subd. 3. **Joint corrections advisory board.** ~~Where~~ If two or more counties or Tribal
 38.15 Nations combine to ~~come within the provisions of sections 401.01 to 401.16~~ become a CCA
 38.16 jurisdiction, the joint corrections advisory board ~~shall~~ must contain representation as provided
 38.17 ~~in~~ under subdivision 1, but the board members ~~comprising the board~~ may come from each
 38.18 of the participating counties or Tribal Nations as may be determined by agreement of the
 38.19 counties or Tribal Nations.

38.20 Subd. 4. **Comprehensive plan.** ~~The~~ A corrections advisory board ~~provided in sections~~
 38.21 ~~401.01 to 401.16, shall~~ must:

38.22 (1) actively participate in ~~the formulation of~~ formulating the comprehensive plan for ~~the~~
 38.23 ~~development, implementation, and operation of~~ developing, implementing, and operating
 38.24 ~~the correctional program programming and services described in section 401.01, under this~~
 38.25 chapter; and shall

38.26 (2) make a formal recommendation to the ~~county board or joint board~~ CCA jurisdiction
 38.27 at least annually ~~concerning~~ on the comprehensive plan and its implementation during the
 38.28 ensuing year.

38.29 Subd. 5. **Committee structure.** (a) If a corrections advisory board carries out its duties
 38.30 ~~through the implementation of~~ with a committee structure, the composition of each committee
 38.31 or subgroup ~~shall generally~~ should reflect the membership of the entire board.

39.1 (b) All proceedings of the corrections advisory board and any board committee or other
 39.2 subgroup of the board ~~shall~~ must be open to the public; and all votes taken of board members
 39.3 ~~of the board shall~~ must be recorded and ~~shall~~ become matters of public record.

39.4 Subd. 6. **Board rules.** ~~The~~ A corrections advisory board ~~shall promulgate~~ must adopt
 39.5 and implement rules ~~concerning attendance of members~~ on member attendance at board
 39.6 meetings. A rule under this subdivision does not meet the definition of a rule under section
 39.7 14.02, subdivision 4.

39.8 Sec. 23. Minnesota Statutes 2022, section 401.09, is amended to read:

39.9 **401.09 OTHER GRANT OR SUBSIDY PROGRAMS; PURCHASE OF**
 39.10 **PURCHASING STATE SERVICES.**

39.11 Subdivision 1. Eligibility for other programs. ~~Failure of a county or group of counties~~
 39.12 A decision by a county or Tribal Nation to elect to come within the provisions of sections
 39.13 401.01 to 401.16 shall not become a CCA jurisdiction does not affect their its eligibility for
 39.14 any other state grant or subsidy for correctional purposes otherwise provided by law.

39.15 Subd. 2. Contracting for correctional services. ~~Any~~ A comprehensive plan submitted
 39.16 pursuant according to sections 401.01 to 401.16 this chapter may include the purchase of
 39.17 selected allow for contracting with the state to provide certain correctional services ~~from~~
 39.18 ~~the state by contract~~, including the temporary detention and confinement of persons convicted
 39.19 of crime or adjudicated delinquent; with confinement ~~to be~~ in an appropriate state facility
 39.20 as otherwise provided by law.

39.21 Subd. 3. Determining cost of correctional services. The commissioner ~~shall~~ must
 39.22 annually determine the costs of the ~~purchase of~~ contracted services under ~~this section~~
 39.23 subdivision 2 and deduct them from the subsidy due and payable to the county ~~or counties~~
 39.24 ~~concerned; provided that no~~ or Tribal Nation if a contract shall under subdivision 2 does
 39.25 not exceed in cost the amount of subsidy to which the participating county or counties are
 39.26 Tribal Nation is eligible.

39.27 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to all
 39.28 four-year comprehensive plans submitted on or after that date.

40.1 Sec. 24. Minnesota Statutes 2022, section 401.10, is amended to read:

40.2 **401.10 FUNDING COMMUNITY CORRECTIONS AID SUPERVISION.**

40.3 Subdivision 1. ~~Aid calculations~~ **Community supervision funding formula.** ~~To~~
40.4 ~~determine the community corrections aid amount to be paid to each participating county,~~
40.5 ~~the commissioner of corrections must apply the following formula:~~

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

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

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

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

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

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

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

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

40.28 (3) ~~For each of the 87 counties, the county's "adjusted net tax capacity percent" is the~~
40.29 ~~county's adjusted net tax capacity amount, defined in the same manner as it is defined for~~
40.30 ~~cities in section 477A.011, subdivision 20, divided by the statewide total adjusted net tax~~
40.31 ~~capacity amount. The adjusted net tax capacity percent must sum to 100 percent across the~~
40.32 ~~87 counties.~~

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

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

41.7 ~~(6) Each participating county's weighted need percent must be added to the weighted~~
41.8 ~~need percent of each other participating county to yield the "total weighted need percent~~
41.9 ~~for participating counties."~~

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

41.13 ~~(8) Each participating county's "base funding amount" is the aid amount that the county~~
41.14 ~~received under this section for fiscal year 1995 plus the amount received in caseload or~~
41.15 ~~workload reduction, felony caseload reduction, and sex offender supervision grants in fiscal~~
41.16 ~~year 2015, as reported by the commissioner of corrections. In fiscal year 1997 and thereafter,~~
41.17 ~~no county's aid amount under this section may be less than its base funding amount, provided~~
41.18 ~~that the total amount appropriated for this purpose is at least as much as the aggregate base~~
41.19 ~~funding amount defined in clause (9).~~

41.20 ~~(9) The "aggregate base funding amount" is equal to the sum of the base funding amounts~~
41.21 ~~for all participating counties. If a county that participated under this section chooses not to~~
41.22 ~~participate in any given year, then the aggregate base funding amount must be reduced by~~
41.23 ~~that county's base funding amount. If a county that did not participate under this section in~~
41.24 ~~fiscal year 1995 chooses to participate on or after July 1, 2015, then the aggregate base~~
41.25 ~~funding amount must be increased by the amount of aid that the county would have received~~
41.26 ~~had it participated in fiscal year 1995 plus the estimated amount it would have received in~~
41.27 ~~caseload or workload reduction, felony caseload reduction, and sex offender supervision~~
41.28 ~~grants in fiscal year 2015, as reported by the commissioner of corrections, and the amount~~
41.29 ~~of increase shall be that county's base funding amount.~~

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

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

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

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

42.10 (a) Beginning July 1, 2023, the community supervision subsidy paid to each county, the
42.11 commissioner for supervision of non-CCA jurisdictions served by the Department of
42.12 Corrections, and each applicable Tribal Nation under paragraph (e) equals the sum of:

42.13 (1) a base funding amount equal to \$150,000; and

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

42.15 (i) for each individual with a felony sentence, a felony per diem rate of \$5.62 multiplied
42.16 by the sum of the county's or Tribal Nation's adult felony population, adult supervised
42.17 release and parole populations, and juvenile supervised release and parole populations as
42.18 reported in the most recent probation survey published by the commissioner, multiplied by
42.19 365, and

42.20 (ii) for each individual sentenced for a gross misdemeanor or misdemeanor or under
42.21 juvenile probation, the felony per diem rate of \$5.62 multiplied by 0.5 and then multiplied
42.22 by the sum of the county's or Tribal Nation's gross misdemeanor, misdemeanor, and juvenile
42.23 populations as reported in the most recent probation survey published by the commissioner,
42.24 multiplied by 365.

42.25 (b) For a non-CCA jurisdiction under section 244.19, subdivision 1b, paragraph (b) or
42.26 (c), the base funding amount must be shared equally between the jurisdiction and the
42.27 commissioner for the provision of felony supervision under section 244.20.

42.28 (c) If in any year the total amount appropriated for the purpose of this section is more
42.29 than or less than the total of base funding plus community supervision formula funding for
42.30 all counties and applicable Tribal Nations, the sum of each county's and applicable Tribal
42.31 Nation's base funding plus community supervision formula funding is adjusted by the ratio
42.32 of amounts appropriated for this purpose divided by the total of base funding plus community
42.33 supervision formula funding for all counties and applicable Tribal Nations.

43.1 (d) If in any year the base funding plus the community supervision formula amount
43.2 based on what was appropriated in fiscal year 2024 is less than the funding paid to the
43.3 county in fiscal year 2023, the difference is added to the community supervision formula
43.4 amount for that county. A county is not eligible for additional funding under this paragraph
43.5 unless the base funding plus community supervision formula results in an increase in funding
43.6 for the county based on what was appropriated in the previous fiscal year. This paragraph
43.7 expires June 30, 2029.

43.8 (e) For each Tribal Nation, a funding amount of \$250,000 is allotted annually to purchase
43.9 probation services or probation-related services, including contracted services, but a Tribal
43.10 Nation that becomes a CCA jurisdiction or a non-CCA jurisdiction under section 244.19,
43.11 subdivision 1b, paragraph (b) or (c), is an applicable Tribal Nation under paragraphs (a) to
43.12 (c) and:

43.13 (1) has the Tribal Nation's funding amount of \$250,000 transferred to the total community
43.14 supervision subsidy amount appropriated for the purposes of this section; and

43.15 (2) is allotted a base funding amount equal to \$150,000 plus an amount as determined
43.16 according to the community supervision formula under paragraph (a), clause (2).

43.17 ~~Subd. 2. **Transfer of funds.** Notwithstanding any law to the contrary, the commissioner~~
43.18 ~~of corrections, after notifying the committees on finance of the senate and ways and means~~
43.19 ~~of the house of representatives, may, at the end of any fiscal year, transfer any unobligated~~
43.20 ~~funds in any appropriation to the Department of Corrections to the appropriation under~~
43.21 ~~sections 401.01 to 401.16, which appropriation shall not cancel but is reappropriated for~~
43.22 ~~the purposes of sections 401.01 to 401.16.~~

43.23 ~~Subd. 3. **Formula review.** Prior to January 16, 2002, the committees with jurisdiction~~
43.24 ~~over community corrections funding decisions in the house of representatives and the senate,~~
43.25 ~~in consultation with the Department of Corrections and any interested county organizations,~~
43.26 ~~must review the formula in subdivision 1 and make recommendations to the legislature for~~
43.27 ~~its continuation, modification, replacement, or discontinuation.~~

43.28 Subd. 4. **Report.** (a) By January 15, 2025, and every year thereafter, the commissioner
43.29 must submit a report to the chairs and ranking minority members of the legislative committees
43.30 and divisions with jurisdiction over public safety finance and policy. At a minimum, the
43.31 report must summarize and contain the following data:

43.32 (1) the commissioner's workload study under section 401.17, subdivision 4;

43.33 (2) the commissioner's collected caseload data under section 244.21, subdivision 1; and

44.1 (3) projected growth in the community supervision formula calculated by analyzing
 44.2 caseload trends and data.

44.3 (b) The report may be made in conjunction with reporting under section 244.21.

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

44.5 Sec. 25. Minnesota Statutes 2022, section 401.11, is amended to read:

44.6 **401.11 COMPREHENSIVE PLAN ITEMS; ~~GRANT~~ SUBSIDY REVIEW.**

44.7 Subdivision 1. **Policy items.** The (a) A comprehensive plan submitted to the
 44.8 commissioner for approval ~~shall~~ under section 401.06 must include those items prescribed
 44.9 by ~~rule of the commissioner, which may require the inclusion of~~ policy and may include
 44.10 the following:

44.11 ~~(a)~~ (1) the manner in which presentence and postsentence investigations and reports for
 44.12 the district courts and social history reports for the juvenile courts will be made;

44.13 ~~(b)~~ (2) the manner in which conditional release services to the courts and persons under
 44.14 jurisdiction of the commissioner ~~of corrections~~ will be provided;

44.15 ~~(c)~~ (3) a program for ~~the detention, supervision, and treatment of~~ detaining, supervising,
 44.16 and ~~treating~~ persons under pretrial detention or under commitment;

44.17 ~~(d)~~ (4) delivery of other correctional services ~~defined in section 401.01;~~

44.18 ~~(e)~~ (5) proposals for new programs, which proposals must demonstrate a need for the
 44.19 program, ~~its~~ and the program's purpose, objective, administrative structure, staffing pattern,
 44.20 staff training, financing, evaluation process, degree of community involvement, client
 44.21 participation, and duration ~~of program;~~

44.22 (6) descriptions of programs that adhere to best practices for assessing risk and using
 44.23 interventions that address an individual's needs while tailoring supervision and interventions
 44.24 by using risk, need, and responsivity principles; and

44.25 (7) data on expenditures, costs, and programming results and outcomes for individuals
 44.26 under community supervision.

44.27 (b) The commissioner must develop in policy budgetary requirements for comprehensive
 44.28 plans to ensure the efficient and accountable expenditure of a county's or Tribal Nation's
 44.29 subsidy for correctional services and programming to produce successful community
 44.30 supervision outcomes.

45.1 Subd. 2. CCA Review. ~~In addition to the foregoing requirements made by this section,~~
 45.2 ~~Each participating county or group of counties shall~~ CCA jurisdiction must develop and
 45.3 implement a procedure for ~~the review of~~ reviewing grant applications or applications for
 45.4 contracted services made to the corrections advisory board and for the manner in which
 45.5 corrections advisory board action will be taken on ~~them~~ the applications. A description of
 45.6 ~~this~~ the procedure must be made available to members of the public upon request.

45.7 EFFECTIVE DATE. This section is effective August 1, 2023, and applies to all
 45.8 four-year comprehensive plans submitted on or after that date.

45.9 Sec. 26. Minnesota Statutes 2022, section 401.12, is amended to read:

45.10 **401.12 CONTINUATION OF CURRENT MINIMUM SPENDING LEVEL BY**
 45.11 **COUNTIES.**

45.12 Subdivision 1. Diminished spending prohibited. ~~Participating counties shall~~ A county
 45.13 or Tribal Nation receiving a subsidy under section 401.10 must not diminish their current
 45.14 reduce its level of spending for ~~correctional expenses as defined in section 401.01, to the~~
 45.15 ~~extent of any subsidy received pursuant to sections 401.01 to 401.16; rather the subsidy~~
 45.16 ~~herein provided is for the expenditure for correctional purposes in excess of those funds~~
 45.17 ~~currently being expended~~ on probation services to lower than what is reimbursed by the
 45.18 community supervision formula under section 401.10, subdivision 1.

45.19 Subd. 2. Not expending full subsidy amount. ~~Should~~ If a participating county be or
 45.20 Tribal Nation is unable to expend the full amount of the subsidy to which it would be entitled
 45.21 in any one year under the provisions of sections 401.01 to 401.16 the first year of a biennium,
 45.22 the commissioner ~~shall~~ must:

45.23 (1) retain the surplus, subject to disbursement; and

45.24 (2) disburse the surplus in the following second year wherein such of the biennium if
 45.25 the county or Tribal Nation can demonstrate a need for and ability to expend ~~same for the~~
 45.26 ~~purposes provided in section 401.01. If in any biennium the subsidy is increased by an~~
 45.27 ~~inflationary adjustment which results in the county receiving more actual subsidy than it~~
 45.28 ~~did in the previous calendar year, the county shall be eligible for that increase only if the~~
 45.29 ~~current level of spending is increased by a percentage equal to that increase within the same~~
 45.30 ~~biennium.~~ the surplus.

46.1 Sec. 27. Minnesota Statutes 2022, section 401.14, is amended to read:

46.2 **401.14 PAYMENT OF PAYING SUBSIDY.**

46.3 Subdivision 1. **Payment.** ~~Upon compliance by~~ After a county or group of counties Tribal
 46.4 Nation becomes compliant with the prerequisites for ~~participation in~~ receiving the subsidy
 46.5 ~~prescribed by sections 401.01 to 401.16, and approval of the~~ commissioner approves the
 46.6 comprehensive plan ~~by the commissioner~~, the commissioner ~~shall~~ must determine whether
 46.7 funds exist ~~for the payment of~~ to pay the subsidy and proceed to pay ~~same~~ it in accordance
 46.8 with applicable ~~rules~~ law.

46.9 Subd. 2. **Quarterly remittance.** Based ~~upon~~ on the approved comprehensive plan ~~as~~
 46.10 ~~approved~~, the commissioner may estimate the amount to be expended in furnishing the
 46.11 required correctional services during each calendar quarter and cause the estimated amount
 46.12 to be remitted to the counties and Tribal Nations entitled ~~thereto in the manner provided in~~
 46.13 to the amount as provided under section 401.15, subdivision 1.

46.14 Subd. 3. **Installment payments.** The commissioner ~~of corrections shall~~ must:

46.15 (1) make payments for ~~community corrections~~ correctional services to each county and
 46.16 Tribal Nation in 12 installments per year. ~~The commissioner shall;~~

46.17 (2) ensure that the pertinent payment of the allotment for each month is made to each
 46.18 county and Tribal Nation on the first working day after the end of each month of the calendar
 46.19 year, except for the last month of the calendar year. ~~The commissioner shall; and~~

46.20 (3) ensure that each county and Tribal Nation receives its monthly payment ~~of the~~
 46.21 allotment ~~for that month~~ no later than the last working day of that each month. ~~The payment~~
 46.22 ~~described in this subdivision for services rendered during June 1985 shall be made on the~~
 46.23 ~~first working day of July 1985.~~

46.24 Sec. 28. Minnesota Statutes 2022, section 401.15, is amended to read:

46.25 **401.15 PROCEDURE FOR DETERMINATION AND DETERMINING PAYMENT**
 46.26 **OF AMOUNT; BIENNIAL ANNUAL REVIEW.**

46.27 Subdivision 1. **Certified statements; determinations; adjustments.** (a) Within 60 days
 46.28 of the end of each calendar quarter, ~~participating counties which have~~ a county or Tribal
 46.29 Nation that has received the payments authorized by under section 401.14 ~~shall~~ must submit
 46.30 to the commissioner certified statements detailing the amounts expended and costs incurred
 46.31 in furnishing the correctional services ~~provided in sections 401.01 to 401.16~~ under this
 46.32 chapter.

47.1 (b) Upon ~~receipt of~~ receiving the certified statements, the commissioner ~~shall, in the~~
47.2 ~~manner provided in~~ must in accordance with sections 401.10 and 401.12;

47.3 (1) determine the amount that each participating county or Tribal Nation is entitled to
47.4 receive, ~~making;~~ and

47.5 (2) make any adjustments necessary to rectify any disparity between the amounts received
47.6 pursuant according to the estimate provided in under section 401.14 and the amounts actually
47.7 expended.

47.8 (c) If the amount received ~~pursuant~~ according to the estimate is greater than the amount
47.9 actually expended during the quarter, the commissioner may withhold the difference from
47.10 any subsequent monthly payments made ~~pursuant~~ according to section 401.14.

47.11 ~~Upon certification by~~ (d) After the commissioner ~~of~~ certifies the amount that a
47.12 participating county or Tribal Nation is entitled to receive under ~~the provisions of this~~
47.13 subdivision or section 401.14 or of this subdivision, the commissioner of management and
47.14 budget ~~shall thereupon~~ must issue a payment to the chief fiscal officer of each participating
47.15 county or Tribal Nation for the amount due together with a copy of the certificate prepared
47.16 by the commissioner.

47.17 Subd. 2. **Ranking Formula review.** The commissioner ~~shall biennially~~ must annually
47.18 review ~~the ranking accorded each county by the equalization~~ community supervision formula
47.19 ~~provided in under~~ section 401.10 and ~~compute~~ calculate and prorate the subsidy rate
47.20 accordingly.

47.21 Sec. 29. Minnesota Statutes 2022, section 401.16, is amended to read:

47.22 **401.16 WITHDRAWAL WITHDRAWING FROM SUBSIDY PROGRAM.**

47.23 Subdivision 1. **Withdrawing; effective date.** At the beginning of any calendar quarter,
47.24 any participating county may, at the beginning of any calendar quarter, by resolution of its
47.25 board of commissioners, CCA jurisdiction may notify the commissioner of its intention to
47.26 withdraw from the subsidy program established by sections 401.01 to 401.16, and. The
47.27 withdrawal shall be:

47.28 (1) must be done by resolution of the county's board of commissioners or resolution of
47.29 the Tribal Nation's respective governmental unit; and

47.30 (2) is effective at least six months from the last day of the last month of the quarter in
47.31 which the notice was given. ~~Upon withdrawal, the unexpended balance of moneys allocated~~
47.32 ~~to the county, or that amount necessary to reinstate state correctional services displaced by~~

48.1 ~~that county's participation, including complement positions, may, upon approval of the~~
48.2 ~~legislative advisory commission, be transferred to the commissioner for the reinstatement~~
48.3 ~~of the displaced services and the payment of any other correctional subsidies for which the~~
48.4 ~~withdrawing county had previously been eligible.~~

48.5 Subd. 2. **Employee changeover.** (a) If a county withdraws from the subsidy program
48.6 and asks the commissioner or the legislature mandates the commissioner to furnish probation
48.7 services to the county, the probation officers and other employees displaced by the
48.8 changeover must be employed by the commissioner at no loss of salary.

48.9 (b) Years of service in the county probation department are to be given full credit for
48.10 future sick leave and vacation accrual purposes.

48.11 (c) This subdivision applies to the extent consistent with state and Tribal law.

48.12 Sec. 30. **[401.17] COMMUNITY SUPERVISION ADVISORY COMMITTEE.**

48.13 Subdivision 1. **Establishment; members.** (a) The commissioner must establish a
48.14 Community Supervision Advisory Committee to develop and make recommendations to
48.15 the commissioner on standards for probation, supervised release, and community supervision.
48.16 The committee consists of 19 members as follows:

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

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

48.21 (3) three county commissioner representatives appointed by the Association of Minnesota
48.22 Counties;

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

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

48.27 (6) two commissioner-appointed representatives from the Department of Corrections;

48.28 (7) the chair of the statewide Evidence-Based Practice Advisory Committee;

48.29 (8) three individuals who have been supervised, either individually or collectively, under
48.30 each of the state's three community supervision delivery systems appointed by the

49.1 commissioner in consultation with the Minnesota Association of County Probation Officers
49.2 and the Minnesota Association of Community Corrections Act Counties;

49.3 (9) an advocate for victims of crime appointed by the commissioner; and

49.4 (10) a representative from a community-based research and advocacy entity appointed
49.5 by the commissioner.

49.6 (b) When an appointing authority selects an individual for membership on the committee,
49.7 the authority must make reasonable efforts to reflect geographic diversity and to appoint
49.8 qualified members of protected groups, as defined under section 43A.02, subdivision 33.

49.9 (c) Chapter 15 applies to the extent consistent with this section.

49.10 (d) The commissioner must convene the first meeting of the committee on or before
49.11 October 1, 2023.

49.12 Subd. 2. **Terms; removal; reimbursement.** (a) If there is a vacancy, the applicable
49.13 appointing authority must appoint an individual to fill the vacancy. Committee members
49.14 may elect any officers and create any subcommittees necessary to efficiently discharge
49.15 committee duties.

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

49.18 (c) Each committee member must be reimbursed for all reasonable expenses actually
49.19 paid or incurred by the member while performing official duties in the same manner as
49.20 other state employees. The public members of the committee must be compensated at the
49.21 rate of \$55 for each day or part of the day spent on committee activities.

49.22 Subd. 3. **Committee duties.** (a) By December 1, 2024, the committee must provide
49.23 written advice and recommendations to the commissioner on developing policy on:

49.24 (1) statewide supervision standards and definitions to be applied to community
49.25 supervision provided by CCA and non-CCA jurisdictions;

49.26 (2) requiring CCA and non-CCA jurisdictions to use the same agreed-on risk screener
49.27 and risk and needs assessment tools as the main supervision assessment methods or a
49.28 universal five-level matrix allowing for consistent supervision levels and that all tools in
49.29 use be validated on Minnesota's community supervision population and revalidated every
49.30 five years;

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

50.4 (4) limiting standard conditions required for all individuals on supervision across all
50.5 supervision systems and judicial districts, ensuring that conditions of supervision are directly
50.6 related to the offense of the individual on supervision, and tailoring special conditions to
50.7 individuals on supervision identified as high risk and high need;

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

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

50.13 (7) developing performance indicators for supervision success and recidivism;

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

50.16 (9) developing methods to evaluate outcomes for services provided by grant recipients
50.17 under section 244.33, paragraph (c), clause (3);

50.18 (10) devising a plan to eliminate the financial penalty incurred by a jurisdiction that
50.19 successfully discharges an individual from supervision before the supervision term concludes;
50.20 and

50.21 (11) establishing a proposed state-level Community Supervision Advisory Board with
50.22 a governance structure and duties for the board.

50.23 (b) By July 1, 2025, and every four years thereafter, the committee must review and
50.24 reassess the current workload study published by the commissioner under subdivision 4
50.25 and make recommendations to the commissioner based on the committee's review.

50.26 Subd. 4. **Duties; commissioner.** (a) The commissioner, in consultation with the
50.27 committee, must complete a workload study by October 1, 2024, to develop a capitated rate
50.28 for equitably funding community supervision throughout the state. The study must indicate
50.29 what factors go into a capitated rate, including but not limited to the administrative cost of
50.30 providing supervision and the average daily cost for providing supervision depending on
50.31 risk level.

51.1 (b) The commissioner is responsible for completing the workload study and submitting
51.2 it to the legislature in accordance with section 401.10, subdivision 4.

51.3 Subd. 5. **Data collection; report.** (a) By June 1, 2024, the advisory committee, in
51.4 consultation with the Minnesota Counties Computer Cooperative, must create a method to
51.5 (1) standardize data classifications across the three community supervision systems, and
51.6 (2) collect data for the commissioner to publish in an annual report to the chairs and ranking
51.7 minority members of the legislative committees and divisions with jurisdiction over public
51.8 safety finance and policy.

51.9 (b) The advisory committee's method, at a minimum, must provide for collecting the
51.10 following data:

51.11 (1) the number of individuals sentenced to supervision each year;

51.12 (2) the offense levels, offense types, and assessed risk levels for which individuals are
51.13 sentenced to supervision;

51.14 (3) violation and revocation rates and the identified grounds for the violations and
51.15 revocations, including final disposition of the violation action such as execution of the
51.16 sentence, imposition of new conditions, or a custodial sanction;

51.17 (4) the number of individuals granted early discharge from probation;

51.18 (5) the number of individuals restructured on supervision, including imposition of new
51.19 conditions of release; and

51.20 (6) the number of individuals revoked from supervision and the identified grounds for
51.21 revocation.

51.22 (c) Beginning January 15, 2025, as part of the report under section 241.21, subdivision
51.23 2, the commissioner must include data collected under the committee method established
51.24 under this subdivision. The commissioner must analyze the collected data by race, gender,
51.25 and county, including Tribal Nations.

51.26 (d) Nothing in this section overrides the commissioner's authority to require additional
51.27 data be provided under other law.

51.28 Subd. 6. **Response.** (a) Within 45 days of receiving the committee's recommendations
51.29 under subdivision 3, the commissioner must respond in writing to the committee's advice
51.30 and recommendations. The commissioner's response must explain:

51.31 (1) whether the commissioner will adopt policy changes based on the recommendations;

51.32 (2) the timeline for adopting policy changes; and

52.1 (3) why the commissioner will not or cannot adopt any policy changes based on
 52.2 committee recommendations.

52.3 (b) The commissioner must submit the committee's advice and recommendations and
 52.4 the commissioner's response to the chairs and ranking minority members of the legislative
 52.5 committees with jurisdiction over public safety finance and policy. The commissioner may
 52.6 submit the information under this paragraph together with the report under subdivision 5,
 52.7 paragraph (c).

52.8 Subd. 7. **Administrative support.** The commissioner must provide the committee with
 52.9 a committee administrator, staff support, a meeting room, and access to office equipment
 52.10 and services.

52.11 Sec. 31. Minnesota Statutes 2022, section 609.102, is amended to read:

52.12 **609.102 LOCAL CORRECTIONAL FEES; IMPOSITION BY COURT.**

52.13 Subdivision 1. **Definition.** ~~As used in~~ For purposes of this section, "~~local~~ correctional
 52.14 fee" means a fee for local correctional services established by a ~~local correctional~~ probation
 52.15 agency or the commissioner of corrections under section 244.18.

52.16 Subd. 2. ~~Imposition of~~ Imposing fee. When a court places a person convicted of a crime
 52.17 under the supervision and control of a ~~local correctional~~ probation agency, ~~that~~ the agency
 52.18 may collect a ~~local~~ correctional fee based on the ~~local correctional~~ agency's fee schedule
 52.19 adopted under section 244.18, subdivision 2.

52.20 Subd. 2a. ~~Imposition of~~ Imposing correctional fee. When a person convicted of a crime
 52.21 is supervised by the commissioner of corrections, the commissioner may collect a correctional
 52.22 fee based on the commissioner's fee schedule adopted under section ~~241.272~~ 244.18,
 52.23 subdivision 2.

52.24 **EFFECTIVE DATE.** This section is effective August 1, 2023.

52.25 Sec. 32. Minnesota Statutes 2022, section 609.14, subdivision 1, is amended to read:

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

53.1 (b) When it appears that the defendant violated any of the conditions of probation during
53.2 the term of the stay, but the term of the stay has since expired, the defendant's probation
53.3 officer or the prosecutor may ask the court to initiate probation revocation proceedings
53.4 under the Rules of Criminal Procedure at any time within six months after the expiration
53.5 of the stay. The court also may initiate proceedings under these circumstances on its own
53.6 motion. If proceedings are initiated within this six-month period, the court may conduct a
53.7 revocation hearing and take any action authorized under rule 27.04 at any time during or
53.8 after the six-month period.

53.9 (c) Notwithstanding the provisions of section 609.135 or any law to the contrary, after
53.10 proceedings to revoke the stay have been initiated by a court order revoking the stay and
53.11 directing either that the defendant be taken into custody or that a summons be issued in
53.12 accordance with paragraph (a), the proceedings to revoke the stay may be concluded and
53.13 the summary hearing provided by subdivision 2 may be conducted after the expiration of
53.14 the stay or after the six-month period set forth in paragraph (b). The proceedings to revoke
53.15 the stay shall not be dismissed on the basis that the summary hearing is conducted after the
53.16 term of the stay or after the six-month period. The ability or inability to locate or apprehend
53.17 the defendant prior to the expiration of the stay or during or after the six-month period shall
53.18 not preclude the court from conducting the summary hearing unless the defendant
53.19 demonstrates that the delay was purposefully caused by the state in order to gain an unfair
53.20 advantage.

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

53.23 Sec. 33. Minnesota Statutes 2022, section 609.14, is amended by adding a subdivision to
53.24 read:

53.25 Subd. 1a. **Violations where policies favor continued rehabilitation.** (a) Correctional
53.26 treatment is better provided through a community resource than through confinement and
53.27 would not unduly depreciate the seriousness of the violation if probation was not revoked.
53.28 Policies favoring probation outweigh the need for confinement if a person has not previously
53.29 violated a condition of probation or intermediate sanction in an open criminal case and does
53.30 any of the following in violation of a condition imposed by the court:

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

53.33 (i) 169A.20;

- 54.1 (ii) 609.2112, subdivision 1, paragraph (a), clauses (2) to (6); or
- 54.2 (iii) 609.2113, subdivision 1, clauses (2) to (6); 2, clauses (2) to (6); or 3, clauses (2) to
- 54.3 (6);
- 54.4 (2) fails to abstain from the use of alcohol, unless the person is under supervision for a
- 54.5 violation of section:
- 54.6 (i) 169A.20;
- 54.7 (ii) 609.2112, subdivision 1, paragraph (a), clauses (2) to (6); or
- 54.8 (iii) 609.2113, subdivision 1, clauses (2) to (6); 2, clauses (2) to (6); or 3, clauses (2) to
- 54.9 (6);
- 54.10 (3) possesses drug paraphernalia in violation of section 152.092;
- 54.11 (4) fails to obtain or maintain employment;
- 54.12 (5) fails to pursue a course of study or vocational training;
- 54.13 (6) fails to report a change in employment, unless the person is prohibited from having
- 54.14 contact with minors and the employment would involve such contact;
- 54.15 (7) violates a curfew;
- 54.16 (8) fails to report contact with a law enforcement agency, unless the person was charged
- 54.17 with a misdemeanor, gross misdemeanor, or felony; or
- 54.18 (9) commits any offense for which the penalty is a petty misdemeanor.
- 54.19 (b) A violation by a person described in paragraph (a) does not warrant the imposition
- 54.20 or execution of sentence and the court may not direct that the person be taken into immediate
- 54.21 custody unless the court receives a written report, signed under penalty of perjury pursuant
- 54.22 to section 358.116, showing probable cause to believe the person violated probation and
- 54.23 establishing by a preponderance of the evidence that the continued presence of the person
- 54.24 in the community would present a risk to public safety. If the court does not direct that the
- 54.25 person be taken into custody, the court may request a supplemental report from the
- 54.26 supervising agent containing:
- 54.27 (1) the specific nature of the violation;
- 54.28 (2) the response of the person under supervision to the violation, if any; and
- 54.29 (3) the actions the supervising agent has taken or will take to address the violation.

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

55.3 Sec. 34. **REVISOR INSTRUCTION.**

55.4 As a result of amendments to Minnesota Statutes, chapters 244 and 401, the revisor of
55.5 statutes must work with the Department of Corrections to correct cross-references in
55.6 Minnesota Statutes and Minnesota Rules and make any other necessary grammatical changes.

55.7 Sec. 35. **REPEALER.**

55.8 (a) Minnesota Statutes 2022, sections 244.196; 244.22; 244.32; and 401.07, are repealed.

55.9 (b) Minnesota Statutes 2022, section 241.272, is repealed.

55.10 **EFFECTIVE DATE.** Paragraph (b) is effective August 1, 2023.