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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 1448

02/22/2021 Authored by Johnson and Novotny The bill was read for the first time and referred to the Committee on Public Safety and Criminal Justice Reform Finance and Policy

1.1 A bill for an act
1.2 relating to public safety; requiring the commissioner of corrections to perform
1.3 regular assessments of security practices at state prisons; requiring a report;
1.4 amending Minnesota Statutes 2020, sections 241.016, subdivision 1; 241.021, by
1.5 adding a subdivision.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2020, section 241.016, subdivision 1, is amended to read:

1.8 Subdivision 1. Biennial report. (a) The Department of Corrections shall submit a
1.9 performance report to the chairs and ranking minority members of the senate and house of
1.10 representatives committees and divisions having jurisdiction over criminal justice funding
1.11 by January 15 of each odd-numbered year. The issuance and content of the report must
1.12 include the following:

1.13 (1) department strategic mission, goals, and objectives;

1.14 (2) the department-wide per diem, adult facility-specific per diems, and an average per
1.15 diem, reported in a standard calculated method as outlined in the departmental policies and
1.16 procedures;

1.17 (3) department annual statistics as outlined in the departmental policies and procedures;

1.18 and

1.19 (4) information about prison-based mental health programs, including, but not limited
1.20 to, the availability of these programs, participation rates, and completion rates; and

1.21 (5) the findings, conclusions, and recommendations of security assessments and audits
1.22 mandated by section 241.021, subdivision 1a.

2.1 (b) The department shall maintain recidivism rates for adult facilities on an annual basis.
 2.2 In addition, each year the department shall, on an alternating basis, complete a recidivism
 2.3 analysis of adult facilities, juvenile services, and the community services divisions and
 2.4 include a three-year recidivism analysis in the report described in paragraph (a). The
 2.5 recidivism analysis must: (1) assess education programs, vocational programs, treatment
 2.6 programs, including mental health programs, industry, and employment; and (2) assess
 2.7 statewide re-entry policies and funding, including postrelease treatment, education, training,
 2.8 and supervision. In addition, when reporting recidivism for the department's adult and
 2.9 juvenile facilities, the department shall report on the extent to which offenders it has assessed
 2.10 as chemically dependent commit new offenses, with separate recidivism rates reported for
 2.11 persons completing and not completing the department's treatment programs.

2.12 Sec. 2. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision to
 2.13 read:

2.14 **Subd. 1a. Independent assessment and audit of security practices; state correctional**
 2.15 **facilities.** (a) Beginning in fiscal year 2022 and at least every other year thereafter, each
 2.16 state correctional facility must undergo an independent assessment and audit of security
 2.17 practices.

2.18 (b) Assessments and audits required under this subdivision must be completed by an
 2.19 experienced team of professionals comprised of the following members:

2.20 (1) a department employee who is not assigned to the correctional institutions division;

2.21 (2) an employee of the Department of Health with experience in facility inspections;

2.22 (3) an employee of the Department of Labor and Employment's Occupational Safety
 2.23 and Health Division;

2.24 (4) a private security consultant; and

2.25 (5) a county sheriff who oversees a jail, or the sheriff's designee.

2.26 (c) The commissioner must include the findings, conclusions, and recommendations
 2.27 from each security assessment and audit in the department's biennial report to the legislature
 2.28 under section 241.016, subdivision 1.