

SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION

S.F. No. 755

(SENATE AUTHORS: PETERSEN, B.)

DATE	D-PG	OFFICIAL STATUS
02/12/2015	268	Introduction and first reading Referred to Judiciary
03/25/2015	1358	Withdrawn and returned to author

1.1 A bill for an act
 1.2 relating to corrections; prohibiting the licensure of private prisons in Minnesota
 1.3 while providing an exception; amending Minnesota Statutes 2014, section
 1.4 241.021, subdivision 1, by adding a subdivision.

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

1.6 Section 1. Minnesota Statutes 2014, section 241.021, subdivision 1, is amended to read:

1.7 Subdivision 1. **Correctional facilities; inspection; licensing.** (a) Except as provided
 1.8 in paragraph (b), the commissioner of corrections shall inspect and license all correctional
 1.9 facilities throughout the state, whether public or private, established and operated for
 1.10 the detention and confinement of persons detained or confined therein according to law
 1.11 except to the extent that they are inspected or licensed by other state regulating agencies.
 1.12 The commissioner shall promulgate pursuant to chapter 14, rules establishing minimum
 1.13 standards for these facilities with respect to their management, operation, physical
 1.14 condition, and the security, safety, health, treatment, and discipline of persons detained or
 1.15 confined therein. Commencing September 1, 1980, no individual, corporation, partnership,
 1.16 voluntary association, or other private organization legally responsible for the operation
 1.17 of a correctional facility may operate the facility unless licensed by the commissioner of
 1.18 corrections. Private adult correctional facilities shall have the authority of section 624.714,
 1.19 subdivision 13, if the Department of Corrections licenses the facility with such authority
 1.20 and the facility meets requirements of section 243.52. The commissioner shall review the
 1.21 correctional facilities described in this subdivision at least once every biennium, except
 1.22 as otherwise provided herein, to determine compliance with the minimum standards
 1.23 established pursuant to this subdivision. Except as provided in subdivision 1a, the
 1.24 commissioner shall grant a license to any facility found to conform to minimum standards

2.1 or to any facility which, in the commissioner's judgment, is making satisfactory progress
2.2 toward substantial conformity and the interests and well-being of the persons detained or
2.3 confined therein are protected. The commissioner may grant licensure up to two years.
2.4 The commissioner shall have access to the buildings, grounds, books, records, staff, and to
2.5 persons detained or confined in these facilities. The commissioner may require the officers
2.6 in charge of these facilities to furnish all information and statistics the commissioner deems
2.7 necessary, at a time and place designated by the commissioner. The commissioner may
2.8 require that any or all such information be provided through the Department of Corrections
2.9 detention information system. The education program offered in a correctional facility for
2.10 the detention or confinement of juvenile offenders must be approved by the commissioner
2.11 of education before the commissioner of corrections may grant a license to the facility.

2.12 (b) For juvenile facilities licensed by the commissioner of human services, the
2.13 commissioner may inspect and certify programs based on certification standards set forth
2.14 in Minnesota Rules. For the purpose of this paragraph, "certification" has the meaning
2.15 given it in section 245A.02.

2.16 (c) Any state agency which regulates, inspects, or licenses certain aspects of
2.17 correctional facilities shall, insofar as is possible, ensure that the minimum standards
2.18 it requires are substantially the same as those required by other state agencies which
2.19 regulate, inspect, or license the same aspects of similar types of correctional facilities,
2.20 although at different correctional facilities.

2.21 (d) Nothing in this section shall be construed to limit the commissioner of
2.22 corrections' authority to promulgate rules establishing standards of eligibility for counties
2.23 to receive funds under sections 401.01 to 401.16, or to require counties to comply with
2.24 operating standards the commissioner establishes as a condition precedent for counties
2.25 to receive that funding.

2.26 (e) When the commissioner finds that any facility described in paragraph (a), except
2.27 foster care facilities for delinquent children and youth as provided in subdivision 2, does
2.28 not substantially conform to the minimum standards established by the commissioner and
2.29 is not making satisfactory progress toward substantial conformance, the commissioner
2.30 shall promptly notify the chief executive officer and the governing board of the facility
2.31 of the deficiencies and order that they be remedied within a reasonable period of time.
2.32 The commissioner may by written order restrict the use of any facility which does not
2.33 substantially conform to minimum standards to prohibit the detention of any person
2.34 therein for more than 72 hours at one time. When, after due notice and hearing, the
2.35 commissioner finds that any facility described in this subdivision, except county jails and
2.36 lockups as provided in sections 641.26, 642.10, and 642.11, does not conform to minimum

3.1 standards, or is not making satisfactory progress toward substantial compliance therewith,
3.2 the commissioner may issue an order revoking the license of that facility. After revocation
3.3 of its license, that facility shall not be used until its license is renewed. When the
3.4 commissioner is satisfied that satisfactory progress towards substantial compliance with
3.5 minimum standard is being made, the commissioner may, at the request of the appropriate
3.6 officials of the affected facility supported by a written schedule for compliance, grant an
3.7 extension of time for a period not to exceed one year.

3.8 (f) As used in this subdivision, "correctional facility" means any facility, including a
3.9 group home, having a residential component, the primary purpose of which is to serve
3.10 persons placed therein by a court, court services department, parole authority, or other
3.11 correctional agency having dispositional power over persons charged with, convicted,
3.12 or adjudicated to be guilty or delinquent.

3.13 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.14 Sec. 2. Minnesota Statutes 2014, section 241.021, is amended by adding a subdivision
3.15 to read:

3.16 **Subd. 1a. Moratorium on licenses for private prisons.** (a) Except as provided
3.17 in paragraph (b), the commissioner may not license or relicense a privately owned and
3.18 operated correctional facility.

3.19 (b) The prohibition in paragraph (a) does not apply to a privately owned and
3.20 operated correctional facility located in Appleton, Minnesota, constructed before the
3.21 effective date of this section.

3.22 **EFFECTIVE DATE.** This section is effective the day following final enactment.