

Minnesota Statutes 1982, section 626.557, subdivision 12a is repealed.

Approved June 6, 1983

CHAPTER 274 — S.F.No. 412

An act relating to corrections; providing for the supervision and control of parolees and persons on supervised release by the commissioner of corrections; removing the limitation on contracts for temporary detention of pre-trial detainees; transferring functions and powers of the corrections board to the commissioner of corrections; providing for reimbursement of foster care costs for delinquent juveniles; adjusting the duration of certain sentences; defining second or subsequent violation or offense; providing for administration of Ramsey county corrections services; amending Minnesota Statutes 1982, sections 241.26, subdivisions 1, 3, and 4; 243.05; 243.51, subdivision 3; 244.04, subdivision 1; 244.05; 244.06; 244.065; 244.09, subdivision 11; 260.251, subdivision 1a; 383A.28, subdivision 2; 609.02, by adding a subdivision; 609.11, subdivision 6; Laws 1923, chapter 289, sections 1, as amended; and 2, as amended; proposing new law coded in chapter 383A; repealing Minnesota Statutes 1982, sections 241.045; 243.07; 243.09; 243.10; 243.12; and 243.14.

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

Section 1. Minnesota Statutes 1982, section 241.26, subdivision 1, is amended to read:

Subdivision 1. **BOARD COMMISSIONER.** When consistent with the public interest and the public safety, the ~~board may, with the recommendation of the commissioner, of corrections~~ may conditionally release an inmate who is eligible and being considered for parole under section 243.05, to work at paid employment, seek employment, or participate in a vocational training or educational program. Release under this subdivision constitutes an extension of the limits of confinement and each inmate so released shall be confined in the institution from which released or in some other suitable place of confinement designated by the commissioner of corrections during the hours he is not employed, seeking employment, or engaged in a vocational training or educational program, or, if employed, seeking employment, or engaged in a vocational training or educational program, between the hours of such activity. A reasonable allowance for travel time and meals shall be permitted.

Sec. 2. Minnesota Statutes 1982, section 241.26, subdivision 3, is amended to read:

Subd. 3. **RULES.** The commissioner of corrections shall, ~~upon consultation with the corrections board,~~ establish rules for the placement and supervision of such inmates and for the administration of the programs authorized by this

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section. When consistent with the public interest the ~~corrections board~~ commissioner may grant furloughs not to exceed 10 days duration to those persons subject to their control who participate in such conditional release programs inmates participating in the programs authorized by this section who have spent at least 30 days in a residential work release center operated by or under the control of the commissioner for a period of time not to exceed their supervised release date.

Sec. 3. Minnesota Statutes 1982, section 241.26, subdivision 4, is amended to read:

Subd. 4. **REVOCAATION.** The willful failure of an inmate to report to or return from planned employment, the seeking of employment, educational or vocational training, or furlough as provided in subdivision 3 shall be considered an escape under section 609.485. If an inmate violates any of the rules as provided for in subdivision 3, his work placement, educational, or vocational training privileges may be withdrawn by the ~~board granting such conditional release~~ commissioner.

Sec. 4. Minnesota Statutes 1982, section 243.05, is amended to read:

243.05 **BOARD COMMISSIONER OF CORRECTIONS; POWERS, LIMITATIONS.**

Subdivision 1. CONDITIONAL RELEASE. The ~~corrections board~~ 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:

(a) no inmate serving a life sentence for murder 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 until he has served 20 years, less the diminution which he would have been allowed for good conduct had his sentence been for 20 years;

(b) no inmate serving a life sentence for murder 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 until he has served 25 years, less the diminution which would have been allowed for good conduct had his sentence been for 25 years;

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

(d) ~~in all cases where an inmate is serving a life sentence for murder, unanimous consent of the corrections board is required for parole of the inmate.~~ any new rule or policy or change thereof of rule or policy adopted by the board

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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 thereof. Upon being paroled and released, an inmate is and remains in the legal custody and under the control of the ~~corrections board~~ 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 ~~board~~, ~~when the legal custody of the convicted person reverts to the commissioner of corrections~~ commissioner. The written order of the ~~corrections board~~, ~~certified by the chairman of the board~~ commissioner of corrections, ~~shall be~~ is sufficient to authority for any peace officer or state parole and probation agent to retake and place in actual custody any person on parole ~~to the corrections board~~ or supervised release, but any state parole and probation agent may, without order of warrant, when it appears necessary in order to prevent escape or enforce discipline, take and detain a parolee or person on supervised release or work release to the ~~corrections board~~ commissioner for ~~its~~ his action. The written order of the commissioner of corrections is sufficient ~~to~~ authority for any peace officer or state parole and probation agent to retake and place in actual custody any person on probation under the supervision of the commissioner pursuant to section 609.135, but any state parole and probation agent may, without an order, when it appears necessary in order to prevent escape or enforce discipline, retake and detain a probationer and bring the probationer before the court for further proceedings under section 609.14. Paroled Persons conditionally released, and those on probation under the supervision of the commissioner of corrections pursuant to section 609.135 may be placed within or ~~without~~ outside the boundaries of the state at the discretion of the ~~board or~~ of the commissioner of corrections or the court, and the limits fixed for these persons may be enlarged or reduced according to their conduct.

In considering applications for parole conditional release or final release discharge, the ~~board~~ commissioner is not required to hear oral argument from any attorney or other person not connected with an adult correctional facility of the department of corrections in favor of or against the parole or release of any inmates, but ~~it~~ the commissioner may institute inquiries by correspondence, taking testimony or otherwise, as to the previous history, physical or mental condition, and character of the inmate, and to that end shall have authority to require the attendance of the chief executive officer of any state adult correctional facility and the production of the records of these facilities, and to compel the attendance of witnesses. ~~Each member of the board~~ The commissioner is authorized to administer oaths to witnesses for these purposes.

Subd. 2. RULES. The commissioner of corrections may adopt rules in accordance with chapter 14, the Administrative Procedure Act, governing the procedures for granting of conditional release and final discharge. The rules may provide for the conduct and employment of persons conditionally released, and other matters necessary to implement the duties conferred by law upon the

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commissioner with respect to conditional release and discharge of persons. For purposes of this subdivision, "conditional release" means a person on parole, work release, or supervised release.

Subd. 3. DUTY OF COMMISSIONER; FINAL DISCHARGE. It is the duty of the commissioner of corrections to keep in communication, as far as possible, with all persons who are on parole and with their employers. The commissioner may grant a person on parole a final discharge from any sentence when:

(a) the person on parole has complied with the conditions of parole for a period of time sufficient to satisfy the commissioner that he or she is reliable and trustworthy;

(b) the commissioner is satisfied the person on parole will remain at liberty without violating the law; and

(c) final discharge is not incompatible with the welfare of society.

Upon the granting of a final discharge, the commissioner shall issue a certificate of final discharge to the person discharged and also cause a record of the acts of the inmate to be made. The record shall show the date of the inmate's confinement, the inmates's record while in prison, the date of his parole, the inmate's record while on parole, reasons underlying the decision for final discharge, and other facts which the commissioner regards as appropriate. Nothing in sections 243.05 or 244.05 shall be construed as impairing the power of the board of pardons to grant a pardon or commutation in any case.

Subd. 4. HEARING OFFICERS; POWERS; DUTIES. To carry out the powers and duties conferred upon him by this section, the commissioner of corrections may designate from among the members of his staff, one or more hearing officers and delegate to them any of the powers and duties conferred by this section. In the exercise of their delegated powers and duties the hearing officers shall be subject to the rules prescribed by the commissioner of corrections.

Subd. 5. DEPUTIZATION OF OUT-OF-STATE AGENTS. The commissioner of corrections may deputize any person regularly employed by another state to act as an officer and agent of this state in effecting the return of any person who has violated the terms and conditions of parole or probation as granted by this state. In any matter relating to the return of that person, any agent so deputized has all the powers of a police officer of this state. Any deputization pursuant to this subdivision shall be in writing and carried by the agent as formal evidence of his deputization and must be produced upon demand. Subject to the approval of the commissioner of finance, the commissioner of corrections may enter into contracts with similar officials of any other state for the purpose of sharing an equitable portion of the cost of effecting the return of

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any person who has violated the terms and conditions of release or probation as granted by this state.

Subd. 6. SUPERVISION BY COMMISSIONER OF CORRECTIONS; AGENTS. (a) The commissioner of corrections, as far as possible, shall exercise supervision over persons released on parole or probation pursuant to this section and section 242.19.

(b) The commissioner of corrections shall exercise supervision over probationers as provided in section 609.135, and over persons conditionally released pursuant to section 241.26.

(c) For the purposes of clauses (a) and (b), and sections 609.115 and 609.135, subdivision 1, the commissioner shall appoint state agents who shall be in the classified service of the state civil service. He may also appoint suitable persons in any part of the state or enter into agreements with individuals and public or private agencies, for the same purposes, and pay the costs incurred under the agreements. Parole agents shall reside in the various districts of the state in which they are employed. Each agent or person shall perform the duties the commissioner may prescribe in behalf of or in the supervision of those persons described in clause (b). In addition, each agent or person shall act under the orders of the commissioner in the supervision of those persons conditionally released as provided in clause (a). Agents shall provide assistance to conditionally released persons in obtaining employment, and shall conduct relevant investigations and studies of persons under supervision upon the request of the commissioner. Regional supervisors may also supervise state parole agents as directed by the commissioner of corrections. This duty shall not interfere with the supervisor's responsibility under the County Probation Act, Laws 1959, chapter 698.

Sec. 5. Minnesota Statutes 1982, section 243.51, subdivision 3, is amended to read:

Subd. 3. **TEMPORARY DETENTION.** The commissioner of corrections is authorized to contract with the United States attorney general and with the appropriate officials of any county of this state for the temporary detention of any person in custody pursuant to any process issued under the authority of the United States or the district courts of this state. The contract shall provide for reimbursement to the state of Minnesota for all costs and expenses involved. Money received under contracts shall be deposited in the state treasury to the credit of the facility in which the persons may be confined. ~~This subdivision is effective to June 30, 1983.~~

Sec. 6. Minnesota Statutes 1982, section 244.04, subdivision 1, is amended to read:

Subdivision 1. **REDUCTION OF SENTENCE.** Notwithstanding the provisions of section 609.11, subdivision 6, and section 609.346, subdivision 1, An

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inmate's the term of imprisonment of any inmate sentenced to a presumptive fixed sentence after May 1, 1980, shall be reduced in duration by one day for each two days during which the inmate violates none of the disciplinary offense rules promulgated by the commissioner. The reduction shall accrue to the period of supervised release to be served by the inmate.

If an inmate violates a disciplinary offense rule promulgated by the commissioner, good time earned prior to the violation may not be taken away, but the inmate may be required to serve an appropriate portion of his term of imprisonment after the violation without earning good time.

Sec. 7. Minnesota Statutes 1982, section 244.05, is amended to read:

244.05 SUPERVISED RELEASE TERM.

Subdivision 1. **SUPERVISED RELEASE REQUIRED.** Except as provided in subdivisions 4 and 5, every inmate shall serve a supervised release term upon completion of his term of imprisonment as reduced by any good time earned by the inmate. The supervised release term shall be equal to the period of good time the inmate has earned, and shall not exceed the length of time remaining in the inmate's sentence.

Subd. 2. **RULES.** ~~The Minnesota corrections board~~ commissioner of corrections shall promulgate rules for the placement and supervision of inmates serving a supervised release term. The rules shall also provide standards and procedures for the revocation of supervised release, and shall specify the period of revocation for each violation of supervised release. Procedures for the revocation of supervised release shall provide due process of law for the inmate.

Subd. 3. **SANCTIONS FOR VIOLATION.** If an inmate violates the conditions of his supervised release imposed by the ~~Minnesota corrections board~~ commissioner, the ~~board~~ commissioner may:

(1) continue the inmate's supervised release term, with or without modifying or enlarging the conditions imposed on the inmate; or

(2) revoke the inmate's supervised release and reimprison him for the appropriate period of time.

The period of time for which a supervised release may be revoked may not exceed the period of time remaining in the inmate's sentence.

Subd. 4. **MINIMUM IMPRISONMENT, LIFE SENTENCE.** An inmate serving a mandatory life sentence shall not be given supervised release under this section unless he has served a minimum term of imprisonment of 17 years.

Subd. 5. **SUPERVISED RELEASE, LIFE SENTENCE.** ~~The Minnesota corrections board~~ commissioner of corrections may, under rules promulgated

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by ~~it~~ him, give supervised release to an inmate serving a mandatory life sentence after he has served the minimum term of imprisonment specified in subdivision 4.

Sec. 8. Minnesota Statutes 1982, section 244.06, is amended to read:

244.06 EXTRAORDINARY DISCHARGE.

The ~~Minnesota corrections board~~ commissioner of corrections may give extraordinary discharge to an inmate for reasons of serious health problems, senility, advanced age or other extraordinary circumstances. ~~The board~~ commissioner shall promulgate rules specifying the circumstances under which extraordinary discharge may be approved by ~~the board~~ and the appropriate procedures for approving the same. No extraordinary discharge shall be effective unless also approved by the Minnesota board of pardons.

Sec. 9. Minnesota Statutes 1982, section 244.065, is amended to read:

244.065 PRIVATE EMPLOYMENT OF INMATES OF STATE CORRECTIONAL INSTITUTIONS IN COMMUNITY.

When consistent with the public interest and the public safety, the ~~Minnesota corrections board~~ commissioner of corrections may, ~~with the recommendation of the commissioner,~~ conditionally release an inmate to work at paid employment, seek employment, or participate in a vocational training or educational program, as provided in section 241.26, if the inmate has served at least one half of his term of imprisonment as reduced by good time earned by the inmate.

Sec. 10. Minnesota Statutes 1982, section 244.09, subdivision 11, is amended to read:

Subd. 11. **MODIFICATION; RETROACTIVE EFFECT.** The commission shall meet as necessary for the purpose of modifying and improving the guidelines. Any modification of the guidelines that causes a duration change shall be retroactive for all inmates serving sentences imposed pursuant to the Minnesota sentencing guidelines if the durational change reduces the appropriate term of imprisonment.

Sec. 11. Minnesota Statutes 1982, section 260.251, subdivision 1a, is amended to read:

Subd. 1a. **COST OF GROUP FOSTER CARE.** Whenever a child is placed in a group foster care facility as provided in section 260.185, subdivision 1, clause (b) or clause (c), item (5) or in section 260.194, subdivision 1, clause (b) or clause (c), the cost of providing the care shall, upon certification by the juvenile court, be paid from the welfare fund of the county in which the proceedings were held. To reimburse the counties for the costs of providing group foster care for delinquent children and to promote the establishment of suitable group foster homes, the state shall quarterly, from funds appropriated for that purpose,

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reimburse counties 50 percent of the costs not paid by federal and other available state aids and grants. Reimbursement shall be prorated if the appropriation is insufficient.

The commissioner of corrections shall establish procedures for reimbursement and certify to the commissioner of finance each county entitled to receive state aid under the provisions of this subdivision. Upon receipt of a certificate the commissioner of finance shall issue a state warrant to the county treasurer for the amount due, together with a copy of the certificate prepared by the commissioner of corrections.

Sec. 12. Minnesota Statutes 1982, section 383A.28, subdivision 2, is amended to read:

Subd. 2. NUMBER AND COMPENSATION OF EMPLOYEES. Subject to the Ramsey county civil service laws, the Ramsey county board of commissioners shall determine the number of employees and their compensation in each office or department in the county government except the abstract clerk, district court reporters, ~~county home school employees~~, the examiner of title and his deputies, the public defender and his assistants, ~~the director of court services and his principal assistants~~, welfare department employees and officers and employees of an agency supported by money provided by Ramsey county and by the city of Saint Paul.

Sec. 13. [383A.405] CORRECTIONS.

Subdivision 1. DIRECTOR OF COMMUNITY CORRECTIONS. The management and control of the operations of any correctional, juvenile detention, or home school facility within Ramsey county shall be the responsibility of the director of the department of community corrections. All of the employees of these correctional facilities except the superintendent and the first assistant or chief deputy of the facility shall be in the classified service of the county civil service and subject to section 383A.29.

Subd. 2. HOME SCHOOL SUPERINTENDENT. Notwithstanding section 260.094, or other law, in Ramsey county, the superintendent or matron and the assistant superintendent or matron of any county home school shall be appointed and removed by the director of the county community corrections department. The county board of commissioners shall set all salaries of employees at the school subject to section 383A.29.

Subd. 3. DETENTION HOME STAFF. Notwithstanding section 260.101, or other law, in Ramsey county, staff for detention homes shall be appointed and removed by the director of the community corrections department. Salaries for all employees shall be set by the county board of commissioners subject to section 383A.29.

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Sec. 14. Minnesota Statutes 1982, section 609.02, is amended by adding a subdivision to read:

Subd. 11. SECOND OR SUBSEQUENT VIOLATION OR OFFENSE. “Second or subsequent violation” or “second or subsequent offense” means that prior to the commission of the violation or offense, the actor has been adjudicated guilty of a specified similar violation or offense.

Sec. 15. Minnesota Statutes 1982, section 609.11, subdivision 6, is amended to read:

Subd. 6. NO EARLY RELEASE. Any defendant convicted and sentenced as required by this section ~~shall not be~~ is not eligible for probation, parole, discharge, or supervised release until that person ~~shall have~~ has served the full mandatory minimum term of imprisonment as provided by law, notwithstanding the provisions of sections 242.19, 243.05, 244.04, 609.12 and 609.135.

Sec. 16. Laws 1923, chapter 289, section 1, as amended by Laws 1949, chapter 61, section 1, Laws 1965, chapter 469, section 1, and Laws 1974, chapter 322, section 11, is amended to read:

[383A.404] Section 1. COURT SERVICES DEPARTMENT, SECOND JUDICIAL DISTRICT COMMUNITY CORRECTIONS DEPARTMENT.

[Subdivision 1.] ESTABLISHMENT. There is established, in the ~~second judicial district Ramsey county,~~ a court services community corrections department in connection with the courts of Ramsey county the second judicial district. The department is in the charge of a director of ~~court services who shall be appointed by and serve at the pleasure of a corrections management committee comprised of three judges of the second judicial district appointed by the chief judge of the district and three members of the board of county commissioners appointed by the chairman of the board.~~ The district judges shall appoint the director who shall serve for four years unless sooner removed for cause by the judges. The director shall supervise and administer services of the department to any courts of Ramsey county, establish necessary policy, and may divide the duties of the department into branches or divisions and appoint from department personnel, the heads of the branches or divisions, all with the approval of the district judges. The director shall have full authority and responsibility for the administration, operation, and supervision of all functions and services of the department, and shall carry out that authority and responsibility within the organizational structure and reporting relationship that is in accord with county board and judicial district administrative policies. Salary of the director shall be set by the county board of commissioners upon recommendation of the corrections management committee.

Sec. 17. Laws 1923, chapter 289, section 2, as amended by Laws 1965, chapter 469, section 2, and Laws 1974, chapter 322, section 12, is amended to read:

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[383A.404] [Subd. 2.] Sec. 2. **OFFICERS, EMPLOYEES.** The director may appoint, as the judges may approve, three principal assistants or division supervisors employ an assistant director, a superintendent, and assistant superintendent for each correctional facility in the county, and three principal assistants or division supervisors, all of whom shall serve at the pleasure of the director in the unclassified service. The director shall define the duties of these employees and may delegate powers, duties and responsibilities to them. Any officer or employee of the department shall exercise delegated powers under the control of and subject to conditions prescribed by the director. The salaries shall be set by the Ramsey county board of commissioners.

Sec. 18. **DIRECTION TO REVISOR.**

In the next and subsequent editions of Minnesota Statutes, the revisor of statutes shall substitute the terms "commissioner of corrections" or "commissioner" for the terms "Minnesota corrections board," "board of corrections," "corrections board," or "board" as appropriate wherever that term appears.

Sec. 19. **REPEALER.**

Minnesota Statutes 1982, sections 241.045; 243.07; 243.09; 243.10; 243.12; and 243.14 are repealed.

Sec. 20. **EFFECTIVE DATE; LOCAL APPROVAL.**

Sections 1 to 11, 14, 15, 18, and 19 are effective the day after final enactment. Sections 12, 13, 16, and 17 are effective the day after compliance with section 645.021, subdivision 3, by the Ramsey county board of commissioners.

Approved June 6, 1983

CHAPTER 275 — S.F.No. 462

An act relating to liquor; authorizing employment of persons under 18 in establishments licensed to sell wine only; amending Minnesota Statutes 1982, section 340.14, subdivision 2.

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

Section 1. Minnesota Statutes 1982, section 340.14, subdivision 2, is amended to read:

Subd. 2. **RESTRICTIONS.** Every licensee shall be responsible for the conduct of his place of business and for conditions of sobriety and order therein. No licensee shall keep, possess, or operate, or permit the keeping, possession, or

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