

CHAPTER 220 — S.F.No. 521

An act relating to corrections; authorizing the commissioner of corrections to prescribe the conditions under which persons on work release may retain and expend their earnings; providing for inmate contribution to funds for programs to aid victims of crime; clarifying the provisions relating to the use of force by correctional officers in preventing escape; providing preference to county employees displaced when counties change over and request probation services for county courts from the state; removing obsolete language; amending Minnesota Statutes 1984, sections 241.26, subdivisions 1 and 5; 243.23, subdivision 3; 243.52; 260.311, subdivisions 1 and 5; 401.01, subdivision 1; 401.02, subdivisions 1 and 4; and 401.11.

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

Section 1. Minnesota Statutes 1984, section 241.26, subdivision 1, is amended to read:

Subdivision 1. **COMMISSIONER.** When consistent with the public interest and the public safety, the commissioner of corrections may conditionally release an inmate who is eligible and being considered for ~~parole~~ release 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~~ is an extension of the limits of confinement and each inmate so released shall be confined in the ~~institution~~ correctional facility 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 1984, section 241.26, subdivision 5, is amended to read:

Subd. 5. **EARNINGS; WORK RELEASE ACCOUNT.** The net earnings of each inmate participating in a the work release program provided by this section shall may be collected by or forwarded to the commissioner of corrections under rules established by him and deposited by the ~~commissioner~~ in the state treasury, to be credited to the "work release account," ~~to the account of the inmate for deposit to the account of the inmate in the work release account in the state treasury, or the inmate may be permitted to collect, retain, and expend the net earnings from his or her employment under rules established by the commissioner of corrections.~~ The moneys collected by or forwarded to the commissioner under his or her rules shall remain under the control of the commissioner for the sole benefit of the inmate, subject to disbursement by the commissioner for the following purposes and in the following order. Wages under the control of the commissioner and wages retained by the inmate may be disbursed by the

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commissioner or expended by the inmate for the following purposes and in the following order:

(1) The cost of the inmate's keep as determined by subdivision 7, which moneys shall be deposited in the general fund of the state treasury if the inmate is housed in a state correctional institution facility, or shall be paid to the appropriate city or county treasurer if the inmate is housed in a city or county facility directly to the place of confinement as designated by the commissioner pursuant to subdivision 1;

(2) Necessary travel expense to and from work and other incidental expenses of the inmate;

(3) Support of inmate's dependents, if any;

(4) Court-ordered restitution, if any;

(5) Contribution to any programs established by law to aid victims of crime, provided that the contribution must not be more than 20 percent of the inmate's gross wages;

(6) After the above expenditures, the inmate shall have discretion to direct payment of the balance, if any, upon proper proof of personal legal debts;

~~(6)~~ (7) The balance, if any, shall be disbursed to the inmate as provided in section 243.24, subdivision 1.

All moneys in the "work release account" are appropriated annually to the commissioner of corrections for the purposes of the work release program.

Sec. 3. Minnesota Statutes 1984, section 243.23, subdivision 3, is amended to read:

Subd. 3. **EXCEPTIONS.** Notwithstanding sections ~~241.01, subdivision 8,~~ 241.26, subdivision 5, and 243.24, subdivision 1, the commissioner ~~shall may~~ promulgate rules for the disbursement of funds earned under subdivision 1 and section 243.88, subdivision 2 for the support of families and dependent relatives of the respective inmates, for the payment of court-ordered restitution, contribution to any programs established by law to aid victims of crime, provided that the contribution shall not be more than 20 percent of an inmate's gross wages, and for the discharge of any legal obligations arising out of litigation under this subdivision. An inmate of an adult correctional facility under the control of the commissioner is subject to actions for the enforcement of support obligations and reimbursement of any public assistance rendered the dependent family and relatives. The commissioner may conditionally release an inmate who is a party to an action under this subdivision and provide for his detention in a local detention facility convenient to the place of the hearing when he is not engaged in preparation and defense.

Sec. 4. Minnesota Statutes 1984, section 243.52, is amended to read:

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243.52 DISCIPLINE; PREVENTION OF ESCAPE.

If any inmate of any state adult correctional facility assaults any officer, guard, or any other person or inmate, the assaulted person may defend himself by the use of force. If any inmate attempts to damage the buildings or appurtenances, resists the lawful authority of any officer or guard, refuses to obey his reasonable demands, or attempts to escape, the officer or guard may enforce obedience and discipline or prevent escape by the use of force. If any inmate resisting lawful authority is wounded or killed by the use of force by the officer, guard, or assistants, that conduct is authorized under this section.

As used in this section, "use of force" means conduct which is authorized defined by sections 609.06 to 609.066. ~~An officer or guard may use force in the same manner as authorized for peace officers under sections 609.06 to 609.066.~~

Sec. 5. Minnesota Statutes 1984, section 260.311, subdivision 1, is amended to read:

Subdivision 1. **APPOINTMENT; JOINT SERVICES; STATE SERVICES.** If a county or group of counties has established a human services board pursuant to chapter 402, the juvenile court may appoint one or more probation officers as necessary to perform court services, and the human services board shall appoint persons as necessary to provide correctional services within the authority granted in chapter 402. In all counties of more than 200,000 population, which have not organized pursuant to chapter 402, the juvenile court shall appoint one or more persons of good character to serve as probation officers during the pleasure of the court. All other counties shall provide probation services to county courts in one of the following ways:

(1) The court, with the approval of the county boards, may appoint one or more salaried probation officers to serve during the pleasure of the court;

(2) Two or more county courts or county court districts through their county boards may jointly appoint common salaried probation officers to serve in the several counties;

(3) A county or county court district may request the commissioner of corrections to furnish probation services to its county court or county court district in accordance with the provisions of this section, and the commissioner of corrections shall furnish such services to any county or county court district that fails to provide its own probation officer by one of the two procedures listed above;

(4) If a county or county court district providing probation services under clause (2) of this subdivision asks the commissioner of corrections to furnish probation services to the county court, the probation officers and other employees displaced by the changeover may be given preference in employment by the commissioner of corrections. If employed by the commissioner, the employment,

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notwithstanding the provisions of other law to the contrary, is a transfer in grade with all of the benefits enjoyed by the employee while in the service of the county which do not exceed those provided for state civil service employees;

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

Sec. 6. Minnesota Statutes 1984, section 260.311, subdivision 5, is amended to read:

Subd. 5. **REIMBURSEMENT OF COUNTIES.** In order to reimburse the counties for the cost which they assume under ~~Laws 1959, Chapter 698, this section~~ of providing probation and parole services to wards of the commissioner of corrections and to aid the counties in achieving the purposes of this section, the commissioner of corrections shall annually, from funds appropriated for that purpose, pay 50 percent of the costs of probation officers' salaries to all counties of not more than 200,000 population. ~~Nothing herein shall be deemed to in this section will~~ invalidate any payments to counties made pursuant to this section before the effective date of Laws 1963, Chapter 694. Salary costs include fringe benefits, but only to the extent that fringe benefits do not exceed those provided for state civil service employees. On or before July 1 of each even numbered year each county or group of counties which provide their own probation services to the county court under subdivision 1, clause (2) shall submit to the commissioner of corrections an estimate of its costs under this section. Reimbursement to those counties shall be made on the basis of the estimate or actual expenditures incurred, whichever is less. Reimbursement for those counties which obtain probation services from the commissioner of corrections pursuant to subdivision 1, clause (3), must be made on the basis of actual expenditures. Salary costs shall not be reimbursed unless county probation officers are paid salaries commensurate with the salaries paid to comparable positions in the classified service of the state civil service. The salary range to which each county probation officer is assigned shall be determined by the authority having power to appoint probation officers, and shall be based on the officer's length of service and performance. The appointing authority shall annually assign each county probation officer to a position on the salary scale commensurate with the officer's experience, tenure, and responsibilities. ~~The~~ judge shall file with the county auditor an order setting each county probation officer's salary. Time spent by a county probation officer as a court referee shall not qualify for reimbursement. Reimbursement shall be prorated if the appropriation is insufficient.

Sec. 7. Minnesota Statutes 1984, section 401.01, subdivision 1, is amended to read:

Subdivision 1. For the purpose of more effectively protecting society and to promote efficiency and economy in the delivery of correctional services, the commissioner is hereby authorized to make grants to assist counties in the development, implementation, and operation of community based corrections

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programs including, but not limited to preventive or diversionary correctional programs, ~~probation, parole,~~ conditional release programs, community corrections centers, and facilities for the detention or confinement, care and treatment of persons convicted of crime or adjudicated delinquent.

Sec. 8. Minnesota Statutes 1984, section 401.02, subdivision 1, is amended to read:

Subdivision 1. **QUALIFICATION OF COUNTIES.** One or more contiguous counties, having an aggregate population of 30,000 or more persons ~~or comprising all the counties within a region designated pursuant to sections 462.381 to 462.396 or sections 473.122 to 473.249, situated within the same region designated pursuant to sections 462.381 to 462.396, or sections 473.122 to 473.249,~~ may qualify for a grant as provided in section 401.01 by the enactment of appropriate resolutions creating and establishing a corrections advisory board, designating the officer or agency to be responsible for administering grant funds, and providing for the preparation of a comprehensive plan for the development, implementation and operation of the correctional services described in section 401.01, including the assumption of those correctional services, other than the operation of state facilities, presently provided in such counties by the department of corrections, and providing for centralized administration and control of those correctional services described in section 401.01.

Where counties combine as authorized in this section, they shall comply with the provisions of section 471.59.

Sec. 9. Minnesota Statutes 1984, section 401.02, subdivision 4, is amended to read:

Subd. 4. **DETAINING PROBATIONER OR PAROLEE PERSON ON CONDITIONAL RELEASE.** Probation officers serving the district, county, municipal and juvenile courts of counties participating in the subsidy program established by this chapter may, without order or warrant, when it appears necessary to prevent escape or enforce discipline, take and detain a probationer, or any person on conditional release ~~from confinement and bring him before the court or the commissioner of corrections respectively,~~ for appropriate action by the court or the commissioner of corrections or his designee, whichever is appropriate, for disposition. No probationer or other person on conditional release shall be detained more than 72 hours, exclusive of legal holidays, Saturdays and Sundays, pursuant to this subdivision without being provided with the opportunity for a hearing before the court or the commissioner of corrections or his designee. When providing supervision and other correctional services to persons conditionally released pursuant to sections 241.26, 242.19, 243.05, 243.16, 244.05, and 244.065, including intercounty transfer of ~~probation cases~~ persons on conditional release, and the conduct of presentence investigations, participating

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counties shall comply with the policies and procedures relating thereto as prescribed by the commissioner of corrections.

Sec. 10. Minnesota Statutes 1984, section 401.11, is amended to read:

401.11 ITEMS INCLUDED IN PLAN PURSUANT TO REGULATION.

The comprehensive plan submitted to the commissioner for his approval shall include those items prescribed by regulation of the commissioner, which may require the inclusion of the following: (a) the manner in which presentence and postsentence investigations and reports for the district courts and social history reports for the juvenile courts will be made; (b) the manner in which ~~probation and parole~~ conditional release services to the courts and persons under jurisdiction of the commissioner of corrections will be provided; (c) a program for the detention, supervision and treatment of persons under pre-trial detention or under commitment; (d) delivery of other correctional services defined in section 401.01; (e) proposals for new programs, which proposals must demonstrate a need for the program, its purpose, objective, administrative structure, staffing pattern, staff training, financing, evaluation process, degree of community involvement, client participation and duration of program.

In addition to the foregoing requirements made by this section, each participating county or group of counties shall ~~be required to~~ develop and implement a procedure for the review of grant applications made to the corrections advisory board and for the manner in which corrections advisory board action shall will be taken ~~thereon~~ on them. A description of this procedure shall must be made available to members of the public upon request.

Sec. 11. **EFFECTIVE DATE.**

Sections 1 to 10 are effective the day following final enactment.

Approved May 23, 1985

CHAPTER 221 — S.F.No. 374

An act relating to property transfers; regulating transfers to persons under a certain age; enacting the uniform transfers to minors act; proposing coding for new law in Minnesota Statutes, chapter 527; repealing Minnesota Statutes 1984, sections 527.01 to 527.11.

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

Section 1. **[527.21] DEFINITIONS.**

For purposes of this chapter:

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