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State of Minnesota

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HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 2755

- 03/06/2014 Authored by Paymar, Lesch, Cornish, Hilstrom and Slocum  
The bill was read for the first time and referred to the Committee on Public Safety Finance and Policy
- 03/17/2014 Adoption of Report: Re-referred to the Committee on Government Operations
- 03/26/2014 Adoption of Report: Placed on the General Register  
Read Second Time
- 04/28/2014 Calendar for the Day  
Read Third Time  
Passed by the House and transmitted to the Senate

1.1 A bill for an act  
 1.2 relating to corrections; amending and repealing outdated and redundant statutes;  
 1.3 amending Minnesota Statutes 2012, sections 241.01, subdivision 3a; 242.19,  
 1.4 subdivision 2; 242.32, subdivision 1; 242.46, subdivision 3; 243.1605; 243.1606,  
 1.5 subdivision 3; 260.51; 260.55; 260.56; repealing Minnesota Statutes 2012,  
 1.6 sections 241.022; 241.0221; 241.024; 241.34; 242.37; 242.56, subdivisions 1, 2,  
 1.7 4, 5, 6, 7; 243.18, subdivision 2; 243.64; 260.52; 260.54.

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

1.9 Section 1. Minnesota Statutes 2012, section 241.01, subdivision 3a, is amended to read:

1.10 Subd. 3a. **Commissioner, powers and duties.** The commissioner of corrections has  
 1.11 the following powers and duties:

1.12 (a) To accept persons committed to the commissioner by the courts of this state for  
 1.13 care, custody, and rehabilitation.

1.14 (b) To determine the place of confinement of committed persons in a correctional  
 1.15 facility or other facility of the Department of Corrections and to prescribe reasonable  
 1.16 conditions and rules for their employment, conduct, instruction, and discipline within or  
 1.17 outside the facility. Inmates shall not exercise custodial functions or have authority over  
 1.18 other inmates. ~~Inmates may serve on the board of directors or hold an executive position~~  
 1.19 ~~subordinate to correctional staff in any corporation, private industry or educational~~  
 1.20 ~~program located on the grounds of, or conducted within, a state correctional facility with~~  
 1.21 ~~written permission from the chief executive officer of the facility.~~

1.22 (c) To administer the money and property of the department.

1.23 (d) To administer, maintain, and inspect all state correctional facilities.

1.24 (e) To transfer authorized positions and personnel between state correctional  
 1.25 facilities as necessary to properly staff facilities and programs.

2.1 (f) To utilize state correctional facilities in the manner deemed to be most efficient  
2.2 and beneficial to accomplish the purposes of this section, but not to close the Minnesota  
2.3 Correctional Facility-Stillwater or the Minnesota Correctional Facility-St. Cloud without  
2.4 legislative approval. The commissioner may place juveniles and adults at the same  
2.5 state minimum security correctional facilities, if there is total separation of and no  
2.6 regular contact between juveniles and adults, except contact incidental to admission,  
2.7 classification, and mental and physical health care.

2.8 (g) To organize the department and employ personnel the commissioner deems  
2.9 necessary to discharge the functions of the department, including a chief executive officer  
2.10 for each facility under the commissioner's control who shall serve in the unclassified civil  
2.11 service and may, under the provisions of section 43A.33, be removed only for cause.

2.12 (h) To define the duties of these employees and to delegate to them any of the  
2.13 commissioner's powers, duties and responsibilities, subject to the commissioner's control  
2.14 and the conditions the commissioner prescribes.

2.15 (i) To annually develop a comprehensive set of goals and objectives designed to  
2.16 clearly establish the priorities of the Department of Corrections. This report shall be  
2.17 submitted to the governor commencing January 1, 1976. The commissioner may establish  
2.18 ad hoc advisory committees.

2.19 Sec. 2. Minnesota Statutes 2012, section 242.19, subdivision 2, is amended to read:

2.20 Subd. 2. **Dispositions.** When a child has been committed to the commissioner of  
2.21 corrections by a juvenile court, upon a finding of delinquency, the commissioner may for  
2.22 the purposes of treatment and rehabilitation:

2.23 (1) order the child's confinement to the Minnesota Correctional Facility-Red Wing  
2.24 ~~or the Minnesota Correctional Facility-Sauk Centre~~, which shall accept the child, or to  
2.25 a group foster home under the control of the commissioner of corrections, or to private  
2.26 facilities or facilities established by law or incorporated under the laws of this state that  
2.27 may care for delinquent children;

2.28 (2) order the child's release on parole under such supervisions and conditions as the  
2.29 commissioner believes conducive to law-abiding conduct, treatment and rehabilitation;

2.30 (3) order reconfinement or renewed parole as often as the commissioner believes  
2.31 to be desirable;

2.32 (4) revoke or modify any order, except an order of discharge, as often as the  
2.33 commissioner believes to be desirable;

2.34 (5) discharge the child when the commissioner is satisfied that the child has been  
2.35 rehabilitated and that such discharge is consistent with the protection of the public;

3.1 (6) if the commissioner finds that the child is eligible for probation or parole and  
3.2 it appears from the commissioner's investigation that conditions in the child's or the  
3.3 guardian's home are not conducive to the child's treatment, rehabilitation, or law-abiding  
3.4 conduct, refer the child, together with the commissioner's findings, to a local social  
3.5 services agency or a licensed child-placing agency for placement in a foster care or,  
3.6 when appropriate, for initiation of child in need of protection or services proceedings  
3.7 as provided in sections 260C.001 to 260C.421. The commissioner of corrections shall  
3.8 reimburse local social services agencies for foster care costs they incur for the child while  
3.9 on probation or parole to the extent that funds for this purpose are made available to the  
3.10 commissioner by the legislature. The juvenile court shall order the parents of a child on  
3.11 probation or parole to pay the costs of foster care under section 260B.331, subdivision 1,  
3.12 according to their ability to pay, and to the extent that the commissioner of corrections has  
3.13 not reimbursed the local social services agency.

3.14 Sec. 3. Minnesota Statutes 2012, section 242.32, subdivision 1, is amended to read:

3.15 Subdivision 1. **Community-based programming.** The commissioner of corrections  
3.16 shall be charged with the duty of developing constructive programs for the prevention  
3.17 and decrease of delinquency and crime among youth. To that end, the commissioner shall  
3.18 cooperate with counties and existing agencies to encourage the establishment of new  
3.19 programming, both local and statewide, to provide a continuum of services for serious and  
3.20 repeat juvenile offenders who do not require secure placement. The commissioner shall  
3.21 work jointly with the commissioner of human services and counties and municipalities  
3.22 to develop and provide community-based services for residential placement of juvenile  
3.23 offenders and community-based services for nonresidential programming for juvenile  
3.24 offenders and their families.

3.25 Notwithstanding any law to the contrary, the commissioner of corrections is  
3.26 authorized to contract with counties placing juveniles in the serious/chronic program;  
3.27 ~~PREPARE~~, at the Minnesota Correctional Facility-Red Wing to provide necessary  
3.28 extended community transition programming. Funds resulting from the contracts shall  
3.29 be deposited in the state treasury and are appropriated to the commissioner for juvenile  
3.30 correctional purposes.

3.31 Sec. 4. Minnesota Statutes 2012, section 242.46, subdivision 3, is amended to read:

3.32 Subd. 3. **Probation services.** The commissioner shall provide probation services  
3.33 to juvenile courts in counties that request it or as required by section 244.19. The  
3.34 commissioner shall cooperate with the judges to provide supervision to probation officers

4.1 in all counties of not more than 200,000 population, in order to insure high uniform  
 4.2 standards of operation. The costs of administrative and supervisory services shall be borne  
 4.3 by the state. ~~The commissioner shall give newly employed probation and parole agents~~  
 4.4 ~~appropriate orientation training and shall provide systematic in-service training to all~~  
 4.5 ~~agents thereafter, and for that purpose may assign agents to appropriate short courses at~~  
 4.6 ~~the University of Minnesota and necessary conferences and meetings held within the state.~~

4.7 Sec. 5. Minnesota Statutes 2012, section 243.1605, is amended to read:

4.8 **243.1605 INTERSTATE COMPACT FOR ADULT OFFENDER**  
 4.9 **SUPERVISION.**

4.10 **ARTICLE I**  
 4.11 **PURPOSE**

4.12 The compacting states to this interstate compact recognize that each state is  
 4.13 responsible for the supervision of adult offenders in the community who are authorized  
 4.14 pursuant to the bylaws and rules of this compact to travel across state lines both to and  
 4.15 from each compacting state in such a manner as to track the location of offenders, transfer  
 4.16 supervision authority in an orderly and efficient manner, and when necessary return  
 4.17 offenders to the originating jurisdictions. The compacting states also recognize that  
 4.18 Congress, by enacting the Crime Control Act under United States Code, title 4, section  
 4.19 112 (1965), has authorized and encouraged compacts for cooperative efforts and mutual  
 4.20 assistance in the prevention of crime. It is the purpose of this compact and the interstate  
 4.21 commission created hereunder, through means of joint and cooperative action among the  
 4.22 compacting states:

4.23 (1) to provide the framework for the promotion of public safety and protect the rights  
 4.24 of victims through the control and regulation of the interstate movement of offenders  
 4.25 in the community;

4.26 (2) to provide for the effective tracking, supervision, and rehabilitation of these  
 4.27 offenders by the sending and receiving states; and

4.28 (3) to equitably distribute the costs, benefits, and obligations of the compact among  
 4.29 the compacting states.

4.30 In addition, this compact will:

4.31 (1) create an interstate commission which will establish uniform procedures to  
 4.32 manage the movement between states of adults placed under community supervision  
 4.33 and released to the community under the jurisdiction of courts, paroling authorities,  
 4.34 corrections, or other criminal justice agencies which will promulgate rules to achieve the  
 4.35 purpose of this compact;

5.1 (2) ensure an opportunity for input and timely notice to victims and to jurisdictions  
5.2 where defined offenders are authorized to travel or to relocate across state lines;

5.3 (3) establish a system of uniform data collection, access to information on active  
5.4 cases by authorized criminal justice officials, and regular reporting of compact activities to  
5.5 heads of state councils; state executive, judicial, and legislative branches; and criminal  
5.6 justice administrators;

5.7 (4) monitor compliance with rules governing interstate movement of offenders and  
5.8 initiate interventions to address and correct noncompliance; and

5.9 (5) coordinate training and education regarding regulations of interstate movement  
5.10 of offenders for officials involved in such activity.

5.11 The compacting states recognize that there is no "right" of any offender to live in  
5.12 another state and that duly accredited officers of a sending state may at all times enter a  
5.13 receiving state and there apprehend and retake any offender under supervision subject to  
5.14 the provisions of this compact and bylaws and rules promulgated hereunder. It is the  
5.15 policy of the compacting states that the activities conducted by the Interstate Commission  
5.16 created herein are the formation of public policies and are therefore public business.

5.17 ARTICLE II  
5.18 DEFINITIONS

5.19 As used in this compact, unless the context clearly requires a different construction:

5.20 (1) "adult" means both individuals legally classified as adults and juveniles treated  
5.21 as adults by court order, statute, or operation of law;

5.22 (2) "bylaws" mean those bylaws established by the interstate commission for its  
5.23 governance, or for directing or controlling the Interstate Commission's actions or conduct;

5.24 (3) "commissioner" means the voting representative of each compacting state  
5.25 appointed pursuant to article III of this compact;

5.26 (4) "compact administrator" means the individual in each compacting state appointed  
5.27 pursuant to the terms of this compact responsible for the administration and management  
5.28 of the state's supervision and transfer of offenders subject to the terms of this compact,  
5.29 the rules adopted by the Interstate Commission, and policies adopted by the state council  
5.30 under this compact;

5.31 (5) "compacting state" means any state which has enacted the enabling legislation  
5.32 for this compact, the rules adopted by the Interstate Commission, and policies adopted  
5.33 by the state council under this compact;

5.34 (6) "Interstate Commission" means the Interstate Commission for adult offender  
5.35 supervision established by this compact;

5.36 (7) "member" means the commissioner of a compacting state or a designee, who  
5.37 shall be a person officially connected with the commissioner;

6.1 (8) "noncompacting state" means any state which has not enacted the enabling  
6.2 legislation for this compact;

6.3 (9) "offender" means an adult placed under, or subject to supervision as the result of,  
6.4 the commission of a criminal offense and released to the community under the jurisdiction  
6.5 of courts, paroling authorities, corrections, or other criminal justice agencies;

6.6 (10) "person" means any individual, corporation, business enterprise, or other legal  
6.7 entity, either public or private;

6.8 (11) "rules" mean acts of the Interstate Commission, duly promulgated pursuant to  
6.9 article VIII of this compact, substantially affecting interested parties in addition to the  
6.10 Interstate Commission, which shall have the force and effect of law in the compacting  
6.11 states;

6.12 (12) "state" means a state of the United States, the District of Columbia, and any  
6.13 other territorial possessions of the United States; and

6.14 (13) "state council" means the resident members of the state council for interstate  
6.15 adult offender supervision created by each state under article IV of this compact.

### 6.16 ARTICLE III

#### 6.17 THE COMPACT COMMISSION

6.18 The compacting states hereby create the Interstate Commission for adult offender  
6.19 supervision. The Interstate Commission shall be a body corporate and joint agency of the  
6.20 compacting states. The Interstate Commission shall have all the responsibilities, powers,  
6.21 and duties set forth herein, including the power to sue and be sued, and such additional  
6.22 powers as may be conferred upon it by subsequent action of the respective legislatures of  
6.23 the compacting states in accordance with the terms of this compact.

6.24 The Interstate Commission shall consist of commissioners selected and appointed by  
6.25 resident members of a state council for interstate adult offender supervision for each state.

6.26 In addition to the commissioners who are the voting representatives of each state,  
6.27 the Interstate Commission shall include individuals who are not commissioners but who  
6.28 are members of interested organizations; such noncommissioner members must include a  
6.29 member of the national organizations of governors, legislators, state chief justices, attorneys  
6.30 general, and crime victims. All noncommissioner members of the Interstate Commission  
6.31 shall be ex officio (nonvoting) members. The Interstate Commission may provide in its  
6.32 bylaws for such additional, ex officio, nonvoting members as it deems necessary.

6.33 Each compacting state represented at any meeting of the Interstate Commission is  
6.34 entitled to one vote. A majority of the compacting states shall constitute a quorum for the  
6.35 transaction of business, unless a larger quorum is required by the bylaws of the Interstate  
6.36 Commission. The Interstate Commission shall meet at least once each calendar year. The  
6.37 chairperson may call additional meetings and, upon the request of 27 or more compacting

7.1 states, shall call additional meetings. Public notice shall be given of all meetings and  
 7.2 meetings shall be open to the public.

7.3 The Interstate Commission shall establish an executive committee which shall  
 7.4 include commission officers, members, and others as shall be determined by the bylaws.  
 7.5 The executive committee shall have the power to act on behalf of the interstate commission  
 7.6 during periods when the Interstate Commission is not in session, with the exception of  
 7.7 rulemaking and/or amendment to the compact. The executive committee oversees the  
 7.8 day-to-day activities managed by the executive director and Interstate Commission staff;  
 7.9 administers enforcement and compliance with the provisions of the compact, its bylaws,  
 7.10 and as directed by the Interstate Commission; and performs other duties as directed by the  
 7.11 Interstate Commission or set forth in the bylaws.

7.12 ARTICLE IV  
 7.13 THE STATE COUNCIL

7.14 Each member state shall create a state council for interstate adult offender supervision  
 7.15 which shall be responsible for the appointment of the commissioner who shall serve on the  
 7.16 Interstate Commission from that state. Each state council shall appoint as its commissioner  
 7.17 the compact administrator from that state to serve on the Interstate Commission in such  
 7.18 capacity under or pursuant to applicable law of the member state. While each member  
 7.19 state may determine the membership of its own state council, its membership must  
 7.20 include at least one representative from the legislative, judicial, and executive branches  
 7.21 of government; victims groups; and compact administrators. Each compacting state  
 7.22 retains the right to determine the qualifications of the compact administrator, who shall  
 7.23 be appointed by the state council or by the governor in consultation with the legislature  
 7.24 and the judiciary. In addition to appointment of its commissioner to the national Interstate  
 7.25 Commission, each state council shall exercise oversight and advocacy concerning its  
 7.26 participation in Interstate Commission activities and other duties as may be determined  
 7.27 by each member state, including, but not limited to, development of policy concerning  
 7.28 operations and procedures of the compact within that state.

7.29 ARTICLE V  
 7.30 POWERS AND DUTIES OF THE INTERSTATE COMMISSION

7.31 The Interstate Commission shall have the following powers:

7.32 (1) to adopt a seal and suitable bylaws governing the management and operation of  
 7.33 the Interstate Commission;

7.34 (2) to promulgate rules which shall have the force and effect of statutory law and  
 7.35 shall be binding in the compacting states to the extent and in the manner provided in  
 7.36 this compact;

8.1 (3) to oversee, supervise, and coordinate the interstate movement of offenders  
8.2 subject to the terms of this compact and any bylaws adopted and rules promulgated by  
8.3 the compact commission;

8.4 (4) to enforce compliance with compact provisions, Interstate Commission rules,  
8.5 and bylaws, using all necessary and proper means, including, but not limited to, the use  
8.6 of judicial process;

8.7 (5) to establish and maintain offices;

8.8 (6) to purchase and maintain insurance and bonds;

8.9 (7) to borrow, accept, or contract for services of personnel, including, but not limited  
8.10 to, members and their staffs;

8.11 (8) to establish and appoint committees and hire staff which it deems necessary for  
8.12 the carrying out of its functions, including, but not limited to, an executive committee  
8.13 as required by article III, which shall have the power to act on behalf of the Interstate  
8.14 Commission in carrying out its powers and duties hereunder;

8.15 (9) to elect or appoint such officers, attorneys, employees, agents, or consultants,  
8.16 and to fix their compensation, define their duties, and determine their qualifications; and to  
8.17 establish the Interstate Commission's personnel policies and programs relating to, among  
8.18 other things, conflicts of interest, rates of compensation, and qualifications of personnel;

8.19 (10) to accept any and all donations and grants of money, equipment, supplies,  
8.20 materials, and services, and to receive, utilize, and dispose of same;

8.21 (11) to lease, purchase, accept contributions or donations of, or otherwise to own,  
8.22 hold, improve, or use any property, real, personal, or mixed;

8.23 (12) to sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise  
8.24 dispose of any property, real, personal, or mixed;

8.25 (13) to establish a budget and make expenditures and levy dues as provided in  
8.26 article X of this compact;

8.27 (14) to sue and be sued;

8.28 (15) to provide for dispute resolution among compacting states;

8.29 (16) to perform such functions as may be necessary or appropriate to achieve the  
8.30 purposes of this compact;

8.31 (17) to report annually to the legislatures, governors, judiciaries, and state councils  
8.32 of the compacting states concerning the activities of the Interstate Commission during  
8.33 the preceding year. Such reports shall also include any recommendations that may have  
8.34 been adopted by the Interstate Commission;

8.35 (18) to coordinate education, training, and public awareness regarding the interstate  
8.36 movement of offenders for officials involved in such activity; and



9.1 (19) to establish uniform standards for the reporting, collecting, and exchanging of  
9.2 data.

## 9.3 ARTICLE VI

### 9.4 ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

#### 9.5 Section A. **Bylaws.**

9.6 The Interstate Commission shall, by a majority of the members, within 12 months  
9.7 of the first Interstate Commission meeting, adopt bylaws to govern its conduct as may  
9.8 be necessary or appropriate to carry out the purposes of the compact, including, but not  
9.9 limited to:

9.10 (1) establishing the fiscal year of the Interstate Commission;

9.11 (2) establishing an executive committee and such other committees as may be  
9.12 necessary;

9.13 (3) providing reasonable standards and procedures:

9.14 (i) for the establishment of committees; and

9.15 (ii) governing any general or specific delegation of any authority or function of the  
9.16 Interstate Commission;

9.17 (4) providing reasonable procedures for calling and conducting meetings of the  
9.18 Interstate Commission, and ensuring reasonable notice of each such meeting;

9.19 (5) establishing the titles and responsibilities of the officers of the Interstate  
9.20 Commission;

9.21 (6) providing reasonable standards and procedures for the establishment of the  
9.22 personnel policies and programs of the Interstate Commission. Notwithstanding any civil  
9.23 service or other similar laws of any compacting state, the bylaws shall exclusively govern  
9.24 the personnel policies and programs of the Interstate Commission;

9.25 (7) providing a mechanism for winding up the operations of the Interstate Commission  
9.26 and the equitable return of any surplus funds that may exist upon the termination of the  
9.27 compact after the payment and/or reserving of all of its debts and obligations;

9.28 (8) providing transition rules for "start up" administration of the compact; and

9.29 (9) establishing standards and procedures for compliance and technical assistance in  
9.30 carrying out the compact.

#### 9.31 Section B. **Officers and staff.**

9.32 The Interstate Commission shall, by a majority of the members, elect from among its  
9.33 members a chairperson and a vice chairperson, each of whom shall have such authorities  
9.34 and duties as may be specified in the bylaws. The chairperson or, in the chairperson's  
9.35 absence or disability, the vice chairperson shall preside at all meetings of the Interstate  
9.36 Commission. The officers so elected shall serve without compensation or remuneration  
9.37 from the Interstate Commission, provided that subject to the availability of budgeted

10.1 funds, the officers shall be reimbursed for any actual and necessary costs and expenses  
10.2 incurred by them in the performance of their duties and responsibilities as officers of the  
10.3 Interstate Commission.

10.4 The Interstate Commission shall, through its executive committee, appoint or retain  
10.5 an executive director for such period, upon such terms and conditions, and for such  
10.6 compensation as the Interstate Commission may deem appropriate. The executive director  
10.7 shall serve as secretary to the Interstate Commission, and hire and supervise such other  
10.8 staff as may be authorized by the Interstate Commission, but shall not be a member.

10.9 **Section C. Corporate records of the interstate commission.**

10.10 The Interstate Commission shall maintain its corporate books and records in  
10.11 accordance with the bylaws.

10.12 **Section D. Qualified immunity; defense and indemnification.**

10.13 The members, officers, executive director, and employees of the Interstate  
10.14 Commission shall be immune from suit and liability, either personally or in their official  
10.15 capacity, for any claim for damage to or loss of property or personal injury or other civil  
10.16 liability caused or arising out of any actual or alleged act, error, or omission that occurred  
10.17 within the scope of Interstate Commission employment, duties, or responsibilities,  
10.18 provided that nothing in this paragraph shall be construed to protect any such person from  
10.19 suit and/or liability for any damage, loss, injury, or liability caused by the intentional or  
10.20 willful and wanton misconduct of any such person.

10.21 The Interstate Commission shall defend the commissioner of a compacting  
10.22 state, a commissioner's representatives or employees, or the Interstate Commission's  
10.23 representatives or employees in any civil action seeking to impose liability, arising  
10.24 out of any actual or alleged act, error, or omission that occurred within the scope of  
10.25 Interstate Commission employment, duties, or responsibilities, or that the defendant had  
10.26 a reasonable basis for believing occurred within the scope of Interstate Commission  
10.27 employment, duties, or responsibilities, provided that the actual or alleged act, error, or  
10.28 omission did not result from intentional wrongdoing on the part of such person.

10.29 The Interstate Commission shall indemnify and hold the commissioner of a  
10.30 compacting state, the appointed designee or employees, or the Interstate Commission's  
10.31 representatives or employees harmless in the amount of any settlement or judgment  
10.32 obtained against such persons arising out of any actual or alleged act, error, or omission  
10.33 that occurred within the scope of Interstate Commission employment, duties, or  
10.34 responsibilities, or that such persons had a reasonable basis for believing had occurred  
10.35 within the scope of Interstate Commission employment, duties, or responsibilities,

11.1 provided that the actual or alleged act, error, or omission did not result from gross  
11.2 negligence or intentional wrongdoing on the part of such person.

### 11.3 ARTICLE VII

### 11.4 ACTIVITIES OF THE INTERSTATE COMMISSION

11.5 The Interstate Commission shall meet and take such actions as are consistent with  
11.6 the provisions of this compact.

11.7 Except as otherwise provided in this compact and unless a greater percentage is  
11.8 required by the bylaws, in order to constitute an act of the Interstate Commission, such act  
11.9 shall have been taken at a meeting of the Interstate Commission and shall have received  
11.10 an affirmative vote of a majority of the members present.

11.11 Each member of the Interstate Commission shall have the right and power to cast a  
11.12 vote to which that compacting state is entitled and to participate in the business and affairs  
11.13 of the Interstate Commission. A member shall vote in person on behalf of the state and  
11.14 shall not delegate a vote to another member state. However, a state council shall appoint  
11.15 another authorized representative, in the absence of the commissioner from that state, to  
11.16 cast a vote on behalf of the member state at a specified meeting. The bylaws may provide  
11.17 for members' participation in meetings by telephone or other means of telecommunication  
11.18 or electronic communication. Any voting conducted by telephone, or other means of  
11.19 telecommunication or electronic communication, shall be subject to the same quorum  
11.20 requirements of meetings where members are present in person.

11.21 The Interstate Commission shall meet at least once during each calendar year. The  
11.22 chairperson of the Interstate Commission may call additional meetings at any time and,  
11.23 upon the request of a majority of the members, shall call additional meetings.

11.24 The Interstate Commission's bylaws shall establish conditions and procedures under  
11.25 which the Interstate Commission shall make its information and official records available  
11.26 to the public for inspection or copying. The Interstate Commission may exempt from  
11.27 disclosure any information or official records to the extent they would adversely affect  
11.28 personal privacy rights or proprietary interests. In promulgating such rules, the Interstate  
11.29 Commission may make available to law enforcement agencies records and information  
11.30 otherwise exempt from disclosure, and may enter into agreements with law enforcement  
11.31 agencies to receive or exchange information or records subject to nondisclosure and  
11.32 confidentiality provisions.

11.33 Public notice shall be given of all meetings and all meetings shall be open to the  
11.34 public, except as set forth in the rules or as otherwise provided in the compact. The  
11.35 Interstate Commission shall promulgate rules consistent with the principles contained in  
11.36 the "Government in Sunshine Act," United States Code, title 5, section 552(b), as may be

12.1 amended. The Interstate Commission and any of its committees may close a meeting to  
 12.2 the public where it determines by two-thirds vote that an open meeting would be likely to:

12.3 (1) relate solely to the Interstate Commission's internal personnel practices and  
 12.4 procedures;

12.5 (2) disclose matters specifically exempted from disclosure by statute;

12.6 (3) disclose trade secrets or commercial or financial information which is privileged  
 12.7 or confidential;

12.8 (4) involve accusing any person of a crime, or formally censuring any person;

12.9 (5) disclose information of a personal nature where disclosure would constitute a  
 12.10 clearly unwarranted invasion of personal privacy;

12.11 (6) disclose investigatory records compiled for law enforcement purposes;

12.12 (7) disclose information contained in or related to examination, operating, or  
 12.13 condition reports prepared by, or on behalf of or for the use of, the Interstate Commission  
 12.14 with respect to a regulated entity for the purpose of regulation or supervision of such entity;

12.15 (8) disclose information, the premature disclosure of which would significantly  
 12.16 endanger the life of a person or the stability of a regulated entity; or

12.17 (9) specifically relate to the Interstate Commission's issuance of a subpoena, or its  
 12.18 participation in a civil action or proceeding.

12.19 For every meeting closed pursuant to this provision, the Interstate Commission's  
 12.20 chief legal officer shall publicly certify that, in the officer's opinion, the meeting may be  
 12.21 closed to the public, and shall reference each relevant exemptive provision. The Interstate  
 12.22 Commission shall keep minutes, which shall fully and clearly describe all matters discussed  
 12.23 in any meeting and shall provide a full and accurate summary of any actions taken, and the  
 12.24 reasons therefor, including a description of each of the views expressed on any item and  
 12.25 the record of any roll call vote (reflected in the vote of each member on the question). All  
 12.26 documents considered in connection with any action shall be identified in such minutes.

12.27 The Interstate Commission shall collect standardized data concerning the interstate  
 12.28 movement of offenders as directed through its bylaws and rules which shall specify the data  
 12.29 to be collected, the means of collection, and data exchange and reporting requirements.

#### 12.30 ARTICLE VIII

#### 12.31 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

12.32 The Interstate Commission shall promulgate rules in order to effectively and  
 12.33 efficiently achieve the purposes of the compact, including transition rules governing  
 12.34 administration of the compact during the period in which it is being considered and  
 12.35 enacted by the states.

12.36 Rulemaking shall occur pursuant to the criteria set forth in this article and the bylaws  
 12.37 and rules adopted pursuant thereto. Such rulemaking shall substantially conform to the

13.1 principles of the federal Administrative Procedure Act, United States Code, title 5, section  
13.2 551 et seq., and the federal Advisory Committee Act, United States Code, title 5, appendix  
13.3 2, section 1 et seq., as may be amended (hereinafter "APA"). All rules and amendments  
13.4 shall become binding as of the date specified in each rule or amendment.

13.5 If a majority of the legislatures of the compacting states rejects a rule, by enactment  
13.6 of a statute or resolution in the same manner used to adopt the compact, then such rule  
13.7 shall have no further force and effect in any compacting state.

13.8 When promulgating a rule, the Interstate Commission shall:

13.9 (1) publish the proposed rule stating with particularity the text of the rule which is  
13.10 proposed and the reason for the proposed rule;

13.11 (2) allow persons to submit written data, facts, opinions, and arguments, which  
13.12 information shall be publicly available;

13.13 (3) provide an opportunity for an informal hearing; and

13.14 (4) promulgate a final rule and its effective date, if appropriate, based on the  
13.15 rulemaking record.

13.16 Not later than 60 days after a rule is promulgated, any interested person may file a  
13.17 petition in the United States District Court for the District of Columbia or in the federal  
13.18 district court where the Interstate Commission's principal office is located for judicial  
13.19 review of such rule. If the court finds that the Interstate Commission's action is not  
13.20 supported by substantial evidence (as defined in the APA), in the rulemaking record, the  
13.21 court shall hold the rule unlawful and set it aside. Subjects to be addressed within 12  
13.22 months after the first meeting must, at a minimum, include:

13.23 (1) notice to victims and opportunity to be heard;

13.24 (2) offender registration and compliance;

13.25 (3) violations/returns;

13.26 (4) transfer procedures and forms;

13.27 (5) eligibility for transfer;

13.28 (6) collection of restitution and fees from offenders;

13.29 (7) data collection and reporting;

13.30 (8) the level of supervision to be provided by the receiving state;

13.31 (9) transition rules governing the operation of the compact and the Interstate

13.32 Commission during all or part of the period between the effective date of the compact and  
13.33 the date on which the last eligible state adopts the compact; and

13.34 (10) mediation, arbitration, and dispute resolution.

14.1 The existing rules governing the operation of the previous compact superseded  
 14.2 by this act shall be null and void 12 months after the first meeting of the interstate  
 14.3 commission created hereunder.

14.4 Upon determination by the Interstate Commission that an emergency exists, it may  
 14.5 promulgate an emergency rule which shall become effective immediately upon adoption,  
 14.6 provided that the usual rulemaking procedures provided hereunder shall be retroactively  
 14.7 applied to said rule as soon as reasonably possible, in no event later than 90 days after the  
 14.8 effective date of the rule.

14.9 **ARTICLE IX**  
 14.10 **OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION**  
 14.11 **BY THE INTERSTATE COMMISSION**

14.12 **Section A. Oversight.**

14.13 The Interstate Commission shall oversee the interstate movement of adult offenders  
 14.14 in the compacting states and shall monitor such activities being administered in  
 14.15 noncompacting states which may significantly affect compacting states.

14.16 The courts and executive agencies in each compacting state shall enforce this  
 14.17 compact and shall take all actions necessary and appropriate to effectuate the compact's  
 14.18 purposes and intent. In any judicial or administrative proceeding in a compacting  
 14.19 state pertaining to the subject matter of this compact which may affect the powers,  
 14.20 responsibilities, or actions of the Interstate Commission, the Interstate Commission shall  
 14.21 be entitled to receive all service of process in any such proceeding, and shall have standing  
 14.22 to intervene in the proceeding for all purposes.

14.23 **Section B. Dispute resolution.**

14.24 The compacting states shall report to the Interstate Commission on issues or  
 14.25 activities of concern to them, and cooperate with and support the Interstate Commission in  
 14.26 the discharge of its duties and responsibilities.

14.27 The Interstate Commission shall attempt to resolve any disputes or other issues  
 14.28 which are subject to the compact and which may arise among compacting states and  
 14.29 noncompacting states.

14.30 The Interstate Commission shall enact a bylaw or promulgate a rule providing for  
 14.31 both mediation and binding dispute resolution for disputes among the compacting states.

14.32 **Section C. Enforcement.**

14.33 The Interstate Commission, in the reasonable exercise of its discretion, shall enforce  
 14.34 the provisions of this compact using any or all means set forth in article XII, section  
 14.35 B, of this compact.

14.36 **ARTICLE X**  
 14.37 **FINANCE**

15.1 The Interstate Commission shall pay or provide for the payment of the reasonable  
15.2 expenses of its establishment, organization, and ongoing activities.

15.3 The Interstate Commission shall levy on and collect an annual assessment from each  
15.4 compacting state to cover the cost of the internal operations and activities of the Interstate  
15.5 Commission and its staff, which must be in a total amount sufficient to cover the Interstate  
15.6 Commission's annual budget as approved each year. The aggregate annual assessment  
15.7 amount shall be allocated based upon a formula to be determined by the Interstate  
15.8 Commission, taking into consideration the population of the state and the volume of  
15.9 interstate movement of offenders in each compacting state and shall promulgate a rule  
15.10 binding upon all compacting states, which governs said assessment.

15.11 The Interstate Commission shall not incur any obligations of any kind prior to  
15.12 securing the funds adequate to meet the same; nor shall the Interstate Commission  
15.13 pledge the credit of any of the compacting states, except by and with the authority of  
15.14 the compacting state.

15.15 The Interstate Commission shall keep accurate accounts of all receipts and  
15.16 disbursements. The receipts and disbursements of the Interstate Commission shall be  
15.17 subject to the audit and accounting procedures established under its bylaws. However,  
15.18 all receipts and disbursements of funds handled by the Interstate Commission shall be  
15.19 audited yearly by a certified or licensed public accountant and the report of the audit shall  
15.20 be included in and become part of the annual report of the Interstate Commission.

15.21 Minnesota's annual assessment shall not exceed \$50,000. The interstate compact  
15.22 for adult offender supervision fund is established as a special fund in the Department of  
15.23 Corrections. The fund consists of money appropriated for the purpose of meeting financial  
15.24 obligations imposed on the state as a result of Minnesota's participation in this compact. An  
15.25 assessment levied or any other financial obligation imposed under this compact is effective  
15.26 against the state only to the extent that money to pay the assessment or meet the financial  
15.27 obligation has been appropriated and deposited in the fund established in this paragraph.

## 15.28 ARTICLE XI

### 15.29 COMPACTING STATES, EFFECTIVE DATE, AND AMENDMENT

15.30 Any state, as defined in article II of this compact, is eligible to become a compacting  
15.31 state. The compact shall become effective and binding upon legislative enactment of the  
15.32 compact into law by no less than 35 of the states. The initial effective date shall be the  
15.33 latter of July 1, 2001, or upon enactment into law by the 35th jurisdiction. Thereafter, it  
15.34 shall become effective and binding, as to any other compacting state, upon enactment of  
15.35 the compact into law by that state. The governors of nonmember states or their designees  
15.36 will be invited to participate in Interstate Commission activities on a nonvoting basis prior  
15.37 to adoption of the compact by all states and territories of the United States.

16.1 Amendments to the compact may be proposed by the Interstate Commission for  
16.2 enactment by the compacting states. No amendment shall become effective and binding  
16.3 upon the Interstate Commission and the compacting states unless and until it is enacted  
16.4 into law by unanimous consent of the compacting states.

## 16.5 ARTICLE XII

### 16.6 WITHDRAWAL, DEFAULT, TERMINATION, AND JUDICIAL ENFORCEMENT

#### 16.7 Section A. **Withdrawal.**

16.8 Once effective, the compact shall continue in force and remain binding upon each  
16.9 and every compacting state, provided that a compacting state may withdraw from the  
16.10 compact ("withdrawing state") by enacting a statute specifically repealing the statute  
16.11 which enacted the compact into law.

16.12 The effective date of withdrawal is the effective date of the repeal.

16.13 The withdrawing state shall immediately notify the chairperson of the Interstate  
16.14 Commission in writing upon the introduction of legislation repealing this compact in the  
16.15 withdrawing state.

16.16 The Interstate Commission shall notify the other compacting states of the  
16.17 withdrawing state's intent to withdraw within 60 days of its receipt thereof.

16.18 The withdrawing state is responsible for all assessments, obligations, and liabilities  
16.19 incurred through the effective date of withdrawal, including any obligations, the  
16.20 performance of which extend beyond the effective date of withdrawal.

16.21 Reinstatement following withdrawal of any compacting state shall occur upon the  
16.22 withdrawing state reenacting the compact or upon such later date as determined by the  
16.23 Interstate Commission.

#### 16.24 Section B. **Default.**

16.25 If the Interstate Commission determines that any compacting state has at any time  
16.26 defaulted ("defaulting state") in the performance of any of its obligations or responsibilities  
16.27 under this compact, the bylaws, or any duly promulgated rules, the Interstate Commission  
16.28 may impose any or all of the following penalties:

16.29 (1) fines, fees, and costs in such amounts as are deemed to be reasonable as fixed by  
16.30 the Interstate Commission;

16.31 (2) remedial training and technical assistance as directed by the Interstate  
16.32 Commission; and/or

16.33 (3) suspension and termination of membership in the compact. Suspension shall be  
16.34 imposed only after all other reasonable means of securing compliance under the bylaws  
16.35 and rules have been exhausted. Immediate notice of suspension shall be given by the  
16.36 Interstate Commission to the governor, the chief justice or chief judicial officer of the state,  
16.37 the majority and minority leaders of the defaulting state's legislature, and the state council.



17.1 The grounds for default include, but are not limited to, failure of a compacting  
17.2 state to perform such obligations or responsibilities imposed upon it by this compact,  
17.3 Interstate Commission bylaws, or duly promulgated rules. The Interstate Commission  
17.4 shall immediately notify the defaulting state in writing of the penalty imposed by the  
17.5 Interstate Commission on the defaulting state pending a cure of the default. The Interstate  
17.6 Commission shall stipulate the conditions and the time period within which the defaulting  
17.7 state must cure its default. If the defaulting state fails to cure the default within the time  
17.8 period specified by the Interstate Commission, in addition to any other penalties imposed  
17.9 herein, the defaulting state may be terminated from the compact upon an affirmative vote  
17.10 of a majority of the compacting states and all rights, privileges, and benefits conferred by  
17.11 this compact shall be terminated from the effective date of suspension. Within 60 days  
17.12 of the effective date of termination of a defaulting state, the Interstate Commission shall  
17.13 notify the governor, the chief justice or chief judicial officer, the majority and minority  
17.14 leaders of the defaulting state's legislature, and the state council of such termination.

17.15 The defaulting state is responsible for all assessments, obligations, and liabilities  
17.16 incurred through the effective date of termination, including any obligations, the  
17.17 performance of which extends beyond the effective date of termination.

17.18 The Interstate Commission shall not bear any costs relating to the defaulting state  
17.19 unless otherwise mutually agreed upon between the Interstate Commission and the  
17.20 defaulting state. Reinstatement following termination of any compacting state requires  
17.21 both a reenactment of the compact by the defaulting state and the approval of the Interstate  
17.22 Commission pursuant to the rules.

17.23 **Section C. Judicial enforcement.**

17.24 The Interstate Commission may, by majority vote of the members, initiate legal  
17.25 action in the United States District Court for the District of Columbia or, at the discretion  
17.26 of the Interstate Commission, in the federal district where the Interstate Commission  
17.27 has its offices to enforce compliance with the provisions of the compact, or its duly  
17.28 promulgated rules and bylaws, against any compacting state in default. In the event  
17.29 judicial enforcement is necessary, the prevailing party shall be awarded all costs of such  
17.30 litigation, including reasonable attorney fees.

17.31 **Section D. Dissolution of compact.**

17.32 The compact dissolves effective upon the date of the withdrawal or default of the  
17.33 compacting state which reduces membership in the compact to one compacting state.

17.34 Upon the dissolution of this compact, the compact becomes null and void and shall  
17.35 be of no further force or effect, and the business and affairs of the Interstate Commission  
17.36 shall be wound up and any surplus funds shall be distributed in accordance with the bylaws.

## ARTICLE XIII

## SEVERABILITY AND CONSTRUCTION

18.1  
18.2  
18.3 The provisions of this compact shall be severable, and if any phrase, clause,  
18.4 sentence, or provision is deemed unenforceable, the remaining provisions of the compact  
18.5 shall be enforceable.

18.6 The provisions of this compact shall be liberally constructed to effectuate its purposes.

## ARTICLE XIV

## BINDING EFFECT OF COMPACT AND OTHER LAWS

18.7  
18.8  
18.9 Section A. **Other laws.**

18.10 Nothing herein prevents the enforcement of any other law of a compacting state  
18.11 that is not inconsistent with this compact.

18.12 All compacting states' laws conflicting with this compact are superseded to the  
18.13 extent of the conflict.

18.14 Section B. **Binding effect of the compact.**

18.15 All lawful actions of the Interstate Commission, including all rules and bylaws  
18.16 promulgated by the Interstate Commission, are binding upon the compacting states.

18.17 All agreements between the Interstate Commission and the compacting states are  
18.18 binding in accordance with their terms.

18.19 Upon the request of a party to a conflict over meaning or interpretation of Interstate  
18.20 Commission actions, and upon a majority vote of the compacting states, the Interstate  
18.21 Commission may issue advisory opinions regarding such meaning or interpretation.

18.22 In the event any provision of this compact exceeds the constitutional limits imposed  
18.23 on the legislature of any compacting state, the obligations, duties, powers, or jurisdiction  
18.24 sought to be conferred by such provision upon the Interstate Commission shall be  
18.25 ineffective and such obligations, duties, powers, or jurisdiction shall remain in the  
18.26 compacting state and shall be exercised by the agency thereof to which such obligations,  
18.27 duties, powers, or jurisdiction are delegated by law in effect at the time this compact  
18.28 becomes effective.

## ARTICLE XV

## ADMINISTRATION OF PAROLEE OR PROBATIONER

18.29  
18.30  
18.31 Section A. **Retaking of parolee or probationer.**

18.32 Where supervision of a parolee or probationer is being administered pursuant to  
18.33 the Interstate Compact for Adult Supervision, the appropriate judicial or administrative  
18.34 authorities in this state shall notify the compact administrator of the sending state  
18.35 whenever, in their view, consideration should be given to retaking or reincarceration for a  
18.36 parole or probation violation. ~~Prior to the giving of any such notification, a hearing shall~~  
18.37 ~~be held in accordance with this article within a reasonable time, unless the parolee or~~

19.1 ~~probationer waives such hearing. The appropriate officer or officers of this state shall as~~  
19.2 ~~soon as practicable, following termination of any such hearing, report to the sending state,~~  
19.3 ~~furnish a copy of the hearing record, and make recommendations regarding the disposition~~  
19.4 ~~to be made of the parolee or probationer by the sending state. Pending any proceeding~~  
19.5 ~~pursuant to this article~~ When there is a risk to the offender or public safety, the appropriate  
19.6 officers of this state may take custody of and detain the parolee or probationer involved for  
19.7 a period not to exceed 12 business days prior to ~~the~~ a probable cause hearing and being  
19.8 held, if it appears to the hearing officer or officers that retaking or reincarceration is likely  
19.9 to follow, for such reasonable period after the hearing or waiver as may be necessary to  
19.10 arrange for the retaking or reincarceration.

19.11 **Section B. Hearing.**

19.12 Any hearing pursuant to this article may be before any person authorized pursuant to  
19.13 the laws of this state to hear cases of alleged parole or probation violations, except that no  
19.14 hearing officer shall be the person making the allegation of violation.

19.15 **Section C. Parolee and probationer hearing rights.**

19.16 With respect to any hearing pursuant to this article, the parolee or probationer:

19.17 (1) shall have reasonable notice in writing of the nature and content of the allegations  
19.18 to be made, including notice that its purpose is to determine whether there is probable  
19.19 cause to believe that the parolee or probationer has committed a violation that may lead to  
19.20 revocation of parole or probation;

19.21 (2) shall be permitted to advise with any person whose assistance the parolee or  
19.22 probationer reasonably desires, prior to the hearing;

19.23 (3) shall have the right to confront and examine any persons who have made  
19.24 allegations against the parolee or probationer, unless the hearing officer determines that  
19.25 such confrontation would present a substantial present or subsequent danger of harm  
19.26 to such person or persons; and

19.27 (4) may admit, deny, or explain the violation alleged and may present proof, including  
19.28 affidavits and other evidence, in support of the parolee's or probationer's contentions.

19.29 **Section D. Record.**

19.30 A record of the proceedings shall be made and preserved.

19.31 **Section E. Hearing; appropriate judicial officer.**

19.32 In any case of alleged parole or probation violation by a person being supervised in  
19.33 another state pursuant to the Interstate Compact for Adult Supervision, any appropriate  
19.34 judicial or administrative officer or agency in another state is authorized to hold a hearing  
19.35 on the alleged violation. Upon receipt of the record of a parole or probation violation  
19.36 hearing held in another state pursuant to a statute substantially similar to this article,

20.1 such record shall have the same standing and effect as though the proceeding of which  
 20.2 it is a record was had before the appropriate officer or officers in this state, and any  
 20.3 recommendations contained in or accompanying the record shall be fully considered by  
 20.4 the appropriate officer or officers of this state in making disposition of the matter.

20.5 Sec. 6. Minnesota Statutes 2012, section 243.1606, subdivision 3, is amended to read:

20.6 Subd. 3. **Annual report.** By March 1 of each year, the council shall report to  
 20.7 the governor and the chairs and ranking minority members of the senate and house of  
 20.8 representatives committees having jurisdiction over criminal justice policy on its activities  
 20.9 and along with providing a copy of the annual report published by the national commission  
 20.10 that includes the activities of the interstate commission and executive committee as  
 20.11 described in section 243.1605 for the preceding year. The report also must include an  
 20.12 assessment of how the interstate compact is functioning both within and without the state.

20.13 Sec. 7. Minnesota Statutes 2012, section 260.51, is amended to read:

20.14 **260.51 INTERSTATE COMPACT ON JUVENILES.**

20.15 The governor is authorized and directed to execute a compact on behalf of this state  
 20.16 with any other state or states legally joining therein in the form substantially as follows:

20.17 INTERSTATE COMPACT ON JUVENILES

20.18 The contracting states solemnly agree:

20.19 ARTICLE I

20.20 That juveniles who are not under proper supervision and control, or who have  
 20.21 absconded, escaped or run away, are likely to endanger their own health, morals and  
 20.22 welfare, and the health, morals and welfare of others. The cooperation of the states  
 20.23 party to this compact is therefore necessary to provide for the welfare and protection of  
 20.24 juveniles and of the public with respect to

20.25 (1) cooperative supervision of delinquent juveniles on probation or parole;

20.26 (2) the return, from one state to another, of delinquent juveniles who have escaped  
 20.27 or absconded;

20.28 (3) the return, from one state to another of nondelinquent juveniles who have run  
 20.29 away from home; and

20.30 (4) additional measures for the protection of juveniles and of the public, which  
 20.31 any two or more of the party states may find desirable to undertake cooperatively.

20.32 In carrying out the provisions of this compact the party states shall be guided by the  
 20.33 noncriminal, reformatory and protective policies which guide their laws concerning  
 20.34 delinquent, neglected or dependent juveniles generally. It shall be the policy of the states

21.1 party to this compact to cooperate and observe their respective responsibilities for the  
21.2 prompt return and acceptance of juveniles and delinquent juveniles who become subject to  
21.3 the provisions of this compact. The provisions of this compact shall be reasonably and  
21.4 liberally construed to accomplish the foregoing purposes.

#### 21.5 ARTICLE II

21.6 That all remedies and procedures provided by this compact shall be in addition to  
21.7 and not in substitution for other rights, remedies and procedures, and shall not be in  
21.8 derogation of parental rights and responsibilities.

#### 21.9 ARTICLE III

21.10 That, for the purposes of this compact, "delinquent juvenile" means any juvenile  
21.11 who has been adjudged delinquent and who, at the time the provisions of this compact are  
21.12 invoked, is still subject to the jurisdiction of the court that has made such adjudication or  
21.13 to the jurisdiction or supervision of an agency or institution pursuant to an order of such  
21.14 court; "probation or parole" means any kind of conditional release of juveniles authorized  
21.15 under the laws of the states party hereto; "court" means any court having jurisdiction  
21.16 over delinquent, neglected or dependent children; "state" means any state, territory or  
21.17 possession of the United States, the District of Columbia, and the Commonwealth of  
21.18 Puerto Rico; and "residence" or any variant thereof means a place at which a home or  
21.19 regular place of abode is maintained.

#### 21.20 ARTICLE IV

21.21 (a) That the parent, guardian, person or agency entitled to legal custody of a juvenile  
21.22 who has not been adjudged delinquent but who has run away without the consent of such  
21.23 parent, guardian, person or agency may petition the appropriate court in the demanding  
21.24 state for the issuance of a requisition for his return. The petition shall state the name  
21.25 and age of the juvenile, the name of the petitioner and the basis of entitlement to the  
21.26 juvenile's custody, the circumstances of his running away, his location if known at the time  
21.27 application is made, and such other facts as may tend to show that the juvenile who has run  
21.28 away is endangering his own welfare or the welfare of others and is not an emancipated  
21.29 minor. The petition shall be verified by affidavit, shall be executed in duplicate, and shall  
21.30 be accompanied by two certified copies of the document or documents on which the  
21.31 petitioner's entitlement to the juvenile's custody is based, such as birth records, letters of  
21.32 guardianship, or custody decrees. Such further affidavits and other documents as may be  
21.33 deemed proper may be submitted with such petition. The judge of the court to which this  
21.34 application is made may hold a hearing thereon to determine whether for the purposes of  
21.35 this compact the petitioner is entitled to the legal custody of the juvenile, whether or not it  
21.36 appears that the juvenile has in fact run away without consent, whether or not he is an

22.1 emancipated minor, and whether or not it is in the best interest of the juvenile to compel  
22.2 his return to the state. If the judge determines, either with or without a hearing, that the  
22.3 juvenile should be returned, he shall present to the appropriate court or to the executive  
22.4 authority of the state where the juvenile is alleged to be located, a written requisition  
22.5 for the return of such juvenile. Such requisition shall set forth the name and age of the  
22.6 juvenile, the determination of the court that the juvenile has run away without the consent  
22.7 of a parent, guardian, person or agency entitled to his legal custody, and that it is in the  
22.8 best interest and for the protection of such juvenile that he be returned. In the event that a  
22.9 proceeding for the adjudication of the juvenile as a delinquent, neglected or dependent  
22.10 juvenile is pending in the court at the time when such juvenile runs away, the court may  
22.11 issue a requisition for the return of such juvenile upon its own motion, regardless of  
22.12 the consent of the parent, guardian, person or agency entitled to legal custody, reciting  
22.13 therein the nature and circumstances of the pending proceeding. The requisition shall in  
22.14 every case be executed in duplicate and shall be signed by the judge. One copy of the  
22.15 requisition shall be filed with the compact administrator of the demanding state, there to  
22.16 remain on file subject to the provisions of law governing records of such court. Upon the  
22.17 receipt of a requisition demanding the return of a juvenile who has run away, the court or  
22.18 the executive authority to whom the requisition is addressed shall issue an order to any  
22.19 peace officer or other appropriate person directing him to take into custody and detain  
22.20 such juvenile. Such detention order must substantially recite the facts necessary to the  
22.21 validity of its issuance hereunder. No juvenile detained upon such order shall be delivered  
22.22 over to the officer whom the court demanding him shall have appointed to receive him,  
22.23 unless he shall first be taken forthwith before a judge of a court in the state, who shall  
22.24 inform him of the demand made for his return, and who may appoint counsel or guardian  
22.25 ad litem for him. If the judge of such court shall find that the requisition is in order, he  
22.26 shall deliver such juvenile over to the officer whom the court demanding him shall have  
22.27 appointed to receive him. The judge, however, may fix a reasonable time to be allowed  
22.28 for the purpose of testing the legality of the proceeding.

22.29       Upon reasonable information that a person is a juvenile who has run away from  
22.30 another state party to this compact without the consent of a parent, guardian, person or  
22.31 agency entitled to his legal custody, such juvenile may be taken into custody without a  
22.32 requisition and brought forthwith before a judge of the appropriate court who may appoint  
22.33 counsel or guardian ad litem for such juvenile and who shall determine after a hearing  
22.34 whether sufficient cause exists to hold the person, subject to the order of the court, for  
22.35 his own protection and welfare, for such a time not exceeding 90 days as will enable his  
22.36 return to another state party to this compact pursuant to a requisition for his return from

23.1 a court of that state. If, at the time when a state seeks the return of a juvenile who has  
23.2 run away, there is pending in the state wherein he is found any criminal charge, or any  
23.3 proceeding to have him adjudicated a delinquent juvenile for an act committed in such  
23.4 state, or if he is suspected of having committed within such state a criminal offense or  
23.5 an act of juvenile delinquency, he shall not be returned without the consent of such state  
23.6 until discharged from prosecution or other form of proceeding, imprisonment, detention or  
23.7 supervision for such offense or juvenile delinquency. The duly accredited officers of any  
23.8 state party to this compact, upon the establishment of their authority and the identity of  
23.9 the juvenile being returned, shall be permitted to transport such juvenile through any and  
23.10 all states party to this compact, without interference. Upon his return to the state from  
23.11 which he ran away, the juvenile shall be subject to such further proceedings as may be  
23.12 appropriate under the laws of that state.

23.13 (b) That the state to which a juvenile is returned under this Article shall be  
23.14 responsible for payment of the transportation costs of such return.

23.15 (c) That "juvenile" as used in this Article means any person who is a minor under  
23.16 the law of the state of residence of the parent, guardian, person or agency entitled to  
23.17 legal custody of such minor.

#### 23.18 ARTICLE V

23.19 (a) That the appropriate person or authority from whose probation or parole  
23.20 supervision a delinquent juvenile has absconded or from whose institutional custody he  
23.21 has escaped shall present to the appropriate court or to the executive authority of the state  
23.22 where the delinquent juvenile is alleged to be located a written requisition for the return of  
23.23 such delinquent juvenile. Such requisition shall state the name and age of the delinquent  
23.24 juvenile, the particulars of his adjudication as a delinquent juvenile, the circumstances of  
23.25 the breach of the terms of his probation or parole or of his escape from an institution or  
23.26 agency vested with his legal custody or supervision, and the location of such delinquent  
23.27 juvenile, if known, at the time the requisition is made. The requisition shall be verified  
23.28 by affidavit, shall be executed in duplicate, and shall be accompanied by two certified  
23.29 copies of the judgment, formal adjudication, or order of commitment which subjects  
23.30 such delinquent juvenile to probation or parole or to the legal custody of the institution  
23.31 or agency concerned. Such further affidavits and other documents as may be deemed  
23.32 proper may be submitted with such requisition. One copy of the requisition shall be filed  
23.33 with the compact administrator of the demanding state, there to remain on file subject to  
23.34 the provisions of law governing records of the appropriate court. Upon the receipt of a  
23.35 requisition demanding the return of a delinquent juvenile who has absconded or escaped,  
23.36 the court or the executive authority to whom the requisition is addressed shall issue an





25.1 That any delinquent juvenile who has absconded while on probation or parole, or  
25.2 escaped from an institution or agency vested with his legal custody or supervision in any  
25.3 state party to this compact, and any juvenile who has run away from any state party to  
25.4 this compact, who is taken into custody without a requisition in another state party to  
25.5 this compact under the provisions of Article IV(a) or of Article V(a), may consent to  
25.6 his immediate return to the state from which he absconded, escaped or run away. Such  
25.7 consent shall be given by the juvenile or delinquent juvenile and his counsel or guardian  
25.8 ad litem if any, by executing or subscribing a writing, in the presence of a judge of the  
25.9 appropriate court, which states that the juvenile or delinquent juvenile and his counsel or  
25.10 guardian ad litem, if any, consent to his return to the demanding state. Before such consent  
25.11 shall be executed or subscribed, however, the judge, in the presence of counsel or guardian  
25.12 ad litem, if any, shall inform the juvenile or delinquent juvenile of his rights under this  
25.13 compact. When the consent has been duly executed, it shall be forwarded to and filed with  
25.14 the compact administrator of the state in which the court is located and the judge shall  
25.15 direct the officer having the juvenile or delinquent juvenile in custody to deliver him to the  
25.16 duly accredited officer or officers of the state demanding his return, and shall cause to be  
25.17 delivered to such officer or officers a copy of the consent. The court may, however, upon  
25.18 the request of the state to which the juvenile or delinquent juvenile is being returned, order  
25.19 him to return unaccompanied to such state and shall provide him with a copy of such court  
25.20 order; in such event a copy of the consent shall be forwarded to the compact administrator  
25.21 of the state to which said juvenile or delinquent juvenile is ordered to return.

## 25.22 ARTICLE VII

25.23 (a) That the duly constituted judicial and administrative authorities of a state party to  
25.24 this compact (herein called "sending state") may permit any delinquent juvenile within  
25.25 such state, placed on probation or parole, to reside in any other state party to this compact  
25.26 (herein called "receiving state") while on probation or parole, and the receiving state shall  
25.27 accept such delinquent juvenile, if the parent, guardian or person entitled to the legal  
25.28 custody of such delinquent juvenile is residing or undertakes to reside within the receiving  
25.29 state. Before granting such permission, opportunity shall be given to the receiving state  
25.30 to make such investigations as it deems necessary. The authorities of the sending state  
25.31 shall send to the authorities of the receiving state copies of pertinent court orders, social  
25.32 case studies and all other available information which may be of value to and assist the  
25.33 receiving state in supervising a probationer or parolee under this compact. A receiving  
25.34 state, in its discretion, may agree to accept supervision of a probationer or parolee in cases  
25.35 where the parent, guardian or person entitled to legal custody of the delinquent juvenile

26.1 is not a resident of the receiving state, and if so accepted the sending state may transfer  
26.2 supervision accordingly.

26.3 (b) That each receiving state will assume the duties of visitation and of supervision  
26.4 over any such delinquent juvenile and in the exercise of those duties will be governed  
26.5 by the same standards of visitation and supervision that prevail for its own delinquent  
26.6 juveniles released on probation or parole.

26.7 (c) That, after consultation between the appropriate authorities of the sending state  
26.8 and of the receiving state as to the desirability and necessity of returning such a delinquent  
26.9 juvenile, the duly accredited officers of a sending state may enter a receiving state and  
26.10 there apprehend and retake any such delinquent juvenile on probation or parole. For  
26.11 that purpose, no formalities will be required, other than establishing the authority of  
26.12 the officer and the identity of the delinquent juvenile to be retaken and returned. The  
26.13 decision of the sending state to retake a delinquent juvenile on probation or parole shall  
26.14 be conclusive upon and not reviewable within the receiving state, but if, at the time the  
26.15 sending state seeks to retake a delinquent juvenile on probation or parole, there is pending  
26.16 against him within the receiving state any criminal charge or any proceeding to have him  
26.17 adjudicated a delinquent juvenile for any act committed in such state, or if he is suspected  
26.18 of having committed within such state a criminal offense or an act of juvenile delinquency,  
26.19 he shall not be returned without the consent of the receiving state until discharged from  
26.20 prosecution or other form of proceeding, imprisonment, detention or supervision for such  
26.21 offense or juvenile delinquency. The duly accredited officers of the sending state shall be  
26.22 permitted to transport delinquent juveniles being so returned through any and all states  
26.23 partly to this compact, without interference.

26.24 (d) That the sending state shall be responsible under this Article for paying the  
26.25 costs of transporting any delinquent juvenile to the receiving state or of returning any  
26.26 delinquent juvenile to the sending state.

#### 26.27 ARTICLE VIII

26.28 (a) That the provision of Articles IV(b), V(b), and VII(d) of this compact shall not  
26.29 be construed to alter or affect any internal relationship among the departments, agencies  
26.30 and officers of and in the government of a party state, or between a party state and its  
26.31 subdivisions, as to the payment of costs, or responsibilities therefor.

26.32 (b) That nothing in this compact shall be construed to prevent any party state or  
26.33 subdivision thereof from asserting any right against any person, agency or other entity  
26.34 in regard to cost for which such party state or subdivision thereof may be responsible  
26.35 pursuant to Article IV(b), V(b) or VII(d) of this compact.

#### 26.36 ARTICLE IX

27.1 That, to every extent possible, it shall be the policy of states party to this compact that  
27.2 no juvenile or delinquent juvenile shall be placed or detained in any prison, jail or lockup  
27.3 nor be detained or transported in association with criminal, vicious or dissolute persons.

#### 27.4 ARTICLE X

27.5 That the ~~duly constituted administrative authorities of a state party to this compact~~  
27.6 ~~may enter into supplementary agreements with any other state or states party hereto for the~~  
27.7 ~~cooperative care, treatment and rehabilitation of delinquent juveniles whenever they shall~~  
27.8 ~~find that such agreements will improve the facilities or programs available for such care,~~  
27.9 ~~treatment and rehabilitation. Such care, treatment and rehabilitation may be provided in~~  
27.10 ~~an institution located within any state entering into such supplementary agreement. Such~~  
27.11 ~~supplementary agreement shall (1) provide the rates to be paid for the care, treatment and~~  
27.12 ~~custody of such delinquent juveniles, taking into consideration the character of facilities,~~  
27.13 ~~services and subsistence furnished; (2) provide that the delinquent juvenile shall be given~~  
27.14 ~~a court hearing prior to his being sent to another state for care, treatment and custody; (3)~~  
27.15 ~~provide that the state receiving such a delinquent juvenile in one of its institutions shall act~~  
27.16 ~~solely as agent for the state sending such delinquent juvenile; (4) provide that the sending~~  
27.17 ~~state shall at all times retain jurisdiction over delinquent juveniles sent to an institution in~~  
27.18 ~~another state; (5) provide for reasonable inspection of such institutions by the sending~~  
27.19 ~~state; (6) provide that the consent of the parent, guardian, person or agency entitled to the~~  
27.20 ~~legal custody of said delinquent juvenile shall be secured prior to his being sent to another~~  
27.21 ~~state; and (7) make provision for such other matters and details as shall be necessary to~~  
27.22 ~~protect the rights and equities of such delinquent juveniles and of the cooperating states.~~

#### 27.23 ARTICLE XI

27.24 That any state party to this compact may accept any and all donations, gifts and  
27.25 grants of money, equipment and services from the federal or any local government, or  
27.26 any agency thereof and from any person, firm or corporation, for any of the purposes and  
27.27 functions of this compact, and may receive and utilize the same subject to the terms,  
27.28 conditions and regulations governing such donations, gifts and grants.

#### 27.29 ARTICLE XII

27.30 That the governor of each state party to this compact shall designate an officer who,  
27.31 acting jointly with like officers of other party states, shall promulgate rules and regulations  
27.32 to carry out more effectively the terms and provisions of this compact.

#### 27.33 ARTICLE XIII

27.34 That this compact shall become operative immediately upon its execution by any  
27.35 state as between it and any other state or states so executing. When executed it shall have

28.1 the full force and effect of law within such state, the form of execution to be in accordance  
28.2 with the laws of the executing state.

#### 28.3 ARTICLE XIV

28.4 That this compact shall continue in force and remain binding upon each executing  
28.5 state until renounced by it. Renunciation of this compact shall be by the same  
28.6 authority which executed it, by sending six months' notice in writing of its intention to  
28.7 withdraw from the compact to the other states party hereto. The duties and obligations  
28.8 of a renouncing state under Article VII hereof shall continue as to parolees and  
28.9 probationers residing therein at the time of withdrawal until retaken or finally discharged.  
28.10 Supplementary agreements entered into under Article X hereof shall be subject to  
28.11 renunciation as provided by such supplementary agreements, and shall not be subject to  
28.12 the six months' renunciation notice of the present Article.

#### 28.13 ARTICLE XV

28.14 That the provisions of this compact shall be severable and if any phrase, clause,  
28.15 sentence or provision of this compact is declared to be contrary to the constitution of any  
28.16 participating state or of the United States or the applicability thereof to any government,  
28.17 agency, person or circumstance is held invalid, the validity of the remainder of this compact  
28.18 and the applicability thereof to any government, agency, person or circumstance shall not  
28.19 be affected thereby. If this compact shall be held contrary to the constitution of any state  
28.20 participating therein, the compact shall remain in full force and effect as to the remaining  
28.21 states and in full force and effect as to the state affected as to all severable matters.

#### 28.22 ARTICLE XVI

28.23 (a) That this Article shall provide additional remedies, and shall be binding only as  
28.24 among and between those party states which specifically execute the same.

28.25 (b) For the purposes of this Article, "child," as used herein, means any minor within  
28.26 the jurisdictional age limits of any court in the home state.

28.27 (c) When any child is brought before a court of a state of which the child is not a  
28.28 resident, and the state is willing to permit the child's return to the home state of the child,  
28.29 the home state, upon being so advised by the state in which the proceeding is pending,  
28.30 shall immediately institute proceedings to determine the residence and jurisdictional  
28.31 facts as to the child in the home state, and upon finding that the child is in fact a resident  
28.32 of that state and subject to the jurisdiction of the court thereof, shall within five days  
28.33 authorize the return of the child to the home state, and to the parent or custodial agency  
28.34 legally authorized to accept the custody in the home state, and at the expense of the state,  
28.35 to be paid from the funds as the home state may procure, designate, or provide, prompt  
28.36 action being of the essence.

## ARTICLE XVII

29.1

29.2 (a) This Article shall provide additional remedies, and shall be binding only as  
 29.3 among and between those party states which specifically execute the same.

29.4 (b) All provisions and procedures of Articles V and VI of the Interstate Compact on  
 29.5 Juveniles shall be construed to apply to any juvenile charged with being a delinquent by  
 29.6 reason of a violation of any criminal law. Any juvenile, charged with being a delinquent  
 29.7 by reason of violating any criminal law shall be returned to the requesting state upon a  
 29.8 requisition to the state where the juvenile may be found. A petition in the case shall be  
 29.9 filed in a court of competent jurisdiction in the requesting state where the violation of  
 29.10 criminal law is alleged to have been committed. The petition may be filed regardless  
 29.11 of whether the juvenile has left the state before or after the filing of the petition. The  
 29.12 requisition described in Article V of the compact shall be forwarded by the judge of the  
 29.13 court in which the petition has been filed.

29.14 Sec. 8. Minnesota Statutes 2012, section 260.55, is amended to read:

29.15 **260.55 EXPENSE OF RETURNING JUVENILES TO STATE, PAYMENT.**

29.16 The expense of returning juveniles to this state pursuant to the Interstate Compact on  
 29.17 Juveniles shall be paid as follows:

29.18 (1) In the case of a runaway ~~under Article IV~~, the court making the requisition shall  
 29.19 inquire summarily regarding the financial ability of the petitioner to bear the expense  
 29.20 and if it finds the petitioner is able to do so, shall order that the petitioner pay all such  
 29.21 expenses; otherwise the court shall arrange for the transportation at the expense of the  
 29.22 county and order that the county reimburse the person, if any, who returns the juvenile,  
 29.23 for actual and necessary expenses; and the court may order that the petitioner reimburse  
 29.24 the county for so much of said expense as the court finds the petitioner is able to pay. If  
 29.25 the petitioner fails, without good cause, or refuses to pay such sum, the petitioner may be  
 29.26 proceeded against for contempt.

29.27 (2) In the case of an escapee or absconder ~~under Article V or Article VI~~, if the  
 29.28 juvenile is in the legal custody of the commissioner of corrections the commissioner shall  
 29.29 bear the expense of the juvenile's return; otherwise the appropriate court shall, on petition  
 29.30 of the person or agency entitled to the juvenile's custody or charged with the juvenile's  
 29.31 supervision, arrange for the transportation at the expense of the county and order that the  
 29.32 county reimburse the person, if any, who returns the juvenile, for actual and necessary  
 29.33 expenses. In this subsection "appropriate court" means the juvenile court which adjudged  
 29.34 the juvenile to be delinquent or, if the juvenile is under supervision for another state

30.1 under Article VII of the compact, then the juvenile court of the county of the juvenile's  
 30.2 residence during such supervision.

30.3 (3) In the case of a voluntary return of a runaway without requisition ~~under Article~~  
 30.4 ~~VI~~, the person entitled to the juvenile's legal custody shall pay the expense of transportation  
 30.5 and the actual and necessary expenses of the person, if any, who returns such juvenile;  
 30.6 but if financially unable to pay all the expenses the person may petition the juvenile court  
 30.7 of the county of the petitioner's residence for an order arranging for the transportation as  
 30.8 provided in paragraph (1). The court shall inquire summarily into the financial ability of  
 30.9 the petitioner and, if it finds the petitioner is unable to bear any or all of the expense, the  
 30.10 court shall arrange for such transportation at the expense of the county and shall order the  
 30.11 county to reimburse the person, if any, who returns the juvenile, for actual and necessary  
 30.12 expenses. The court may order that the petitioner reimburse the county for so much of  
 30.13 said expense as the court finds the petitioner is able to pay. A petitioner who fails, without  
 30.14 good cause, or refuses to pay such sum may be proceeded against for contempt.

30.15 Sec. 9. Minnesota Statutes 2012, section 260.56, is amended to read:

30.16 **260.56 COUNSEL OR GUARDIAN AD LITEM FOR JUVENILE, FEES.**

30.17 Any judge of this state who appoints counsel or a guardian ad litem pursuant to the  
 30.18 provisions of the Interstate Compact on Juveniles may allow a reasonable fee on order  
 30.19 of the court. The costs of the counsel must be paid by the county and the cost of the  
 30.20 guardian ad litem, if any, must be paid by the state courts; ~~except that the costs of counsel~~  
 30.21 ~~to a guardian ad litem in the Eighth Judicial District shall be paid by the state courts~~  
 30.22 ~~until the recommendations of the task force created in Laws 1999, chapter 216, article~~  
 30.23 ~~7, section 42, are implemented.~~

30.24 Sec. 10. **REPEALER.**

30.25 Minnesota Statutes 2012, sections 241.022; 241.0221; 241.024; 241.34; 242.37;  
 30.26 242.56, subdivisions 1, 2, 4, 5, 6, and 7; 243.18, subdivision 2; 243.64; 260.52; and  
 30.27 260.54, are repealed.

**241.022 GRANTS-IN-AID TO COUNTIES FOR ADULT DETENTION FACILITIES AND PROGRAMS.**

Subdivision 1. **Authority; facility grants.** The commissioner of corrections may, out of money appropriated for the purposes of this section, make grants to counties or groups of counties for the purpose of assisting those counties to construct or rehabilitate local adult detention facilities and to assist counties or groups of counties in the construction or rehabilitation of regional jails and lockups, workhouses, or work farms, and detention and treatment facilities for adult offenders.

Subd. 2. **Authority; program grants.** The commissioner of corrections may, out of money appropriated for the purposes of this section, make grants to counties or groups of counties for the purpose of assisting those counties to develop and maintain adequate programs and personnel for the education, training, treatment and rehabilitation of persons admitted to the facilities described in subdivision 1. Eligible programs also include, but are not limited to, alternatives to detention or incarceration programs containing home detention components.

Subd. 3. **Federal funds.** The commissioner may also receive grants of funds from the federal government or any other lawful source for the purposes of subdivisions 1 and 2. These funds are appropriated annually to the commissioner.

Subd. 4. **Minimum standards for facilities.** The commissioner shall establish minimum standards for the construction, rehabilitation, size, area to be served, training and treatment programs, and staff qualifications in adult facilities to be rehabilitated or constructed. Compliance with these standards constitutes a minimum requirement for the granting of assistance as provided by this section.

Subd. 5. **Application for grants.** (a) A county or group of counties operating any of the adult facilities described in subdivision 1 or desiring to construct and operate or to rehabilitate existing facilities may apply for assistance under this section by submitting to the commissioner of corrections for approval its plans, specifications, budget, program for training and treatment, and staffing pattern, including personnel qualifications. The commissioner may recommend changes or modifications as the commissioner considers necessary to effect substantial compliance with the standards provided in subdivision 4. When the commissioner has determined that a county or group of counties has substantially complied with the minimum standards, or is making satisfactory progress toward compliance, the commissioner may pay to the county or groups of counties an amount not more than 50 percent of the cost of construction or rehabilitation of the facilities described in this section.

(b) In the case of improvement of a program and continued operation of a program in an adult regional facility as described in subdivision 2, the commissioner may pay to the governing board of the facility a sum not more than \$1,800 per year for each adult bed.

Subd. 6. **Inspection.** The commissioner shall inspect at least annually each adult facility covered by this section and review its projected annual operating costs to insure continued compliance with minimum standards, and may withhold funds for noncompliance.

Subd. 7. **Application of section.** Completion and acceptance of new construction or rehabilitation of existing facilities must occur after July 1, 1991, to enable a county or group of counties to receive any sums provided by this section.

**241.0221 JUVENILE DETENTION SERVICES SUBSIDY PROGRAM.**

Subdivision 1. **Definitions.** The definitions in this subdivision apply to this section.

(a) "Commissioner" means the commissioner of corrections.

(b) "Local detention facility" means a county or multicounty facility that detains or confines preadjudicated or adjudicated delinquent and nondelinquent offenders, including offenders defined in section 260B.007, subdivisions 16, 17, and 18.

(c) "Twenty-four-hour temporary holdover facility" means a physically restricting or a physically unrestricting facility used for up to 24 hours, excluding weekends and holidays, for the care of one or more children who are being detained under chapter 260.

(d) "Twenty-four-hour temporary holdover facility operational subsidy" means a subsidy in an amount not to exceed \$7 per hour for wages for staff supervision services provided to a delinquent child held within a 24-hour temporary holdover facility.

(e) "Eight-day temporary holdover facility" means a physically restricting and unrestricting facility of not more than eight beds, two of which must be capable of being physically restricting. The maximum period that a child can be detained under chapter 260 in this facility is eight days, excluding weekends and holidays.

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(f) "Eight-day temporary holdover facility operational subsidy" means a subsidy in an amount not to exceed 50 percent of the annual actual operating costs of the facility and not to exceed \$100,000, whichever is less.

(g) "Secure juvenile detention center" means a physically restricting facility licensed under Minnesota Rules, chapter 2930, and used for the temporary care of a delinquent child being detained under chapter 260.

(h) "Alternative detention programs" include, but are not limited to, home detention services, transportation services, including programs designed to return runaway children to their legal place of residence, custody detention services, training subsidy programs, and administrative services.

(i) "Secure juvenile detention center subsidy" means the \$1,200 per bed subsidy authorized under subdivisions 2 and 5, paragraph (b).

(j) "Transportation service" means transportation of a child who is being detained under chapter 260, including costs of wages, mileage and meal expenses, and costs for transporting and returning delinquent children who have absconded from their legal place of residence.

(k) "Home detention service" means:

(1) supervision of children who are residing at their legal place of residence and who are being detained under chapter 260 and includes costs incurred for wages, mileage, and expenses associated with supervision;

(2) a training subsidy used to pay for expenses incurred in training home detention staff; and

(3) electronic surveillance program costs incurred in electronic monitoring of children who are being detained at home or at their legal place of residence under chapter 260.

(l) "Custody detention service" means secure and nonsecure detention per diem costs for a child who is being detained under chapter 260.

(m) "Training subsidy" means a subsidy associated with training required staff to implement temporary holdover facility programs, transportation services, and home detention services.

(n) "Administrative services" means administering, coordinating, and implementing the 24-hour temporary holdover facilities, juvenile detention alternative programs involving transportation, home detention, and custody detention services.

(o) "Administrative start-up subsidy" means a subsidy associated with services rendered to get a 24-hour temporary holdover facility established and operating as required and not to exceed \$2,000 per facility.

(p) "Training services" means training services provided by the commissioner of corrections to subsidy participants, either directly or through purchase of service contractual agreements.

Subd. 2. **Subsidies to counties.** The commissioner may, out of money appropriated for the purposes of this section:

(1) subsidize counties or groups of counties to assist in:

(i) construction or rehabilitation of local detention facilities, and

(ii) developing or maintaining adequate local detention facility operations or alternative detention programs; and

(2) expend funds to provide for training of any juvenile facility staff who work in Department of Corrections licensed juvenile facilities or who work in alternative detention programs subsidized by this section.

Subd. 3. **Federal funds.** The commissioner may also receive funds from the federal government or any other lawful source for the purposes of subdivision 2.

Subd. 4. **Minimum standards.** (a) The commissioner shall establish, under chapter 14, minimum standards for the construction or rehabilitation of all local detention facilities and their operations by July 1, 1993. Interim standards developed by the commissioner may be used until that time.

(b) The commissioner shall establish requirements for alternative detention program subsidies and the maximum amount of funding each eligible participating county can receive. These subsidy requirements are not subject to chapter 14 procedures. Compliance with requirements established by the commissioner constitutes a minimum requirement for the granting of subsidy funding.

(c) The commissioner may administratively establish minimum training service requirements and the maximum amount of funding that will be annually expended by the Department of Corrections for such training.

Subd. 5. **Application for subsidy.** (a) A county or group of counties operating or desiring to operate any of the facilities defined in subdivision 1 may apply for facility construction



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or rehabilitation subsidy funds. Applications must be submitted in a format provided by the commissioner. Subsidy funds granted are contingent on approval of plans and budget proposals submitted. The commissioner may recommend changes or modifications as the commissioner considers necessary to effect substantial compliance with the standards established in subdivision 4. When the commissioner has determined that a county or group of counties has substantially complied with the minimum standards, or is making satisfactory progress toward compliance, the commissioner may pay to the county or counties an amount not more than 50 percent of the costs of construction or rehabilitation of the facility or facilities for which a subsidy has been granted, with the following exceptions:

(1) a 24-hour nonsecure temporary holdover facility may receive a onetime payment of up to a maximum of \$3,000 per facility for construction or rehabilitation purposes and furnishings;

(2) a 24-hour secure temporary holdover facility may receive a onetime payment of up to a maximum of \$10,000 per facility for construction or rehabilitation purposes and furnishings; and

(3) an eight-day temporary holdover facility may receive a onetime payment of up to a maximum of \$10,000 per bed for no more than eight beds for construction or rehabilitation purposes and furnishings.

(b) A county or group of counties operating a secure juvenile detention center may apply for secure juvenile detention center subsidy funds. The commissioner may pay to the governing board of a local secure juvenile detention center a sum not more than \$1,200 per year for each secure juvenile bed as approved in the submitted plans and specifications. These subsidy funds must be expended for alternative juvenile detention programs felt to be appropriate by the local governing board. The \$1,200 per bed, per year subsidy shall be known as the secure juvenile detention center subsidy.

(c) A county or group of counties operating an eight-day temporary holdover facility may apply for an operational subsidy in an amount not to exceed 50 percent of the facility's approved operational budget. Reimbursement would occur based upon actual expenditures and compliance with standards and requirements established in subdivision 4 and could not exceed \$100,000 per year, per facility.

(d) The commissioner may also pay to a county or group of counties a subsidy for alternative detention programs. Subsidies may cover costs for:

(1) home detention services;

(2) transportation services;

(3) custody detention services;

(4) training; and

(5) local administrative services.

(e) Counties operating a juvenile eight-day temporary holdover facility or a secure juvenile detention center are not eligible to receive a subsidy for alternative detention programs described in paragraph (d).

(f) The commissioner may pay to counties desiring to operate a secure or nonsecure 24-hour temporary holdover facility a onetime administrative start-up subsidy of \$2,000 for staff services rendered for development and coordination purposes.

**Subd. 6. Evaluation of application.** To qualify for a subsidy, a county or group of counties must enter into a memorandum of agreement with the commissioner agreeing to comply with the minimum standards and requirements established by the commissioner under subdivision 4. The memorandum of agreement is not subject to the contract approval procedures of the commissioner of administration or chapters 16B and 16C. The commissioner shall provide forms and instructions for submission of subsidy applications.

The commissioner shall require a county or group of counties to document in its application that it is requesting subsidy funds for the least restrictive alternative appropriate to the county or counties detention needs. The commissioner shall evaluate applications and grant subsidies for local detention facilities and alternative detention programs described in this section in a manner consistent with the minimum standards and requirements established by the commissioner in subdivision 4 and within the limit appropriations made available by law.

**Subd. 7. Inspection.** The commissioner shall inspect each local detention facility covered by this section in accordance with requirements set forth in section 241.021 to ensure continued compliance with minimum standards and requirements established by the commissioner in subdivision 4 and may withhold funds for noncompliance.

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Subd. 8. **Limitation of subsidies.** Funds for the purposes of subdivision 5, paragraph (a), are available only for construction projects begun after July 1, 1991.

**241.024 DESIGNATION OF CHIEF EXECUTIVE OFFICERS OF STATE CORRECTIONAL FACILITIES.**

The warden or superintendent of each Minnesota correctional facility, now or hereafter established shall, after August 1, 1979, be designated as the chief executive officer of the facility.

**241.34 PENALTY FOR UNAUTHORIZED RELEASE OF INFORMATION.**

Unauthorized release of the inmate's name or other uniquely identifying information under sections 241.33 to 241.342 is subject to the remedies and penalties under sections 13.08 and 13.09. This section does not preclude private causes of action against an individual, state agency, statewide system, political subdivision, or person responsible for releasing private data, or confidential or private information on the inmate.

**242.37 CONSERVATION CAMPS.**

(a) The commissioner of corrections may establish and operate conservation camps in which persons committed to the commissioner of corrections may be placed. Such camps may be established independently or in cooperation with any other public agency or any governmental subdivision, subject to the approval of such agency or subdivision as to any camp or project to the extent that its premises or operations are affected.

(b) Every able-bodied person committed as provided in paragraph (a) may be confined to a conservation camp established pursuant to this section or to any other institution under the control of the commissioner, subject to the limitations of section 242.19. Any person committed to a conservation camp as herein provided may be required by order of the commissioner to labor during the whole or some part of the time for which so committed and confined, but not more than eight hours per day. The commissioner is authorized and empowered to determine the payment of such compensation to persons so confined who perform labor as hereinabove provided. Any money arising hereunder shall be and remain under control of the commissioner and shall be for the sole benefit of the person performing the labor unless it shall be used for rendering assistance to the laborer's family or dependents or in making restitution to persons determined by the commissioner to be entitled thereto, in either event payments shall be made only in such amount, at such time and to such persons as the commissioner may order in writing.

**242.56 WORK AND LEARN FACILITIES FOR YOUTH.**

Subdivision 1. **Requests for proposals.** The commissioner of corrections shall select two nonprofit organizations to select and develop sites for work and learn facilities for youth. The selection of organizations must be made in consultation with the advisory group created under subdivision 3. By July 1, 1994, the commissioner shall issue a request for proposals from nonprofit organizations to locate and develop the facilities described in subdivisions 4 and 5. Both programs will provide rigorous programming for youthful offenders.

Subd. 2. **Eligibility.** (a) Both programs are limited to individuals who:

- (1) are at least 14 years of age but no older than 19 at the time of admission;
- (2) have not received a high school diploma; and
- (3) were adjudicated delinquent or referred by a county social services agency.

(b) The following are not eligible:

(1) juveniles adjudicated delinquent for murder, manslaughter, criminal sexual conduct in the first or second degree, assault, kidnapping, robbery, arson, or any other offense involving death or intentional personal injury; and

(2) juveniles who were adjudicated delinquent within the preceding ten years of an offense described in clause (1) and were committed to the custody of the commissioner.

(c) The programs may include nonoffenders selected by the commissioner based on recommendations from social service agencies of individuals who are at risk of incarceration.

Subd. 4. **Metropolitan work and learn site.** One facility shall be in the metropolitan area in an academy campus setting and be administered to address the problems of high unemployment rate among people of color, the high drop-out rate of young people in the public school system, and overcrowded correctional facilities. The academy shall provide the following programs:

- (1) physical training;
- (2) general studies;

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- (3) motivational and personal development;
- (4) business opportunities;
- (5) skills improvement; and
- (6) structured residential treatment programs of individual and group counseling.

Subd. 5. **Wilderness work and learn site.** One facility shall be in a wilderness setting, no more than 50 miles from the outer boundary of the seven-county metropolitan area, located on a site of at least 60 acres. The wilderness site shall offer a combination of the following:

- (1) group activities that develop cooperation, teamwork, and trust in others;
- (2) wilderness camping experiences that ensure that the youth begin to build self-esteem about themselves;
- (3) structured residential treatment programs of individual and group counseling;
- (4) a teaching and social reinforcement system;
- (5) a point and level incentive system;
- (6) vocational and academic education; and
- (7) life skills training.

Subd. 6. **Family services.** Both programs shall provide family services during and after the youth's involvement, including six months of intensive follow-up supervision of the youth after return to the community.

Subd. 7. **Evaluation and report.** The commissioner shall file a report with the chairs of the senate Crime Prevention Committee and the house of representatives Judiciary Committee by December 1, 1994, describing the sites selected and the progress made in developing them. The commissioner shall also develop a system for gathering and analyzing information concerning the value and effectiveness of the work and learn facilities. The commissioner shall report to the chairs of the committees in the house of representatives and senate with jurisdiction over criminal justice policy by January 1, 1999, on the operation of the program, with a recommendation as to whether it should be continued.

### **243.18 WORK REQUIRED.**

Subd. 2. **Sanction for failure to work.** All inmates are required to work. An inmate who fails to perform an available work assignment shall be sanctioned either by not earning good time or by serving a disciplinary confinement period, as appropriate, for any day on which the inmate does not perform the work assignment. The commissioner may excuse an inmate from work only for illness, physical disability, or to participate in an education or treatment program.

### **243.64 SALE OF LAND ACQUIRED IN COLLECTION OF A DEBT FOR ARTICLES MANUFACTURED OR PROCESSED BY CORRECTIONAL INDUSTRIES.**

When the state of Minnesota acquires title to any land in the course of legal proceedings for the collection of a debt arising out of the sale by the state of farm machinery, or other articles manufactured or improved at any state correctional facility, the land may be sold by the governor to persons and for a price as recommended by the chief executive officer of the state correctional facility, and the governor is hereby authorized to execute, in the name of the state and in its behalf, any deeds or conveyances necessary or desirable to convey the title and interest of the state to the purchaser, and the proceeds of the sale shall be paid into the state treasury to the credit of the appropriate correctional facility fund.

### **260.52 DEFINITIONS.**

As used in the Interstate Compact on Juveniles, the following words and phrases have the following meanings as to this state:

- (1) "Executive authority" means the compact administrator.
- (2) The "appropriate court" of this state to issue a requisition under Article IV of the compact is the juvenile court of the county of the petitioner's residence, or, if the petitioner is a child welfare agency, the juvenile court of the county where it has its principal office, or, if the petitioner is the state Department of Human Services, any juvenile court in the state.
- (3) The "appropriate court" of this state to receive a requisition under Article IV or V of the compact is the juvenile court of the county where the juvenile is located.

### **260.54 SUPPLEMENTARY AGREEMENTS.**

The compact administrator is authorized to enter into supplementary agreements with appropriate officials of other states pursuant to Article X of the Interstate Compact on Juveniles.

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In the event that such supplementary agreement requires or contemplates the use of any institution or facility of this state or the provision of any service by this state, said supplementary agreement shall have no effect until approved by the department or agency under whose jurisdiction the institution or facility is operated or which shall be charged with the rendering of such service.