

CORRECTIONS

CHAPTER 241

DEPARTMENT OF CORRECTIONS

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**241.01 CREATION OF DEPARTMENT.** Subdivision 1. **Commissioner.** The department of corrections is hereby created under the control and supervision of the commissioner of corrections which office is hereby established. The commissioner of corrections shall be selected without regard to political affiliation and shall have wide and successful administrative experience in correctional programs embodying rehabilitative concepts. The commissioner shall be appointed by the governor, by and with the advice and consent of the senate. The term of office of the commissioner shall be for six years except that the term of office of the commissioner first appointed shall expire February 1, 1965. The commissioner shall hold office until the appointment and qualification of his successor. Any vacancy in the office of commissioner of corrections shall be for the unexpired portion of the term. The governor may remove the commissioner of corrections only for cause upon written charges and opportunity for a public hearing. The salary of the commissioner shall be \$12,750.

Subd. 2. **Divisions; deputies.** The commissioner of corrections shall establish a division of youth conservation under the control and supervision of a deputy commissioner of corrections who shall be appointed by the commissioner, and who shall serve at the pleasure of the commissioner in the unclassified service of the state. The commissioner of corrections shall also establish a division of adult corrections which shall include probation, parole, and institutions, under the control and supervision of a deputy commissioner of corrections who shall be appointed by the commissioner, and who shall serve at the pleasure of the commissioner in the unclassified service of the state. The salary of each deputy commissioner shall be \$10,400. Each deputy may perform and exercise every duty, power, and responsibility imposed by law upon the commissioner when authorized so to do by the commissioner. The commissioner may also appoint a personal secretary, who shall serve at his pleasure in the unclassified service of the state, and fix the salary of said secretary commensurate with salaries for similar services in the classified service.

Subd. 3. **Officers, employees and agents.** Subject to the provisions of Laws 1959, Chapter 263, and to other applicable laws, the commissioner of corrections is authorized to organize the department and to employ such officers, employees, and agents as he may deem necessary to discharge the functions of his department, define the duties of such officers, employees, and agents and to delegate to them any of his powers, duties, and responsibilities, subject to his control and under such conditions as he may prescribe. When not prohibited by law, and when special circumstances warrant, the commissioner of corrections may direct that personnel, agents and facilities, of one division shall be utilized in carrying out the duties of the other division. He may obtain institutional consultant services from the commissioner of public welfare by agreement with the said commis-

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sioner. Appointments to exercise delegated power shall be by written order filed with the secretary of state.

**Subd. 4. Bond and oath of commissioner.** Before entering upon the duties of his office, the commissioner of corrections shall take and subscribe an oath and give his bond to the state of Minnesota, to be approved by the governor and filed with the secretary of state, in the sum of \$25,000, conditioned for the faithful performance of his duties.

**Subd. 5. Training program.** For the maintenance of adequate standards of operation in discharging the functions of the department, obtaining suitable candidates for positions for which there is a scarcity of qualified applicants, and the development of more effective treatment programs directed toward the correction and rehabilitation of persons found delinquent or guilty of crimes, and of more effective delinquency prevention the commissioner of corrections shall establish a training program including but not limited to in-service, pre-service, internship and scholarship programs, and an operational research program. Within the limits of appropriations available, the commissioner may provide educational stipends or tuition reimbursement in such amounts and upon such terms and conditions as may be determined jointly by the director of civil service. Within the limits of appropriations therefor the commissioner shall establish and provide personnel, facilities and equipment for research and study to evaluate the effectiveness of correctional treatment in camps, institutions, probation and parole investigation and supervision and delinquency prevention. For such purposes he may accept and expend on behalf of the state, gifts, grants and subsidies from any lawful source; all moneys and securities so received shall be deposited in the state treasury subject to the order of the commissioner. From the fund or account in the state treasury to which such receipts are credited there is hereby appropriated annually to the commissioner of corrections such gifts, grants and subsidies as are received under the provisions of this subdivision.

[1959 c 263 s 1; 1961 c 465 s 1]

**241.02 TRANSFER OF POWERS AND DUTIES.** Subdivision 1. **State prisons and reformatories.** All the powers and duties now vested in or imposed upon the commissioner of public welfare relating to the administration, management, and operation of the state prison, the state reformatory for men, and the state reformatory for women are hereby transferred to, vested in, and imposed upon the commissioner of corrections. All the powers and duties now vested in the commissioner of public welfare in relation to such institutions are hereby abolished.

**Subd. 2. Prisons, jails and lockups.** All the powers and duties now vested in, or imposed upon the commissioner of public welfare relating to prisons, jails, and lockups, as contained in Minnesota Statutes, Sections 256.02, 641.21, 641.22, 641.25, 641.26, 642.01, 642.02, 642.09, 642.10, and 642.11 are hereby transferred to, vested in, and imposed upon the commissioner of corrections. All the powers and duties now vested in the commissioner of public welfare in relation to such prisons, jails, and lockups, are hereby abolished.

[1959 c 263 s 2]

**241.021 SUPERVISION OVER CORRECTIONAL INSTITUTIONS, JAILS, LOCKUPS.** The commissioner of corrections shall investigate the whole system of correctional institutions in the state, especially prisons and jails, and examine their condition and management. He may require the officers in charge of any such institution to furnish such information and statistics as he may deem necessary, upon blanks furnished by him. He shall examine all plans for new jails and lockups, or for repairs at an estimated cost in excess of the limits set by Minnesota Statutes, Sections 641.21, 642.01, and 642.02, before the same are adopted by the county or other municipal board, and have an advisory supervision over all such institutions. Upon the request of the governor, he shall specially investigate any penal or reformatory institution and report its condition; and for this purpose he is hereby authorized to send for persons and papers, administer oaths, and take testimony which he shall cause to be transcribed and included in his report.

[1961 c 750 s 27 subd 2]

**241.03 ADULT CORRECTIONS COMMISSION.** Subdivision 1. **Board of parole and probation, substitution.** The name of the board of parole and probation is hereby changed to the adult corrections commission. The duties of chairman of the adult corrections commission are hereby imposed upon the deputy commis-

sioner of corrections controlling and supervising the division of adult corrections in the department of corrections. Subject to the other provisions of Laws 1959, Chapter 263, and to other applicable law, the adult corrections commission shall continue to exercise all powers and duties vested in or imposed upon the state board of parole and probation as heretofore constituted but in the department of corrections.

Subd. 2. **Personnel, supplies, equipment.** Subject to the provisions of Laws 1959, Chapter 263, and other applicable laws, the commissioner of corrections shall provide the adult corrections commission with all personnel, supplies and equipment, and other administrative services as may be required to enable the commission to perform its duties.

[1959 c 263 s 3]

**241.04 YOUTH CONSERVATION COMMISSION; PERSONNEL, SUPPLIES, EQUIPMENT.** Subject to the provisions of Laws 1959, Chapter 263, and to other applicable laws, the commissioner of corrections shall provide the youth conservation commission with all personnel, supplies, equipment, and other administrative services as may be required to enable the youth conservation commission to perform the duties and obligations imposed by law. The youth conservation commission shall continue to exercise all powers and duties vested in or imposed upon such commission as heretofore constituted.

[1959 c 263 s 10]

**241.05 RELIGIOUS INSTRUCTION.** The commissioner of corrections shall provide at least one hour, on the first day of each week, between nine o'clock a. m. and five o'clock p. m., for religious instruction to inmates of all prisons and reformatories under his control, during which clergymen of good standing in any church or denomination may freely administer and impart religious rites and instruction to those desiring the same. He shall provide a private room where such instruction can be given by clergymen of the denomination desired by the inmate, or, in case of minors, by the parents or guardian, and, in case of sickness, some other day or hour may be designated; but all sectarian practices are prohibited, and no officer or employee of the institution shall attempt to influence the religious belief of any inmate, and none shall be required to attend religious services against his will.

[R L s 1903; 1959 c 263 s 2] (4452)

**241.06 RECORD OF INMATES; DEPARTMENT OF CORRECTIONS.** The commissioner of corrections shall keep in his office, accessible only by his consent or on the order of a judge or court of record, a record showing the residence, sex, age, nativity, occupation, civil condition, and date of entrance or commitment of every person, inmate, or convict in the institutions under his exclusive control, the date of discharge and whether such discharge was final, the condition of such person when he left the institution, and the date and cause of all deaths. The records shall state every transfer from one institution to another, naming each. This information shall be furnished to the commissioner of corrections by each institution, with such other obtainable facts as he may from time to time require. The chief executive officer of each such institution, within ten days after the commitment or entrance thereto of a person, inmate, or convict, shall cause a true copy of his entrance record to be forwarded to the commissioner of corrections. When a person, inmate, or convict leaves, is discharged or transferred, or dies in any institution, the chief executive officer, or other person in charge shall inform the commissioner of corrections within ten days thereafter on forms by him furnished.

The commissioner of corrections may authorize the chief executive officer of any state institution under his control to release to probation officers, county welfare boards or other specifically designated interested persons or agencies any information regarding any person, inmate, or convict thereat, if, in the opinion of the commissioner, it will be for the benefit of the person, inmate, or convict.

[1961 c 750 s 13 subd 2]

**241.07 TRANSFER OF INMATES TO OTHER STATE INSTITUTIONS.** The commissioner of corrections may transfer an inmate of the state prison, state reformatory for men, or state reformatory for women to a state institution for the mentally ill, mentally retarded or epileptic or to the state sanatorium for diagnosis, treatment, or care which is not available at the prison or at a reformatory and shall cause a proper record thereof to be made at the institutions to which a transfer has

been made and at his office. No such transfer shall be made by the commissioner of corrections without the approval of the commissioner of public welfare. An inmate of the prison or reformatory so transferred shall be returned to the prison or reformatory by order of the commissioner of corrections upon conclusion of treatment, or, if the inmate becomes eligible for release from custody pursuant to the terms of his sentence prior to conclusion of treatment, he shall be released unless prior to such time, he shall have been committed to such medical institution by competent authority as provided by law. The superintendent of any state hospital for the mentally ill or institution for the mentally retarded or epileptic shall at once notify the commissioner of corrections if there is any question as to the propriety of the commitment or detention of any person admitted to such institution and the commissioner shall immediately take action thereon.

[1961 c 750 s 14 subd 2]

**241.08 MONEY OF INMATES OF CORRECTIONAL INSTITUTIONS.** The chief executive officer of each institution under the jurisdiction of the commissioner of corrections shall have the care and custody of all moneys belonging to inmates thereof which may come into his hands, keep accurate accounts thereof, and pay them out under rules and regulations prescribed by law or by the commissioner of corrections, taking vouchers therefor. He shall give such additional bond as the commissioner may require, conditioned to safely keep and account for such funds. All such moneys received by any officer or employee shall be paid to the chief executive officer forthwith. Every such executive officer, at the close of each month, or oftener if required by the commissioner, shall forward to the commissioner a statement of the amount of all moneys so received and the names of the inmates from whom received, accompanied by his check for the amount, payable to the state treasurer. On receipt of such statement, the commissioner shall transmit the same to the state auditor, together with such check, who shall deliver the same to the state treasurer. Upon the payment of such check, the amount shall be credited to a fund to be known as "Correctional Inmates Fund", for the institution from which the same was received. All such funds shall be paid out by the state treasurer upon vouchers duly approved by the commissioner of corrections as in other cases. The commissioner may permit a contingent fund to remain in the hands of the executive officer of any such institution from which necessary expenditure may from time to time be made.

[1961 c 750 s 15 subd 3]

**241.09 UNCLAIMED MONEY OR PERSONAL PROPERTY OF INMATES OF CORRECTIONAL INSTITUTIONS.** Subdivision 1. **Money.** When there has heretofore accumulated or shall hereafter accumulate in the hands of the superintendent of any state institution under the jurisdiction of the commissioner of corrections money belonging to inmates of such institution who have died therein, or disappeared therefrom, and for which money there is no claimant or person entitled thereto known to the superintendent, such money may, at the discretion of such superintendent, be expended under his direction for the amusement, entertainment, and general benefit of the inmates of such institution. No money shall be so used until it shall have remained unclaimed for at least five years. If, at any time after the expiration of the five years, the legal heirs of the inmate shall appear and make proper proof of such heirship, they shall be entitled to receive from the state treasurer such sums of money as shall have been expended by the superintendent belonging to the inmate.

Subd. 2. **Unclaimed personal property.** When any inmate of a state institution under the jurisdiction of the commissioner of corrections has died or disappeared therefrom, or hereafter shall die or disappear therefrom leaving in the custody of the superintendent thereof personal property, exclusive of money, which remains unclaimed for a period of two years, and there is no person entitled thereto known to the superintendent, the superintendent or his agent may sell such property at public auction. Notice of such sale shall be published for two consecutive weeks in a legal newspaper in the county wherein the institution is located and shall state the time and place of such sale. The proceeds of the sale, after deduction of the costs of publication and auction may be expended, at the discretion of the superintendent, for the entertainment and benefit of the inmates of such institution. Any inmate, his heirs or his representatives, may file with, and make proof of ownership to, the superintendent of the institution disposing of such personal property within four years after such sale, and, upon proof satisfactory to such superintendent, he shall

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certify for payment to the state treasurer the amount received by the sale of such property. No suit shall be brought for damages consequent to the disposal of personal property or use of money in accordance with this section against the state or any official, employee, or agent thereof.

[1961 c 750 s 16 subd 2]

**241.10 DISPOSAL OF FUNDS; CORRECTIONAL INSTITUTIONS.** Every officer and employee of the several institutions under the jurisdiction of the commissioner of corrections shall pay to the accounting officer thereof any funds in his hands belonging to the institution. Every accounting officer, at the close of each month or oftener, shall forward to the commissioner of corrections a statement of the amount and sources of all moneys received. On receipt of such statement, the commissioner shall transmit the same to the state auditor, who shall deliver to the state treasurer a draft upon the accounting officer for the same, specifying the funds to which it is to be credited. Upon payment of such draft, the amount shall be so credited.

[1961 c 750 s 17 subd 2]

**241.11 PROTECTION AGAINST FIRE.** The commissioner of corrections shall provide at each institution adequate and ready means of protection against fire, construct proper means of escape for inmates, and establish and enforce rigid regulations by which danger from fire may be minimized.

[1961 c 750 s 18]

**241.12 EMPLOYEES, AGENTS OF CORRECTIONS DEPARTMENT; ACCEPTANCE OF GIFTS.** No agent or employee of the commissioner of corrections, and no officer or manager of any institution under his charge, shall directly or indirectly, for himself or another, or for any such institution, receive or accept any gift or gratuity from any dealer in goods, merchandise, or supplies which are or may be used in any such institution, or from any servant or agent of such dealer. Any violation of the provisions of this section shall be a misdemeanor.

Except as provided above, the superintendent or chief executive officer of any institution may under rules and regulations prescribed by the commissioner of corrections accept contributions and gifts of money and personal property for the use and benefit of the inmates of the institution under his jurisdiction. All moneys and securities so received shall be deposited in a separate account at the institution and records shall be kept, clearly showing the identity of the donor, the purpose of the donation and the ultimate disposition of the contribution. Each contribution shall be duly receipted and shall be expended or used as nearly in accordance with the conditions of the gift or contribution as is compatible with the best interest of the inmates and the institution.

[1961 c 750 s 19]

**241.13 CONTINGENT FUNDS; CORRECTIONAL INSTITUTIONS.** The commissioner of corrections may permit a contingent fund to remain in the hands of the accounting officer of any such institution from which expenditures may be made in case of actual emergency requiring immediate payment to prevent loss or danger to the institution or its inmates and for the purpose of paying freight, purchasing produce, livestock and other commodities requiring a cash settlement, and for the purpose of discounting bills incurred, but in all cases subject to revision by the commissioner of corrections. An itemized statement of every expenditure made during the month from such fund shall be submitted to the commissioner under rules established by him. If necessary, the commissioner shall make proper requisition upon the state auditor for a warrant upon the state treasurer to secure the contingent fund for each institution.

[1961 c 750 s 20 subd 2]

**241.14 PHYSICAL EXAMINATIONS FOR EMPLOYMENT IN CORRECTIONAL INSTITUTIONS.** No new employee shall be given employment in any state institution under the direction of the department of corrections, whether certified for such employment by the state civil service department, or otherwise selected, unless such person presents to the appointing officer of such institution a certificate showing that he has undergone the physical examination hereinafter provided for and has been found to be free of tuberculosis.

[1961 c 750 s 21]

**241.15 SCOPE OF PHYSICAL EXAMINATION.** Such physical examination shall include an X-ray examination of the lungs and such additional special diagnostic tests for the detection of the presence of tuberculosis as shall be set up in

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regulations of the state board of health in cooperation with the department of corrections. Such examination shall be made by a licensed physician and surgeon, who shall report in writing to the superintendent of the institution in which the employment is contemplated on a form set up by the department of corrections in cooperation with the state board of health showing the presence or absence of tuberculosis infection and disease based upon such examination.

[1961 c 750 s 22]

**241.16 CEMETERY AT CORRECTIONAL INSTITUTIONS.** Subdivision 1. The commissioner of corrections may establish, maintain, or continue in existence, a cemetery for the burial of any patient, inmate or person admitted to any state institution under his control upon the public grounds of such institution in the manner set forth in the following subdivisions.

Subd. 2. The land shall be surveyed and a plat thereof made.

Subd. 3. A stone or other monument shall be established to mark each corner of such cemetery, and its location shown on the plat.

Subd. 4. The cemetery shall be platted into lots, which shall be numbered; it shall have streets and walks, and the same shall be shown on the plat. All containing graves shall be indicated by an appropriate marker of permanent nature for identification purposes.

Subd. 5. The surveyor shall certify as to the correctness of the plat by his endorsement thereon.

Subd. 6. The plat with the surveyor's endorsement thereon shall be filed for record with the register of deeds in the county wherein the cemetery is located. A copy of the plat shall be kept in the office of the superintendent of the institution, together with a register showing the name of the persons buried in the cemetery and the lot in which they are buried.

[1961 c 750 s 23]

**241.17 REBURIAL.** Subdivision 1. The commissioner of corrections may remove the body of any person now buried in a cemetery situated upon the land belonging to the state for public institution purposes and rebury it in a cemetery created under the provisions of section 241.16 by complying with the provisions set forth in the following subdivisions of this section.

Subd. 2. The commissioner shall petition the district court of the county wherein the present cemetery is situated setting forth the reasons for such removal, the place to which the body is to be removed, and praying for an order of the court authorizing such removal. Upon the presentation of such petition, the court shall make its order setting the time, which shall not be less than 60 days from the date of the order, and the place for hearing the same. The commissioner shall serve the nearest relative or, if the commissioner cannot locate any relative, some friend of the person whose body is to be removed by mailing to him a copy of the petition and court's order 30 days before the date of hearing and file his affidavit of mailing with the clerk of district court. If the commissioner is unable to locate a relative or friend, he shall make his affidavit to that effect and file the same with the clerk of district court.

Subd. 3. Upon the hearing of such petition, if the court determines that it is for the best interests of the public, the relatives and friends that such body be removed and that the same will be conducted in a manner commensurate with the methods commonly employed for the reburial of the dead in the community, the court shall make its order authorizing such removal, setting forth the time within which such removal shall be accomplished and the place to which the body is to be removed. Upon completion of such removal, the director shall cause the name of the person so removed to be entered in the register, together with the number of the lot in the cemetery and file an affidavit thereof with the clerk of district court.

[1961 c 750 s 24]

**241.18 ABANDONMENT OF CEMETERY; COURT ORDER.** If the court makes its order under the provisions of section 241.17 authorizing the removal of bodies from a cemetery and the same is accomplished in accordance with such order and the commissioner files affidavits of such removal as hereinbefore provided, together with his affidavit that he has caused a thorough search to be made, and there are no more dead bodies remaining in such cemetery to the best of his knowledge, information and belief, the court may make its order authorizing the abandonment of such cemetery and thereby discontinue its use as such.

[1961 c 750 s 25]

**241.19 FOOD PRODUCTS, PRODUCTION AND PRESERVATION.** The commissioner of corrections may contract with corporations or individuals engaged in the commercial canning or freezing of food products, under such terms as he believes are for the best interests of the state, for the seeding, fertilizing, harvesting, and preserving of food products for consumption by institution inmates. The contract may provide for the payment of the processor's services by a fractional share of the food processed. The commissioner shall not be required to advertise for or secure bids.

[1961 c 750 s 26]

NOTE: Sections 241.20-241.24. Insofar as is applicable, for definitions and general provisions, see Chapter 610.

**241.20 INMATES TO DO CONSERVATION WORK.** Whenever he deems it conducive to the rehabilitation of inmates of correctional institutions under his control the commissioner of corrections may use selected inmates in the general improvement, maintenance, conservation, reforestation, soil erosion control, soil rehabilitation, and cultivation of any land within the control of the commissioner and, pursuant to agreement with the head of any other state department or agency, of lands under control of such department or agency.

[1935 c 297 s 1; 1957 c 440 s 1; 1959 c 263 s 2] (10846-11)

**241.21 INMATES AVAILABLE TO STATE DEPARTMENTS.** To carry out the purposes of section 241.20, the commissioner of corrections may make inmates available to the head of any state department or agency for work upon any land which is within the jurisdiction or control of such department or agency, and the commissioner of corrections and the head of any state department or agency having land under its jurisdiction or control may enter into written agreements upon such terms as may be necessary to provide for the use and the orderly supervision of such inmates.

[1935 c 297 s 2; 1957 c 440 s 2; 1959 c 263 s 2] (10846-12)

**241.22 MAY EXPEND MONEYS.** For the purposes of sections 241.20 to 241.24, the commissioner of corrections may lawfully expend moneys from any of the following funds: The current expense appropriations of the state reformatory and the state prison; revolving funds at either of these institutions, including funds heretofore appropriated for building purposes for the state prison or the state reformatory; and the contingent fund appropriation of the commissioner of corrections.

[1935 c 297 s 3; 1959 c 263 s 2] (10846-13)

**241.23 WARDEN TO MAKE SELECTION.** When convicts may be required to be used in any work as provided for in sections 241.20 to 241.24, they shall be selected, with the approval of the commissioner of corrections, by the warden of the state prison, or the superintendent of the state reformatory, in the following manner and order of preference:

(1) Suitable paroled convicts who are being detained awaiting private employment;

(2) Convicts who are not habitual offenders or guilty of heinous crimes and who, in the opinion of the heads of the institutions, are not incorrigible and who are physically capable and otherwise suitable for the character of the work provided for in sections 241.20 to 241.24.

[1935 c 297 s 4; 1959 c 263 s 2] (10846-14)

**241.24 RESCUES AND ESCAPES.** Any rescue or escape or attempted escape of or by a convict while without the confines of the state prison or the reformatory under the provisions of sections 241.20 to 241.24, shall be deemed a rescue or escape or attempted escape within the meaning of sections 613.26 to 613.34.

[1935 c 297 s 5] (10846-15)