

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, who shall be in unclassified service, 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 for a four year term which shall coincide with the term of the governor and until his successor is duly appointed and has qualified. The governor may remove the commissioner at any time for cause after notice and hearing. In case of a vacancy, the governor may appoint a commissioner, who shall immediately take office and shall carry on all of the duties of the office until the next session of the legislature, when his appointment shall be submitted to the senate for approval. On January 4, 1971, the term of the incumbent commissioner shall expire.

Subd. 2. **Divisions; deputies.** The commissioner of corrections may appoint and employ no more than four deputy commissioners who shall serve at the pleasure of the commissioner in the unclassified service of the state civil service. Each deputy may perform and exercise every duty, power and responsibility imposed by law upon the commissioner when authorized to so do by the commissioner. Appointments to exercise delegated power shall be by written order filed with the secretary of state. 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 this chapter, 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.

The commissioner shall also appoint a chief executive officer for each institution under his exclusive control and may, under the provisions of section 43.24, remove him for cause. Every such executive officer shall have the qualifications and perform the duties now or hereafter required by law, or by rules prescribed by the commissioner. He may appoint an acting chief executive officer during such interim period as is necessary to select and appoint a chief executive officer. In case of an apparent conflict between the powers conferred by law upon any executive officer of a state correctional institution and those conferred by this chapter upon the commissioner of corrections, it shall be conclusively presumed that the power belongs to the latter. The commissioner may require that a chief executive officer reside upon the institution grounds.

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. The commissioner may assign correctional officers to transport inmates among the several state correctional institutions, apprehend escapees from such institutions, and to assist corrections agents in the apprehension of parole and probation violators. Such correctional officers may, upon the written order of the Minnesota corrections authority, retake and place in actual custody persons who have violated the terms and conditions of their parole or probation. He may obtain institutional consultant services from the commissioner of public welfare by agreement with the said commissioner. 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 commissioner of personnel. 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.

Subd. 5a. Acceptance of gifts, grants and subsidies; purposes. For the purposes of subdivision 5 and to discharge the functions of the department through the establishment of additional facilities and services to persons committed to his care and to the Minnesota corrections authority the commissioner 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.

Subd. 6. Corrections; uncompensated and voluntary services; expenses. To assist in the discharge of the functions of his department the commissioner of corrections shall have authority to accept uncompensated and voluntary services and to enter into contracts or agreements with private or public agencies or persons for such uncompensated and voluntary services as he may deem practicable. Persons rendering voluntary uncompensated services as herein authorized may be reimbursed for travel expenses paid or incurred in the performance of such official duties as may be assigned them at the same rate per mile as state employees. It is the purpose of this subdivision to provide travel expenses only to those volunteers who would otherwise be unable to afford to perform volunteer services.

Subd. 7. **Use of facilities of institution by outside agencies.** The commissioner of corrections may authorize and permit public or private social service, educational or rehabilitation agencies or organizations and their clients to enter upon and utilize the facilities, staff and other resources of institutions under his control and may require the participating agencies or organizations to pay all or part of the costs thereof. All sums of money received pursuant to the agreements herein authorized are hereby appropriated annually to the commissioner of corrections for the purposes of this subdivision.

[1959 c 263 s 1; 1961 c 465 s 1; 1963 c 492 s 1; 1965 c 45 s 11, 12; 1969 c 283 s 1, 2; 1969 c 496 s 1; 1969 c 1129 art 8 s 5; 1971 c 657 s 1; 1973 c 82 s 1; 1973 c 94 s 1, 2; 1973 c 500 s 1; 1973 c 507 s 45; 1973 c 654 s 15]

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 Minnesota correctional institution 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; 1967 c 398 s 4]

241.021 LICENSING AND SUPERVISION OF INSTITUTIONS AND FACILITIES. Subdivision 1. **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 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.

Subd. 2. **Foster care facilities for delinquent children and youth; licenses; supervision.** Notwithstanding any provisions in Minnesota Statutes 1967, Sections 256.01 (2) and 257.101 to the contrary, the commissioner of corrections shall pass annually on the adequacy and suitability of all county, municipal or other publicly established and operated facilities for the detention, care and training of delinquent children and youth, if such facility conforms to reasonable standards established by the commissioner or in his judgment is making satisfactory progress toward substantial conformity therewith, and he is satisfied that the interests and well-being of children and youth received therein are protected, he shall grant a license to the county, municipality or agency thereof operating such facility. This license shall remain in force one year unless sooner revoked. Each such facility shall cooperate with the commissioner to make available all facts regarding its operation and services as he requires to determine its conformance to standards and its competence to give the services needed and which purports to give. Every such facility as herein described is subject to visitation and supervision by the commissioner and shall receive from him consultation as needed to strengthen services to the children and youth received therein.

Subd. 3. **Revocation of license.** When after due notice and hearing the commissioner of corrections shall determine that any facility described in subdivision 2 does not substantially conform to the reasonable standards therein provided or is not making satisfactory progress toward substantial compliance therewith, he may, with the consent of the judge of the district court, issue his order revoking the license of such

facility. After revocation of its license, such facility shall not be used for the care and training of delinquent children and youth, or for their detention for more than 48 hours at one time until such license is renewed.

[1961 c 750 s 27 subd 2; 1969 c 493 s 1]

241.022 GRANTS-IN-AID TO COUNTIES FOR DETENTION FACILITIES.

Subdivision 1. Authorization to make grants. For the purpose of assisting counties to construct or rehabilitate local detention facilities and to assist groups of counties in the construction or rehabilitation of regional jails and lockups, work houses, or work farms, and detention and treatment facilities for adult offenders, youthful offenders, and delinquent children, and to aid such counties in developing and maintaining adequate programs and personnel for the education, training, treatment and rehabilitation of persons admitted to such institutions, the commissioner of corrections is hereby authorized and empowered, out of any money appropriated for the purposes of this section, to make grants to such counties. The commissioner may also receive grants of funds from the federal government or any other lawful source for the purpose of this section, and such funds are hereby appropriated annually to the commissioner.

Subd. 2. Minimum standards. The commissioner shall establish minimum standards for the construction, rehabilitation, size, area to be served, training and treatment programs, staff qualifications, and projected annual operating costs of facilities to be rehabilitated or constructed. Compliance with these standards shall constitute a minimum requirement for the granting of assistance as provided by this section.

Subd. 3. Application for grants. Any county or group of counties operating any of the 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 his approval its plans, specifications, budget, program for training and treatment, and staffing pattern, including personnel qualifications. The commissioner may recommend such changes or modifications as he deems necessary to effect substantial compliance with the standards provided in subdivision 2. When the commissioner has determined that any county or group of counties has substantially complied with the minimum standards, or is making satisfactory progress toward such compliance he may pay to such counties an amount not to exceed 50 percent of the cost of construction or rehabilitation of the facilities described in this section, and, in the case of improvement of program and continued operation of any program in a regional facility as described in subdivision 1, he may pay to the governing board of such facility a sum not to exceed \$1,800 per year for each adult bed and \$3,200 per year for each juvenile bed as approved in the submitted plans and specifications.

Subd. 4. Inspection. The commissioner shall inspect at least annually each 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. 5. Limitation of grants to future projects. Completion and acceptance of new construction or rehabilitation of existing facilities must occur after June 5, 1971, to enable a county or group of counties to receive any sums provided by this section.

This section shall apply only for those projects where a specific appropriation has been made.

[1971 c 735 s 1]

241.03 [Repealed, 1973 c 654 s 14]

241.04 [Repealed, 1973 c 654 s 14].

241.045 MINNESOTA CORRECTIONS AUTHORITY. **Subdivision 1. Creation.** There is hereby created the Minnesota corrections authority consisting of five full time members; four of whom shall be appointed by the governor, with the advice and consent of the senate. To assist in the selection of suitable persons to be members of the Minnesota corrections authority there is created an advisory committee consisting of the following persons or their designees: the attorney general, the corrections ombudsman, the commissioners of corrections, public welfare, and human rights, and the following persons to be appointed by the governor: one representative each from a private social agency and a Minnesota institution of higher learning, and two citizens from the community at large. The committee,

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whose recommendations are advisory only, shall prepare and submit to the governor one or more recommendations for each appointment to the authority. No more than two members appointed by the governor shall belong to the same political party. Appointments to a vacancy shall be made in the same manner as other appointments, and shall be for the unexpired term. The chairman of the authority shall be an officer of the department of corrections in the unclassified service of the state appointed by the commissioner of corrections to serve at his pleasure.

Subd. 2. Qualifications. Candidates for appointment to the Minnesota corrections authority shall not be required to have specific academic or professional attainment, but shall have knowledge or experience in corrections or related fields and be selected on the basis of sound judgment and the ability to consider both the needs of persons over whom the authority has jurisdiction and the safety of the public. Among the members appointed by the governor, there shall be at least one woman, one man, and one member of a racial minority.

Subd. 3. Term of office. The members of the authority first appointed by the governor shall be appointed to serve for the following terms: one member for two years; one member for four years; and two members for six years. Thereafter, each gubernatorial appointment shall be for six years. Members shall be eligible for reappointment. Each term shall terminate on the first day of January; except that it shall continue until his successor has been duly appointed and qualified.

Subd. 4. Compensation; expenses. Each member of the authority other than the chairman shall receive as compensation the sum of \$20,000 per year, payable in the same manner as other employees of the state. The chairman of the authority shall receive as compensation his salary as an officer of the department of corrections, which shall not be less than the salary of the other members of the authority. In addition to the compensation herein provided, each member of the authority shall be reimbursed for all expenses paid or incurred by him in the performance of his official duties in the same manner as other employees of the state. This compensation and these expenses shall be paid out of the general fund in the same manner as the salaries and expenses of other state officers are paid, except that the salary and expenses of the chairman of the authority shall be paid out of funds appropriated to the commissioner of corrections.

Subd. 5. Removal. The governor may remove any member of the authority appointed by him for good cause shown after the submission of written charges and an opportunity to be heard.

Subd. 6. Quorum. Except for the parole of persons serving life sentences under the provisions of section 609.185, persons serving extended terms of imprisonment as dangerous offenders under section 609.16, a transfer of a person in the care and custody of the authority under the provisions of section 242.27, or the discharge of such person pursuant to section 242.31, the authority may sit in units of two or three as designated by the chairman under rules prescribed by the authority, and such a unit shall constitute a quorum.

Subd. 7. Transfer of powers and duties. All the powers and duties now vested in and imposed upon the youth conservation commission and the adult corrections commission as now constituted, including but not limited to those relating to the disposition of persons committed to the youth conservation commission by the district courts of this state, the granting or revoking of probation or parole, issuing final discharge, and the power to grant or revoke parole and issue final discharge to persons convicted of crime and committed to the adult corrections commission as now constituted are hereby vested in and imposed upon the corrections authority, and the youth conservation commission and the adult corrections commission are hereby abolished. The authority may not delegate the making of such decisions to another body or person.

Subd. 8. References. All references in Minnesota Statutes to the youth conservation commission relating to persons committed to the commission by the district courts of this state shall, after the effective date of Laws 1973, Chapter 654, be deemed to refer to the Minnesota corrections authority established by Laws 1973, Chapter 654.

All references in Minnesota Statutes to the youth conservation commission or its director relating to juveniles adjudicated delinquent by the juvenile courts of this state shall, after the effective date of Laws 1973, Chapter 654 be deemed to refer to the commissioner of corrections.

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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 Minnesota correctional institution 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; 1967 c 398 s 4*]

241.08 MONEY OF INMATES OF CORRECTIONAL INSTITUTIONS. Subdivision 1. 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

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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 commissioner of finance, 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.

Subd. 2. Notwithstanding the provisions of subdivision 1 and section 242.38 or other law to the contrary, the commissioner of corrections may permit the inmates of the institutions under his control to deposit money in a bank or other financial institution. The commissioner shall establish rules governing the deposits and shall require each inmate to maintain at the institution in which confined an amount adequate for his needs during the period of his confinement and to assist him upon his release therefrom on parole or by discharge.

[1961 c 750 s 15 subd 3; 1973 c 69 s 1; 1973 c 492 s 14]

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 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 commissioner of finance, 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; 1973 c 492 s 14]

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 [Repealed, 1973 c 400 s 2]

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 commissioner of finance for a warrant upon the state treasurer to secure the contingent fund for each institution.

[1961 c 750 s 20 subd 2; 1973 c 492 s 14]

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 department of personnel, 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; 1973 c 507 s 45]

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 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 be-

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longing 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]

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 241.23, the commissioner of corrections may lawfully expend moneys from any of the fol-

lowing 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; 1971 c 24 s 21] (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 241.23, 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 241.23.

[1935 c 297 s 4; 1959 c 263 s 2; 1971 c 24 s 22] (10846-14)

241.24 [Repealed, 1963 c 753 art 2 s 17]

241.25 AID TO PERSONS ON LEAVE, PAROLE OR PROBATION. Subdivision 1. To provide temporary emergency financial assistance to persons on leave, parole or probation from correctional institutions under the control of the commissioner of corrections a parolee loan account is hereby created in the state treasury.

Subd. 2. The account shall consist of appropriations made for such purposes, loan repayments, and any other gifts or grants from any lawful source made to the commissioner of corrections for the purposes of subdivision 1, and the commissioner is hereby authorized to accept such loan repayments, gifts or grants. All moneys in such account are hereby appropriated annually to the commissioner of corrections for the purposes of subdivision 1.

Subd. 3. The commissioner of corrections is hereby authorized and empowered to make emergency loans to those persons on parole or probation from state correctional institutions under his control who are found to be in need of emergency financial assistance. Such loans may be in such amounts as the commissioner shall determine to be reasonably necessary for subsistence of the parolee or probationer and his family until he has become gainfully employed or made other suitable arrangements for the support of himself and family through other public agencies. The commissioner shall determine the terms and conditions of such loans and the manner of their repayment, including resort to legal action to effect collection of same in the event of refusal or neglect by the recipient to make repayment when able to do so.

Subd. 4. The commissioner of corrections shall report to each successive legislature the status of the account.

Subd. 5. There is hereby appropriated from the general fund the sum of \$3,000 to the parolee loan account hereinabove created.

Subd. 6. The commissioner of corrections may use the money in the imprest fund of his department to make emergency loans as provided in subdivision 3 and to meet other emergencies.

[1965 c 528 s 1; Ex1967 c 52 s 1, 2; 1969 c 399 s 1]

241.251 PRESS ACCESS FOR INMATES. Subdivision 1. Any inmate of a state correctional institution shall be permitted to speak in person or by phone at his own expense to any representative of the public news media, as defined in subdivision 4, on a daily basis between the hours of 8:00 a.m. and 9:00 p.m. except in emergency situations as defined in subdivision 5; provided that it does not interfere with the inmate's regularly assigned duties. The right to speak in person with a representative of the news media shall not constitute a regular institutional visit.

Correctional authorities may limit the exercise of privileges conferred by this section by any individual inmate to one telephone call or interview per week.

Subd. 2. Any inmate or group of inmates of a state correctional institution shall be permitted to correspond by mail with any public news media or representatives thereof, as defined in subdivision 4, on a regular basis.

Subd. 3. Subject to the provisions of section 243.55 and the duty of the warden or superintendent to take reasonable precautions to prevent the introduction of con-

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traband into a correctional institution, representatives of the public news media shall, upon their own request, be permitted to interview any consenting inmate or representatives of a consenting group of inmates of the state at the times and under the circumstances described in subdivision 1. Any representative of the public news media who is denied access to a correctional institution must be given the reasons therefor in writing, and he may appeal such denial to the commissioner of corrections.

Subd. 4. A "representative of the public news media" means a person employed by and authorized to represent any television station licensed by the Federal Communications Commission, any radio station licensed by the Federal Communications Commission, national wire service, or any newspaper or periodical having a monthly statewide circulation of at least one thousand copies.

Subd. 5. An emergency shall be defined as a situation in which, in the best judgment of the correctional authorities, there is an imminent threat to life, security or property.

[1974 c 560 s 1]

241.26 PRIVATE EMPLOYMENT OF INMATES OF STATE CORRECTIONAL INSTITUTIONS IN COMMUNITY. Subdivision 1. **Authority.** The Minnesota corrections authority upon recommendation of the commissioner of corrections may conditionally release selected inmates of state correctional institutions who are subject to their control, who have been convicted of a gross misdemeanor or a felony, and who are eligible and being considered for parole under section 243.05, to work at paid employment, seek employment, or to participate in vocational training programs in any community or area of the state, provided that (a) representatives of local union central bodies or similar labor union organizations are consulted; and (b) such paid employment will not result in the displacement of employed workers. Such release constitutes an extension of the limits of confinement and each inmate so released shall be confined in the institution from which released or in some other suitable place of confinement designated by the commissioner of corrections during such time as such inmate is not employed, seeking employment, or engaged in a vocational training program, or, if employed, seeking employment, or engaged in a vocational training program, between the times of such activity.

Subd. 2. **Use of local detention facilities.** The commissioner of corrections shall designate state correctional institutions for participation in the program authorized in subdivision 1 and shall adapt facilities of such institutions to provide housing and supervision of inmates participating in such program. He may also enter into contractual agreements with appropriate city and county authorities for the confinement of and provision of other correctional services to such inmates whose employment or vocational training programs so require, and such city and county authorities are hereby authorized to make and enter such contracts and agreements. When determined by the commissioner that the circumstances of a participant in the program authorized by subdivision 1 do not require the security of a public detention facility, he may contract with public and private agencies for the custody and separate care of such participant or house him in a community correction center.

Subd. 3. **Rules.** The commissioner of corrections shall, upon consultation with the Minnesota corrections authority, establish rules for the placement and supervision of such inmates and for the administration of the programs authorized by this section. When consistent with the public interest the Minnesota corrections authority may grant furloughs not to exceed 10 days duration to those persons subject to their control who participate in such conditional release programs.

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

Subd. 5. **Earnings; work release account.** The net earnings of each inmate participating in work release program provided by this section shall be collected by or forwarded to the commissioner of corrections under rules established by him and deposited by the commissioner in the state treasury and credited to the "work release account", which account is hereby established, to the account of such inmate. Such moneys shall be and remain under the control of the commissioner

for the sole benefit of such inmate, subject to disbursement by the commissioner for the following purpose and in the following order:

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

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

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

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

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

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

Subd. 6. Exemption from process. Wages or salaries of work placement inmates shall not be subject to garnishment, attachment, or execution in the hands of either the employer or a state agent authorized to hold such funds.

Subd. 7. Payment of board and room. The commissioner shall determine the amount to be paid for board and room by such work placement inmate. When special circumstances warrant or for just and reasonable cause, the commissioner may waive the payment by the inmate of board and room charges and report such waivers to the commissioner of finance and the legislative auditor.

Where a work placement inmate is housed in a jail or workhouse, such board and room revenue shall be paid over to such city or county official as provided for in subdivision 2, provided however, that when payment of board and room has been waived, the commissioner shall make such payments from funds appropriated for that purpose.

[1967 c 418 s 1; 1969 c 399 s 1; 1971 c 108 s 1; 1973 c 492 s 7, 14; 1973 c 654 s 15]

241.27 VOCATIONAL TRAINING OF INMATES; REVOLVING ACCOUNTS.
Subdivision 1. For the purpose of providing more adequate, regular and suitable employment for the vocational training and rehabilitation of inmates of institutions under his control, the commissioner of corrections is hereby authorized and empowered to establish, equip, maintain and operate at such institutions such additional industrial activities as may be deemed necessary and suitable to such institutions. Such industrial activities shall be for the primary purpose of providing vocational training and teaching proper work habits to inmates of institutions under the control of the commissioner of corrections, and not as a competitive business venture. Prior to the establishment of such additional industrial activities, the commissioner of corrections shall consult with representatives of business, industry, organized labor, the state department of education, the state apprenticeship council, the state department of labor and industry, the department of employment security, the department of administration, and such other persons and bodies as he may feel are qualified to determine the quantity and nature of goods, wares and merchandise to be made, and the types of processes to be used in their manufacture, processing, repair, and production consistent with the greatest opportunity for reform and vocational training of such inmates, and with the best interests of the state, business, industry and labor.

The commissioner of corrections may employ administrative, supervisory and other skilled craftsmen for the proper instruction of such inmates.

Subd. 2. To accomplish the foregoing purposes the commissioner of corrections may, with the approval of the governor and the legislative advisory committee, withdraw from the state prison revolving fund or that revolving fund at the state reformatory for men established by section 243.85(f), such sums as may be necessary to establish the additional industrial activities authorized by subdivision 1. The sums so withdrawn shall not exceed, in any one year, a total of \$150,000.

When any additional industrial activity is established at an institution under the control of the commissioner, which had not previously contained an industrial activity, all the proceeds and income from the sale of products produced or processed by such industrial activity shall be deposited in an industrial revolving account at such institution, which industrial revolving accounts are hereby authorized to be established, and shall be used to defray the costs of the operation and conduct of

such activities. The proceeds and income from any new industrial activities established at the state prison or the state reformatory for men shall be deposited in the existing revolving accounts at such institutions.

When necessary to meet current demands of any industrial activity established under subdivision 1, the commissioner of corrections, with the approval of the governor and the legislative advisory committee, may transfer funds from one industrial revolving account to another among the several institutions under his control in which industrial activities are conducted, provided that such transfer shall not exceed \$50,000 from one industrial revolving account in any one year.

[1967 c 883 s 1; Ex1967 c 1 s 6]

241.271 REIMBURSEMENT OF COUNTIES AND MUNICIPALITIES, BUDGET REQUEST. The department of corrections shall include in its budget requests such amounts as may be claimed by any county or municipality necessary to reimburse said county or municipality for expenses of a county attorney or sheriff or municipal police department resulting from activities involving inmates of state correctional institutions located in its county or municipality.

[1974 c 557 s 11]

INTERSTATE CORRECTIONS COMPACT

241.28 CITATION. Sections 241.28 to 241.30 may be cited as the Interstate Corrections Compact.

[1969 c 595 s 1]

241.29 COMPACT. The Interstate Corrections Compact is hereby enacted into law and entered into by this state with any other states legally joining therein in the form substantially as follows:

INTERSTATE CORRECTIONS COMPACT

ARTICLE I

Purpose and Policy

The party states, desiring by common action to fully utilize and improve their institutional facilities and provide adequate programs for the confinement, treatment and rehabilitation of various types of offenders, declare that it is the policy of each of the party states to provide such facilities and programs on a basis of cooperation with one another, thereby serving the best interests of such offenders and of society and effecting economies in capital expenditures and operational costs. The purpose of this compact is to provide for the mutual development and execution of such programs of cooperation for the confinement, treatment and rehabilitation of offenders with the most economical use of human and material resources.

ARTICLE II

Definitions

As used in this compact, unless the context clearly requires otherwise:

(a) "State" means a state of the United States; the United States of America; a territory or possession of the United States; the District of Columbia; the Commonwealth of Puerto Rico.

(b) "Sending state" means a state party to this compact in which conviction or court commitment was had.

(c) "Receiving state" means a state party to this compact to which an inmate is sent for confinement other than a state in which conviction or court commitment was had.

(d) "Inmate" means a male or female offender who is committed, under sentence to or confined in a penal or correctional institution.

(e) "Institution" means any penal or correctional facility, including but not limited to a facility for the mentally ill or mentally defective, in which inmates as defined in (d) above may lawfully be confined.

ARTICLE III

Contracts

(a) Each party state may make one or more contracts with any one or more of the other party states for the confinement of inmates on behalf of a sending state in institutions situated within receiving states. Any such contract shall provide for:

1. Its duration.
 2. Payments to be made to the receiving state by the sending state for inmate maintenance, extraordinary medical and dental expenses, and any participation in or receipt by inmates of rehabilitative or correctional services, facilities, programs, or treatment not reasonably included as part of normal maintenance.
 3. Participation in programs of inmate employment, if any; the disposition or crediting of any payments received by inmates on account thereof; and the crediting of proceeds from or disposal of any products resulting therefrom.
 4. Delivery and retaking of inmates.
 5. Such other matters as may be necessary and appropriate to fix the obligations, responsibilities and rights of the sending and receiving states.
- (b) The terms and provisions of this compact shall be a part of any contract entered into by the authority of or pursuant thereto, and nothing in any such contract shall be inconsistent therewith.

ARTICLE IV

Procedures and Rights

(a) Whenever the duly constituted authorities in a state party to this compact and which has entered into a contract pursuant to article III, shall decide that confinement in, or transfer of an inmate to, an institution within the territory of another party state is necessary or desirable in order to provide adequate quarters and care or an appropriate program of rehabilitation or treatment, said officials may direct that the confinement be within an institution within the territory of said other party state, the receiving state to act in that regard solely as agent for the sending state.

(b) The appropriate officials of any state party to this compact shall have access, at all reasonable times, to any institution in which it has a contractual right to confine inmates for the purpose of inspecting the facilities thereof and visiting such of its inmates as may be confined in the institution.

(c) Inmates confined in an institution pursuant to the terms of this compact shall at all times be subject to the jurisdiction of the sending state and may at any time be removed therefrom for transfer to a prison or other institution within the sending state, for transfer to another institution in which the sending state may have a contractual or other right to confine inmates, for release on probation or parole, for discharge, or for any other purpose permitted by the laws of the sending state; provided that the sending state shall continue to be obligated to such payments as may be required pursuant to the terms of any contract entered into under the terms of article III.

(d) Each receiving state shall provide regular reports to each sending state on the inmates of that sending state in institutions pursuant to this compact including a conduct record of each inmate and certify said record to the official designated by the sending state, in order that each inmate may have official review of his or her record in determining and altering the disposition of said inmate in accordance with the law which may obtain in the sending state and in order that the same may be a source of information for the sending state.

(e) All inmates who may be confined in an institution pursuant to the provisions of this compact shall be treated in a reasonable and humane manner and shall be treated equally with such similar inmates of the receiving state as may be confined in the same institution. The fact of confinement in a receiving state shall not deprive any inmate so confined of any legal rights which said inmate would have had if confined in an appropriate institution of the sending state.

(f) Any hearing or hearings to which an inmate confined pursuant to this compact may be entitled by the laws of the sending state may be had before the appropriate authorities of the sending state, or of the receiving state if authorized by the sending state. The receiving state shall provide adequate facilities for such hearings as may be conducted by the appropriate officials of a sending state. In the event such hearing or hearings are had before officials of the receiving state, the governing law shall be that of the sending state and a record of the hearing or hearings as prescribed by the sending state shall be made. Said record together with any recommendations of the hearing officials shall be transmitted forthwith to the official or officials before whom the hearing would have been had if it had taken place in the sending state. In any and all proceedings had pursuant to the provisions of this subdivision, the officials of the receiving state shall act solely as agents of the sending state and no final determination shall be made in any matter except by the appropriate officials of the sending state.

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(g) Any inmate confined pursuant to this compact shall be released within the territory of the sending state unless the inmate, and the sending and receiving states, shall agree upon release in some other place. The sending state shall bear the cost of such return to its territory.

(h) Any inmate confined pursuant to the terms of this compact shall have any and all rights to participate in and derive any benefits or incur or be relieved of any obligations or have such obligations modified or his status changed on account of any action or proceeding in which he could have participated if confined in any appropriate institution of the sending state located within such state.

(i) The parent, guardian, trustee, or other person or persons entitled under the laws of the sending state to act for, advise, or otherwise function with respect to any inmate shall not be deprived of or restricted in his exercise of any power in respect of any inmate confined pursuant to the terms of this compact.

ARTICLE V

Acts Not Reviewable in Receiving State: Extradition

(a) Any decision of the sending state in respect of any matter over which it retains jurisdiction pursuant to this compact shall be conclusive upon and not reviewable within the receiving state, but if at the time the sending state seeks to remove an inmate from an institution in the receiving state there is pending against the inmate within such state any criminal charge or if the inmate is formally accused of having committed within such state a criminal offense, the inmate shall not be returned without the consent of the receiving state until discharged from prosecution or other form of proceeding, imprisonment or detention for such offense. The duly accredited officers of the sending state shall be permitted to transport inmates pursuant to this compact through any and all states party to this compact without interference.

(b) An inmate who escapes from an institution in which he is confined pursuant to this compact shall be deemed a fugitive from the sending state and from the state in which the institution is situated. In the case of an escape to a jurisdiction other than the sending or receiving state, the responsibility for institution of extradition or rendition proceedings shall be that of the sending state, but nothing contained herein shall be construed to prevent or affect the activities of officers and agencies of any jurisdiction directed toward the apprehension and return of an escapee.

ARTICLE VI

Federal Aid

Any state party to this compact may accept federal aid for use in connection with any institution or program, the use of which is or may be affected by this compact or any contract pursuant hereto and any inmate in a receiving state pursuant to this compact may participate in any such federally aided program or activity for which the sending and receiving states have made contractual provision, provided that if such program or activity is not part of the customary correctional regimen the express consent of the appropriate official of the sending state shall be required therefor.

ARTICLE VII

Entry into Force

This compact shall enter into force and become effective and binding upon the state so acting when it has been enacted into law by any two states. Thereafter, this compact shall enter into force and become effective and binding as to any other of said states upon similar action by such state.

ARTICLE VIII

Withdrawal and Termination

This compact shall continue in force and remain binding upon a party state until it shall have enacted a statute repealing the same and providing for the sending of formal written notice of withdrawal from the compact to the appropriate officials of all other party states. An actual withdrawal shall not take effect until one year after the notices provided in said statute have been sent. Such withdrawal shall not relieve the withdrawing state from its obligations assumed hereunder prior to the effective date of withdrawal. Before the effective date of withdrawal, a withdrawing state shall remove to its territory, at its own expense, such inmates as it may have confined pursuant to the provisions of this compact.

ARTICLE IX

Other Arrangements Unaffected

Nothing contained in this compact shall be construed to abrogate or impair any agreement or other arrangement which a party state may have with a non-party state for the confinement, rehabilitation or treatment of inmates nor to repeal any other laws of a party state authorizing the making of cooperative institutional arrangements.

ARTICLE X

Construction and Severability

The provisions of this compact shall be liberally construed and shall be severable. If any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

[1969 c 595 s 2]

241.30 POWERS WITH RELATION TO COMPACT. The commissioner of corrections or his designee is hereby authorized and directed to do all things necessary or incidental to the carrying out of the compact in every particular.

[1969 c 595 s 3]

NOTE: Laws 1969, Chapter 595, Section 4, reads as follows:

"This act shall take effect upon enactment into law, and all acts and parts of acts inconsistent herewith are hereby repealed."

COMMUNITY CORRECTIONS CENTERS

241.31 ESTABLISHMENT AND OPERATION BY MUNICIPALITY. Subdivision 1. Notwithstanding any provisions of Minnesota Statutes to the contrary, any city, county or town, or any non-profit corporation approved by the commissioner of corrections, or any combination thereof may establish and operate a community corrections program for the purpose of providing housing, supervision, treatment, counseling or other correctional services;

(a) to persons convicted of crime in the courts of this state and placed on probation by such courts pursuant to section 609.135;

(b) to persons not yet convicted of a crime but under criminal accusation who voluntarily accept such treatment;

(c) to persons adjudicated a delinquent under chapter 260;

(d) with the approval of the Minnesota corrections authority, to persons paroled under chapter 242; and

(e) with the approval of the Minnesota corrections authority, to persons paroled under section 243.05 or released under section 241.26.

Subd. 2. Community corrections programs established under this section may be administered by a non-profit corporation, by the political subdivision establishing same, or by a community corrections board organized and composed in the same manner that a community mental health board is composed and organized under sections 245.66 to 245.67.

Subd. 3. The premises and facilities for any community correctional program may be acquired by purchase, lease, or gift, and may be established and operated in connection with existing public or private institutions or agencies.

Subd. 4. Any political subdivision, as described in subdivision 1, may use unexpended funds, levy additional taxes, accept gifts, grants and subsidies from any lawful source, or make application for federal funds in order to provide the necessary funds for the establishment and operation of a community corrections program.

Subd. 5. The commissioner of corrections shall establish minimum standards for the size, area to be served, qualifications of staff, ratio of staff to client population, and treatment programs for community corrections programs established pursuant to this section. Plans and specifications for such programs, including proposed budgets must first be submitted to the commissioner for his approval prior to the establishment.

Subd. 6. With the approval of the commissioner of public welfare any city,

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county, town, or any non-profit corporation approved by the commissioner of corrections, or any combination thereof, may obtain by lease the use of any building or unit thereof located upon the grounds of a state hospital, and may contract with such state hospital and with community mental health centers for consultative and clinical services.

Subd. 7. For the purpose of demonstrating the effectiveness of the community corrections programs authorized by this section and to promote the development of such programs the commissioner of corrections may, out of funds appropriated for such purposes, make grants not to exceed 65 percent of the costs of operating such programs, provided however, that the commissioner may make grants of 100 percent of the operating costs of such programs operated by the Indian reservation business committees exercising governmental functions pursuant to congressional charters. Community corrections programs established under the provisions of Laws 1971, Chapter 782 must comply with the provisions of subdivision 5 to be eligible to apply for and receive the assistance provided by this subdivision.

The commissioner shall review at least annually each program established under Laws 1971, Chapter 782 and review its projected annual operating costs to insure continued compliance with minimum standards, and may withhold funds for non-compliance.

[1969 c 761 s 1; 1971 c 782 s 1, 2; 1973 c 123 art 5 s 7; 1973 c 622 s 1; 1973 c 654 s 15]

241.32 ESTABLISHMENT AND OPERATION BY STATE. Subdivision 1. The commissioner of corrections may establish and operate community correctional programs or contract with existing public and private agencies for separate custody or specialized care and treatment of persons under his custody and control or under the custody and control of the Minnesota corrections authority or on conditional release under section 241.26.

Subd. 2. Any person admitted to a community correctional program by action of the Minnesota corrections authority shall be and remain under the control of the Minnesota corrections authority and may be conditionally released therefrom in the manner and for such periods of time as may be ordered by the authority.

Subd. 3. To establish and operate community correctional programs or to provide such services through agreement with public and private agencies the commissioner is authorized to accept gifts, grants, and subsidies from any lawful source and to negotiate with the federal government, or any agency, bureau, or department thereof to obtain funds for the purposes of this subdivision, which gifts, grants, subsidies, and funds are hereby appropriated to the commissioner.

[1971 c 685 s 1-3; 1973 c 622 s 2; 1973 c 654 s 15]

OMBUDSMAN

241.41 OFFICE OF OMBUDSMAN; CREATION; QUALIFICATIONS; FUNCTION. The office of ombudsman for the Minnesota state department of corrections is hereby created. The ombudsman shall serve at the pleasure of the governor in the unclassified service, shall be selected without regard to political affiliation; and shall be a person highly competent and qualified to analyze questions of law, administration, and public policy. No person may serve as ombudsman while holding any other public office. The ombudsman for the department of corrections shall be accountable to the governor and shall have the authority to investigate decisions, acts, and other matters of the department of corrections so as to promote the highest attainable standards of competence, efficiency, and justice in the administration of corrections.

[1973 c 553 s 1]

241.42 DEFINITIONS. Subdivision 1. For the purposes of sections 241.41 to 241.45, the following terms shall have the meanings here given them.

Subd. 2. "Administrative agency" or "agency" means any division, official, or employee of the Minnesota department of corrections, the Minnesota corrections authority and the board of pardons, but does not include:

- (a) any court or judge;
- (b) any member of the senate or house of representatives of the state of Minnesota;
- (c) the governor or his personal staff;
- (d) any instrumentality of the federal government of the United States;
- (e) any political subdivision of the state of Minnesota;
- (f) any interstate compact.

Subd. 3. "Commission" means the ombudsman commission.

Subd. 4. "Correctional client" means any person under the jurisdiction of the Minnesota department of corrections, and includes all persons in state correctional institutions and all persons on parole or probation under the supervision of the commissioner of corrections and the Minnesota corrections authority.

[1973 c 553 s 2; 1973 c 654 s 15]

241.43 ORGANIZATION OF OFFICE OF OMBUDSMAN. Subdivision 1. The ombudsman may select, appoint, and compensate out of available funds such assistants and employees as he may deem necessary to discharge his responsibilities. All employees, except the secretarial and clerical staff, shall serve at the pleasure of the ombudsman in the unclassified service. The ombudsman and his full-time staff shall be members of the Minnesota state retirement association.

Subd. 2. The ombudsman shall designate one of his assistants to be the deputy ombudsman.

Subd. 3. The ombudsman may delegate to members of his staff any of his authority or duties except the duty of formally making recommendations to an administrative agency or reports to the office of the governor, or to the legislature.

[1973 c 553 s 3]

241.44 POWERS OF OMBUDSMAN; INVESTIGATIONS; ACTION ON COMPLAINTS; RECOMMENDATIONS. Subdivision 1. Powers. The ombudsman shall have the following powers:

(a) He may prescribe the methods by which complaints are to be made, reviewed, and acted upon; provided, however, that he may not levy a complaint fee;

(b) He may determine the scope and manner of investigations to be made;

(c) Except as otherwise provided, he may determine the form, frequency, and distribution of his conclusions, recommendations, and proposals; provided, however, that the governor or his representative may, at any time the governor deems it necessary, request and receive information from the ombudsman;

(d) He may investigate, upon a complaint in writing or upon his own initiative, any action of an administrative agency;

(e) He may request and shall be given access to information in the possession of an administrative agency which he deems necessary for the discharge of his responsibilities;

(f) He may examine the records and documents of an administrative agency;

(g) He may enter and inspect, at any time, premises within the control of an administrative agency;

(h) He may order any person to appear, give testimony, or produce documentary or other evidence which the ombudsman deems relevant to a matter under his inquiry; provided, however, that any witness at a hearing or before an investigation as herein provided, shall possess the same privileges reserved to such a witness in the courts or under the laws of this state;

(i) The ombudsman may bring an action in an appropriate state court to provide the operation of the powers provided in this subdivision. The ombudsman may use the services of legal assistance to Minnesota prisoners for legal council. The provisions of sections 241.41 to 241.45 are in addition to other provisions of law under which any remedy or right of appeal or objection is provided for any person, or any procedure provided for inquiry or investigation concerning any matter. Nothing in sections 241.41 to 241.45 shall be construed to limit or affect any other remedy or right of appeal or objection nor shall it be deemed part of an exclusionary process.

Subd. 2. **Matters appropriate for investigation.** (a) In selecting matters for his attention, the ombudsman should address himself particularly to actions of an administrative agency which might be:

(1) contrary to law or regulation;

(2) unreasonable, unfair, oppressive, or inconsistent with any policy or judgment of an administrative agency;

(3) mistaken in law or arbitrary in the ascertainment of facts;

(4) unclear or inadequately explained when reasons should have been revealed;

(5) inefficiently performed;

(b) The ombudsman may also concern himself with strengthening procedures and practices which lessen the risk that objectionable actions of the administrative agency will occur.

Subd. 3. **Complaints.** The ombudsman may receive a complaint from any

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source concerning an action of an administrative agency. He may, on his own motion or at the request of another, investigate any action of an administrative agency.

The ombudsman may exercise his powers without regard to the finality of any action of an administrative agency; however, he may require a complainant to pursue other remedies or channels of complaint open to the complainant before accepting or investigating the complaint.

After completing his investigation of a complaint, the ombudsman shall inform the complainant, the administrative agency, and the official or employee, of the action taken.

A letter to the ombudsman from a person in an institution under the control of an administrative agency shall be forwarded immediately and unopened to the ombudsman's office.

Subd. 4. **Recommendations.** (a) If, after duly considering a complaint and whatever material he deems pertinent, the ombudsman is of the opinion that the complaint is valid, he may recommend that an administrative agency should:

- (1) consider the matter further;
- (2) modify or cancel its actions;
- (3) alter a regulation or ruling;
- (4) explain more fully the action in question; or
- (5) take any other step which the ombudsman states as his recommendation to the administrative agency involved.

If the ombudsman so requests, the agency shall within the time he specifies, inform the ombudsman about the action taken on his recommendation or the reasons for not complying with it.

(b) If the ombudsman has reason to believe that any public official or employee has acted in a manner warranting criminal or disciplinary proceedings, he may refer the matter to the appropriate authorities.

(c) If the ombudsman believes that an action upon which a valid complaint is founded has been dictated by a statute, and that the statute produces results or effects which are unfair or otherwise objectionable, the ombudsman shall bring to the attention of the governor and the legislature his view concerning desirable statutory change.

[1973 c 553 s 4]

241.45 PUBLICATION OF RECOMMENDATIONS; REPORTS. Subdivision 1. The ombudsman may publish his conclusions and suggestions by transmitting them to the office of the governor. Before announcing a conclusion or recommendation that expressly or impliedly criticizes an administrative agency, or any person, the ombudsman shall consult with that agency or person. When publishing an opinion adverse to an administrative agency, or any person, the ombudsman shall include in such publication any statement of reasonable length made to him by that agency or person in defense or mitigation of the action.

Subd. 2. In addition to whatever reports the ombudsman may make on an ad hoc basis, the ombudsman shall at the end of each year report to the governor concerning the exercise of his functions during the preceding year.

[1973 c 553 s 5]

(NOTE: Sections 241.41 to 241.45 shall expire July 1, 1977.)

PROGRAM TO AID VICTIMS OF SEXUAL ATTACKS

241.51 DEVELOPMENT OF STATEWIDE PROGRAM; DEFINITION; SERVICES. Subdivision 1. The commissioner of corrections shall develop a community based, statewide program to aid victims of reported sexual attacks.

Subd. 2. As used in sections 241.51 to 241.53, a "sexual attack" means any non-consensual act of rape, sodomy, or indecent liberties.

Subd. 3. The program developed by the commissioner of corrections may include, but not be limited to, provision of the following services:

(a) Voluntary counseling by trained personnel to begin as soon as possible after a sexual attack is reported. The counselor shall be of the same sex as the victim and shall, if requested, accompany the victim to the hospital and to other proceedings concerning the alleged attack, including police questioning, police investigation, and court proceedings. The counselor shall also inform the victim of hospital procedures, police and court procedures, the possibility of contracting venereal disease, the possibility of pregnancy, expected emotional reactions and any other relevant information; and shall make appropriate referrals for any assistance desired by the victim.

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(b) Payment of all costs of any medical examinations and medical treatment which the victim may require as a result of the sexual attack if the victim is not otherwise reimbursed for these expenses or is ineligible to receive compensation under any other law of this state or of the United States.

[1974 c 578 s 1]

241.52 POWERS OF COMMISSIONER. In addition to developing the statewide program, the commissioner of corrections may:

(a) Assist and encourage county attorneys to assign prosecuting attorneys trained in sensitivity and understanding of victims of sexual attacks;

(b) Assist the peace officers training board and municipal police forces to develop programs to provide peace officers training in sensitivity and understanding of victims of sexual attacks; and encourage the assignment of trained peace officers of the same sex as the victim to conduct all necessary questioning of the victim;

(c) Encourage hospital administrators to place a high priority on the expeditious treatment of victims of sexual attacks; and to retain personnel trained in sensitivity and understanding of victims of sexual attacks.

[1974 c 578 s 2]

241.53 FUNDING; PILOT PROGRAMS. The commissioner of corrections shall seek funding from the governor's commission on crime prevention and control at the earliest possible date for purposes of sections 241.51 to 241.53. In addition, the commissioner of corrections shall seek and utilize all other available funding resources to establish pilot community programs to aid victims of sexual attacks before December 1, 1974.

[1974 c 578 s 3]