

CHAPTER 401

COMMUNITY CORRECTIONS

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401.01 PURPOSE AND DEFINITION; ASSISTANCE GRANTS. Subdivision

1. For the purpose of more effectively protecting society and to promote efficiency and economy in the delivery of correctional services, the commissioner is hereby authorized to make grants to assist counties in the development, implementation, and operation of community based corrections programs including, but not limited to preventive or diversionary correctional programs, probation, parole, community corrections centers, and facilities for the detention or confinement, care and treatment of persons convicted of crime or adjudicated delinquent.

Subd. 2. For the purposes of sections 401.01 to 401.16, "commissioner" means the commissioner of corrections or his designee.

[1973 c 354 s 1]

401.02 COUNTIES OR REGIONS; SERVICES INCLUDIBLE. One or more contiguous counties, having an aggregate population of 30,000 or more persons or comprising all the counties within a region designated pursuant to sections 462.381 to 462.396 or chapter 473B, situated within the same region designated pursuant to sections 462.381 to 462.396, or chapter 473B, may qualify for a grant as provided in section 401.01 by the enactment of appropriate resolutions creating and establishing a corrections advisory board and providing for the preparation of a comprehensive plan for the development, implementation and operation of the correctional services described in section 401.01, including the assumption of those correctional services other than the operation of state institutions presently provided in such counties by the department of corrections, and providing for centralized administration and control of those correctional services described in section 401.01.

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

[1973 c 354 s 2]

401.03 PROMULGATION OF RULES; TECHNICAL ASSISTANCE. The commissioner shall, as provided in sections 15.0411 to 15.0422, promulgate rules for the implementation of sections 401.01 to 401.16, and shall provide consultation and technical assistance to counties to aid them in the development of comprehensive plans.

[1973 c 354 s 3]

401.04 ACQUISITION OF PROPERTY; SELECTION OF ADMINISTRATIVE STRUCTURE; EMPLOYEES. Any county or group of counties electing to come within the provisions of sections 401.01 to 401.16 may (a) acquire by any lawful means, including purchase, lease or transfer of custodial control, the lands, buildings and equipment necessary and incident to the accomplishment of the purposes of sections 401.01 to 401.16, (b) determine and establish the administrative structure best suited to the efficient administration and delivery of the correctional services described in section 401.01, and (c) employ a director and such other officers, employees and agents as deemed necessary to carry out the provisions of sections 401.01 to 401.16. To the extent that participating counties shall assume and take over state correctional services presently provided in such counties, preference shall be given to the employment of those state officers, employees and agents thus displaced; if hired by a county, such employment shall, to the extent possible and not-

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withstanding the provisions of any other law or ordinance to the contrary, be deemed a transfer in grade with all of the benefits enjoyed by such officer, employee or agent while in the service of the state.

[1973 c 354 s 4; 1974 c 174 s 1]

401.05 FISCAL POWERS. Any county or group of counties electing to come within the provisions of sections 401.01 to 401.16, may, through their governing bodies, use unexpended funds, accept gifts, grants and subsidies from any lawful source, and apply for and accept federal funds.

[1973 c 354 s 5]

401.06 COMPREHENSIVE PLAN; STANDARDS OF ELIGIBILITY; COMPLIANCE. No county or group of counties electing to provide correctional services pursuant to sections 401.01 to 401.16 shall be eligible for the subsidy herein provided unless and until its comprehensive plan shall have been approved by the commissioner. The commissioner shall, pursuant to the administrative procedures act, promulgate rules establishing standards of eligibility for counties to receive funds under sections 401.01 to 401.16. To remain eligible for subsidy the county or group of counties shall substantially comply with the operating standards established by the commissioner. The commissioner shall review annually the comprehensive plans submitted by participating counties, including the facilities and programs operated under the plans. He is hereby authorized to enter upon any facility operated under the plan, and inspect books and records, for purposes of recommending needed changes or improvements.

When the commissioner shall determine that there are reasonable grounds to believe that a county or group of counties is not in substantial compliance with minimum standards, at least 30 days notice shall be given the county or counties and a hearing held to ascertain whether there is substantial compliance or satisfactory progress being made toward compliance. The commissioner may suspend all or a portion of any subsidy until the required standard of operation has been met.

[1973 c 354 s 6]

401.07 EXISTING SINGLE JURISDICTION COUNTIES OR GROUPS. In any county or group of counties where correctional services are currently being provided by a single jurisdiction within that county, nothing in sections 401.01 to 401.16 shall be interpreted as requiring a change of authority.

[1973 c 354 s 7]

401.08 CORRECTIONS ADVISORY BOARD; MEMBERS; DUTIES. Subdivision 1. The corrections advisory board provided in section 401.02 shall consist of no more than 17 members, who shall be representative of law enforcement, prosecution, the judiciary, education, corrections, ethnic minorities, the social services, and the lay citizen, and shall be appointed as follows:

(1) the law enforcement representation shall consist of a sheriff, and a chief of police (selected by the chiefs of police of the county), or their respective designees;

(2) the prosecution representative shall be either the county attorney or his designee;

(3) the judiciary representatives shall be designated by the chief judge of each district and county court district, and shall include judges representative of courts having felony, misdemeanor and juvenile jurisdiction respectively;

(4) education shall be represented by an academic administrator appointed by the chairman of the board of county commissioners with the advice and consent of the members of the board;

(5) the director of a county welfare board or his designee;

(6) the public defender or his designee;

(7) with the advice and consent of the other members of the county board, the chairman shall appoint the following additional members of the corrections advisory board:

(a) one parole or probation officer;

(b) one correctional administrator;

(c) a representative from a social service agency, public or private;

(d) an ex-offender;

(e) a licensed medical doctor;

(f) at least four citizens, provided, however, that if the ethnic minorities resident in the county exceed the percentage of ethnic minorities in the state popula-

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tion, at least two of the citizen members shall be members of an ethnic minority group.

Subd. 2. Members of the corrections advisory board appointed by the chairman of the board of county commissioners shall serve for terms of two years from and after the date of their appointment, and shall remain in office until their successors are duly appointed. The other members of the corrections advisory board shall hold office at the pleasure of the appointing authority.

Subd. 3. Where two or more counties combine to come within the provisions of sections 401.01 to 401.16 the joint corrections advisory board shall contain representation as provided in subdivision 1, but the members comprising the board may come from each of the participating counties as may be determined by agreement of the counties. The board may elect its own officers.

Subd. 4. The corrections advisory board provided in sections 401.01 to 401.16 shall actively participate in the formulation of the comprehensive plan for the development, implementation and operation of the correctional program and services described in section 401.01, and shall make a formal recommendation to the county board or joint board at least annually concerning the comprehensive plan and its implementation during the ensuing year.

[1973 c 354 s 8]

401.09 OTHER SUBSIDY PROGRAMS; PURCHASE OF STATE SERVICES.

Failure of a county or group of counties to elect to come within the provisions of sections 401.01 to 401.16 shall not affect their eligibility for any other state subsidy for correctional purposes otherwise provided by law. Any comprehensive plan submitted pursuant to sections 401.01 to 401.16 may include the purchase of selected correctional services from the state by contract, including the temporary detention and confinement of persons convicted of crime or adjudicated delinquent; confinement to be in an appropriate state institution as otherwise provided by law. The commissioner shall annually determine the costs of the purchase of services under this section and deduct them from the subsidy due and payable to the county or counties concerned; provided that no contract shall exceed in cost the amount of subsidy to which the participating county or counties are eligible.

[1973 c 354 s 9]

401.10 CORRECTIONS EQUALIZATION FORMULA. To determine the amount to be paid participating counties during the biennium ending June 30, 1975, the commissioner of corrections will apply the following formula:

(1) All 87 counties will be ranked in accordance with a formula involving four factors:

- (a) per capita income;
- (b) per capita taxable value;
- (c) per capita expenditure per 1,000 population for correctional purposes, and;
- (d) percent of county population aged six through 30 years of age according to the most recent federal census.

"Per capita expenditure per 1,000 population" for each county is to be determined by multiplying the number of adults and "youthful offenders" under supervision in each county at the end of the current year by \$350. To the product thus obtained will be added:

- (i) the number of presentence investigations completed in that county for the current year multiplied by \$50;
- (ii) the annual cost to the county for county probation officers' salaries for the current year; and
- (iii) 33 $\frac{1}{3}$ percent of such annual cost for probation officers' salaries.

The total figure obtained by adding the foregoing items is then divided by the total county population according to the most recent federal census.

(2) The percent of county population aged six through 30 years shall be determined according to the most recent federal census.

(3) Each county is then ranked as follows:

- (a) on the basis of per capita income the ranking is from the lowest to the highest;
- (b) per capita taxable value is ranked from lowest to highest;
- (c) per capita expenditure is ranked from highest to lowest;
- (d) percent of county population aged six through 30 years is ranked from highest to lowest.

(4) The ranking given each county on each of the foregoing four factors is then totaled and the counties ranked in numerical order according to score.

(5) The total score for each county thus determined is then divided into a median total score. The median total score is the score obtained by that county ranked number 44 in the final ranking. The quotient thus obtained then becomes the computation factor for the county. This computation factor is then multiplied by a "dollar value", as fixed by the appropriation pursuant to sections 401.01 to 401.16, times the total county population. The resulting product is the amount of subsidy to which the county is eligible under sections 401.01 to 401.16. Notwithstanding any law to the contrary, the commissioner of corrections, after notifying the committees on finance of the senate and appropriations of the house of representatives, may, at the end of any fiscal year, transfer any unobligated funds in any appropriation to the department of corrections to the appropriation under sections 401.01 to 401.16, which appropriation shall not cancel but is reappropriated for the purposes of sections 401.01 to 401.16.

[1973 c 354 s 10]

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

[1973 c 354 s 11]

401.12 CONTINUATION OF CURRENT SPENDING LEVEL BY COUNTIES. Participating counties shall not diminish their current level of spending for correctional expenses as defined in section 401.01, to the extent of any subsidy received pursuant to sections 401.01 to 401.16; rather the subsidy herein provided is for the expenditure for correctional purposes in excess of those funds currently being expended. Should a participating county be unable to expend the full amount of the subsidy to which it would be entitled in any one year under the provisions of sections 401.01 to 401.16, the commissioner shall retain the surplus, subject to disbursement in the following year wherein such county can demonstrate a need for and ability to expend same for the purposes provided in section 401.01.

[1973 c 354 s 12]

401.13 CHARGES MADE TO COUNTIES. Each participating county will be charged a sum equal to the per diem cost of confinement of those persons committed to the commissioner or the youth conservation commission after August 1, 1973, and confined in a state institution. Provided, however, that no charge shall be made for those persons convicted of offenses for which the penalty provided by law exceeds five years, nor shall the amount charged a participating county for the costs of confinement exceed the amount of subsidy to which the county is eligible. The commissioner shall annually determine costs and deduct them from the subsidy due and payable to the respective participating counties. All charges shall be a charge upon the county of commitment.

[1973 c 354 s 13]

401.14 PAYMENT OF SUBSIDY. Upon compliance by a county or group of counties with the prerequisites for participation in the subsidy prescribed by sections 401.01 to 401.16, and approval of the comprehensive plan by the commissioner, the commissioner shall determine whether funds exist for the payment of the subsidy and proceed to pay same in accordance with applicable rules and regulations.

[1973 c 354 s 14]

401.15 PROCEDURE FOR DETERMINATION AND PAYMENT OF AMOUNT; BIENNIAL REVIEW. Subdivision 1. On or before the end of each calendar

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quarter, participating counties shall submit to the commissioner certified statements detailing the amounts expended and costs incurred in providing the correctional services provided in sections 401.01 to 401.16. Upon receipt of certified statements, the commissioner shall, in the manner provided in sections 401.10 and 401.12, determine the amount each participating county is entitled to receive, and certify same to the commissioner of finance who shall thereupon draw his warrant upon the state treasurer in favor of the chief fiscal officer of each participating county for the amount shown to be due each county. Thereafter, the commissioner of finance shall transmit the warrant to the appropriate fiscal officer, together with a copy of the certificate prepared by the commissioner.

Subd. 2. The commissioner shall biennially review the ranking accorded each county by the equalization formula provided in section 401.10 and compute the subsidy rate accordingly.

[1973 c 354 s 15; 1973 c 492 s 14]

401.16 WITHDRAWAL FROM PROGRAM. Any participating county may, at the beginning of any calendar quarter, by resolution of its board of commissioners, notify the commissioner of its intention to withdraw from the subsidy program established by sections 401.01 to 401.16, and such withdrawal shall be effective the last day of the last month of the quarter in which such notice was given.

[1973 c 354 s 16]