

CHAPTER 242

CORRECTIONS BOARD; YOUTH

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242.01 [Repealed, 1977 c 392 s 14]

242.02 [Repealed, 1977 c 392 s 14]

242.03 [Repealed, 1977 c 392 s 14]

242.04 [Repealed, 1973 c 654 s 14]

242.05 [Repealed, 1973 c 654 s 14]

242.06 [Repealed, 1973 c 654 s 14]

242.07 [Repealed, 1973 c 654 s 14]

242.08 [Repealed, 1973 c 654 s 14]

242.09 COOPERATION; OTHER AGENCIES.

The commissioner of public welfare, the commissioner of education, and the state commissioner of health shall advise, cooperate with and assist the commissioner of corrections in carrying out the duties and responsibilities assigned by this chapter, and for these purposes may attend meetings. Their facilities and services and those of other state agencies, particularly of the department of public welfare, shall be made available to the commissioner of corrections upon the terms the governor directs.

History: 1947 c 595 s 1; 1949 c 575 s 1; 1955 c 261 s 1; 1961 c 750 s 2; 1973 c 654 s 3; 1975 c 271 s 6; 1977 c 305 s 45; 1977 c 392 s 1

242.10 HEARING OFFICERS, POWERS; PROBATION, COMMITMENT, PAROLE.

The commissioner of corrections may designate from among the members of his staff, one or more hearing officers and delegate to them the authority to grant or revoke probation, commit to an institution, grant or revoke parole, or issue final discharge to any person under the control of the commissioner pursuant to a commitment to him by a juvenile court of this state. Any person aggrieved by an order issued by a hearing officer may appeal to the commissioner or to a review panel established by the commissioner within his department pursuant to rules issued by the commissioner.

History: 1947 c 595 s 1; 1949 c 575 s 1; 1951 c 383 s 2; 1953 c 33 s 1; 1973 c 654 s 4; 1975 c 271 s 6; 1977 c 392 s 2

242.11 [Repealed, 1973 c 654 s 14]

242.12 [Repealed, 1977 c 392 s 14]

242.13 [Repealed, 1977 c 392 s 14]

242.14 PLACEMENT IN PENAL INSTITUTION PROHIBITED.

The commissioner of corrections shall not have power by virtue of any commitment to him by a juvenile court, as authorized by section 260.185, to place a child committed to him in a penal institution.

History: 1947 c 595 s 1; 1951 c 553 s 2; 1959 c 698 s 1; 1961 c 750 s 3; 1973 c 654 s 15; 1975 c 271 s 6; 1977 c 392 s 3

242.15 [Repealed, 1977 c 392 s 14]

242.16 [Repealed, 1977 c 392 s 14]

242.17 [Repealed, 1977 c 392 s 14]

242.18 STUDY OF OFFENDER'S BACKGROUND; REHABILITATION POLICY.

When a person has been committed to the commissioner of corrections, the commissioner under his rules shall forthwith cause him to be examined and studied, and investigate all of the pertinent circumstances of his life and the antecedents of the crime or other delinquent conduct because of which he has been committed to the commissioner, and thereupon order the treatment he determines to be most conducive to rehabilitation. Persons convicted of crimes shall not be detained in institutions for adjudicated delinquents, nor shall delinquent children be detained in institutions for persons convicted of crimes. The court and the prosecuting and police authorities and other public officials shall make available to the board and the commissioner of corrections all pertinent data in their possession in respect to the case.

History: 1947 c 595 s 1; 1961 c 750 s 4; 1973 c 654 s 5; 1975 c 271 s 6; 1977 c 392 s 4

242.19 METHODS OF CONTROL.

Subdivision 1. [Repealed, 1977 c 392 s 14]

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

(a) order his confinement to the Minnesota correctional facility-Red Wing or the Minnesota correctional facility-Sauk Centre and such facilities shall accept such persons so committed to them, or to a group foster home under the control of the commissioner of corrections, or to private facilities or facilities established by law or incorporated under the laws of this state that may care for delinquent children;

(b) order his release on parole under such supervisions and conditions as the commissioner believes conducive to law-abiding conduct, treatment and rehabilitation;

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

(d) revoke or modify any order, except an order of discharge, as often as he believes to be desirable;

(e) discharge the child from his control when he is satisfied that the child has been rehabilitated and that such discharge is consistent with the protection of the public;

(f) if the commissioner finds that the child is eligible for probation or parole and it appears from the commissioner's investigation that conditions in the child's home or guardian are not conducive to the child's treatment or reha-

bilitation or to his law-abiding conduct, refer the child, together with his findings, to a county welfare board or a licensed child placing agency for placement in a foster care or when appropriate, for initiation of dependency or neglect proceedings as provided in sections 260.011 to 260.301. The commissioner of corrections shall reimburse county welfare boards for foster costs they incur for such children while on probation or parole to the extent that funds for this purpose are made available to the commissioner by the legislature.

History: 1947 c 595 s 1; 1949 c 575 s 1; 1953 c 353 s 1; 1959 c 631 s 1; 1961 c 750 s 5; 1969 c 413 s 1; 1973 c 654 s 6,15; 1975 c 271 s 6; 1979 c 102 s 13

242.20 TRAINING.

As a means of correcting the socially harmful tendencies of a person committed to the board or the commissioner of corrections, the board or the commissioner may, subject to the provisions of section 242.24, require participation by him in vocational, physical, educational and corrective training and activities and such conduct and modes of life as seem best adapted to fit him for return to full liberty without danger to the public welfare. The commissioner of corrections may receive money from the sale of articles manufactured by a person committed to the board and confined in an institution under the control of the commissioner and expend such money so received for the purchase of materials to be made into other articles for sale.

History: 1947 c 595 s 1; 1953 c 352 s 1; 1973 c 654 s 7; 1975 c 271 s 6

242.21 COOPERATION; STATE INSTITUTIONS, LOCAL POLICE OFFICERS.

The commissioner of corrections may enter into agreement with the commissioner of public welfare, with local probation officers or other public officials and with public or private agencies, schools or institutions, for custody, separate care, special treatment, training, or diagnostic services of persons committed to his care or subject to the control of the board. The commissioner of corrections may pay any costs incurred by such agreements to the extent that funds for such purposes are made available to the commissioner by the legislature.

History: 1947 c 595 s 1; 1949 c 575 s 1; 1955 c 261 s 1; 1959 c 263 s 3; 1969 c 280 s 1; 1973 c 654 s 8; 1975 c 271 s 6

242.22 LOCAL PROBATION OFFICER; POWERS, DUTIES.

Any person committed to the board from a county having a probation officer of a district or juvenile court may be placed on probation by the board under the supervision of such probation officer who shall assume such supervision as though it were pursuant to a judgment or order of the district or juvenile court. Such probation officer shall cooperate with the board in providing treatment for such person consistent with the purposes of this chapter, but nothing therein shall give the board direction or control over such probation officer or require him or his subordinates to perform duties not otherwise required by law. If parole is granted by the board to such person after confinement to a penal facility or after commitment to the Minnesota correctional facility-Red Wing or the Minnesota correctional facility-Sauk Centre, the parole may be conditioned on like supervision with the consent of the district or juvenile court respectively of such county.

History: 1947 c 595 s 1; 1951 c 459 s 2; 1961 c 750 s 6; 1969 c 9 s 108; 1973 c 654 s 15; 1975 c 271 s 6; 1979 c 102 s 13

242.23 INSTITUTIONAL FACILITIES, INSPECTION.

The board may inspect all public institutions, agencies and departments whose facilities it is authorized to utilize and shall be given reasonable opportunity to examine or consult with persons committed to the board at all times.

History: 1947 c 595 s 1; 1973 c 654 s 15; 1975 c 271 s 6

242.24 LIMITATION, POWERS OF BOARD.

This chapter shall not be construed to give the board control over existing facilities, institutions or agencies; or to require them to serve the board inconsistently with their functions, or with the authority of their officers, or with the laws and regulations governing their activities.

History: 1947 c 595 s 1; 1961 c 750 s 7; 1973 c 654 s 15; 1975 c 271 s 6

242.25 [Repealed, 1977 c 392 s 14]

242.26 [Repealed, 1977 c 392 s 14]

242.265 [Repealed, 1973 c 654 s 14]

242.27 [Repealed, 1977 c 392 s 14]

242.28 [Repealed, 1977 c 392 s 14]

242.29 [Repealed, 1977 c 392 s 14]

242.30 [Repealed, 1977 c 392 s 14]

242.31 RESTORATION OF CIVIL RIGHTS.

Subdivision 1. Whenever a person who has been committed to the commissioner of corrections upon conviction of a crime following reference for prosecution under the provisions of section 260.125 is finally discharged from his control by order of the Minnesota corrections board, that discharge shall restore that person to all civil rights and, if so ordered by the Minnesota corrections board, also shall have the effect of setting aside the conviction, nullifying the same and of purging that person thereof. The Minnesota corrections board shall file a copy of the order with the district court of the county in which the conviction occurred, whereupon the court shall order the conviction set aside.

Subd. 2. Whenever a person described in subdivision 1 has been placed on probation by the court pursuant to section 609.135 and, after satisfactory fulfillment thereof, is discharged from probation, the court shall issue an order of discharge pursuant to section 609.165. On application of the defendant or on its own motion and after notice to the county attorney, the court in its discretion may also order that the defendant's conviction be set aside with the same effect as such an order under subdivision 1.

These orders restore the defendant to his civil rights and purge and free the defendant from all penalties and disabilities arising from his conviction and it shall not thereafter be used against him, except in a criminal prosecution for a subsequent offense if otherwise admissible therein.

Subd. 3. The Minnesota corrections board shall file a copy thereof with the district court of the county in which the conviction occurred, whereupon the court shall order the conviction set aside and all records pertinent to the conviction sealed. These records shall only be reopened in the case of a judicial criminal proceeding thereafter instituted.

The term "records" shall include but is not limited to all matters, files, documents and papers incident to the arrest, indictment, information, complaint, trial, appeal, dismissal and discharge, which relate to the conviction for which the order was issued.

History: 1947 c 595 s 1; 1961 c 59 s 1; 1965 c 52 s 1; 1973 c 654 s 15; 1975 c 271 s 6; 1977 c 392 s 5

242.32 CONSTRUCTIVE PROGRAMS; COOPERATION, OTHER AGENCIES.

The commissioner of corrections shall be charged with the duty of developing constructive programs for the prevention and decrease of delinquency and crime among youth and to that end shall cooperate with existing agencies and encourage the establishment of new agencies, both local and state-wide, having as their object the prevention and decrease of delinquency and crime among youth; and the commissioner shall assist local authorities of any county or municipality when so requested by the governing body thereof, in planning, developing and coordinating their educational, welfare, recreational and health activities or other constructive community programs, which have as their object the conservation of youth.

History: 1947 c 595 s 1; 1973 c 654 s 12

242.33 [Repealed, 1977 c 392 s 14]

242.34 [Repealed, 1977 c 392 s 14]

242.35 [Repealed, 1977 c 392 s 14]

242.36 [Repealed, 1977 c 392 s 14]

242.37 CONSERVATION CAMPS.

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

(2) Every able-bodied person committed as provided in clause (1) may be confined to a conservation camp established pursuant to this section or to any other institution under the control of the commissioner, subject to the limitations of section 242.19. Any person committed to a conservation camp as herein provided may be required by order of the commissioner to labor during the whole or some part of the time for which he is so committed and confined, but not more than eight hours per day. The commissioner is authorized and empowered to provide for the payment of such compensation as he may determine to persons so confined who perform labor as hereinabove provided. Any money arising hereunder shall be and remain under control of the commissioner and shall be for the sole benefit of the person performing the labor unless it shall be used for rendering assistance to his family or dependents or in making restitution to persons determined by the commissioner to be entitled thereto, in either event payments shall be made only in such amount, at such time and to such persons as the commissioner may order in writing.

History: 1949 c 575 s 1; 1973 c 144 s 1; 1973 c 654 s 15; 1975 c 261 s 6; 1980 c 509 s 96

242.375 CHIEF EXECUTIVE OFFICERS, COMPENSATION IN ADDITION TO SALARY.

Whenever the corrections board shall, by order, assign an employee of the board as a chief executive officer of any facility or camp, in which wards of the board are kept and such chief executive officer is required to live at the facility or camp, he shall be entitled to his residence, subsistence and maintenance in addition to his salary.

History: 1957 c 894; 1973 c 654 s 15; 1975 c 271 s 6; 1979 c 102 s 13

242.38 [Repealed, 1977 c 392 s 14]

242.385 THE MINNESOTA CORRECTIONAL FACILITY-LINO LAKES.

Subdivision 1. There is hereby established the Minnesota Correctional Facility - Lino Lakes, at Lino Lakes, Minnesota, to which may be delivered persons committed to the commissioner of corrections by the courts of this state who, in the opinion of the commissioner, may benefit from the programs available thereat. The general control and management of the facility shall be under the commissioner of corrections.

Subd. 2. [Repealed, 1974 c 156 s 4]

History: 1957 c 956 s 1,2; 1969 c 502 s 1; 1974 c 156 s 1; 1978 c 793 s 69

242.386 [Repealed, 1974 c 156 s 4]

STATE TRAINING SCHOOLS; BOYS, GIRLS

242.41 THE MINNESOTA CORRECTIONAL FACILITY-RED WING.

There is established the Minnesota correctional facility-Red Wing at Red Wing, Minnesota, in which may be placed persons committed to the commissioner of corrections by the courts of this state who, in the opinion of the commissioner, may benefit from the programs available thereat. The general control and management of the facility shall be under the commissioner of corrections.

History: RL s 1905; 1949 c 561 s 2; 1973 c 68 s 2; 1979 c 102 s 1 (4470)

242.42 [Repealed, 1965 c 45 s 73]

242.43 CORRECTIONS BOARD, DUTIES.

It shall be the duty of the commissioner of corrections to receive, clothe, maintain, and instruct, at the expense of the state, all children duly committed to the Minnesota correctional facility-Red Wing and keep them in his custody until discharged, paroled, placed on probation, or transferred by the corrections board. The corrections board may in its discretion place any of these children in suitable foster care facilities or cause them to be instructed in such trades or employment as in its judgment will be most conducive to their reformation and amendment and tend to the future benefit and advantage of such children. The corrections board may discharge any child so committed, or may recall to the facility at any time any child paroled, placed on probation, or transferred; and, upon such recall, may resume the care and control thereof. The discharge of a child by the corrections board shall be a complete release from all penalties and disabilities created by reason of the commitment.

Upon the parole or discharge of any inmate of the Minnesota correctional facility-Red Wing or the Minnesota correctional facility-Sauk Centre, the commissioner of corrections may pay to each inmate released an amount of money not exceeding the sum of \$10. All such payments shall be made from the current expense fund of the facility.

History: 1905 c 233 s 7; 1949 c 561 s 3; 1953 c 353 s 2; 1953 c 354 s 1; 1969 c 9 s 108; 1973 c 68 s 3; 1973 c 654 s 15; 1975 c 271 s 6; 1979 c 102 s 13 (4472)

242.44 PUPILS.

The corrections board, so far as the accommodations of the institution and the means at its disposal will permit, shall receive under its care and guardianship, and keep until they reach 21 years of age, or until placed in homes, or discharged, all persons so committed. It may place such youth at such employment, and cause him to be instructed in such branches of useful knowledge, as may be suitable to his years and capacity, and may place him in a suitable home

and, under such rules as it may prescribe, when deemed best for such youth, it may parole or discharge him from the institution. All pupils in the school shall be clothed, instructed, and maintained at the expense of the state.

History: *RL s 1907; 1949 c 260 s 1; 1949 c 561 s 4; 1973 c 68 s 4; 1973 c 654 s 15; 1973 c 725 s 42; 1975 c 271 s 6 (4473)*

242.45 INFANTS COMMITTED BY UNITED STATES COURTS.

The corrections board shall receive into its custody and under its guardianship and keep until duly discharged all infants within the prescribed ages committed to the training school by order of any court of the United States within the state for offenses committed against the laws of the United States, and for the support of which infants the United States shall undertake to pay 50 cents each per day.

History: *RL s 1908; 1909 c 122 s 1; 1949 c 561 s 5; 1973 c 654 s 15; 1975 c 271 s 6 (4474)*

242.46 PROBATION SERVICES; JUVENILE COURTS.

Subdivision 1. [Repealed, 1977 c 392 s 14]

Subd. 2. [Repealed, 1977 c 392 s 14]

Subd. 3. The commissioner shall provide probation services to juvenile courts in counties that request it or as required by section 260.311. He shall cooperate with the judges to provide supervision to probation officers in all counties of not more than 200,000 population, in order to insure high uniform standards of operation. The costs of administrative and supervisory services shall be borne by the state. The commissioner shall give newly employed probation and parole agents appropriate orientation training and shall provide systematic inservice training to all agents thereafter, and for that purpose may assign agents to appropriate short courses at the University of Minnesota and necessary conferences and meetings held within the state.

History: *RL s 1909; 1917 c 343 s 2; 1949 c 561 s 6; 1959 c 698 s 2; 1961 c 430 s 1; 1961 c 750 s 12 subd 1; 1973 c 654 s 15; 1975 c 271 s 6; 1977 c 392 s 6 (4475)*

242.47 INTERFERENCE WITH INMATES.

Every person who shall abduct, conceal, entice, carry away, or improperly interfere with, any inmate of the Minnesota correctional facility-Red Wing shall be guilty of a misdemeanor.

History: *RL s 1910; 1979 c 102 s 13 (4476)*

242.48 NO ROADS OR STREETS THROUGH GROUNDS.

No individual, copartnership, or corporation, public or private, shall lay out, construct, or open any road or street upon or through any grounds of the Minnesota correctional facility-Red Wing without the consent of the corrections board.

History: *RL s 1912; 1949 c 561 s 7; 1973 c 654 s 15; 1975 c 271 s 6; 1979 c 102 s 13 (4477)*

242.51 THE MINNESOTA CORRECTIONAL FACILITY-SAUK CENTRE.

There is established the Minnesota correctional facility-Sauk Centre at Sauk Centre, Minnesota, in which may be placed persons committed to the commissioner of corrections by the courts of this state who, in the opinion of the commissioner, may benefit from the programs available thereat. The general control and management of the facility shall be under the commissioner of corrections.

242.52 CORRECTIONS BOARD; YOUTH

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History: 1907 c 282 s 1; 1911 c 3 s 1; 1967 c 574; 1973 c 654 s 15; 1975 c 271 s 6; 1979 c 102 s 2 (4478)

242.52 GIRLS ADMITTED, AGE LIMITS.

Any girl over the age of eight and under the age of 18 years found guilty of any crime or offense for which, prior to the passage of this section, such girl, but for the fact that she was over 17 years of age, could have been lawfully committed to the Minnesota correctional facility-Sauk Centre, may be committed to the facility.

History: 1915 c 293 s 1; 1969 c 9 s 108; 1979 c 102 s 13 (4479)

242.53 SAUK CENTRE FACILITY, CONTROL.

The financial control and the general supervision of the Minnesota correctional facility-Sauk Centre is vested in the corrections board and it is hereby vested with power and authority to appoint a chief executive officer and such other officers and employees as it may deem necessary and proper for the due administration of the affairs of the facility, prescribe their duties, and fix the compensation of the officers and employees other than the chief executive officer, subject to the civil service provisions. It is hereby vested with power and authority to make and establish such rules and regulations for the government and management of the facility and for the education, employment, training, discipline, and safe-keeping of the inmates thereof as may be deemed by it to be expedient and proper.

History: 1907 c 282 s 5; 1949 c 561 s 8; 1951 c 713 s 25; 1957 c 422; 1969 c 9 s 108; 1973 c 654 s 15; 1975 c 271 s 6; 1979 c 102 s 13 (4483)

242.54 [Repealed, 1973 c 654 s 14; 1974 c 406 s 76]

242.55 ACADEMIC PROGRAM.

The academic program at the Minnesota correctional facility-Red Wing and the Minnesota correctional facility-Sauk Centre shall be conducted on a 12 month basis.

History: 1976 c 163 s 40; 1979 c 102 s 13