

CHAPTER 243

CORRECTIONS BOARD; ADULTS

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ADULT CORRECTIONS, GENERALLY

- 243.01** [Repealed, 1963 c 753 art 2 s 17]
243.02 [Repealed, 1973 c 654 s 14]
243.03 [Repealed, 1973 c 654 s 14]
243.04 [Repealed, 1973 c 654 s 14]

243.05 BOARD; POWERS, LIMITATIONS.

The corrections board may parole any person sentenced to confinement in the Minnesota correctional facility-Stillwater, the Minnesota correctional facility-St. Cloud, or the Minnesota correctional facility-Shakopee, provided that no convict serving a life sentence for murder other than murder committed in violation of clause (1) of section 609.185 who has not been previously convicted of a felony shall be paroled until he has served 20 years, less the diminution which he would have been allowed for good conduct had his sentence been for 20 years; and provided further that no convict serving a life sentence for murder who has been previously convicted of a felony or though not previously convicted of a felony is serving a life sentence for murder in the first degree committed in violation of clause (1) of section 609.185 shall be paroled until he has served 25 years, less the diminution which would have been allowed for good conduct had his sentence been for 25 years; provided further that any convict sentenced prior to September 1, 1963 who would be eligible for parole had he been sentenced after September 1, 1963, shall be eligible for parole; provided further, in all cases where a convict is serving a life sentence for murder, unanimous consent of the corrections board shall be required for parole of such convict. Any new rule or policy or change thereof adopted by the board which has the effect of postponing eligibility for parole shall have prospective effect only and shall apply only with respect to persons committing offenses after the effective date of the new rule or policy or change thereof. Upon being paroled and released, such convicts shall be and remain in the legal custody and under the control of the corrections board, subject at any time to be returned to the Min-

nesota correctional facility-Stillwater, the Minnesota correctional facility-St. Cloud, the Minnesota correctional facility-Shakopee, or other facility of the department of corrections established by law for the confinement or treatment of convicted persons and the parole rescinded by such board, when the legal custody of such convict shall revert to the commissioner of corrections. The written order of the corrections board, certified by the chairman of the board, shall be sufficient to any peace officer or state parole and probation agent to retake and place in actual custody any person on parole to the corrections board, but any state parole and probation agent may, without order of warrant, when it appears to him necessary in order to prevent escape or enforce discipline, take and detain a parolee to the corrections board for its action. The written order of the commissioner of corrections shall be sufficient to any peace officer or state parole and probation agent to retake and place in actual custody any person on probation under the supervision of the commissioner pursuant to section 609.135, but any state parole and probation agent may, without such order, when it appears to him necessary in order to prevent escape or enforce discipline, retake and detain such probationer and bring him before the court for further proceedings under section 609.14. Paroled persons, and those on probation under the supervision of the commissioner of corrections pursuant to section 609.135 may be placed within or without the boundaries of the state at the discretion of the board or of the commissioner of corrections, and the limits fixed for such persons may be enlarged or reduced according to their conduct.

In considering applications for parole or final release, the board shall not be required to hear oral argument from any attorney or other person not connected with the prison or the reformatory in favor of or against the parole or release of any prisoners, but it may institute inquiries by correspondence, taking testimony or otherwise, as to the previous history, physical or mental condition, and character of such prisoner, and to that end shall have authority to require the attendance of the chief executive officer of the Minnesota correctional facility-Stillwater, the Minnesota correctional facility-St. Cloud or the Minnesota correctional-Shakopee and the production of the records of these facilities, and to compel the attendance of witnesses, and each member of the board is hereby authorized to administer oaths to witnesses for every such purpose.

History: 1911 c 298 s 6; 1931 c 161 s 4; 1935 c 110 s 2; 1951 c 682 s 1; 1955 c 261 s 1; 1959 c 263 s 3; 1959 c 590 s 1; 1963 c 753 art 2 s 2; 1967 c 398 s 4; 1967 c 426 s 2; 1971 c 59 s 1; 1971 c 204 s 1; 1973 c 654 s 15; 1975 c 271 s 6; 1979 c 102 s 13; 1980 c 417 s 9 (10770)

243.06 CREDITS FOR PRISONERS.

Each prisoner shall be credited for good prison demeanor, diligence in labor and study and results accomplished, and be charged for derelictions, negligences, and offenses under such uniform system of marks or other methods as shall be prescribed by the commissioner of corrections. He shall be informed of his standing under such system each month. The commissioner of corrections shall inform the corrections board of the work progress, derelictions, negligences, demeanor and future program of each inmate of the penal institutions a month before his regular appearance before the corrections board.

History: 1911 c 298 s 7; 1945 c 259 s 1; 1955 c 261 s 1; 1959 c 263 s 2,3; 1965 c 45 s 15; 1973 c 654 s 15; 1975 c 271 s 6 (10772)

243.07 DUTY OF BOARD; FINAL DISCHARGE.

It shall be the duty of the corrections board to keep in communication, as far as possible, with all prisoners who are on parole and also with their employers, and when any person upon parole has kept the conditions thereof in such manner and for such period of time as shall satisfy the board that he is reliable

and trustworthy, and that he will remain at liberty without violating the law, and that his final release is not incompatible with the welfare of society, then the board shall have power in its discretion to grant to such prisoner a final discharge from confinement under any such sentence, and thereupon the board shall issue to such prisoner a certificate of such final discharge, and shall also cause a record of the acts of the prisoner to be made showing the date of his commitment, his record while in prison, the date of his parole, his record while on parole, and its reasons for determining his final discharge, together with any other facts which the board may deem proper. Nothing in sections 243.05 to 243.12 shall be construed as impairing the power of the board of pardons to grant a pardon or commutation in any case.

History: 1911 c 298 s 8; 1955 c 261 s 1; 1959 c 263 s 3; 1965 c 45 s 16; 1971 c 24 s 23; 1973 c 654 s 15; 1975 c 271 s 6; 1980 c 509 s 97 (10773)

243.08 [Repealed, 1969 c 9 s 98]

243.09 SUPERVISION BY COMMISSIONER OF CORRECTIONS; AGENTS.

Subdivision 1. The commissioner of corrections, as far as possible, shall exercise supervision over persons released on parole or probation pursuant to sections 242.19 or 243.05.

Subd. 2. The commissioner of corrections shall exercise supervision over probationers as provided in section 609.135, and over persons conditionally released pursuant to section 241.26.

Subd. 3. For the purposes of subdivisions 1 and 2, and sections 609.115 and 609.135, subdivision 1, the commissioner shall appoint state agents who shall be in the classified service of the state civil service. He may also appoint suitable persons in any part of the state or enter into agreements with individuals and public or private agencies, for the same purposes, and pay the costs incurred under the agreements. Parole agents shall reside in the various districts of the state in which they are employed. Every agent or person shall perform the duties the commissioner may prescribe in behalf of or in the supervision of those persons described in subdivision 2. In addition, every agent or person shall act under the orders of the corrections board or the commissioner in the supervision of those persons conditionally released as provided in subdivision 1. Agents shall provide assistance to conditionally released persons in obtaining employment, and shall conduct relevant investigations and studies of persons under supervision upon the request of the commissioner or the board. Regional supervisors may also supervise state parole agents as directed by the commissioner of corrections. This duty shall not interfere with the supervisor's responsibility under the county probation act, Laws 1959, Chapter 698.

Subd. 4. The commissioner of corrections shall provide the board with all other personnel, supplies, equipment, office space, and other administrative services necessary and incident to the discharge of the functions of the board.

History: 1911 c 298 s 10; 1931 c 161 s 5; 1945 c 258 s 1; 1955 c 261 s 1; 1959 c 263 s 6; 1967 c 398 s 4; 1967 c 418 s 2; 1973 c 654 s 13; 1975 c 271 s 6; 1975 c 304 s 4,5; 1976 c 163 s 41 (10775)

243.10 DEPUTIZATION OF OUT-OF-STATE AGENTS.

Subdivision 1. The corrections board may deputize any person regularly employed by another state to act as an officer and agent of this state in effecting the return of any person who has violated the terms and conditions of parole or probation as granted by this state. In any matter relating to the return of such a person, any agent so deputized has all the powers of a police officer of this state.

Subd. 2. Any deputization pursuant to subdivision 1 shall be in writing and any person so authorized to act as an agent of this state shall carry formal evidence of his deputization and shall produce the same upon demand.

Subd. 3. Subject to the approval of the commissioner of finance, the corrections board may enter into contracts with similar officials of any other state for the purpose of sharing an equitable portion of the cost of effecting the return of any person who has violated the terms and conditions of parole or probation as granted by this state.

History: 1957 c 602 s 1-3; 1959 c 263 s 3; 1973 c 492 s 14; 1973 c 654 s 15; 1975 c 271 s 6

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

243.12 RULES GOVERNING PAROLES.

The corrections board shall have power, from time to time, to make, alter, amend, and publish rules governing the granting of paroles and final discharges and the procedure relating thereto, and as to the conditions of parole and the conduct and employment of prisoners on parole, and such other matters touching the exercise of the powers and duties conferred upon the board by sections 243.05 to 243.12 as to its agents and employees as the board may deem proper.

History: 1911 c 298 s 12; 1955 c 261 s 1; 1959 c 263 s 7; 1971 c 24 s 24; 1973 c 654 s 15; 1975 c 271 s 6; 1980 c 509 s 98 (10777)

243.13 MS 1974 [Expired]

243.14 TEMPORARY PAROLE.

The corrections board is hereby authorized and empowered to grant to any prisoner in a correctional institution under the control of the commissioner of corrections, a temporary parole, not exceeding five days, to any point within the state.

History: 1929 c 70 s 1; 1955 c 261 s 1; 1959 c 263 s 3; 1967 c 398 s 4; 1971 c 582 s 1; 1973 c 654 s 15; 1975 c 271 s 6; 1980 c 417 s 6 (10770-1)

243.15 FEMALE PRISONERS; PREGNANT.

When it shall be made to appear by the properly verified petition of any woman, who has been sentenced to imprisonment in a penal institution in this state and is in prison thereunder, that she is about to give birth to a child, the commissioner of corrections, if satisfied of the truth of the petition, shall order the transfer of such woman to a public hospital to be designated in his order, there to be detained under such guard and under such rules and regulations as the commissioner shall make in the order of transfer until the birth of the child and the recovery of the mother to such an extent that the imprisonment may be resumed without danger of serious impairment of her health.

The commissioner of corrections shall adopt such proper rules and regulations as may be necessary to carry out the purposes of this section.

History: 1923 c 165 s 1; 1959 c 263 s 2 (10771)

243.16 INTERSTATE COMPACT FOR THE SUPERVISION OF PAROLEES AND PROBATIONERS.

Subdivision 1. The governor is hereby authorized and empowered to enter into compacts and agreements with other states, through their duly constituted authorities, in reference to reciprocal supervision of persons on parole or probation and for the reciprocal return of such persons to the contracting states for violation of the terms of their parole or probation, and for the purpose of carry-

ing out the provisions of this section the commissioner of corrections or his designee is designated the official administrator of the interstate compact for the state of Minnesota.

Subd. 2. Such compact and agreement shall be in the form substantially as follows:

INTERSTATE COMPACT FOR THE SUPERVISION
OF PAROLEES AND PROBATIONERS

A COMPACT

Entered into by and among the contracting states signatories hereto, with the consent of the Congress of the United States of America, granted by an act entitled "An act granting the consent of Congress to any two or more states to enter into agreements or compacts for cooperative effort and mutual assistance in the prevention of crime and for other purposes."

The contracting states solemnly agree:

(1) That it shall be competent for the duly constituted judicial and administrative authorities of a state party to this compact (herein called "sending state"), to permit any person convicted of an offense within such state and placed on probation or released on parole to reside in any other state party to this compact (herein called "receiving state"), while on probation or parole, if

(a) Such person is in fact a resident of or has his family residing within the receiving state and can obtain employment there;

(b) Though not a resident of the receiving state and not having his family residing there, the receiving state consents to such person being sent there.

Before granting such permission, opportunity shall be granted to the receiving state to investigate the home and prospective employment of such person.

A resident of the receiving state, within the meaning of this section, is one who has been an actual inhabitant of such state continuously for more than one year prior to his coming to the sending state and has not resided within the sending state more than six continuous months immediately preceding the commission of the offense for which he has been convicted.

(2) That each receiving state will assume the duties of visitation of and supervision over probationers or parolees of any sending state and in the exercise of those duties will be governed by the same standards that prevail for its own probationers and parolees.

(3) That duly accredited officers of a sending state may at all times enter a receiving state and there apprehend and retake any person on probation or parole. For that purpose no formalities will be required other than establishing the authority of the officer and the identity of the person to be retaken. All legal requirements to obtain extradition of fugitives from justice are hereby expressly waived on the part of states party hereto, as to such persons. The decision of the sending state to retake a person on probation or parole shall be conclusive upon and not reviewable within the receiving state, Provided, however, That if at the time when a state seeks to retake a probationer or parolee there should be pending against him within the receiving state any criminal charge, or he should be suspected of having committed within such state a criminal offense, he shall not be retaken without the consent of the receiving state until discharged from prosecution or from imprisonment for such offense.

(4) That the duly accredited officers of the sending state will be permitted to transport prisoners being retaken through any and all states parties to this compact, without interference.

(5) That the governor of each state may designate an officer who, acting jointly with like officers of other contracting states, if and when appointed, shall promulgate such rules and regulations as may be deemed necessary to more effectively carry out the terms of this compact.

(6) That this compact shall become operative immediately upon its execution by any state as between it and any other state or states so executing. When executed it shall have the full force and effect of law within such state, the form of execution to be in accordance with the laws of the executing state.

(7) That this compact shall continue in force and remain binding upon each executing state until renounced by it. The duties and obligations hereunder of a renouncing state shall continue as to parolees or probationers residing therein at the time of withdrawal until retaken or finally discharged by the sending state. Renunciation of this compact shall be by the same authority which executed it, by sending six months' notice in writing of its intention to withdraw from the compact to the other state party hereto.

Subd. 3. If any section, sentence, subdivision or clause of this section is for any reason held invalid or to be unconstitutional, such decision shall not affect the validity of the remaining portions of this section.

Subd. 4. (a) Whenever the duly constituted judicial and administrative authorities in a sending state shall determine that incarceration of a probationer or reincarceration of a parolee is necessary or desirable, said officials may direct that the incarceration or reincarceration be in a prison or other correctional institution within the territory of the receiving state, such receiving state to act in that regard solely as agent for the sending state.

(b) As used in this amendment, the term "receiving state" shall be construed to mean any state, other than the sending state, in which a parolee or probationer may be found, provided that said state is a party to this amendment.

(c) Every state which adopts this amendment shall designate at least one of its correctional institutions as a "Compact Institution" and shall incarcerate persons therein as provided in subdivisions 1 and 2 unless the sending and receiving state in question shall make specific contractual arrangements to the contrary. All states party to this amendment shall have access to "Compact Institutions" at all reasonable hours for the purpose of inspecting the facilities thereof and for the purpose of visiting such of said state's prisoners as may be confined in the institution.

(d) Persons confined in "Compact Institutions" 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 from said "Compact Institution" for transfer to a prison or other correctional institution within the sending state, for return to probation or parole, for discharge, or for any other purpose permitted by the laws of the sending state.

(e) All persons who may be confined in a "Compact Institution" pursuant to the provisions of this amendment shall be treated in a reasonable and humane manner. The fact of incarceration or reincarceration in a receiving state shall not deprive any person so incarcerated or reincarcerated of any rights which said person would have had if incarcerated or reincarcerated in an appropriate institution of the sending state; nor shall any agreement to submit to incarceration or reincarceration pursuant to the terms of this amendment be construed as a waiver of any rights which the prisoner would have had if he had been incarcerated or reincarcerated in any appropriate institution of the sending state, except that the hearing or hearings, if any, to which a parolee or probationer may be entitled (prior to incarceration or reincarceration) by the laws of the sending state may be had before the appropriate judicial or administrative officers of the

receiving state. In this event, said judicial and administrative officers shall act as agents of the sending state after consultation with appropriate officers of the sending state.

(f) Any receiving state incurring costs or other expenses under this amendment shall be reimbursed in the amount of such costs or other expenses by the sending state unless the states concerned shall specifically otherwise agree. Any two or more states party to this amendment may enter into supplementary agreements determining a different allocation of costs as among themselves.

(g) This amendment shall take effect when ratified by any two or more states party to the compact and shall be effective as to those states which have specifically ratified this amendment. Rules and regulations necessary to effectuate the terms of this amendment may be promulgated by the appropriate officers of those states which have ratified this amendment.

Subd. 5. Copies of this section shall, upon its approval, be transmitted to the governor of each member state, the attorney general and the administrator of general services of the United States, and The Council of State Governments.

Subd. 6. (1) Where supervision of a parolee or probationer is being administered pursuant to the Interstate Compact for the Supervision of Parolees and Probationers, the appropriate judicial or administrative authorities in this state shall notify the compact administrator of the sending state whenever, in their view, consideration should be given to retaking or reincarceration for a parole or probation violation. Prior to the giving of any such notification, a hearing shall be held in accordance with this subdivision within a reasonable time, unless such hearing is waived by the parolee or probationer. The appropriate officer or officers of this state shall as soon as practicable, following termination of any such hearing, report to the sending state, furnish a copy of the hearing record, and make recommendations regarding the disposition to be made of the parolee or probationer by the sending state. Pending any proceeding pursuant to this section, the appropriate officers of this state may take custody of and detain the parolee or probationer involved for a period not to exceed 15 days prior to the hearing and, if it appears to the hearing officer or officers that retaking or reincarceration is likely to follow, for such reasonable period after the hearing or waiver as may be necessary to arrange for the retaking or reincarceration.

(2) Any hearing pursuant to this subdivision may be before the administrator of the Interstate Compact for the Supervision of Parolees and Probationers, a deputy of such administrator, or any other person authorized pursuant to the laws of this state to hear cases of alleged parole or probation violations, except that no hearing officer shall be the person making the allegation of violation.

(3) With respect to any hearing pursuant to this subdivision, the parolee or probationer:

(a) Shall have reasonable notice in writing of the nature and content of the allegations to be made, including notice that its purpose is to determine whether there is probable cause to believe that he has committed a violation that may lead to a revocation of parole or probation.

(b) Shall be permitted to advise with any persons whose assistance he reasonably desires, prior to the hearing.

(c) Shall have the right to confront and examine any persons who have made allegations against him, unless the hearing officer determines that such confrontation would present a substantial present or subsequent danger of harm to such person or persons.

(d) May admit, deny or explain the violation alleged and may present proof, including affidavits and other evidence, in support of his contentions. A record of the proceedings shall be made and preserved.

(4) In any case of alleged parole or probation violation by a person being supervised in another state pursuant to the Interstate Compact for the Supervision of Parolees and Probationers, any appropriate judicial or administrative officer or agency in another state is authorized to hold a hearing on the alleged violation. Upon receipt of the record of a parole or probation violation hearing held in another state pursuant to a statute substantially similar to this subdivision, such record shall have the same standing and effect as though the proceeding of which it is a record was had before the appropriate officer or officers in this state, and any recommendations contained in or accompanying the record shall be fully considered by the appropriate officer or officers of this state in making disposition of the matter.

(5) Copies of this subdivision shall, upon its approval, be distributed as provided in subdivision 5.

History: 1935 c 257 s 1; 1955 c 261 s 1; 1955 c 262 s 1; 1959 c 263 s 3; 1969 c 596 s 1-4; 1973 c 84 s 1; 1974 c 126 s 1 (10778-1)

243.17 SHERIFF, EXPENSES CONVEYING CONVICTS.

Subdivision 1. The necessary expenses of sheriffs and other officers incurred in conveying convicts to the Minnesota correctional facility-Stillwater or the Minnesota correctional facility-St. Cloud, including per diem and expenses of guards, shall be approved by the commissioner of finance and paid out of the state treasury. The commissioner of finance may allow for such expenses the necessary expenses incurred by the sheriff or deputy in going to and returning from the Minnesota correctional facility-Stillwater or the Minnesota correctional facility-St. Cloud and \$10 per day for each guard, and such sum as is necessary for railroad fare and actual traveling expenses. Not more than one guard shall be allowed for one prisoner, but one additional guard shall be allowed for every two additional prisoners. In any county wherein the sheriff is paid upon a fee basis, he shall also receive \$10 for each day necessarily spent in conveying prisoners to the Minnesota correctional facility-Stillwater or the Minnesota correctional facility-St. Cloud. All bills shall be rendered in writing, fully itemized, verified, and accompanied by the receipt of the chief executive officer of the Minnesota correctional facility-Stillwater or the Minnesota correctional facility-St. Cloud for the delivery of such convict or convicts, in a form prescribed by the commissioner of finance.

Subd. 2. The conveyance of prisoners to and from court in connection with post conviction, habeas corpus, or intrastate mandatory disposition of detainers proceedings shall be by the sheriff of the county in which the proceedings are to be held and at the expense of the state as provided in subdivision 1.

History: 1909 c 70 s 1; 1945 c 327 s 1; 1951 c 339 s 3; 1959 c 630 s 3; 1971 c 905 s 1; 1973 c 492 s 14; 1979 c 102 s 13 (10826)

243.18 DIMINUTION OF SENTENCE.

Every inmate sentenced for any term other than life, confined in a state adult correctional facility or on parole therefrom, may diminish the term of his sentence one day for each two days during which he has not violated any facility rule or discipline.

The commissioner of corrections, in view of the aggravated nature and frequency of offenses, may take away any or all of the good time previously gained, and, in consideration of mitigating circumstances or ignorance on the part of the inmate, may afterwards restore him, in whole or in part, to the standing he possessed before such good time was taken away.

History: RL s 5445; 1907 c 206 s 1; 1927 c 232 s 1; 1959 c 263 s 2; 1963 c 753 art 2 s 3; 1967 c 398 s 4; 1979 c 102 s 13; 1980 c 417 s 10,16 (10808)

243.19 [Repealed, 1979 c 129 s 4]

243.20 DISCHARGE; CLOTHING; MONEY.

Upon the release by discharge or on parole of any inmate of the Minnesota correctional facility-Stillwater or the Minnesota correctional facility-St. Cloud, the chief executive officer, at the expense of the state, shall furnish each inmate released with one good, serviceable outfit of clothing, and, when released during the winter months between approximately October 1 and March 31 following, with a good, serviceable overcoat.

History: 1917 c 159 s 1; 1943 c 430 s 3; 1967 c 398 s 4; 1979 c 102 s 13 (10838)

243.21 TRESPASSING UPON INSTITUTION GROUNDS; DETENTION.

Subdivision 1. No person shall trespass or loiter upon the grounds of any state correctional facility, upon any farm or camp or other establishments belonging to a state correctional facility, or upon the grounds of any other institution or facility under the control of the commissioner of corrections without the consent of the chief executive officer thereof; nor shall any person communicate or in any way assist in establishing communication with any inmate of a state correctional facility or other institution or facility except as permitted by law or authorized by the chief executive officer thereof. Whoever violates any of the provisions hereof shall be guilty of a misdemeanor.

Subd. 2. Any person found to be trespassing or loitering upon the grounds of a state correctional facility in violation of subdivision 1 or who, being lawfully upon the grounds, introduces or attempts to introduce contraband prohibited by section 243.55 or anything usable in making an escape, or assaults or attempts to assault an officer or employee of the facility, may be taken into custody by the chief executive officer or his designated agent and detained for no more than two hours, pending surrender to any peace officer having the power of arrest.

History: 1959 c 394; 1967 c 398 s 4; 1971 c 10 s 1; 1979 c 102 s 3

243.211 UNAUTHORIZED COMMUNICATION WITH PRISONERS.

Every person who, not being authorized by law or by written permission from the commissioner of corrections, or by consent of the chief executive officer of the Minnesota correctional facility-Stillwater or the Minnesota correctional facility-St. Cloud, shall have any verbal communication with a convict in either of the facilities, or shall bring into or convey out of either of the facilities any writing, clothing, food, tobacco, or other article whatsoever, to or from any convict under sentence, shall be guilty of a misdemeanor.

History: RL s 4861; 1959 c 263 s 2; 1979 c 102 s 13 (10049)

243.22 AID FOR PRISONER OR HIS FAMILY.

The commissioner of corrections may make provision for such pecuniary assistance of prisoners on their discharge, or for the support of their families while in confinement, as may seem proper, by the allowance of moderate wages, to be paid from the current expense fund of the institution. The sum arising therefrom shall, until the prisoner's final discharge, be under the control of the chief executive officer, to be used for the benefit of such prisoner and his family; but, should any such person wilfully escape from the reformatory, or become a fugitive from justice, he shall thereby forfeit all earnings remaining under the control of the chief executive officer and the same shall be placed in the inmates' benefit fund.

History: RL s 5459; 1959 c 263 s 2; 1979 c 102 s 13 (10832)

243.23 COMPENSATION PAID TO INMATES.

Subdivision 1. Notwithstanding any law to the contrary, the commissioner of corrections may provide for the payment to inmates of correctional facilities under his management and control any pecuniary compensation he deems proper, the amount of compensation to depend upon the quality and character of the work performed as determined by the commissioner of corrections and the chief executive officer. Inmates who because of illness or physical disability cannot work may be paid a minimal amount per day as determined by the commissioner. These earnings shall be paid out of the fund provided for the carrying on of the work in which the inmate is engaged when employed on state account, or from the current expense fund of the facility as the commissioner of corrections determines.

Subd. 2. The commissioner may promulgate rules requiring the inmates of adult correctional facilities under his control to pay all or a part of the cost of their board, room, clothing, medical, dental and other correctional services. These costs are payable from any earnings of the inmate, including earnings from private industry established at state correctional facilities pursuant to section 243.88.

Subd. 3. Notwithstanding sections 241.01, subdivision 8, 241.26, subdivision 5, and 243.24, subdivision 1, the commissioner shall promulgate rules for the disbursement of funds earned under subdivision 1 for the support of families and dependent relatives of the respective inmates, and for the discharge of any legal obligations arising out of litigation under this subdivision. An inmate of an adult correctional facility under the control of the commissioner is subject to actions for the enforcement of support obligations and reimbursement of any public assistance rendered the dependent family and relatives. The commissioner may conditionally release an inmate who is a party to an action under this subdivision and provide for his detention in a local detention facility convenient to the place of the hearing when he is not engaged in preparation and defense.

History: 1909 c 304 s 1; 1943 c 430 s 1; 1955 c 661 s 1; 1959 c 263 s 2; 1967 c 398 s 4; 1967 c 424 s 1; 1973 c 307 s 1; 1977 c 392 s 7; 1979 c 102 s 13 (10820)

243.24 MONEYS, HOW USED; FORFEITURE.

Subdivision 1. **Sole benefit of inmate.** Any money arising under section 243.23 shall be and remain under the control of the commissioner of corrections and shall be for the sole benefit of the inmate, unless by special order of the commissioner of corrections it shall be used for rendering assistance to his family or dependent relatives, under such regulations as to time, manner and amount of disbursements as the commissioner of corrections may prescribe. Unless ordered disbursed as hereinbefore prescribed or for an urgency determined in each case by the chief executive officer of the facility, a portion of such earnings in an amount to be determined by the commissioner shall be set aside and kept by the facility in the public welfare fund of the state for the benefit of the inmate and for the purpose of assisting him when he leaves the facility and if released on parole said sum to be disbursed to the inmate in such amounts and at such times as the commissioner of corrections may authorize and on final discharge, if any portion remains undisbursed, it shall be transmitted to the inmate.

Subd. 2. **Chief executive officer to increase fund to \$100.** If the fund standing to the credit of the prisoner on his leaving the facility by discharge or on parole be less than \$100, the warden or chief executive officer is directed to pay out of the current expense fund of the facility sufficient funds to make the total of said earnings the sum of \$100, except that when a prisoner is released under section 243.14, the commissioner of corrections may authorize a lesser amount.

History: 1909 c 304 s 2; 1943 c 430 s 2; 1955 c 261 s 1; 1959 c 263 s 2,3; 1971 c 878 s 1; 1980 c 417 s 3; 1979 c 102 s 13. (10821)

243.25 GUARDS; HOURS OF WORK.

Guards employed at the Minnesota correctional facility-Stillwater and the Minnesota correctional facility-St. Cloud shall not be required to work to exceed ten hours per day, except in cases of extraordinary emergency or necessity.

History: 1917 c 422 s 1; 1979 c 102 s 13 (10822)

243.26 HABITUAL DRINKERS.

No person shall be appointed as an officer or employee of any state correctional facility who is in the habit of using intoxicating liquors and a single act of intoxication shall justify a removal or discharge.

History: RL s 5450; 1979 c 102 s 13 (10817)

CORRECTIONAL FACILITIES

243.40 THE MINNESOTA CORRECTIONAL FACILITY-STILLWATER.

There is established the Minnesota correctional facility-Stillwater at Stillwater, 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 5432; 1939 c 431 art 7 s 3; 1959 c 263 s 2; 1979 c 102 s 4 (10787)

243.41 [Repealed, 1979 c 129 s 4]

243.42 [Repealed, 1979 c 129 s 4]

243.43 [Repealed, 1979 c 129 s 4]

243.44 [Repealed, 1979 c 129 s 4]

243.45 [Repealed, 1979 c 129 s 4]

243.46 [Repealed, 1979 c 129 s 4]

243.465 DIVERSIFIED LABOR ACCOUNTS.

Money received in payment for the services of inmate labor employed in the industries carried on at the Minnesota correctional facility-St. Cloud, the Minnesota correctional facility-Shakopee and the Minnesota correctional facility-Stillwater is appropriated to the commissioner of corrections to be added to the current expense funds of these facilities. The commissioner of corrections may set aside a portion of the current expense fund of any facility to be used as a diversified labor account for the introduction and encouragement of industries that in his judgment may be beneficial to the inmates of the facilities.

History: 1977 c 410 s 18; 1979 c 102 s 13

243.47 [Repealed, 1979 c 129 s 4]

243.48 VISITORS; STATE CORRECTIONAL FACILITIES.

Subdivision 1. **General searches.** The commissioner of corrections, the governor, lieutenant governor, members of the legislature, state officers, and the corrections ombudsman, may visit the inmates at pleasure, but no other persons without permission of the chief executive officer of the facility, under rules prescribed by the commissioner. A moderate fee may be required of visitors, other than those allowed to visit at pleasure. All fees so collected shall be reported and remitted to the state treasurer under rules as the commissioner may deem proper, and when so remitted shall be placed to the credit of the current expense fund of the facility.

Subd. 2. **Legal assistance.** Duly licensed attorneys may visit at pleasure and have reasonable access to offender clients. Law students, paralegals and other agents working under the supervision of duly licensed attorneys, shall have reasonable access to offenders during normal business hours for the purpose of providing legal services, provided they are properly identified as representing or being the agent of a duly licensed attorney.

History: *RL s 5434; 1909 c 241 s 1; 1959 c 263 s 2; 1979 c 102 s 5 (10795)*

243.49 COMMITMENT PAPERS; DUTY OF CLERK.

Upon a plea of guilty or finding of guilty after trial, the clerk of every court by which a person shall be sentenced for a felony or gross misdemeanor to the custody of the commissioner of corrections or to the corrections board, or to the superintendent of the work house or work farm, shall furnish to the officer or person having such person in charge a certified record for commitment containing a copy of the indictment and plea, the name and residence of the judge presiding, of the prosecuting officer, of the person's attorney, of the jurors, and of the witnesses sworn on the trial or proceedings, a transcript of the arraignment and all other district court pre-trial proceedings, the charge of the court, the verdict and a transcript of the sentencing proceedings, with the date thereof, together with the person's statement under oath, if obtainable from him, as to his true name, his residence, if any, the date and place of his birth, the names and addresses of his parents and other relatives and of persons by whom he has been employed or is well known, his social and other affiliations, his past occupations and employments, his former places of residence and the period of time he has resided in each, with the dates thereof, his citizenship, the number, dates, places and causes of prior convictions, and the event thereof, and, in cases in which the person pleads guilty, a transcript of the proceedings relative thereto; to which shall be attached, in all cases, the impressions of the trial judge as to the mental and physical condition of the person, his general character, capacity, disposition, habits and special needs; which certified record for commitment may be used as evidence in any post-conviction proceeding brought by the person. The transcripts above referred to shall be furnished by the court reporter. The clerk shall also deliver to the sheriff or other officer or person conveying the person to the place of confinement designated by the commissioner of corrections or the corrections board or judge a warrant of commitment together with a certified copy thereof directing him to deliver the person and the certified record for commitment to the principal officer in charge of such place of confinement. Upon the delivery of any such person, the principal officer in charge of such place of confinement shall retain the certified copy of the warrant of commitment and endorse his receipt upon the original, which shall be filed in the court of commitment. The clerk shall retain one copy of the transcripts above referred to, and a tape recording and the court reporter's notes of all other proceedings.

History: *RL s 5436; 1911 c 228 s 1; 1961 c 602 s 1; 1965 c 869 s 15; 1967 c 696 s 1; 1969 c 448 s 2; 1973 c 654 s 15; 1975 c 271 s 6 (10797)*

243.50 PAYMENT OF COURT REPORTER.

Such transcripts and tapes shall be furnished by the court reporter and he shall be paid therefor by the county, on certificates duly certified to by the judge presiding at the sentence, and filed with the county auditor, the same fee per folio provided by statute for transcripts of testimony furnished to parties ordering the same in civil proceedings and for tapes on a costs basis.

History: *1911 c 228 s 2; 1965 c 869 s 16 (10798)*

243.51 UNITED STATES PRISONERS; PRISONERS FROM OTHER STATES.

Subdivision 1. The commissioner of corrections is hereby authorized to contract with the United States attorney general and with the proper officials of other states for the custody, care, subsistence, education, treatment and training of persons convicted of criminal offenses constituting felonies in the courts of the United States or other states of the United States. Such contracts shall provide for reimbursing the state of Minnesota for all costs or other expenses involved. Funds received under such contracts shall be deposited in the state treasury to the credit of the facility in which such persons may be confined. Any prisoner transferred to the state of Minnesota pursuant to this subdivision shall be subject to the terms and conditions of his original sentence as if he were serving the same within the confines of the state in which the conviction and sentence was had or in the custody of the United States attorney general. Nothing herein shall deprive such inmate of his right to parole or his rights to legal process in the courts of this state.

Subd. 2. The commissioner of corrections may transfer to the custody of the United States attorney general any inmate of the Minnesota correctional facility-Stillwater or the Minnesota correctional facility-Shakopee whose presence is seriously detrimental to the internal discipline and well-being of the facility, or whose personal safety cannot be reasonably secured therein or in any other state facility, provided the attorney general of the United States accept such transfer. Such transfer shall be accomplished in the manner prescribed by Title 18, Section 5003 of the United States code and acts amendatory thereof, and the commissioner of corrections may execute such contracts as therein provided. The reimbursement of the federal government for all costs and expenses incurred for the care, custody, subsistence, education, treatment and training of such transferee shall be paid from the appropriation for the operation of the Minnesota correctional facility-Stillwater or the Minnesota correctional facility-Shakopee.

The chief executive officer of the transferring facility shall attach to such contract a duly certified copy of the warrant of commitment under which such inmate is held, together with copies of such other commitment papers as are required by section 243.49, and such other data relating to the character and condition of such inmates as he may deem necessary or may be required by the federal prison authorities. Such copy of the warrant of commitment and accompanying papers shall constitute sufficient authority for the United States to hold such inmate on behalf of the state of Minnesota.

Any inmate so transferred under this subdivision shall be subject to the terms and conditions of his original sentence as if he were serving the same within the confines of the facility from which transferred. Nothing herein contained shall deprive such inmate of his right to parole or his rights to legal process in the courts of this state.

History: *RL s 5437; 1967 c 398 s 4; 1967 c 399 s 1; 1979 c 102 s 3 (10799)*

243.52 DISCIPLINE.

If any convict shall offer violence to any officer, guard, or any other person or convict, he may defend himself in any manner and by any means which may appear to be necessary under the circumstances. If any such convict shall attempt to injure the buildings or appurtenances, or to resist the lawful authority of any officer or guard, or shall refuse to obey his reasonable demands, such officer or guard may enforce obedience and discipline in such manner as may appear necessary; and, if in so doing, any convict so resisting lawful authority shall be necessarily wounded or killed by such officer, guard, or assistants, he shall be held justified.

History: *RL s 5438 (10800)*

243.53 SEPARATE CELLS.

When there are cells sufficient, each convict shall be confined in a separate cell.

History: *RL s 5439 (10801)*

243.54 [Repealed, 1979 c 102 s 14]

243.55 CONTRABAND ARTICLES; EXCEPTIONS; PENALTY.

Subdivision 1. Any person who brings, sends, or in any manner causes to be introduced into any state correctional facility or state hospital, or within or upon the grounds belonging to or land or controlled by any such facility or hospital, any controlled substance as defined in section 152.01, subdivision 4, or any firearms, weapons or explosives of any kind, without the consent of the chief executive officer thereof, shall be guilty of a felony and, upon conviction thereof, punished by imprisonment for a term of not less than three, nor more than five, years. Any person who brings, sends, or in any manner causes to be introduced into any state correctional facility or within or upon the grounds belonging to or land controlled by the facility, any intoxicating or alcoholic liquor or malt beverage of any kind without the consent of the chief executive officer thereof, shall be guilty of a gross misdemeanor. The provisions of this section shall not apply to physicians carrying drugs or introducing any of the above described liquors into such facilities for use in the practice of their profession; nor to sheriffs or other peace officers carrying revolvers or firearms as such officers in the discharge of duties.

Subd. 2. The chief executive officer of any state correctional facility may, under rules prescribed by the commissioner of corrections, provide for the search of all persons admitted into the facility or upon the grounds thereof. The head of any state hospital may, under rules prescribed by the commissioner of public welfare, provide for the search of all persons admitted into the hospital or upon the grounds thereof. Any contraband as described in subdivision 1 is subject to confiscation by the chief executive officer of a facility or the head of a hospital.

Subd. 3. As used in this section, "state hospital" or "hospital" means any state operated facility or hospital under the authority of the commissioner of public welfare for (a) mentally ill, mentally deficient, or inebriate persons, (b) sex offenders, or (c) persons with psychopathic personalities.

History: *1913 c 196 s 1; 1915 c 241 s 1; 1923 c 391 s 1; 1959 c 85 s 1; 1974 c 291 s 1; 1979 c 102 s 6; 1980 c 390 s 1 (10803)*

243.56 COMMUNICATION WITH CHIEF EXECUTIVE OFFICER AND COMMISSIONER.

Every inmate of a state correctional facility may communicate, in writing, with the chief executive officer of the facility and the commissioner of corrections, under rules prescribed by the commissioner for that purpose.

History: *RL s 5441; 1959 c 263 s 2; 1979 c 102 s 7 (10804)*

243.57 CONTAGIOUS DISEASE; REMOVAL OF CONVICTS.

In case of an epidemic of any infectious or contagious disease in the Minnesota correctional facility-Stillwater, whereby the health or lives of the prisoners may be endangered, the chief executive officer, with the approval of the commissioner of corrections may cause the prisoners so affected to be removed to some other secure and suitable place or places for care and treatment; and, should the facility be destroyed, in whole or in part, by fire or other casualty so

as to become unsuitable for proper detention and custody of the convicts, the chief executive officer, with the approval of the commissioner, may remove them, or any number thereof, to such other safe and appropriate place as may be provided.

History: *RL s 5442; 1959 c 263 s 2; 1979 c 102 s 13 (10805)*

243.58 REWARD FOR ESCAPED CONVICT.

Upon the escape of a convict from the Minnesota correctional facility-Stillwater or the Minnesota correctional facility-St. Cloud, the chief executive officer shall use all proper means for his apprehension and return, and for that purpose may offer a reward of not more than \$25 and, with the approval of the commissioner of corrections, a further sum not exceeding \$100, to be paid from the state treasury; provided, that such chief executive officer shall himself pay such reward if the escape is due to his negligence or that of any officer under him.

History: *RL s 5443; 1959 c 263 s 2; 1979 c 102 s 13 (10806)*

243.59 COMMUNICATION WITH INMATES.

No person, without the consent of the chief executive officer, shall bring into or carry out of any state correctional facility any writing or any information to or from any inmate thereof. Every violation of this provision shall be a misdemeanor, and punished accordingly. On discovery, such person may be arrested by any prison officer without warrant.

History: *RL s 5444; 1979 c 102 s 8 (10807)*

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

243.61 CONTRACT LABOR; TOOLS AND MACHINERY.

No contracts for leasing the labor of prisoners confined in any such institution, at a certain rate per diem, giving the contractor full control of the labor of the prisoners, shall be made; but such prisoners shall be employed, under regulations established by the commissioner of corrections, in such industries as shall, from time to time, be fixed upon by the officers in charge and the commissioner, or in the manufacture of articles by the piece, under the so-called "piece price system," by contracts with persons furnishing the materials. The chief officer, under the direction of the commissioner, shall purchase such tools, implements, and machinery as he shall deem necessary for the work.

History: *RL s 5447; 1959 c 263 s 2 (10810)*

243.62 SELLING OF LABOR OF CONVICTS PROHIBITED.

It shall be unlawful for the commissioner of corrections, or the chief executive officer of the Minnesota correctional facility-Stillwater, or any person exercising control of or supervision over any convict sentenced to and confined in the facility to enter into any contract or agreement, or any arrangement, whereby the labor or service of the convict is either sold or leased or otherwise disposed of for hire to any person or to any party.

History: *1909 c 481 s 1; 1959 c 263 s 2; 1979 c 102 s 13 (10811)*

243.63 [Repealed, 1979 c 129 s 4]

243.64 SALE OF LAND ACQUIRED IN COLLECTION OF A DEBT FOR BINDING TWINE.

When the state of Minnesota shall have heretofore or shall hereafter acquire title to any land in the course of legal proceedings for the collection of a debt arising out of the sale by the state of farm machinery, binding twine, or other articles manufactured or improved at the Minnesota correctional facility-

Stillwater, the same may be sold by the governor to such persons and for such price as shall be recommended by the chief executive officer of the Minnesota correctional facility-Stillwater, and the governor is hereby authorized to execute, in the name of the state and in its behalf, any deeds or conveyances necessary or desirable to convey the title and interest of the state to the purchaser, and the proceeds of the sale shall be paid into the state treasury to the credit of the appropriate prison fund.

History: 1917 c 58 s 1; 1979 c 102 s 3 (10813)

- 243.65 [Repealed, 1973 c 512 s 3]
- 243.66 [Repealed, 1979 c 129 s 4]
- 243.67 [Repealed, 1979 c 129 s 4]
- 243.68 [Repealed, 1979 c 129 s 4]
- 243.69 [Repealed, 1973 c 512 s 3]
- 243.70 [Repealed, 1963 c 753 art 2 s 17]

243.75 THE MINNESOTA CORRECTIONAL FACILITY-ST. CLOUD.

There is established the Minnesota correctional facility-St. Cloud at St. Cloud, 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 5453; 1945 c 565 s 4; 1947 c 80 s 1; 1949 c 127 s 1; 1951 c 292 s 1; 1953 c 255 s 1; 1955 c 244 s 1; 1959 c 263 s 2; 1961 c 750 s 14 subd 3; 1963 c 214 s 1; 1979 c 102 s 9 (10823)

- 243.76 [Repealed, 1963 c 753 art 2 s 17]
- 243.77 [Repealed, 1963 c 753 art 2 s 17]

243.78 REGISTER OF CONVICTS.

When any person is received into the Minnesota correctional facility-St. Cloud upon direct sentence thereto, the chief executive officer shall cause to be entered in a register the date of his admission, his name, age, nativity, nationality, and such other facts as can be ascertained of his parentage, early social influences, and tendencies, and an estimate of his present condition and of the best probable plan of treatment. At least once every three months, minutes shall also be made thereon of observed improvement or deterioration of character, methods of treatment employed, orders or charges affecting the standing of such convict, the circumstances of his final release, and such facts of his subsequent history as may be ascertained.

History: RL s 5456; 1979 c 102 s 13 (10827)

- 243.79 [Repealed, 1965 c 45 s 73]
- 243.80 [Repealed, 1979 c 129 s 4]
- 243.81 [Repealed, 1973 c 512 s 3]
- 243.82 [Repealed, 1973 c 512 s 3]
- 243.83 [Repealed, 1965 c 45 s 73]
- 243.84 [Repealed, 1979 c 129 s 4]
- 243.85 [Repealed, 1979 c 129 s 4]
- 243.86 [Repealed, 1973 c 512 s 3]

243.87 GOODS MADE FOR NATIONAL DEFENSE.

Nothing in sections 243.84 to 243.87 shall be construed to prevent the production or sale of any article for purposes of national defense during times of national emergency where such production or sale is otherwise permitted by the laws of the United States or the state of Minnesota.

History: 1953 c 616 s 4

243.88 PRIVATE INDUSTRY ON GROUNDS OF CORRECTIONAL INSTITUTIONS.

Subdivision 1. Notwithstanding the provisions of any law to the contrary, the commissioner of administration, with the approval of the governor, may lease one or more buildings or portions thereof on the grounds of any state adult correctional institution, together with the real estate needed for reasonable access to and egress from the leased buildings, for a term not to exceed 20 years, to a private corporation for the purpose of establishing and operating a factory for the manufacture and processing of goods, wares or merchandise, or any other business or commercial enterprise deemed by the commissioner of corrections to be consistent with the proper training and rehabilitation of inmates.

Subd. 2. Any corporation operating a factory or other business or commercial enterprise under this section may employ selected inmates of the correctional institution upon whose grounds it operates and persons conditionally released subject to the provisions of section 241.26. Persons conditionally released as provided in this subdivision shall be deemed to be parolees within the purview of 49 United States Code, Section 60.

Except as prohibited by applicable provisions of the United States Code, inmates of state correctional institutions may be employed in the manufacture and processing of goods, wares and merchandise for introduction into interstate commerce, provided that they are paid no less than the prevailing minimum wages for work of a similar nature performed by employees with similar skills in the locality in which the work is being performed.

Under rules prescribed by the commissioner of corrections a portion of the wages of each inmate employed as authorized by this subdivision, in an amount to be determined by the commissioner, shall be set aside and kept by the chief executive officer of the facility in the public welfare fund of the state for the benefit of the inmate and for the purpose of assisting him when he leaves the facility on conditional release or by final discharge. Any portion remaining undisbursed at the time of the inmate's final discharge shall be given to him upon final discharge.

Subd. 3. Any factory established under the provisions of this section shall be deemed a private enterprise and subject to all the laws, rules and regulations of this state governing the operation of similar business enterprises elsewhere in this state.

Subd. 4. The authority of the commissioner of corrections over the institutions of the department of corrections and the inmates thereof shall not be diminished by this section.

History: 1973 c 145 s 1; 1975 c 304 s 6,7; 1976 c 2 s 82; 1980 c 417 s 4

243.90 THE MINNESOTA CORRECTIONAL FACILITY-SHAKOPEE.

There is established the Minnesota correctional facility-Shakopee at Shakopee, 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 thereat. The general control and management of the facility shall be under the commissioner.

History: 1915 c 324 s 1; 1921 c 29 s 1; 1937 c 75 s 1; 1955 c 261 s 1; 1959 c 263 s 3; 1967 c 398 s 1; 1979 c 102 s 10 (10839)

243.91 TRANSFER OF WOMEN CONVICTS.

When special circumstances warrant, or when the chief executive officer of any county jail, workhouse or workfarm shall determine that any female inmate of such facility over the age of 18 years cannot be safely maintained therein or whose presence is detrimental to the internal discipline and well-being of such institution or that such inmate can benefit from the treatment, care and training available at the Minnesota correctional facility-Shakopee, he may, with the consent of the commissioner of corrections and the sentencing court, transfer such female inmate to the facility for confinement, care, treatment and training therein according to the sentence imposed by the court. Such transfer shall be made in accordance with rules prescribed by the commissioner.

The commissioner of corrections may contract with the political subdivisions operating and maintaining the jails, workhouses or workfarms from which such selected female inmates are transferred to the state facility for reimbursement to the state for all costs and expenses incurred for the care, custody, subsistence, treatment, and training of such transferees.

The chief executive officer of the transferring institution shall send with such transferee a duly certified copy of the warrant or order of commitment under which such inmate is held, together with such other data as the commissioner of corrections may require, and such warrant or order of commitment shall constitute sufficient authority for the commissioner to hold such inmate on behalf of the sending institution.

History: 1919 c 106 s 1; 1967 c 398 s 2; 1979 c 102 s 13 (10835)

243.92 [Repealed, 1979 c 102 s 14]