

CHAPTER 641

COUNTY JAILS

641.01	Construction, maintenance; prisoners placed in jail, reports.	641.16	Bibles.
641.02	Fugitives from justice, safekeeping; fees.	641.165	Contraband articles forbidden; penalty.
641.03	Federal prisoners; fees.	641.18	Solitary confinement.
641.04	Commitment preserved.	641.20	Removal of prisoners in case of fire.
641.05	Register of prisoners; return to court.	641.21	Jail, advice as to construction.
641.06	Appointment of employees; compensation.	641.22	Plans and estimates submitted.
641.07	Prisoners, labor.	641.23	Funds, how provided.
641.08	Supervision.	641.24	Leasing.
641.09	Power of officers.	641.25	District jails; how designated.
641.10	Payment for labor; protection.	641.26	Condemnation of jails.
641.111	Fees; special laws; exception.		COUNTY REGIONAL JAILS
641.12	Collection of board bills.	641.261	Regional jails.
641.13	Prisoners from other counties, boarding fees.	641.262	Establishment of regional jails by contiguous counties.
641.14	Jails, how kept.	641.263	Powers, duties of board.
641.15	Prisoners; feeding, care.	641.264	Financing.
		641.265	Admission, withdrawal of counties.
		641.266	Reports.

641.01 CONSTRUCTION, MAINTENANCE; PRISONERS PLACED IN JAIL, REPORTS.

The county board of each county is authorized to construct, purchase, or lease, regulate and maintain, at the expense of the county, a jail for the safekeeping of prisoners, and also, adjoining and connected to it, a residence for the use of the sheriff.

Any peace officer placing a prisoner in the jail shall report immediately to the officer's superior officer concerning the fact of that placement. No prisoner shall be detained without a jailer or custodian present in the jail, awake and alert at all times, capable of responding to the reasonable needs of the prisoner.

History: *RL s 5462; 1955 c 425 s 1; 1980 c 602 s 1 (10947)*

641.02 FUGITIVES FROM JUSTICE, SAFEKEEPING; FEES.

Any county jail may be used for the safekeeping of fugitives from justice in this state, in accordance with the provisions of any act of congress. The officer holding any such fugitive in custody shall pay the county \$2 as a commitment fee, and a fee to be determined pursuant to section 641.03 for the use of the county, for his board.

History: *RL s 5463; 1955 c 425 s 2; 1959 c 499 s 1; 1975 c 94 s 3 (10848)*

641.03 FEDERAL PRISONERS; FEES.

When any person is committed to any jail by any process issued under authority of the United States, the sheriff or jailer shall receive such person into custody, and safely keep him until discharged by due course of law, subject in all respects to the same liabilities and remedies as though committed under process issued under state authority. The United States shall pay to the county the minimum sum of \$5 per day for each prisoner so kept and boarded. Provided, that in any county of this state, the sheriff shall at the request of the county board of commissioners determine the average daily per capita cost for the food, clothing, medical and incidental expense for the care and maintenance of persons committed to the county jail for the preceding year. The amount found to be the average daily per capita cost of such committed persons shall be paid to the county by the United States for each prisoner so kept and boarded during the current year.

History: *RL s 5464; 1917 c 304 s 1; 1931 c 91 s 1; 1955 c 425 s 3; 1957 c 225 s 1; 1959 c 499 s 2; 1971 c 60 s 1; 1975 c 94 s 4 (10849)*

641.04 COMMITMENT PRESERVED.

Every instrument, or attested copy thereof, by which a prisoner is committed or liberated, shall be endorsed, filed, and safely stored by the sheriff or jailer, and delivered to the sheriff's or jailer's successor. When the process by which any prisoner is committed is required to be returned to the court, the sheriff or jailer shall keep a copy thereof, duly certified by himself, which shall be prima facie evidence of the sheriff's or jailer's right to retain the prisoner in custody.

History: *RL s 5465; 1980 c 602 s 2 (10850)*

641.05 REGISTER OF PRISONERS; RETURN TO COURT.

Every sheriff shall keep in a book furnished by the county a register of all prisoners committed to any jail under his charge. It shall contain the name of every person committed, by what authority, his residence, date of commitment, and, if for a criminal offense, a description of the person, when and by what authority liberated, and, in case of escape, the time and manner thereof. At the opening of each term of district court he shall make a certified transcript therefrom to such court, showing all cases therein not previously disposed of. Every sheriff who neglects or refuses to so report shall be guilty of a gross misdemeanor.

History: *RL s 5466 (10851)*

641.06 APPOINTMENT OF EMPLOYEES; COMPENSATION.

The sheriff of every county maintaining a jail, shall appoint a competent woman as matron, who, under the sheriff's direction, shall have exclusive charge of all female prisoners. Matrons and jailers shall hold office during the pleasure of the sheriff and may be removed at any time by the sheriff.

History: *RL s 5467; 1907 c 257 s 1; 1913 c 332 s 1; 1955 c 425 s 4; 1969 c 1151 s 8; 1980 c 602 s 3 (10852)*

641.07 PRISONERS, LABOR.

Every able bodied male prisoner over 16 years of age confined in any county jail or statutory city lockup under judgment of any court of record, justice court, or other tribunal authorized to imprison for the violation of any law, ordinance, bylaw, or police regulation, may be required to labor during the whole or some part of the time of his sentence, but not more than ten hours per day. Such court or tribunal, when passing judgment of imprisonment for non-payment of fine or otherwise, shall determine and specify whether such imprisonment shall be at hard labor or not. Such labor may be in the jail or jail yard, upon public roads and streets, public buildings, grounds, or elsewhere in the county. Persons awaiting trial may be allowed, upon request, to perform such labor. Each prisoner performing labor may be paid a reasonable compensation by the county if imprisoned in violation of state law or awaiting trial upon a charge thereof, and by the city if confined for the violation of any ordinance, bylaw, or police regulation; the compensation to be paid to the wife, family, or dependents of such prisoner, or such other person as the court sentencing him may direct, and shall be in such amount as such court shall determine upon application of the person or official under whose superintendence the work shall be performed, and shall be allowed by the board of county commissioners of the governing body of the city upon such order of the court.

History: *RL s 5468; 1913 c 373 s 1; 1955 c 425 s 5; 1973 c 123 art 5 s 7 (10853)*

641.08 SUPERVISION.

When a sentence is for violation of a state law, and the prisoner is confined in a county jail, such labor shall be performed under the direction of the county board, and superintended by the sheriff, who shall furnish necessary materials and tools at the expense of the county, and the county shall be entitled to the benefit thereof. When the sentence is for a violation of an ordinance, bylaw, or regulation of a city, such labor shall be performed under the direction of its governing body, and superintended by the marshal or chief of police, who shall furnish the materials at the expense of such city, which shall be entitled to the benefit thereof.

History: *RL s 5469; 1913 c 373 s 2; 1973 c 123 art 5 s 7 (10854)*

641.09 POWER OF OFFICERS.

The officer in charge of prisoners so sentenced to labor may use all reasonable means necessary to prevent escape or enforce obedience. For refusal to labor or obey necessary orders in reference thereto, a prisoner may be kept in solitary confinement but shall not be so confined more than ten days for any one offense, nor more than 90 days in all. Such punishment shall not be treated as any part of the sentence.

History: *RL s 5470; 1978 c 778 s 3 (10855)*

641.10 PAYMENT FOR LABOR; PROTECTION.

For each day's labor the prisoner shall be credited \$3 on any judgment for fine and costs and, when imprisoned in default of payment of a fine or fine and costs, he shall be discharged when he has performed sufficient labor to pay the same. The officer in charge of such prisoners shall protect them from insult and annoyance while at labor or going to and returning therefrom. Every person who shall insult, annoy, or communicate with such prisoners, after being by such officers commanded to desist, shall be guilty of a misdemeanor and punished by imprisonment for not more than five days or by fine of not more than \$10.

History: *RL s 5471; 1955 c 425 s 6 (10856)*

641.11 [Repealed, 1975 c 94 s 7]

641.111 FEES; SPECIAL LAWS; EXCEPTION.

Until January 1, 1979, nothing in Laws 1975, Chapter 94 shall be construed to preclude the payment of fees to or the retention of fees by a sheriff in a county operating under a special law which provides that the sheriff is to receive the compensation provided by law for boarding prisoners.

History: *1975 c 94 s 8*

641.12 COLLECTION OF BOARD BILLS.

At the end of every month the sheriff of each county shall render to the county auditor a statement showing the name of each fugitive from justice, United States prisoner, one committed from another county or one committed by virtue of any city ordinance, the amount due the county for board of each and from whom, and also of all amounts due for board of prisoners for the preceding month.

History: *RL s 5473; 1973 c 123 art 5 s 7; 1975 c 94 s 5 (10858)*

641.13 PRISONERS FROM OTHER COUNTIES, BOARDING FEES.

When any prisoner is ordered confined in any county other than that in which his offense was committed, the other county shall keep him at the expense of the county sending him, and the other county board shall collect from the county sending him, for his board such an amount as is charged for local county prisoners for each day, or fractional day, and, in addition thereto, the county board of the other county shall collect from the county sending the prisoners, sums as have been necessarily expended for clothing, bedding, and medical aid for the prisoners. In addition thereto the county board of the other county may collect from the county sending the prisoners such sum as the county board may determine for other expenses incurred by the other county in providing jail facilities for the prisoners. The county board of the county from which the prisoners are sent, at its first session after their commitment, shall authorize the county auditor to issue to the county where they are committed orders upon the county treasurer for the maintenance of the prisoners while they remain in such jail.

History: *RL s 5474; 1929 c 320 s 1; 1951 c 319 s 1; 1953 c 299 s 1; 1959 c 499 s 4; 1969 c 615 s 1; 1971 c 60 s 3; 1975 c 94 s 6 (10859)*

641.14 JAILS, HOW KEPT.

The sheriff of each county shall have charge of the jail, and be responsible for its condition. No female prisoner shall be kept in the same room with a male prisoner. No minor under 18 years shall be kept in the same room with adult prisoners. No insane prisoner shall be kept in the same room with any other prisoner. No person awaiting trial shall be kept in a room with a person convicted of a crime. No person awaiting trial shall be kept in a room with another person awaiting trial unless consistent with the person's safety, health and welfare. So far as construction of the jail will permit, and so far as consistent with prisoners' security, safety, health and welfare, strict separation of prisoners shall be maintained.

History: *RL s 5475; 1976 c 318 s 16; 1980 c 602 s 4 (10862)*

641.15 PRISONERS; FEEDING, CARE.

The county board shall provide suitable jail clothing, without distinctive marks, underclothing, linen and bedding, towels, and medical aid for prisoners, and fuel for the jail and, if adjoining and connected, the sheriff's residence. The sheriff may require a prisoner to wear jail clothing during his confinement, but shall restore personal clothing upon discharge. No prisoner shall be required to wear clothing previously used until it has been thoroughly cleansed. The sheriff or jailer shall keep the jail in a clean and healthy condition, have each prisoner's clothing washed at least once a week, furnish to each sufficient clean water for drinking and bathing, and serve each three times a day with a sufficient quantity of wholesome, well cooked food.

History: *RL s 5476; 1955 c 425 s 7; 1980 c 602 s 5 (10863)*

641.16 BIBLES.

Every keeper of a jail shall provide for each prisoner able and willing to read it a copy of the Bible or the sacred book of another religion, at the expense of the county, and any clergy desirous of giving moral and religious instruction to requesting prisoners shall have access to them at proper times.

History: *RL s 5477; 1980 c 602 s 6 (10864)*

641.165 CONTRABAND ARTICLES FORBIDDEN; PENALTY.

Subdivision 1. **Definition.** "Contraband" is any controlled substance as defined in section 152.01, subdivision 4, or any intoxicating or alcoholic liquor or malt beverage.

Subd. 2. **Acts prohibited.** (a) Whoever introduces or in any manner causes the introduction of contraband, as defined in subdivision 1, into any jail, lockup, or correctional facility, as defined in section 241.021, subdivision 1, without the consent of the person in charge, or is found in possession of contraband while within the facility or upon the grounds thereof, is guilty of a gross misdemeanor.

(b) Whoever introduces or in any manner causes the introduction of a dangerous weapon, as defined in section 609.02, subdivision 6, into any jail, lockup, or correctional facility, as defined in section 241.021, subdivision 1, without the consent of the person in charge, or is found in possession of a dangerous weapon while within the facility or upon the grounds thereof, is guilty of a felony and, upon conviction, may be sentenced to imprisonment for not more than five years.

Subd. 3. **Exceptions.** The provisions of this section shall not apply to physicians carrying drugs into such institutions for use in the practice of their profession, nor to peace officers carrying revolvers or firearms in the discharge of their duties.

History: 1959 c 64 s 1; 1974 c 291 s 2; 1978 c 778 s 4; 1980 c 602 s 7

641.17 [Repealed, 1980 c 602 s 19]

641.18 SOLITARY CONFINEMENT.

When any prisoner is unruly or disobeys any regulation for the management of jails, the prisoner may be kept in solitary confinement as provided in section 641.09.

History: RL s 5478; 1978 c 778 s 5; 1980 c 602 s 8 (10866)

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

641.20 REMOVAL OF PRISONERS IN CASE OF FIRE.

When, by reason of fire or other casualty, the prisoners in any jail are exposed to danger, the keeper may remove them to some safe place to avoid such danger.

History: RL s 5480 (10868)

641.21 JAIL, ADVICE AS TO CONSTRUCTION.

When any county board determines to purchase, lease or erect a new jail, or to repair an existing one at an expense of more than \$5,000, it shall pass a resolution to that effect, and transmit a copy thereof to the commissioner of corrections, who, within 30 days thereafter, shall transmit to that county board the advice and suggestions in reference to the purchase, lease or construction thereof as the commissioner deems proper.

History: RL s 5481; 1955 c 425 s 8; 1959 c 263 s 2; 1976 c 299 s 3; 1980 c 602 s 9 (10869)

641.22 PLANS AND ESTIMATES SUBMITTED.

After the receipt of the commissioner of correction's advice and suggestions, the board shall procure plans and estimates of the cost of the new jail or repairs, and submit the same to the commissioner for suggestions and for approval, so far as relates to the management, operation and physical condition of the proposed building, and the security, safety, health, treatment and disci-

pline of persons detained or confined therein. Suggestions and approval shall be in writing and filed with the county auditor before any contract for purchase, lease, erection or repairs shall be binding, or any warrant is drawn for payment for labor or materials therefor.

History: *RL s 5482; 1959 c 263 s 2; 1980 c 602 s 10 (10870)*

641.23 FUNDS, HOW PROVIDED.

Before any contract is made for the erection of a county jail, sheriff's residence, or both, the county board shall either levy a sufficient tax to provide the necessary funds, or issue county bonds therefor in accordance with the provisions of chapter 475, provided that the amount of all bonds issued for this purpose and interest on them which are due and payable in any year shall not exceed an amount equal to four mills times the assessed value of taxable property within the county, as last determined before the bonds are issued.

History: *RL s 5483; 1980 c 597 s 6 (10871)*

641.24 LEASING.

The county may, by resolution of the county board, enter into a lease agreement with any statutory or home rule charter city situated within the county, whereby the city will construct a county jail in accordance with plans approved by the commissioner of corrections and will finance it by the issuance of revenue bonds, and the county will lease the jail site and improvements for a term and upon rentals sufficient to produce revenue for the prompt payment of the bonds and all interest accruing thereon and, upon completion of payment, will acquire title thereto. The real and personal property acquired for the jail shall constitute a project and the lease agreement shall constitute a revenue agreement as contemplated in chapter 474, and all proceedings shall be taken by the city and the county in the manner and with the force and effect provided in chapter 474; provided that:

- (1) No tax shall be imposed upon or in lieu of a tax upon the property;
- (2) The approval of the project by the commissioner of securities and real estate shall not be required;
- (3) The department of corrections shall be furnished and shall record such information concerning each project as it may prescribe, in lieu of reports required on other projects to the department of economic development;
- (4) The rentals required to be paid under the lease agreement shall not exceed in any year four-tenths of one percent of the assessed value of property within the county, as last finally equalized before the execution of the agreement;
- (5) The county board shall provide for the payment of all rentals due during the term of the lease, in the manner required in section 641.264, subdivision 2; and
- (6) No mortgage on the jail property shall be granted for the security of the bonds, but compliance with clause (5) hereof may be enforced as a nondiscretionary duty of the county board.

History: *RL s 5484; 1980 c 516 s 2; 1980 c 597 s 7 (10872)*

641.25 DISTRICT JAILS; HOW DESIGNATED.

The commissioner of corrections, with the consent of the county board, may designate any suitable jail in the state as a district jail, to be used for the detention of prisoners from other counties in addition to those of its own, and, when such jail or its management becomes unfit for such purpose, may rescind its designation. Whenever there is no sufficient jail in any county, the examining

magistrate, upon his own motion, or the judge of the district court, upon application of the sheriff, may order any person charged with a criminal offense committed to a sufficient jail in some other county. If there be a district jail in the judicial district, he shall be sent thereto, or to any other nearer district jail designated by the magistrate or judge, and the sheriff or the county containing such district jail, on presentation of such order, shall receive, keep in custody, and deliver him up upon the order of such court, or a judge thereof.

History: *RL s 5485; 1959 c 263 s 2 (10873)*

641.26 CONDEMNATION OF JAILS.

When the jail of any county is insecure or otherwise unfit for use, the judge of the district court therein, on the recommendation of the grand jury or of his own motion, may issue his written order condemning it; or, when the commissioner of corrections shall adjudge any county jail insecure or otherwise unfit for use, he may, with consent of the judge of the district court, issue his written order condemning it. After condemnation that jail shall not be used for the detention of any prisoner until the order of condemnation is rescinded.

History: *RL s 5486; 1959 c 263 s 2; 1976 c 299 s 4 (10874)*

COUNTY REGIONAL JAILS

641.261 REGIONAL JAILS.

Subdivision 1. Purpose of act. The purpose of sections 641.261 to 641.266 is to enable counties to cooperate to provide adequate jail facilities with suitable work programs and rehabilitation and treatment services for persons whose commitment to a county jail is authorized by law.

Subd. 2. Persons who may be committed. The regional jail shall serve as a place of commitment for persons whose commitment to a county jail is authorized by law by a court having jurisdiction within the cooperating counties, subject to admission rules and charges for care as the regional jail board may prescribe. The regional jail board may also accept the commitment of persons whose commitment to a county jail is authorized by law by a court having jurisdiction outside the cooperating counties, subject to admission rules and charges for care as the regional jail board may prescribe.

Subd. 3. Commissioner of corrections; powers, duties. The commissioner of corrections shall promulgate, in the manner provided by law, rules and regulations relating to standards for county regional jails in the following matters:

(1) Minimum aggregate population base upon which a county regional jail may be practically operated;

(2) Site and buildings necessary for an adequate regional jail, considering such factors as inmate security, health, and work opportunities;

(3) Qualifications of staff, and ratio of staff to inmate population;

(4) Programs of work, rehabilitation, and treatment. When a county regional jail does not comply with the standards so promulgated, a judge of the district court or the commissioner of corrections may institute condemnation proceedings in the manner provided in Minnesota Statutes 1961, Section 641.26.

Subd. 4. Lengthy imprisonment. Upon certification by the commissioner of corrections to those courts described in subdivision 2 that a regional jail has complied with the provisions of subdivision 3, all persons sentenced to imprisonment in a county jail by such courts for more than seven days, except those sentenced under section 631.425, or subject to detention in a county jail pending trial or other disposition of their cases for periods in excess of 14 days must be committed to or detained in a regional jail in the manner provided in subdivision 2.

History: 1963 c 452 s 1; 1971 c 591 s 1

641.262 ESTABLISHMENT OF REGIONAL JAILS BY CONTIGUOUS COUNTIES.

Subdivision 1. **Action by county board.** Two or more counties, each contiguous at one or more points with one or more of the other counties, may cooperate to establish, operate, and maintain a regional jail in the manner provided in sections 641.261 to 641.266. A county may join with other counties in the establishment, operation, and maintenance of a regional jail by majority vote of its county board. A county board so voting shall also appropriate its approximate proportionate share of the initial expenses of the proposed county regional jail, which proportion is estimated in the manner provided in section 641.264, subdivision 2, and which is paid over upon receiving notice from the regional jail board as provided in section 641.263, subdivision 1.

Subd. 2. **Regional jail board; membership, term, compensation.** The county board of each cooperating county shall appoint two members to a board to be known as the regional jail board. Members appointed to the board shall be county commissioners. One of the members first appointed to the regional jail board shall be appointed for a term expiring on June 30 next following his appointment, the other for a term expiring one year later. After the appointment of the first members, one succeeding member shall be appointed each year for a two year period beginning on July 1. Each appointee shall hold office until his successor is appointed and has qualified. Vacancies are filled by the appointing power. The members of the regional jail board serve without compensation but shall be reimbursed for all necessary expenses incurred by them in performance of their official duties. This reimbursement is payable by the county from which the member is appointed, until the regional jail fund is established. When the regional jail fund is established, reimbursement shall be made from that fund. Reimbursement authorized by this subdivision is in addition to any reimbursement received by a regional jail board member who is also a member of a county board.

Subd. 3. **Board meetings.** As soon as possible after the appointment of the members of the regional jail board by the cooperating counties, the regional jail board shall hold a joint meeting and shall elect a chairman, vice chairman, and secretary. The county board of the county first appointing members to the regional jail board shall call the first meeting of the board and shall designate the place of meeting. The regional jail board shall meet at least annually thereafter at a place designated by the regional jail board and may meet at such other times and places as it considers necessary.

History: 1963 c 452 s 2; 1980 c 597 s 8

641.263 POWERS, DUTIES OF BOARD.

Subdivision 1. **Initial financing.** When the regional jail board is satisfied that each cooperating county has appropriated its share of the initial expenses of the regional jail, it shall so certify to the county board of each cooperating county. The county board of each cooperating county then shall order its county treasurer to pay over the authorized initial expense funds to the regional jail fund in the manner provided in section 641.264, subdivision 3.

Subd. 2. **Acquisition of site, buildings.** The regional jail board may lease suitable premises or acquire by gift, purchase, or condemnation proceedings instituted in the name of the counties a suitable site, and erect on the site buildings suitable for a regional jail. Condemnation proceedings shall be conducted in the manner provided in chapter 117. No premises shall be leased, site acquired, or building erected without the approval of the county board of each cooperating county and the commissioner of corrections. The regional jail board may

by resolution enter into a lease agreement with any statutory or home rule charter city situated within any of the counties, in the same manner and with the same force and effect as a county acting under the provisions of section 641.24; provided that any such lease agreement, and any amendment thereto, shall be approved by the county board of each cooperating county before it is executed.

Subd. 3. Operation of jail; superintendent. The regional jail board shall operate, control, manage, and maintain the jail, and set charges for the care of inmates. The regional jail board shall appoint a regional jail superintendent who serves at the pleasure of the board and receives compensation set by the board. The superintendent is the chief executive officer of the regional jail, and has the powers of a sheriff and such other powers and duties relating to the operation, management, and maintenance of the jail as the regional jail board may prescribe and as are prescribed by law. The superintendent, with the approval of the board, or as provided in subdivision 4, shall appoint additional employees necessary to operate and maintain the jail. The employees of a regional jail, including the superintendent, are public employees for the purposes of Minnesota Statutes 1961, Chapter 353.

Subd. 4. Employees merit system. A regional jail merit system may be established under the provisions of this subdivision and Minnesota Statutes 1961, Chapter 44. Consistent with standards promulgated by the commissioner of corrections for qualifications of regional jail employees, the cooperating counties, by vote of each county board, may establish, modify, or abandon a merit system for the employment, promotion, discipline, and dismissal of all regional jail employees except the superintendent. Questions relating to the establishment, modification, or abandonment of the merit system shall not be submitted to the voters for their approval. The following words and phrases defined in Minnesota Statutes 1961, Section 44.01, have the meanings given in this subdivision for the purposes of a regional jail merit system:

- (1) "Appointing authority" means the regional jail superintendent;
- (2) "Board" means the "personnel board" consisting of the chairman, vice chairman, and secretary of the regional jail board;
- (3) "Council" means the county boards of the cooperating counties.

History: 1963 c 452 s 3; 1980 c 597 s 9

641.264 FINANCING.

Subdivision 1. Capital improvements; bond issues and leases. The construction or acquisition, the equipping, and subsequent improvement of a county regional jail may be financed in whole or in part by the issuance of general obligation bonds of the cooperating counties in the manner provided in section 641.23 or by the issuance of revenue bonds of a city situated in one of the counties, secured by a lease agreement in the manner provided in chapter 474 and in sections 641.24 and 641.263, subdivision 2. Proceedings for the issuance of general obligation bonds shall be instituted by the board of county commissioners of each cooperating county. The regional jail board, with the approval of the county board of each cooperating county, shall fix the total amount necessary to be raised for the construction or acquisition, the equipping, and subsequent improvement of a regional jail, and shall apportion to each county in the manner provided in subdivision 2 the share of this amount, or of annual debt service or lease rentals required to pay this amount with interest, which is to be raised by the county.

Subd. 2. Tax levies; apportionment of costs. The county board of each cooperating county shall annually levy a tax in an amount necessary to defray its proportion of the net costs of maintenance and operation of the regional jail after deduction of payments for the care of inmates, and in addition shall levy a

tax to repay the cost of construction or acquisition, equipping, and any subsequent improvement of the regional jail and for the retirement of any bonds issued for these purposes. The county board may levy these taxes without limitation as to the rate or amount, and the levy of these taxes shall not cause the amount of other taxes levied or to be levied by the county, which are subject to any such limitation, to be reduced in any amount whatsoever. The regional jail board shall apportion the costs of maintenance and operation, and of construction or acquisition, equipping, and improvement of the jail to each county on the basis of the proportion that the population in that county bears to the total population in all of the cooperating counties, the population figures to be determined by the last previous federal census.

Subd. 3. **Regional jail fund.** The initial expense funds, the proceeds from the sale of bonds, and the proceeds of taxes for costs of maintenance and operation shall be paid by the county by which they are appropriated or collected into a county regional jail fund, which shall be kept in the treasury of the county in which the jail is located. The county treasurer of the county in which the regional jail is located shall make payments out of the county regional jail fund on properly authenticated vouchers of the county regional jail board.

Subd. 4. **Expenditures.** The regional jail board shall approve by majority vote all expenditure vouchers and the chairman of the board shall transmit them to the county auditor of the county in which the regional jail is located for payment by the county treasurer, accompanied by the chairman's certification that the expenditure vouchers have been approved by a majority of the regional jail board.

Subd. 5. **Charges for care of inmates.** The regional jail board shall fix the rates to be charged for the care of inmates and shall submit a statement of charges to the governmental unit from which an inmate is committed. The charge for care of an inmate shall be paid by the governmental unit to the county treasurer of the county in which the regional jail is located, and shall be deposited in the regional jail fund.

Subd. 6. **Gifts, acceptance by board.** The regional jail board may accept gifts or donations from any source, which gifts or donations shall be deposited in the regional jail fund and disbursed by the regional jail board in the manner in which other expenditures are made.

History: 1963 c 452 s 4; 1980 c 487 s 20; 1980 c 597 s 10

641.265 ADMISSION, WITHDRAWAL OF COUNTIES.

Subdivision 1. **Admission.** A county which could cooperate in a regional jail system under the provisions of section 641.262, subdivision 1, but has not cooperated in its formation, may acquire an interest in the regional jail if the county board of each of the cooperating counties decides, by majority vote, to admit the county. With the approval of the county board of each cooperating county, the regional jail board shall fix the terms and conditions upon which an additional county may acquire an interest in the regional jail. A county acquiring such an interest has all of the rights, privileges, duties, and obligations provided by sections 641.261 to 641.266, provided that as a condition for admission the county may be required to pay initially or annually a sum sufficient to reimburse to the other cooperating counties part or all of the additional county's proportionate share of amounts theretofore paid by the other counties with respect to capital cost, debt service, or lease rentals, based on the relative populations of the respective counties according to the last federal or state census preceding admission.

Subd. 2. **Withdrawal.** A county board may withdraw from cooperation in a regional jail system if the county boards of all of the other cooperating coun-

ties decide, by majority vote, to allow the withdrawal. With the approval of the county board of each cooperating county, the regional jail board shall fix the sum, if any, to be paid to the county withdrawing, to reimburse it for capital cost, debt service, or lease rental payments made by the county prior to withdrawal, in excess of its proportionate share of benefits from the regional jail prior to withdrawal, and the time and manner of making the payments. The payments shall be deemed additional payments of capital cost, debt service, or lease rentals to be made proportionately by the remaining counties and, when received, shall be deposited in and paid from the regional jail fund; provided that:

(a) Payments shall not be made from any amounts in the regional jail fund which are needed for maintenance and operation expenses or lease rentals currently due and payable; and

(b) The withdrawing county shall remain obligated for the payment of its proportionate share of any lease rentals due and payable after its withdrawal, in the event and up to the amount of any lease payment not made when due by one or more of the other cooperating counties.

History: 1963 c 452 s 5; 1980 c 597 s 11

641.266 REPORTS.

The regional jail board shall annually, and at such other times as required by the county board of a cooperating county, make a complete report regarding the cost of operation of the jail, its inmate population, and its work, treatment, and rehabilitation programs. The regional jail board shall furnish such other information as the county boards or the commissioner of corrections may require.

History: 1963 c 452 s 6

- 641.27 [Repealed, 1980 c 602 s 19]
- 641.28 [Repealed, 1980 c 602 s 19]
- 641.29 [Repealed, 1980 c 602 s 19]
- 641.30 [Repealed, 1980 c 602 s 19]
- 641.31 [Repealed, 1980 c 602 s 19]
- 641.32 [Repealed, 1980 c 602 s 19]
- 641.33 [Repealed, 1980 c 602 s 19]
- 641.34 [Repealed, 1980 c 602 s 19]
- 641.35 [Repealed, 1980 c 602 s 19]
- 641.36 [Repealed, 1980 c 602 s 19]
- 641.37 [Repealed, 1980 c 602 s 19]
- 641.38 [Repealed, 1980 c 602 s 19]
- 641.39 [Repealed, 1965 c 45 s 73]
- 641.40 [Repealed, 1965 c 45 s 73]
- 641.41 [Repealed, 1965 c 45 s 73]
- 641.42 [Repealed, 1965 c 45 s 73]
- 641.43 [Repealed, 1965 c 45 s 73]
- 641.44 [Repealed, 1965 c 45 s 73]