

CHAPTER 241

DEPARTMENT OF CORRECTIONS

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241.01 CREATION OF DEPARTMENT.

[For text of subds 1 and 2, see M.S.1982]

Subd. 3a. **Commissioner, powers and duties.** The commissioner of corrections has the following powers and duties:

(a) To accept persons committed to him by the courts of this state for care, custody, and rehabilitation.

(b) To determine the place of confinement of committed persons in a correctional facility or other facility of the department of corrections and to prescribe reasonable conditions and rules for their employment, conduct, instruction, and discipline within or outside the facility. Inmates shall not exercise custodial functions or have authority over other inmates. Inmates may serve on the board of directors or hold an executive position subordinate to correctional staff in any corporation, private industry or educational program located on the grounds of, or conducted within, a state correctional facility with written permission from the chief executive officer of the facility.

(c) To administer the money and property of the department.

(d) To administer, maintain, and inspect all state correctional facilities.

(e) To transfer authorized positions and personnel between state correctional facilities as necessary to properly staff facilities and programs.

(f) To utilize state correctional facilities in the manner deemed to be most efficient and beneficial to accomplish the purposes of this section, but not to close the Minnesota correctional facility-Stillwater or the Minnesota correctional facility-St. Cloud without legislative approval. The commissioner may place juveniles and adults at the same state minimum security correctional facilities, if there is total separation of and no regular contact between juveniles and adults, except contact incidental to admission, classification, and mental and physical health care.

(g) To organize the department and employ personnel he deems necessary to discharge the functions of the department, including a chief executive officer for each facility under his control who shall serve in the unclassified civil service and may, under the provisions of section 43A.33, be removed only for cause, and two internal affairs officers for security who shall be in the unclassified civil service.

(h) To define the duties of these employees and to delegate to them any of his powers, duties and responsibilities, subject to his control and the conditions he prescribes.

(i) To annually develop a comprehensive set of goals and objectives designed to clearly establish the priorities of the department of corrections. This report shall be submitted to the governor and the state legislature commencing January 1, 1976. The commissioner may establish ad hoc advisory committees.

[For text of subds 4 to 7, see M.S.1982]

History: 1983 c 264 s 1

241.045 Subdivision 1. [Repealed, 1983 c 274 s 19]

Subd. 2. [Repealed, 1983 c 274 s 19]

Subd. 3. [Repealed, 1983 c 274 s 19]

Subd. 3a. [Repealed, 1983 c 274 s 19]

Subd. 4. [Repealed, 1983 c 274 s 19]

Subd. 5. [Repealed, 1976 c 134 s 79; 1983 c 274 s 19]

Subd. 6. [Repealed, 1983 c 274 s 19]

Subd. 7. [Repealed, 1983 c 274 s 19]

Subd. 8. [Repealed, 1983 c 274 s 19]

241.23 CHIEF EXECUTIVE OFFICER TO MAKE SELECTION.

When inmates are to be used in any work authorized by sections 241.20 to 241.23, they shall be selected, with the approval of the commissioner of corrections, by the chief executive officer of any state adult correctional facility, in the following manner and order of preference:

(1) Suitable inmates of state adult minimum security facilities;

(2) Inmates who are not habitual offenders or guilty of heinous crimes and who, in the opinion of the chief executive officers of the facilities, are not incorrigible and who are physically capable and otherwise suitable for the character of the work provided for in sections 241.20 to 241.23.

History: 1983 c 264 s 2

241.26 PRIVATE EMPLOYMENT OF INMATES OF STATE CORRECTIONAL INSTITUTIONS IN COMMUNITY.

Subdivision 1. **Commissioner.** When consistent with the public interest and the public safety, the commissioner of corrections may conditionally release an inmate who is eligible and being considered for parole under section 243.05, to work at paid employment, seek employment, or participate in a vocational training or educational program. Release under this subdivision constitutes an extension of the limits of confinement and each inmate so released shall be confined in the institution from which released or in some other suitable place of confinement designated by the commissioner of corrections during the hours he is not employed, seeking employment, or engaged in a vocational training or educational program, or, if employed, seeking employment, or engaged in a vocational training or educational program, between the hours of such activity. A reasonable allowance for travel time and meals shall be permitted.

[For text of subd 2, see M.S.1982]

Subd. 3. **Rules.** The commissioner of corrections shall establish rules for placement and supervision of such inmates and for administration of programs authorized by this section. When consistent with the public interest the commissioner may grant furloughs to those inmates participating in the programs authorized by this section who have spent at least 30 days in a residential work release center operated by or under the control of the commissioner for a period of time not to exceed their supervised release date.

Subd. 4. **Revocation.** The willful failure of an inmate to report to or return from planned employment, seeking employment, educational or vocational training, or furlough as provided in subdivision 3 shall be considered an escape under section 609.485. If an inmate violates any of the rules provided for in subdivision

3, his work placement, educational, or vocational training privileges may be withdrawn by the commissioner.

Subd. 5. **Earnings; work release account.** The net earnings of each inmate participating in a work release program provided by this section shall be collected by or forwarded to the commissioner of corrections under rules established by him and deposited by the commissioner in the state treasury, to be credited to the "work release account," to the account of the inmate. The moneys shall remain under the control of the commissioner for the sole benefit of the inmate, subject to disbursement by the commissioner for the following purposes and in the following order:

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

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

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

(4) Court-ordered restitution;

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

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

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

[For text of subs 6 and 7, see M.S.1982]

History: 1983 c 262 art 2 s 1; 1983 c 274 s 1-3

241.64 ADVISORY COUNCIL.

Subdivision 1. **Creation.** Within 60 days after the effective date of sections 241.61 to 241.66, the commissioner shall appoint a nine member advisory council to advise him on the implementation of sections 241.61 to 241.66. The provisions of section 15.059 shall govern the terms removal of members, and expiration of the advisory council. Council members shall not receive per diem, but shall receive expenses in the same manner and amount as state employees.

Subd. 2. **Membership.** Persons appointed shall be knowledgeable in the fields of health, law enforcement, social services or the law. Five members of the advisory council shall be representatives of community or governmental organizations which provide services to battered women, and four members of the advisory council shall be public members.

Subd. 3. **Duties.** The advisory council shall:

(a) recommend to the commissioner the names of five applicants for the position of project coordinator.

(b) advise the commissioner on the rules promulgated pursuant to section 241.63;

(c) review and comment on applications received by the commissioner for designation as a pilot program and applications for education grants; and

(d) advise the project coordinator in the performance of his duties in the administration and coordination of the programs funded under section 241.62.

History: 1983 c 260 s 50

241.71 CREATION OF ADVISORY TASK FORCE.

The commissioner of corrections may appoint an advisory task force on the woman offender in corrections. The task force shall have no more than 20 members and shall reflect a statewide geographical representation. The provisions of section 15.059, subdivision 6, shall govern the expiration, terms, expenses, and removal of members of the advisory task force.

History: 1983 c 260 s 51