

CHAPTER 241

DEPARTMENT OF CORRECTIONS

241.01	Creation of department. CORRECTIONAL OFFICERS DISCIPLINE PROCEDURES	241.06	Record of inmates; Department of Corrections.
241.026	Correctional officers discipline procedures.	241.67	Sex offender treatment; programs; standards; data.

241.01 CREATION OF DEPARTMENT.

[For text of subs 1 to 9, see M.S.2004]

Subd. 10. **Purchasing for prescription drugs.** In accordance with section 241.021, subdivision 4, the commissioner may contract with a separate entity to purchase prescription drugs for persons confined in institutions under the control of the commissioner. Local governments may participate in this purchasing pool in order to purchase prescription drugs for those persons confined in local correctional facilities in which the local government has responsibility for providing health care. If any county participates, the commissioner shall appoint a county representative to any committee convened by the commissioner for the purpose of establishing a drug formulary to be used for state and local correctional facilities.

History: *ISp2005 c 4 art 5 s 3*

CORRECTIONAL OFFICERS DISCIPLINE PROCEDURES**241.026 CORRECTIONAL OFFICERS DISCIPLINE PROCEDURES.**

Subdivision 1. **Definitions.** (a) For purposes of this section, the terms defined in this subdivision have the meanings given them.

(b) "Correctional officer" and "officer" mean a person employed by the state, a state correctional facility, or a local correctional or detention facility in a security capacity.

(c) "Formal statement" means the questioning of an officer in the course of obtaining a recorded, stenographic, or signed statement to be used as evidence in a disciplinary proceeding against the officer.

Subd. 2. **Applicability.** The procedures and provisions of this section apply to state and local correctional authorities.

Subd. 3. **Governing formal statement procedures.** The formal statement of an officer must be taken according to subdivision 4.

Subd. 4. **Place of formal statement.** The formal statement must be taken at a facility of the employing or investigating agency or at a place agreed to by the investigating individual and the investigated officer.

Subd. 5. **Admissions.** Before an officer's formal statement is taken, the officer shall be advised in writing or on the record that admissions made in the course of the formal statement may be used as evidence of misconduct or as a basis for discipline.

Subd. 6. **Disclosure of financial records.** No employer may require an officer to produce or disclose the officer's personal financial records except pursuant to a valid search warrant or subpoena.

Subd. 7. **Release of photographs.** No state or local correctional facility or governmental unit may publicly release photographs of an officer without the written permission of the officer, except that the facility or unit may display a photograph of an officer to a prospective witness as part of an agency or unit investigation.

Subd. 8. **Disciplinary letter.** No disciplinary letter or reprimand may be included in an officer's personnel record unless the officer has been given a copy of the letter or reprimand.

Subd. 9. **Retaliatory action prohibited.** No officer may be discharged, disciplined, or threatened with discharge or discipline as retaliation for or solely by reason of the officer's exercise of the rights provided by this section.

Subd. 10. **Rights not reduced.** The rights of officers provided by this section are in addition to and do not diminish the rights and privileges of officers that are provided under an applicable collective bargaining agreement or any other applicable law.

History: 2005 c 136 art 13 s 3

241.06 RECORD OF INMATES; DEPARTMENT OF CORRECTIONS.

Subdivision 1. **General.** The commissioner of corrections shall keep in the commissioner's office, accessible only by the commissioner's consent or on the order of a judge or court of record, a record showing the residence, sex, age, nativity, occupation, civil condition, and date of entrance or commitment of every person, inmate, or convict in the facilities under the commissioner's exclusive control, the date of discharge and whether such discharge was final, the condition of such person when the person left the facility, and the date and cause of all deaths. The records shall state every transfer from one facility to another, naming each. This information shall be furnished to the commissioner of corrections by each facility, with such other obtainable facts as the commissioner may from time to time require. The chief executive officer of each such facility, within ten days after the commitment or entrance thereto of a person, inmate, or convict, shall cause a true copy of the entrance record to be forwarded to the commissioner of corrections. When a person, inmate, or convict leaves, is discharged or transferred, or dies in any facility, the chief executive officer, or other person in charge shall inform the commissioner of corrections within ten days thereafter on forms furnished by the commissioner.

The commissioner of corrections may authorize the chief executive officer of any facility under the commissioner's control to release to probation officers, local social services agencies or other specifically designated interested persons or agencies any information regarding any person, inmate, or convict thereat, if, in the opinion of the commissioner, it will be for the benefit of the person, inmate, or convict.

Subd. 2. **Sex offender information provided to supervising corrections agency.** When an offender who is required to register as a predatory offender under section 243.166 is being released from prison, the commissioner shall provide to the corrections agency that will supervise the offender, the offender's prison records relating to psychological assessments, medical and mental health issues, and treatment.

History: 2005 c 136 art 3 s 3

241.67 SEX OFFENDER TREATMENT; PROGRAMS; STANDARDS; DATA.

[For text of subs 1 and 2, see M.S.2004]

Subd. 3. **Programs for adult offenders committed to the commissioner.** (a) The commissioner shall provide for a range of sex offender programs, including intensive sex offender programs, within the state adult correctional facility system. Participation in any program is subject to the rules and regulations of the Department of Corrections. Nothing in this section requires the commissioner to accept or retain an offender in a program if the offender is determined by prison professionals as unamenable to programming within the prison system or if the offender refuses or fails to comply with the program's requirements. Nothing in this section creates a right of an offender to treatment.

(b) The commissioner shall develop a plan to provide for residential and outpatient sex offender programming and aftercare when required for conditional release under section 609.108 or as a condition of supervised release. The plan may include co-payments from the offender, third-party payers, local agencies, or other funding sources as they are identified.

[For text of subds 4 and 6, see M.S.2004]

Subd. 7. Funding priority; program effectiveness. (a) Unless otherwise directed by the terms of a particular appropriations provision, the commissioner shall give priority to the funding of juvenile sex offender programs over the funding of adult sex offender programs.

(b) Every county or private sex offender program shall provide the commissioner with any information relating to the program's effectiveness that the commissioner considers necessary. The commissioner shall deny state funding or reimbursement to any county or private program that fails to provide this information or that appears to be an ineffective program.

Subd. 8. Community-based sex offender program evaluation. (a) For the purposes of this subdivision, a sex offender is an adult who has been convicted, or a juvenile who has been adjudicated, for a sex offense or a sex-related offense which would require registration under section 243.166.

(b) The commissioner shall:

(1) collect follow-up information on each sex offender for a period of three years following the offender's completion of or termination from treatment for the purpose of providing periodic reports to the legislature;

(2) provide treatment programs in several geographical areas in the state;

(3) provide the necessary data to form the basis to recommend a fiscally sound plan to provide a coordinated statewide system of effective sex offender treatment programming; and

(4) provide an opportunity to local and regional governments, agencies, and programs to establish models of sex offender programs that are suited to the needs of that region.

(c) The commissioner shall establish an advisory task force consisting of county probation officers from Community Corrections Act counties and other counties, court services providers, and other interested officials. The commissioner shall consult with the task force on how best to implement the requirements of this subdivision.

[For text of subd 9, see M.S.2004]

History: 2005 c 136 art 3 s 4-6