

## CHAPTER 641

### COUNTY AND REGIONAL JAILS

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#### COUNTY JAILS

##### **641.01 JAIL CONSTRUCTION AND MAINTENANCE; PRISONER PLACEMENT.**

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

##### **641.02 FUGITIVES FROM JUSTICE; FEE.**

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 the fugitive's board.

**History:** (10848) *RL s 5463; 1955 c 425 s 2; 1959 c 499 s 1; 1975 c 94 s 3; 1986 c 444*

##### **641.03 FEDERAL PRISONERS; FEE.**

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 the person 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:** (10849) *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; 1986 c 444*

#### **641.035 OUT-OF-STATE PRISONERS.**

(a) A county or regional jail board may authorize the sheriff or regional jail superintendent to enter into agreements to house offenders from other states.

(b) The extradition requirements of chapter 629 do not apply to offenders accepted from another state under this section. The sheriff or regional jail superintendent responsible for housing an out-of-state offender has the express authority to return the offender to the offender's state of origin upon request from the appropriate authority in the offender's state of origin.

**History:** *2010 c 318 s 1*

#### **641.04 PRISONER COMMITMENT PAPERS.**

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 duly certify and keep a copy thereof which shall be prima facie evidence of the sheriff's or jailer's right to retain the prisoner in custody.

**History:** *(10850) RL s 5465; 1980 c 602 s 2; 1986 c 444*

#### **641.05 RECORD OF INMATES; COURT; BUREAU OF CRIMINAL APPREHENSION.**

(a) Every sheriff shall, at the expense of the county, maintain a permanent record of all persons committed to any jail under the sheriff's charge. It shall contain the name of every person committed, by what authority, 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 the sheriff shall make a certified transcript from the record to the court, showing all cases not previously disposed of.

(b) Upon intake into the jail facility, the name of the committed person shall be checked against the Bureau of Criminal Apprehension predatory offender registration database to determine whether the person is a registered predatory offender. In the event that the person is registered, the sheriff or designee shall notify the bureau of the person's admission into the jail facility. At the time of discharge from the facility, the sheriff or designee shall provide the person with a change of information form for the purposes of reporting the address where the person will be living upon release from the facility.

(c) Every sheriff who intentionally neglects or refuses to report under paragraph (a) or (b) shall be guilty of a gross misdemeanor.

**History:** (10851) *RL s 5466; 1985 c 113 s 2; 1986 c 444; 2008 c 299 s 20*

#### **641.06 APPOINTMENT OF EMPLOYEES; COMPENSATION.**

The sheriff of a county maintaining a jail, if a male, shall appoint a competent woman as women's jailer, who, under the sheriff's direction, shall have exclusive charge of all female prisoners. The sheriff, if a female, shall appoint a competent man as men's jailer, who, under the sheriff's direction, shall have exclusive charge of all male prisoners. Jailers shall hold office during the pleasure of the sheriff and may be removed at any time by the sheriff.

**History:** (10852) *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; 1986 c 444; 1987 c 49 s 17*

#### **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 or other tribunal authorized to imprison for the violation of any law, ordinance, bylaw, or police regulation may be required to work for not more than ten hours per day. The court or tribunal, when passing judgment of imprisonment for nonpayment of fine or otherwise, shall determine and specify whether or not the imprisonment shall be at hard labor. The labor may be in the jail or jail yard, upon public roads and streets, public buildings, grounds, or elsewhere in the county. Upon request, persons awaiting trial may be allowed to perform 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 shall be paid to the spouse, family, or dependents of the prisoner, or any other person the court sentencing the prisoner directs. It shall be in an amount that the court determines. It shall be allowed by the board of county commissioners or the governing body of the city upon order of the court.

**History:** (10853) *RL s 5468; 1913 c 373 s 1; 1955 c 425 s 5; 1973 c 123 art 5 s 7; 1983 c 359 s 147; 1986 c 444*

#### **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 chief of police, who shall furnish the materials at the expense of such city, which shall be entitled to the benefit thereof.

**History:** (10854) *RL s 5469; 1913 c 373 s 2; 1973 c 123 art 5 s 7; 2005 c 10 art 2 s 4*

#### **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.

**History:** (10855) *RL s 5470; 1978 c 778 s 3; 1982 c 527 s 2*

**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, the prisoner shall be discharged when the prisoner 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:** (10856) *RL s 5471; 1955 c 425 s 6; 1986 c 444*

**641.11** [Repealed, 1975 c 94 s 7]

**641.111** [Repealed, 1996 c 310 s 1]

**641.12 COLLECTION OF FEES AND BOARD BILLS.**

Subdivision 1. **Fee.** A county board may require that each person who is booked for confinement at a county or regional jail, and not released upon completion of the booking process, pay a fee to the sheriff's department of the county in which the jail is located to cover costs incurred by the county in the booking of that person. The fee is payable immediately from any money then possessed by the person being booked, or any money deposited with the sheriff's department on the person's behalf. If the person has no funds at the time of booking or during the period of any incarceration, the sheriff shall notify the district court in the county where the charges related to the booking are pending, and shall request the assessment of the fee. Notwithstanding section 609.10 or 609.125, upon notification from the sheriff, the district court must order the fee paid to the sheriff's department as part of any sentence or disposition imposed. If the person is not charged, is acquitted, or if the charges are dismissed, the sheriff shall return the fee to the person at the last known address listed in the booking records.

Subd. 2. **Board.** 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.

Subd. 3. **Inmate payment of room and board.** (a) A county board may require that a person convicted of a crime and confined in the county jail, workhouse, or correctional or work farm pay the cost of the person's room, board, clothing, medical, dental, and other correctional services. The board shall establish a schedule to charge persons under this subdivision. The charges may be assessed for any time for which the person receives credit for time served against the sentence imposed as a result of the conviction. The costs may be collected at any time while the person is under sentence or after the sentence has been discharged. During the period of confinement, the costs may be deducted from any money possessed by the person or any money deposited with the local correctional or law enforcement agency on the person's behalf. The board, or local correctional agency or sheriff with authority over the jail, workhouse, or farm, may use any available civil means of debt collection in collecting costs under this subdivision.

(b) The chief executive officer of the local correctional agency or sheriff shall waive payment of the costs under this subdivision if the officer or sheriff determines that the person does not have the ability to pay the costs, payment of the costs would create undue hardship for the person or the person's immediate family, the prospects for payment are poor, or there are extenuating circumstances justifying waiver of the costs.

(c) If a person has been ordered by a court to pay restitution, the person shall be obligated to pay the restitution ordered before paying the costs under this subdivision. However, if the person is making reasonable payments to satisfy the restitution obligation, the local correctional agency or sheriff may also collect costs under this section.

Subd. 4. **Sentencing to service fees.** (a) A county board may require that an offender who participates in sentencing to service pay a fee.

(b) A county board may assess a fee to entities that receive direct benefit from sentencing to service work crews.

**History:** (10858) *RL s 5473; 1973 c 123 art 5 s 7; 1975 c 94 s 5; 1997 c 239 art 9 s 38; 2002 c 322 s 1; 2009 c 152 s 23; 2010 c 215 art 11 s 19; 2010 c 318 s 2*

#### **641.13 PRISONERS FROM OTHER COUNTIES; BOARDING FEES.**

When any prisoner is ordered confined in any county other than that in which the offense was committed, the other county shall keep the prisoner at the expense of the county sending the prisoner, and the other county board shall collect from the county sending the prisoner, for 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:** (10859) *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; 1986 c 444*

#### **641.14 JAILS; SEPARATION OF PRISONERS.**

The sheriff of each county is responsible for the operation and condition of the jail. If construction of the jail permits, the sheriff may permit multiple occupancy but the sheriff shall maintain strict separation of prisoners to the extent that separation is consistent with prisoners' security, safety, health, and welfare. The sheriff shall not keep in the same room or section of the jail:

- (1) a minor under 18 years old and a prisoner who is 18 years old or older, unless:
  - (i) the minor has been committed to the commissioner of corrections under section 609.105;
  - (ii) the minor has been referred for adult prosecution and the prosecuting authority has filed a notice of intent to prosecute the matter for which the minor is being held under section 260B.125; or
  - (iii) the minor is 16 or 17 years old and has been indicted for murder in the first degree;
- (2) a female prisoner and a male prisoner; and

(3) a minor under 18 years old and an extended jurisdiction juvenile 18 years old or older who is alleged to have violated the conditions of the stay of execution.

**History:** (10862) *RL s 5475; 1976 c 318 s 16; 1980 c 602 s 4; 1987 c 49 s 18; 1988 c 515 s 5; 1993 c 326 art 4 s 37; 1995 c 226 art 3 s 49; 1999 c 139 art 4 s 2; 1Sp2003 c 2 art 5 s 12*

#### **641.15 PRISONERS; FEEDING; CARE.**

Subdivision 1. **Clothing and 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 confinement, but shall restore personal clothing upon discharge. No prisoner must 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.

Subd. 2. **Medical aid.** Except as provided in section 466.101, the county board shall pay the costs of medical services provided to prisoners pursuant to this section. The amount paid by the county board for a medical service shall not exceed the maximum allowed medical assistance payment rate for the service, as determined by the commissioner of human services. In the absence of a health or medical insurance or health plan that has a contractual obligation with the provider or the prisoner, medical providers shall charge no higher than the rate negotiated between the county and the provider. In the absence of an agreement between the county and the provider, the provider may not charge an amount that exceeds the maximum allowed medical assistance payment rate for the service, as determined by the commissioner of human services. The county is entitled to reimbursement from the prisoner for payment of medical bills to the extent that the prisoner to whom the medical aid was provided has the ability to pay the bills. The prisoner shall, at a minimum, incur co-payment obligations for health care services provided by a county correctional facility. The county board shall determine the co-payment amount. Notwithstanding any law to the contrary, the co-payment shall be deducted from any of the prisoner's funds held by the county, to the extent possible. If there is a disagreement between the county and a prisoner concerning the prisoner's ability to pay, the court with jurisdiction over the defendant shall determine the extent, if any, of the prisoner's ability to pay for the medical services. If a prisoner is covered by health or medical insurance or other health plan when medical services are provided, the medical provider shall bill that health or medical insurance or other plan. If the county providing the medical services for a prisoner that has coverage under health or medical insurance or other plan, that county has a right of subrogation to be reimbursed by the insurance carrier for all sums spent by it for medical services to the prisoner that are covered by the policy of insurance or health plan, in accordance with the benefits, limitations, exclusions, provider restrictions, and other provisions of the policy or health plan. The county may maintain an action to enforce this subrogation right. The county does not have a right of subrogation against the medical assistance program.

Subd. 3. **Intake procedure; health coverage.** As part of its intake procedure for new prisoners, the sheriff shall ask the prisoner whether the prisoner has health coverage. If the prisoner has coverage under a policy of accident and health insurance regulated under chapter 62A, a health maintenance contract regulated under chapter 62D, a group subscriber contract regulated under chapter 62C, a health benefit certificate regulated under chapter 64B, a self-insured plan, or other health coverage, the prisoner shall provide to the sheriff the name of the carrier or administrator and other information and authorizations necessary for the sheriff to obtain specific information about coverage.

Subd. 3a. **Intake procedure; approved mental health screening.** (a) As part of its intake procedure for new inmates, the sheriff or local corrections shall use a mental health screening tool approved by the commissioner of corrections in consultation with the commissioner of human services and local corrections staff to identify persons who may have mental illness.

(b) Names of persons who have screened positive or may have a mental illness may be shared with the local county social services agency. The jail may refer an offender to county personnel of the welfare system, as defined in section 13.46, subdivision 1, paragraph (c), in order to arrange for services upon discharge and may share private data on the offender as necessary to:

- (1) provide assistance in filling out an application for medical assistance or MinnesotaCare;
- (2) make a referral for case management as provided under section 245.467, subdivision 4;
- (3) provide assistance in obtaining a state photo identification;
- (4) secure a timely appointment with a psychiatrist or other appropriate community mental health provider;
- (5) provide prescriptions for a 30-day supply of all necessary medications; or
- (6) coordinate behavioral health services.

(c) Notwithstanding section 138.17, if an offender is referred to a government entity within the welfare system pursuant to paragraph (b), and the offender refuses all services from the entity, the entity must, within 15 days of the refusal, destroy all private data on the offender that it created or received because of the referral.

Subd. 4. **Health care in compliance with coverage.** A county board may authorize the sheriff to fulfill the county board's obligation to provide the medical aid required by subdivision 1 in accordance with the terms of the health plan covering the prisoner, where possible, subject to any rules and exceptions provided by the county board. The sheriff has no obligation to the prisoner to obtain the prisoner's health care in accordance with the prisoner's health coverage.

Subd. 5. **Scope.** Subdivisions 2, 3, and 4 apply to any medical aid, including dental care, provided to prisoners held in a county jail or workhouse.

**History:** (10863) RL s 5476; 1955 c 425 s 7; 1980 c 602 s 5; 1986 c 444; 1991 c 310 s 2; 1995 c 226 art 5 s 6; 1996 c 408 art 8 s 20; 1Sp2003 c 14 art 12 s 91; 1Sp2005 c 4 art 5 s 17; 2007 c 54 art 6 s 17; 1Sp2011 c 1 art 2 s 4; 2016 c 158 art 2 s 121; 1Sp2019 c 9 art 6 s 73

#### **641.155 DISCHARGE PLANS; OFFENDERS WITH SERIOUS AND PERSISTENT MENTAL ILLNESS.**

The commissioner of corrections shall develop a model discharge planning process for every offender with a serious and persistent mental illness, as defined in section 245.462, subdivision 20, paragraph (c), who has been convicted and sentenced to serve three or more months and is being released from a county jail or county regional jail.

An offender with a serious and persistent mental illness, as defined in section 245.462, subdivision 20, paragraph (c), who has been convicted and sentenced to serve three or more months and is being released from a county jail or county regional jail shall be referred to the appropriate staff in the county human

services department at least 60 days before being released. The county human services department may carry out provisions of the model discharge planning process such as:

- (1) providing assistance in filling out an application for medical assistance or MinnesotaCare;
- (2) making a referral for case management as outlined under section 245.467, subdivision 4;
- (3) providing assistance in obtaining a state photo identification;
- (4) securing a timely appointment with a psychiatrist or other appropriate community mental health providers; and
- (5) providing prescriptions for a 30-day supply of all necessary medications.

**History:** *1Sp2005 c 4 art 2 s 18; 2016 c 158 art 2 s 122*

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

#### **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 SECURE CONFINEMENT.**

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

**History:** *(10866) RL s 5478; 1978 c 778 s 5; 1980 c 602 s 8; 2008 c 299 s 21*



**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:** (10868) *RL s 5480*

**641.21 JAIL; ADVICE ON 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 \$15,000, 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:** (10869) *RL s 5481; 1955 c 425 s 8; 1959 c 263 s 2; 1976 c 299 s 3; 1980 c 602 s 9; 2005 c 136 art 13 s 18*

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

**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 no election is required if the amount of all bonds issued for this purpose and interest on them which are due and payable in any year does not exceed an amount equal to 0.09671 percent of estimated market value of taxable property within the county, as last determined before the bonds are issued.

**History:** (10871) *RL s 5483; 1980 c 597 s 6; 1988 c 719 art 5 s 84; 1989 c 277 art 4 s 79; 1997 c 219 s 11; 2002 c 390 s 19; 2013 c 143 art 14 s 107*

**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, or a county housing and redevelopment authority established pursuant to chapter 469 or any special law whereby the city or county housing and redevelopment authority will construct a jail or other law enforcement facilities for the county sheriff, deputy sheriffs, and other employees of the sheriff and other law enforcement agencies, in accordance with plans prepared by or at the request of the county board and, when required, approved by the commissioner of corrections and will finance it by the issuance of revenue bonds, and the county may lease the 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 469, and all proceedings shall be taken by the city or county housing and redevelopment authority and the county in the manner and with the force and effect provided in chapter 469; 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 commerce shall not be required;
- (3) the Department of Corrections shall be furnished and shall record such information concerning each project as it may prescribe;
- (4) the rentals required to be paid under the lease agreement shall not exceed in any year one-tenth of one percent of the estimated market 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;
- (6) no mortgage on the 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; and
- (7) the county board may sublease any part of the jail property for purposes consistent with the maintenance and operation of a county jail or other law enforcement facility.

**History:** (10872) *RL s 5484; 1980 c 516 s 2; 1980 c 597 s 7; 1981 c 356 s 246; 1983 c 289 s 114 subd 1, 115 subd 1; 1984 c 633 s 12; 1984 c 655 art 1 s 92; 1987 c 312 art 1 s 26 subd 2; 1988 c 719 art 5 s 84; 1989 c 1 s 10; 1992 c 511 art 9 s 22; 1993 c 163 art 1 s 34; 2013 c 143 art 14 s 108*

#### **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. If the jail or its management becomes unfit for that purpose, the commissioner may rescind its designation. Whenever there is no sufficient jail in any county, the examining judge, or upon the judge's own motion, 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 is a district jail in the judicial district, the charged person shall be sent to it, or to any other nearer district jail designated by the judge. The sheriff of the county containing the district jail, on presentation of the order, shall receive, keep in custody, and deliver the charged person up upon the order of the court or a judge.

**History:** (10873) *RL s 5485; 1959 c 263 s 2; 1983 c 359 s 148; 1986 c 444; 2006 c 260 art 5 s 52*

#### **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 the judge's own motion, may issue a written order condemning it; or, when the commissioner of corrections shall adjudge any county jail insecure or otherwise unfit for use, the commissioner may, with consent of the judge of the district court, issue a 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:** (10874) *RL s 5486; 1959 c 263 s 2; 1976 c 299 s 4; 1986 c 444*

## 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 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; 1985 c 248 s 70

### 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 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 a 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 chair, vice-chair, 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; 1986 c 444

#### **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 chair, vice-chair, and secretary of the regional jail board;

(3) "council" means the county boards of the cooperating counties.

**Subd. 5. Multiple occupancy cells.** If construction of the jail permits, the board may, by resolution, authorize multiple occupancy, but the superintendent must maintain strict separation of prisoners to the extent that separation is necessary to ensure prisoners' security, safety, health, and welfare.

**History:** 1963 c 452 s 3; 1980 c 597 s 9; 1986 c 444; 1Sp2003 c 2 art 5 s 13

## 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 or with the approval of the board of county commissioners of each cooperating county a county housing and redevelopment authority established pursuant to chapter 462 or special law, 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 (1) 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; or (2) according to a formula mutually agreed upon by all the cooperating counties.

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 chair 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 chair'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; 1984 c 633 s 13; 1986 c 444; 1987 c 252 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 in accordance with the terms of a joint powers agreement. 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:

(1) 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

(2) 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; 2007 c 54 art 6 s 18

#### **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]