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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. **1301**

March 5, 2009

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The bill was read for the first time and referred to the Committee on Public Safety Policy and Oversight

1.1 A bill for an act
1.2 relating to public safety; clarifying authority of apprehension and detention
1.3 orders outside county that issued the order; amending Minnesota Statutes 2008,
1.4 section 401.025, subdivision 1.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2008, section 401.025, subdivision 1, is amended to read:

1.7 Subdivision 1. **Peace officers and probation officers serving CCA counties.** (a)

1.8 When it appears necessary to enforce discipline or to prevent a person on conditional
1.9 release from escaping or absconding from supervision, the chief executive officer or
1.10 designee of a community corrections agency in a CCA county has the authority to issue
1.11 a written order directing any peace officer ~~in the county~~ or any probation officer in the
1.12 state serving the district and juvenile courts ~~of the county~~ to detain and bring the person
1.13 before the court or the commissioner, whichever is appropriate, for disposition. This
1.14 written order is sufficient authority for the peace officer or probation officer to detain the
1.15 person for not more than 72 hours, excluding Saturdays, Sundays, and holidays, pending a
1.16 hearing before the court or the commissioner.

1.17 (b) The chief executive officer or designee of a community corrections agency in a
1.18 CCA county has the authority to issue a written order directing a peace officer or probation
1.19 officer serving the district and juvenile courts ~~of the county~~ to release a person detained
1.20 under paragraph (a) within 72 hours, excluding Saturdays, Sundays, and holidays, without
1.21 an appearance before the court or the commissioner. This written order is sufficient
1.22 authority for the peace officer or probation officer to release the detained person.

1.23 (c) The chief executive officer or designee of a community corrections agency in a
1.24 CCA county has the authority to issue a written order directing any peace officer ~~in the~~

2.1 ~~county~~ or any probation officer serving the district and juvenile courts ~~of the county~~ to
2.2 detain any person on court-ordered pretrial release who absconds from pretrial release
2.3 or fails to abide by the conditions of pretrial release. A written order issued under this
2.4 paragraph is sufficient authority for the peace officer or probation officer to detain the
2.5 person.