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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. **1521**

March 9, 2009

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

March 23, 2009

Committee Recommendation and Adoption of Report:

To Pass as Amended and re-referred to the Committee on Finance without further recommendation

1.1 A bill for an act
1.2 relating to public safety; providing earned release dates for imprisoned offenders
1.3 and requiring that offenders who qualify be placed on enhanced reentry
1.4 supervised release; repealing the law requiring that short-term offenders be
1.5 incarcerated in local correctional facilities; appropriating money; amending
1.6 Minnesota Statutes 2008, sections 244.01, by adding subdivisions; 244.101,
1.7 subdivisions 1, 2, 3; 609.105, subdivision 1; proposing coding for new law in
1.8 Minnesota Statutes, chapter 244; repealing Minnesota Statutes 2008, section
1.9 609.105, subdivisions 1a, 1b.

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

1.11 Section 1. Minnesota Statutes 2008, section 244.01, is amended by adding a
1.12 subdivision to read:

1.13 Subd. 10. **Earned release date.** "Earned release date" means the date on which an
1.14 inmate who has served at least one year in a state correctional facility, who has not been
1.15 subject to any disciplinary sanctions while in a state correctional facility, and who has
1.16 agreed to a release plan must be placed on enhanced reentry supervised release under
1.17 section 244.0511. The earned release date for an inmate is 45 days before the end of the
1.18 inmate's term of imprisonment.

1.19 Sec. 2. Minnesota Statutes 2008, section 244.01, is amended by adding a subdivision
1.20 to read:

1.21 Subd. 11. **Enhanced reentry supervised release.** "Enhanced reentry supervised
1.22 release" means supervised release of the type described in section 244.0511. Except
1.23 as provided in section 244.0511, enhanced reentry supervised release is governed by
1.24 provisions related to supervised release. The duration of enhanced reentry supervised

2.1 release includes the period beginning with an inmate's earned release date and continuing
2.2 until the end of the inmate's original term of imprisonment.

2.3 **Sec. 3. [244.0511] ENHANCED REENTRY SUPERVISED RELEASE.**

2.4 (a) The commissioner shall place an inmate who has served at least one year in a
2.5 state correctional facility, who has not been subject to any disciplinary sanctions while
2.6 in a state correctional facility, and who has agreed to a release plan on enhanced reentry
2.7 supervised release when the inmate reaches the inmate's earned release date.

2.8 (b) To be eligible for release under this section, an inmate must have agreed to a
2.9 release plan that has been approved by the inmate's future supervising agent and the
2.10 caseworker from the inmate's correctional facility. The release plan must, at a minimum,
2.11 require the inmate to participate in enhanced reentry programming that may include, but
2.12 is not limited to, chemical dependency treatment and aftercare, vocational counseling,
2.13 employment skills training, GED classes or postsecondary education, life skills training,
2.14 anger management training, financial skills classes, or other programming deemed
2.15 appropriate as part of reentry programming by the supervising agent. When there is a
2.16 specific reentry curriculum available, that program must be indicated in the release plan
2.17 and a description of that program attached to the release plan.

2.18 (c) An inmate who has not served at least one year in a state correctional facility,
2.19 who has been subject to any disciplinary sanction while in a state correctional facility,
2.20 or who has not agreed to a release plan described in this section may not be placed on
2.21 enhanced reentry supervised release and instead may only be placed on supervised release,
2.22 under the timetable and criteria provided in section 244.05. This section does not apply
2.23 to inmates subject to section 244.05, subdivision 4 or 5.

2.24 (d) At the conclusion of the inmate's enhanced reentry supervised release term, the
2.25 inmate shall be placed on supervised release.

2.26 Sec. 4. Minnesota Statutes 2008, section 244.101, subdivision 1, is amended to read:

2.27 Subdivision 1. **Executed sentences.** When a felony offender is sentenced to a fixed
2.28 executed sentence for an offense committed on or after August 1, 1993, the executed
2.29 sentence consists of two parts: (1) a specified minimum term of imprisonment that is
2.30 equal to two-thirds of the executed sentence; and (2) a specified maximum supervised
2.31 release term that is equal to one-third of the executed sentence. The amount of time the
2.32 inmate actually serves in prison and on supervised release is subject to the provisions of
2.33 ~~section~~ sections 244.05, subdivision 1b; and 244.0511.

3.1 Sec. 5. Minnesota Statutes 2008, section 244.101, subdivision 2, is amended to read:

3.2 Subd. 2. **Explanation of sentence.** When a court pronounces an executed sentence
3.3 under this section, it shall explain: (1) the total length of the executed sentence; (2)
3.4 the amount of time the defendant will serve in prison; and (3) the amount of time
3.5 the defendant will serve on supervised release, assuming the defendant commits no
3.6 disciplinary offense in prison that results in the imposition of a disciplinary confinement
3.7 period. The court shall also explain that the amount of time the defendant actually serves
3.8 in prison may be extended by the commissioner if the defendant commits any disciplinary
3.9 offenses in prison and that this extension could result in the defendant's serving the entire
3.10 executed sentence in prison. The court shall also explain the ability of the defendant to
3.11 earn enhanced reentry supervised release under section 244.0511. The court's explanation
3.12 shall be included in a written summary of the sentence.

3.13 Sec. 6. Minnesota Statutes 2008, section 244.101, subdivision 3, is amended to read:

3.14 Subd. 3. **No right to supervised release.** Notwithstanding the court's explanation
3.15 of the potential length of a defendant's supervised release term, the court's explanation
3.16 creates no right of a defendant to any specific, minimum length of a supervised release or
3.17 enhanced reentry supervised release term.

3.18 Sec. 7. Minnesota Statutes 2008, section 609.105, subdivision 1, is amended to read:

3.19 Subdivision 1. **Sentence to less than 180 days more than one year.** ~~In~~ A felony
3.20 sentence to imprisonment, ~~when the remaining term of imprisonment is for 180 days~~
3.21 ~~or less, the defendant~~ more than one year shall be committed commit the defendant to
3.22 the custody of the commissioner of corrections and must serve the remaining term of
3.23 imprisonment at a workhouse, work farm, county jail, or other place authorized by law.

3.24 Sec. 8. **APPROPRIATION.**

3.25 \$1,607,000 for the fiscal year ending June 30, 2010, and \$1,607,000 for the fiscal
3.26 year ending June 30, 2011, are appropriated from the general fund to the commissioner
3.27 of corrections to provide enhanced reentry supervision services for inmates released
3.28 from prisons under Minnesota Statutes, section 244.0511. At the end of each fiscal year,
3.29 the commissioner shall distribute this appropriation among state and local probation
3.30 offices proportionately based on the number of inmates released under Minnesota Statutes,
3.31 section 244.0511, that the office supervised for any amount of time during the preceding
3.32 fiscal year.

4.1 Sec. 9. **REPEALER.**

4.2 Minnesota Statutes 2008, section 609.105, subdivisions 1a and 1b, are repealed.

609.105 SENTENCE OF IMPRISONMENT.

Subd. 1a. **Definitions.** (a) The terms in this subdivision apply to this section.

(b) "Remaining term of imprisonment" as applied to inmates whose crimes were committed before August 1, 1993, is the period of time for which an inmate is committed to the custody of the commissioner of corrections minus earned good time and jail credit, if any.

(c) "Remaining term of imprisonment" as applied to inmates whose crimes were committed on or after August 1, 1993, is the period of time equal to two-thirds of the inmate's executed sentence, minus jail credit, if any.

Subd. 1b. **Sentence to more than 180 days.** A felony sentence to imprisonment when the warrant of commitment has a remaining term of imprisonment for more than 180 days shall commit the defendant to the custody of the commissioner of corrections.