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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. 3526

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

A bill for an act

relating to corrections; establishing a parole board; prescribing its membership, duties, and powers; prescribing when an individual is eligible to be considered for parole; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 244A.

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

Section 1. [244A.01] CORRECTIONS BOARD.

Subdivision 1. **Creation.** There is created a Corrections Board consisting of five full-time members; four members shall be appointed by the governor, with the advice and consent of the senate. No more than two members appointed by the governor shall belong to the same political party. An appointment to a vacancy shall be made in the same manner as other appointments and shall be for the unexpired term. The fifth member shall be chair and shall be an officer of the Department of Corrections in the unclassified service and shall be appointed by the commissioner of corrections to serve at the commissioner's pleasure.

Subd. 2. **Qualifications.** A candidate for appointment to the Corrections Board is not required to have specific academic or professional attainment, but shall have knowledge or experience in corrections or related fields and be selected on the basis of sound judgment and the ability to consider both the needs of individuals over whom the board has jurisdiction and the safety of the public. Among the members appointed by the governor, at least one shall be a woman, one a man, and one a member of a racial minority.

Subd. 3. **Terms of office; reappointment.** Members of the board shall serve six year staggered terms. A member is eligible for reappointment. Removal of members is governed by section 15.0575, subdivision 3.

Subd. 4. **Compensation; expenses.** Each member of the board other than the chair shall receive as compensation 85 percent of a district court judge's salary per year, payable

2.1 in the same manner as other employees of the state. The chair of the board shall receive
2.2 as compensation the chair's salary as an officer of the Department of Corrections, which
2.3 shall not be less than the salary of the other members of the board. In addition to the
2.4 compensation provided in this subdivision, each member of the board shall be reimbursed
2.5 for expenses paid or incurred in the performance of official duties in the same manner as
2.6 other employees of the state. This compensation and these expenses shall be paid out of
2.7 the general fund in the same manner as the salaries and expenses of other state officers,
2.8 except that the salary and expenses of the chair of the board shall be paid out of funds
2.9 appropriated to the commissioner of corrections.

2.10 Subd. 5. **Quorum.** (a) The board may sit in units of three as designated by the chair
2.11 under rules prescribed by the board, and such a unit constitutes a quorum.

2.12 (b) The chair may, with the approval of the commissioner of corrections, appoint
2.13 employees of the Department of Corrections to perform administrative duties as assigned
2.14 by the chair.

2.15 **Sec. 2. [244A.02] BOARD POWERS; LIMITATIONS.**

2.16 Subdivision 1. **Powers.** (a) Except as provided in subdivision 2, the Corrections
2.17 Board, giving due consideration to public safety, may parole an individual sentenced
2.18 to confinement in an adult correctional facility if the person was sentenced for an
2.19 indeterminate term.

2.20 Subd. 2. **Legal custody of parolees.** Upon being paroled and released, an individual
2.21 remains in the legal custody and under the control of the Corrections Board, subject to be
2.22 returned at any time to a facility of the Department of Corrections. If the individual is
2.23 returned, the legal custody of the individual reverts to the commissioner of corrections. A
2.24 written order of the Corrections Board, certified by the chair of the board, is sufficient
2.25 to authorize a peace officer or state parole or probation agent to retake and place in the
2.26 custody of the Corrections Board any parolee, but a state parole or probation agent
2.27 may, without order of warrant, when it appears necessary to prevent escape or enforce
2.28 discipline, take and detain a parolee to the custody of the Corrections Board for its action.
2.29 A written order of the commissioner of corrections is sufficient for a peace officer or
2.30 state parole or probation agent to retake and place in actual custody an individual on
2.31 probation under the supervision of the commissioner pursuant to section 609.135, but
2.32 any state parole or probation agent may, when it appears necessary to prevent escape
2.33 or enforce discipline, retake and detain such probationer without such an order and
2.34 bring a paroled individual before the court for further proceedings under section 609.14.
2.35 Paroled individuals, and those on probation under the supervision of the commissioner of

3.1 corrections pursuant to section 609.135 may be placed within or without the boundaries of
3.2 the state at the discretion of the board or of the commissioner of corrections, and the limits
3.3 fixed for such individuals may be enlarged or reduced according to their conduct.

3.4 Subd. 3. **Parole hearings.** (a) In considering applications for parole or final release,
3.5 the board is not required to hear oral argument from any attorney or other person not
3.6 connected with a facility of the Department of Corrections, but it may institute inquiries
3.7 by correspondence, taking testimony or otherwise, as to the previous history, physical or
3.8 mental condition, and character of an applicant, and to that end it has authority to require
3.9 the attendance of the chief executive officer of the relevant Minnesota correctional facility
3.10 and the production of the records of the facility, and to compel the attendance of witnesses.
3.11 Each member of the board is authorized to administer oaths to witnesses.

3.12 (b) A victim, or if the victim is deceased, the victim's next of kin, of a crime for
3.13 which the parole applicant was convicted has the right to testify in person or in writing
3.14 before the board. Testimony may include the victim's reaction to the applicant's release
3.15 and a summary of reasons supporting the victim's statement. The board must consider the
3.16 victim's statement in its decision.

3.17 Subd. 4. **Report.** On or before January 1 of each year, the board shall submit
3.18 a written report to the committees of the senate and the house of representatives with
3.19 jurisdiction over criminal justice policy that identifies the persons granted parole in
3.20 the preceding year and the cost savings, if any, to the Department of Corrections that
3.21 resulted from the parole of these offenders. The report shall also include the board's
3.22 recommendations for policy modifications that influence the board's duties.

3.23 **Sec. 3. [244A.03] CREDITS FOR PRISONERS.**

3.24 Each inmate shall be credited for good prison demeanor, diligence in labor and study
3.25 and results accomplished, and be charged for derelictions, negligences, and offenses
3.26 under a uniform system of marks or other methods prescribed by the commissioner of
3.27 corrections. The commissioner of corrections shall inform the Corrections Board of the
3.28 work progress, derelictions, negligences, demeanor, and future program of each inmate a
3.29 month before the inmate's appearance before the Corrections Board.

3.30 **Sec. 4. [244A.04] DUTY OF BOARD; FINAL DISCHARGE.**

3.31 The Corrections Board shall keep in communication with all those on parole and
3.32 also with their employers, and when any parolee has kept the conditions of parole in a
3.33 manner and for a period of time that satisfies the board that the parolee is rehabilitated,
3.34 trustworthy, will remain at liberty without violating the law, and that final release is not

4.1 incompatible with the welfare of society, then the board has power in its discretion to grant
4.2 to such individual a final discharge from confinement. If final discharge is granted, the
4.3 board shall issue to the individual a certificate of final discharge, and shall also cause a
4.4 record of the acts of the individual to be made showing the date of commitment, record
4.5 while in prison, the date of parole, record while on parole, and its reasons for determining
4.6 final discharge, together with any other facts that the board deems relevant. Nothing in
4.7 sections 244A.01 to 244A.08 impairs the power of the Board of Pardons to grant a pardon
4.8 or commutation in any case.

4.9 Sec. 5. **[244A.05] SUPERVISION BY COMMISSIONER OF CORRECTIONS;**
4.10 **AGENTS.**

4.11 Subdivision 1. **Parole supervision.** Other than in Community Corrections Act
4.12 counties, the commissioner of corrections shall exercise supervision over individuals
4.13 released on parole or probation pursuant to sections 244A.01 to 244A.08. The
4.14 responsibilities and powers granted to the commissioner of corrections under sections
4.15 241.26, 242.10, 242.19, 242.46, 243.05, and 244.05, shall be exercised with regard to an
4.16 individual paroled by the board under sections 244A.01 to 244A.08.

4.17 Subd. 2. **Agents.** For the purposes of subdivisions 1 and 2, and sections 609.115
4.18 and 609.135, subdivision 1, the commissioner shall appoint state agents who shall be
4.19 in the classified service of the state civil service. The commissioner may also appoint
4.20 suitable persons in any part of the state or enter into agreements with individuals and
4.21 public or private agencies, for the same purposes, and pay the costs incurred under
4.22 the agreements. Every agent shall perform the duties the commissioner prescribes
4.23 on behalf of or in the supervision of individuals released on parole or probation. In
4.24 addition, every agent or person shall act under the orders of the Corrections Board or
4.25 the commissioner in the supervision of individuals conditionally released. Agents shall
4.26 provide assistance to conditionally released individuals in obtaining employment, and
4.27 shall conduct relevant investigations and studies of individuals under supervision upon
4.28 the request of the commissioner or the board. Regional supervisors may also supervise
4.29 state parole or probation agents as directed by the commissioner of corrections. This duty
4.30 shall not interfere with the supervisor's responsibility under the County Probation Act,
4.31 Laws 1959, chapter 698.

4.32 Subd. 3. **Administrative services.** The commissioner of corrections shall
4.33 provide the board with all other personnel, supplies, equipment, office space, and other
4.34 administrative services necessary and incident to the discharge of the functions of the
4.35 board.

5.1 Sec. 6. **[244A.06] DEPUTIZATION OF OUT-OF-STATE AGENTS.**

5.2 Subdivision 1. **Out-of-state deputies.** The Corrections Board may deputize a
5.3 person regularly employed by another state to act as an agent of this state in effecting the
5.4 return of an individual who has violated the terms and conditions of parole or probation
5.5 granted by this state. In any matter relating to the return of an individual, an agent so
5.6 deputized has the powers of a police officer of this state.

5.7 Subd. 2. **In writing.** A deputization pursuant to subdivision 1 shall be in writing
5.8 and a person so authorized to act as an agent of this state shall carry formal evidence of
5.9 the deputization and shall produce the same upon demand.

5.10 Subd. 3. **Sharing costs.** Subject to the approval of the commissioner of finance, the
5.11 Corrections Board may enter into contracts with similar officials of another state for the
5.12 purpose of sharing an equitable portion of the cost of effecting the return of an individual
5.13 who has violated the terms and conditions of parole or probation granted by this state.

5.14 Sec. 7. **[244A.08] RULES GOVERNING PAROLES.**

5.15 Subdivision 1. **Rules.** The Corrections Board has power to make, amend, and
5.16 publish rules governing the granting of paroles and final discharges and the procedure
5.17 relating thereto, and the conditions of parole and the conduct and employment of
5.18 individuals on parole, and other matters touching the exercise of the powers and duties
5.19 conferred upon the board by sections 244A.01 to 244A.08.

5.20 Subd. 2. **Prospective effect.** Any new rule or policy adopted by the board that has
5.21 the effect of postponing eligibility for parole has prospective effect only and applies
5.22 only with respect to individuals committing offenses after the effective date of the new
5.23 rule or policy.

5.24 Sec. 8. **INITIAL TERMS FOR BOARD MEMBERS.**

5.25 Two of the four members appointed by the governor to the Board of Corrections
5.26 shall serve initial terms of six years. The other two members appointed by the governor
5.27 shall serve terms of four years.

5.28 Sec. 9. **EFFECTIVE DATE.**

5.29 Sections 1 to 8 are effective the day following final enactment.