

## CHAPTER 559 — S.F.No. 1821

*An act relating to community corrections; clarifying and harmonizing the provisions of Minnesota Statutes relating to the administrative structure of participating counties, the composition of the corrections advisory board, the powers of probation officers, and the powers and duties of the commissioner of corrections; amending Minnesota Statutes 1980, Sections 401.01, Subdivision 2; 401.02, Subdivisions 1, 3, and 4; 401.06; 401.08, Subdivisions 1 and 2; and 401.13.*

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

Section 1. Minnesota Statutes 1980, Section 401.01, Subdivision 2, is amended to read:

Subd. 2. **DEFINITIONS.** (a) For the purposes of sections 401.01 to 401.16, the following terms shall have the meanings given them:

(b) "Commissioner" means the commissioner of corrections or his designee;

(c) "Conditional release" means parole, supervised release, work release as authorized by sections 241.26 and 244.065, and includes probation;

(d) "Joint board" means the board provided in section 471.59.

Sec. 2. Minnesota Statutes 1980, Section 401.02, Subdivision 1, is amended to read:

Subdivision 1. **QUALIFICATION OF COUNTIES.** One or more contiguous counties, having an aggregate population of 30,000 or more persons or comprising all the counties within a region designated pursuant to sections 462.381 to 462.396 or sections 473.122 to 473.249, situated within the same region designated pursuant to sections 462.381 to 462.396, or sections 473.122 to 473.249, may qualify for a grant as provided in section 401.01 by the enactment of appropriate resolutions creating and establishing a corrections advisory board, designating the officer or agency to be responsible for administering grant funds, and providing for the preparation of a comprehensive plan for the development, implementation and operation of the correctional services described in section 401.01, including the assumption of those correctional services, other than the operation of state facilities, presently provided in such counties by the department of corrections, and providing for centralized administration and control of those correctional services described in section 401.01.

Where counties combine as authorized in this section, they shall comply with the provisions of section 471.59.

Sec. 3. Minnesota Statutes 1980, Section 401.02, Subdivision 3, is amended to read:

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Subd. 3. **ESTABLISHMENT AND REORGANIZATION OF ADMINISTRATIVE STRUCTURE.** Any county or group of counties which have qualified for participation in the community corrections subsidy program provided by this chapter may, after consultation with the judges of the district court, county court, municipal court, probate court and juvenile court having jurisdiction in the county or group of counties establish, organize, and reorganize an administrative structure and provide for the budgeting, staffing and operation of court services and probation, juvenile detention and juvenile correctional facilities, and other activities required to conform to the purposes of this chapter. No contrary general or special statute divests any county or group of counties of the authority granted by this subdivision. This subdivision does not apply to Ramsey County or Hennepin County or to the counties in the Arrowhead region. In Hennepin County and Ramsey County the county board and the judges of the district court, county court, municipal court, probate court and juvenile court shall, ~~before January 15, 1981~~, prepare and implement, ~~subject to the approval of the commissioner of corrections~~, a joint plan for reorganization of correctional services in the county providing for the administrative structure and providing for the budgeting, staffing and operation of court services and probation, juvenile detention and juvenile correctional facilities, and other activities required to conform to the purposes of this chapter. The joint plan shall be subject to the approval of the commissioner of corrections and submitted to the legislature on or before January 15, 1983.

Sec. 4. Minnesota Statutes 1980, Section 401.02, Subdivision 4, is amended to read:

Subd. 4. **DETAINING PROBATIONER OR PAROLEE.** *Probation* officers serving the district, county, municipal and juvenile courts of counties participating in the subsidy program established by this chapter may, without order or warrant, when it appears necessary to prevent escape or enforce discipline, take and detain a probationer or parolee, or any person on conditional release from confinement and bring him before the court or the Minnesota corrections board respectively, for appropriate action by the court or the board. No probationer or ~~parolee~~ other person on conditional release shall be detained more than 72 hours, exclusive of legal holidays, Saturdays and Sundays, pursuant to this subdivision without being provided with the opportunity for a hearing before the court or the board. When providing supervision and other correctional services to persons conditionally released pursuant to sections 241.26, 242.19, 243.05, 243.16, 244.05, and 244.065, including intercounty transfer of probation cases, and the conduct of presentence investigations, participating counties shall comply with the policies and procedures relating thereto as prescribed by the commissioner of corrections.

Sec. 5. Minnesota Statutes 1980, Section 401.06, is amended to read:

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

**401.06 COMPREHENSIVE PLAN; STANDARDS OF ELIGIBILITY; COMPLIANCE.**

No county or group of counties electing to provide correctional services pursuant to sections 401.01 to 401.16 shall be eligible for the subsidy herein provided unless and until its comprehensive plan shall have been approved by the commissioner. The commissioner shall, pursuant to the administrative procedures act, promulgate rules establishing standards of eligibility for counties to receive funds under sections 401.01 to 401.16. To remain eligible for subsidy the county or group of counties shall substantially comply with the operating standards established maintain substantial compliance with the minimum standards established pursuant to sections 401.01 to 401.16 and the policies and procedures governing the services described in section 401.02, subdivision 4 as prescribed by the commissioner. Counties shall also be in substantial compliance with other correctional operating standards permitted by law and established by the commissioner. The commissioner shall review annually the comprehensive plans submitted by participating counties, including the facilities and programs operated under the plans. He is hereby authorized to enter upon any facility operated under the plan, and inspect books and records, for purposes of recommending needed changes or improvements.

When the commissioner shall determine that there are reasonable grounds to believe that a county or group of counties is not in substantial compliance with minimum standards, at least 30 days notice shall be given the county or counties and a hearing held conducted by the commissioner to ascertain whether there is substantial compliance or satisfactory progress being made toward compliance. The commissioner may suspend all or a portion of any subsidy until the required standard of operation has been met.

Sec. 6. Minnesota Statutes 1980, Section 401.08, Subdivision 1, is amended to read:

Subdivision 1. The corrections advisory board provided in section 401.02, subdivision 1 shall consist of at least ~~18~~ but not more than ~~20~~ nine members, who shall be representative of law enforcement, prosecution, the judiciary, education, corrections, ethnic minorities, the social services, and the lay citizen, and shall be appointed as follows:

(1) the prosecution representative shall be either the county attorney or his designee;

(2) the judiciary representatives shall be designated by the chief judge of each district and county court district, and shall include judges representative of courts having felony, misdemeanor and juvenile jurisdiction respectively;

(3) education shall be represented by an academic administrator appointed by the chairman of the board of county commissioners with the advice and consent of the members of the board;

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(4) the director of a county welfare board or his designee;

(5) the public defender or his designee;

(6) with the advice and consent of the other members of the county board, the chairman shall appoint the following additional members of the corrections advisory board:

(a) two representatives of law enforcement agencies or their designees, at least one of whom shall be from an agency headed by an elected official;

(b) one parole or probation officer;

(c) one correctional administrator;

(d) a representative from a social service agency, public or private;

(e) an ex-offender;

(f) a licensed medical doctor or other representative of the health care professions;

(g) at least four, but no more than six citizens, provided, however, that if the ethnic minorities resident in the county exceed the percentage of ethnic minorities in the state population, at least two of the citizen members shall be members of an ethnic minority group.

If two or more counties have combined to participate in the subsidy authorized by this chapter, the commissioner of corrections may increase the size of the community corrections advisory board to include one county board member from each participating county.

Sec. 7. Minnesota Statutes 1980, Section 401.08, Subdivision 2, is amended to read:

Subd. 2. The members of the corrections advisory board shall be appointed by the chairman of the board of county commissioners or the joint board in the case of multiple counties and shall serve for terms of two years from and after the date of their appointment, and shall, subject to the approval of the county board or county boards of commissioners of the participating counties, remain in office until their successors are duly appointed. The other members of the corrections advisory board shall hold office at the pleasure of the appointing authority. The board may elect its own officers.

Sec. 8. Minnesota Statutes 1980, Section 401.13, is amended to read:

#### 401.13 CHARGES MADE TO COUNTIES.

Each participating county will be charged a sum equal to the per diem cost of confinement of those persons juveniles committed to the commissioner after August 1, 1973, and confined in a state correctional facility. Provided,

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however, that no charge shall be made for those persons convicted of offenses for which the penalty provided by law exceeds five years, nor shall the amount charged a participating county for the costs of confinement shall not exceed the amount of subsidy to which the county is eligible, and provided further that the counties of commitment shall also pay the per diem herein provided for all persons convicted of a felony for which the penalty provided by law does not exceed five years and confined in a state correctional facility prior to January 1, 1981. The commissioner shall annually determine costs and deduct them from the subsidy due and payable to the respective participating counties, making necessary adjustments to reflect the actual costs of confinement. However, in no case shall the percentage increase in the amount charged to the counties exceed the percentage by which the appropriation for the purposes of sections 401.01 to 401.16 was increased over the preceding biennium. All charges shall be a charge upon the county of commitment.

Approved March 22, 1982

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#### CHAPTER 560 — S.F.No. 1856

*An act relating to state government; improving the state's personnel management functions; amending Minnesota Statutes 1980, Sections 6.582; 11A.07, Subdivision 4; 12.04, Subdivision 1; 15.0575, Subdivision 3; 15.059, Subdivision 3; 15.43, Subdivision 1; 60B.09, Subdivision 2; 84.028, Subdivision 3; 84.081, Subdivision 1; 85A.03, Subdivision 2; 124.645, Subdivision 3; 128A.02, Subdivision 3; 136A.55, Subdivision 4; 144A.52, Subdivision 2; 168.325, Subdivision 1; 171.015, Subdivision 1; 216A.04, Subdivision 3; 246.017, Subdivision 2; 299E.01, Subdivision 1; 299F.01, Subdivision 2; and 352D.02, by adding a subdivision; Minnesota Statutes 1981 Supplement, Sections 3.855, Subdivision 3; 43A.02, Subdivision 28; 43A.04, Subdivisions 3, 4, and by adding a subdivision; 43A.05, Subdivision 4; 43A.08, Subdivisions 1, 3, and by adding subdivisions; 43A.11, Subdivisions 3, 4, 7, and 8; 43A.13, Subdivisions 1, 4, and 5; 43A.15, Subdivisions 6 and 10; 43A.17, Subdivision 4; 43A.18, Subdivisions 3 and 4; 43A.19, Subdivision 1; 43A.27, Subdivision 3; 43A.33, Subdivisions 1, 3, and 4; 43A.37, Subdivision 1; 43A.38; 43A.39; 43A.41, Subdivision 4; 43A.42; 43A.44, Subdivision 2; 124.41, Subdivision 3; 254A.03, Subdivision 1; 352D.02, Subdivision 1; and 462A.04, Subdivision 8; Laws 1971, Extra Session, Chapter 3, Section 19, Subdivision 5; Laws 1980, Chapter 564, Article XII, Section 1, Subdivision 6; Laws 1981, Chapter 210, Section 55; repealing Minnesota Statutes 1980, Sections 12.05; 124.615, Subdivision 3; 190.081; and 190.095; and Minnesota Statutes 1981 Supplement, Section 43A.08, Subdivision 2.*

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

Section 1. Minnesota Statutes 1981 Supplement, Section 3.855, Subdivision 3, is amended to read:

Subd. 3. **OTHER DUTIES.** In addition to the duties specified in subdivision 2, the commission shall perform the following:

Changes or additions are indicated by underline, deletions by ~~strikeout~~.