

The strobe lamp shall be of a double flash type certified to the commissioner of public safety by the manufacturer as being weatherproof and having a minimum effective light output of 200 candelas as measured by the Blondel-Rey formula. The lamp shall be permanently mounted on the longitudinal center line of the bus roof not less than five feet nor more than seven feet forward of the rear roof edge. It shall operate from a separate switch containing an indicator lamp to show when the strobe lamp is in use.

The strobe lamp may be lighted only when atmospheric conditions or terrain restrict the visibility of school bus lamps and signals so as to require use of the bright strobe lamp to alert motorists to the presence of the school bus. A strobe lamp may not be lighted unless the school bus is actually being used as a school bus.

Approved May 13, 1981

CHAPTER 192 — H.F.No. 624

An act relating to corrections; clarifying the transfer of correctional inmates to medical facilities; providing for tuberculosis testing for correctional employees; clarifying unclaimed property of correctional inmates, and diversified labor accounts; changing terminology of correctional facilities; harmonizing furlough provisions; prescribing the time for counties to submit estimates for reimbursement for probation services; amending Minnesota Statutes 1980, Sections 241.07; 241.09; 241.14; 241.22; 242.20; 242.22; 242.43; 242.44; 242.45; 242.47; 242.48; 243.05; 243.20; 243.211; 243.465; 243.57; 243.58; 243.64; 244.07, Subdivision 1; 260.311, Subdivision 5; repealing Minnesota Statutes 1980, Sections 241.01, Subdivision 8; 241.15; 242.23; 242.24; 242.375; 242.52; 242.53; 243.06; 243.22; 243.25; 243.26; and 243.78.

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

Section 1. Minnesota Statutes 1980, Section 241.07, is amended to read:

241.07 TRANSFER OF INMATES TO OTHER STATE INSTITUTIONS.

The commissioner of corrections may transfer an inmate of the ~~Minnesota correctional facility—Stillwater, the Minnesota correctional facility—St. Cloud, or the Minnesota correctional facility—Shakopee~~ any state correctional facility to a state institution ~~for the mentally ill or the mentally retarded or epileptic~~ under the control of the commissioner of public welfare or to a private medical facility for diagnosis, treatment, or care which is not available at ~~the~~ any state correctional facility and shall cause a proper record to be made at the institutions or facility to which a transfer has been made and at his office. No

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transfer shall be made by the commissioner of corrections without the approval of the commissioner of public welfare or the chief executive officer of the private facility. An inmate of a any state correctional facility so transferred shall be returned to the correctional facility from which transferred by order of the commissioner of corrections upon conclusion of treatment, or, if the inmate becomes eligible for release from custody pursuant to the terms of the sentence prior to conclusion of treatment, the inmate shall be released unless ~~prior to this time, before conclusion of treatment~~, the inmate ~~shall have~~ been committed to a medical institution by competent authority as provided by law. The superintendent of any state ~~hospital for the mentally ill or institution for the mentally retarded or epileptic institution~~ or the chief executive officer of any private facility shall at once notify the commissioner of corrections if there is any question as to the propriety of the commitment or detention of any ~~person inmate~~ admitted to ~~an~~ their institution or facility and the commissioner shall immediately take action ~~thereon~~ on the question.

Sec. 2. Minnesota Statutes 1980, Section 241.09, is amended to read:

241.09 UNCLAIMED MONEY OR PERSONAL PROPERTY OF INMATES OF CORRECTIONAL FACILITIES.

Subdivision 1. **MONEY.** When there has ~~heretofore accumulated or shall hereafter accumulate~~ in the hands of the chief executive officer of any state correctional facility under the jurisdiction of the commissioner of corrections ~~obtains~~ money belonging to inmates of ~~such~~ the facility who have died, been released ~~therein~~, or ~~disappeared therefrom~~ escaped, and for which money there is the chief executive officer knows no claimant or person entitled thereto known to the chief executive officer, such money may, at the discretion of such chief executive officer, be expended under his direction for the amusement, entertainment, and general benefit of the inmates of such facility to it, the chief executive officer shall, if the money is unclaimed within two years, deposit it in the inmate social welfare fund for the benefit of the inmates of the facility. No money shall be so ~~used~~ deposited until it shall ~~have~~ has remained unclaimed for at least five two years. If, at any time after the expiration of the five two years, the inmate or the legal heirs of the inmate ~~shall~~ appear and make proper proof of ~~such~~ identity or heirship, they shall be the inmate or heirs are entitled to receive from the state treasurer such sums of money as shall have been expended by the chief executive officer belonging to the inmate any money belonging to the inmate and deposited in the inmate social welfare fund pursuant to this subdivision.

Subd. 2. **UNCLAIMED PERSONAL PROPERTY.** When any inmate of a state correctional facility under the jurisdiction of the commissioner of corrections has died, ~~been released or disappeared~~ escaped therefrom; or hereafter shall die or ~~disappear therefrom~~ leaving in the custody of the chief executive officer thereof personal property, ~~exclusive of other than~~ money,

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which remains unclaimed for a period of two years, and ~~there is the chief executive officer knows~~ no person entitled ~~thereto known to the chief executive officer~~ to it, the chief executive officer or his agent may sell such property at public auction or otherwise dispose of the property in the manner provided by law for the sale or disposition of state property. Notice of such sale shall be published for two consecutive weeks in a legal newspaper in the county wherein the facility is located and shall state the time and place of such sale. The proceeds of the any sale, after deduction of the costs of publication and auction may be expended, at the discretion of the chief executive officer, for the entertainment and benefit of the inmates of such facility shall be deposited in the inmate social welfare fund for expenditure as provided in subdivision 1. Any inmate, whose property has been sold under this subdivision, or his heirs or his representatives of the inmate, may file with, and make proof of ownership to, the chief executive officer of the facility disposing of such personal property institution who caused the sale of the property within four two years after such the sale, and, upon proof satisfactory proof to such the chief executive officer, ~~he~~ the chief executive officer shall certify for payment to the state treasurer the amount received by the sale of such property for payment to the inmate or heirs. No suit shall be brought for damages consequent to the disposal of personal property or use of money in accordance with this section against the state or any official, employee, or agent thereof.

Sec. 3. Minnesota Statutes 1980, Section 241.14, is amended to read:

241.14 PHYSICAL EXAMINATIONS FOR EMPLOYMENT IN CORRECTIONAL FACILITIES.

No new employee shall be given begin employment in any correctional facility under the direction of the department of corrections, whether certified for such employment by the department of employee relations, or otherwise selected, unless such the person presents to the appointing officer of such the correctional facility a certificate from a duly licensed physician showing that he the employee has undergone the physical examination hereinafter provided for and has undergone a physical examination and has been found to be free of tuberculosis.

Sec. 4. Minnesota Statutes 1980, Section 241.22, is amended to read:

241.22 MAY EXPEND MONEYS.

For the purposes of sections 241.20 to 241.23, the commissioner of corrections may lawfully expend moneys money from any of the following funds: ~~The current expense appropriations of the Minnesota correctional facility St. Cloud and the Minnesota correctional facility Stillwater; revolving funds at either of these facilities; including funds heretofore appropriated for building purposes for the Minnesota correctional facility St. Cloud or the Minnesota correctional facility Stillwater; and the contingent fund appropria-~~

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tion of the commissioner of corrections the current expense appropriations, revolving funds, and building appropriations of any state correctional facility under the commissioner's control, including the contingent fund appropriated to the commissioner of corrections.

Sec. 5. Minnesota Statutes 1980, Section 242.20, is amended to read:

242.20 TRAINING.

As a means of correcting the socially harmful tendencies of a person committed to the ~~board of the~~ commissioner of corrections, the ~~board of the~~ commissioner may, ~~subject to the provisions of section 242.24,~~ require participation by ~~him~~ the person in vocational, physical, educational and corrective training and activities and ~~such~~ conduct and modes of life as seem best adapted to fit ~~him~~ the person for return to full liberty without danger to the public welfare. The commissioner of corrections may receive money from the sale of articles manufactured by a person committed to ~~the board corrections department's~~ custody and confined in an ~~institution~~ correctional facility under the control of the commissioner and expend ~~such~~ the money so received for the purchase of materials to be made into other articles for sale.

Sec. 6. Minnesota Statutes 1980, Section 242.22, is amended to read:

242.22 LOCAL PROBATION OFFICER; POWERS, DUTIES.

Any person committed to the ~~board~~ commissioner of corrections from a county having a probation officer of a ~~district or~~ juvenile court may be placed on probation by the ~~board~~ commissioner under the supervision of ~~such~~ the probation officer who shall assume ~~such~~ supervision as though it were pursuant to a judgment or order of the ~~district or~~ juvenile court. ~~Such~~ The probation officer shall cooperate with the ~~board~~ commissioner of corrections in providing treatment for ~~such~~ the person consistent with the purposes of this chapter, but nothing therein shall give the ~~board~~ commissioner direction or control over ~~such~~ the probation officer or require ~~him or his~~ the probation officer or subordinates to perform duties not otherwise required by law. If parole is granted by the board to such person after confinement to a penal facility or after commitment to the Minnesota correctional facility Red Wing or the Minnesota correctional facility Sauk Centre, the parole may be conditioned on like supervision with the consent of the district or juvenile court respectively of such county.

Sec. 7. Minnesota Statutes 1980, Section 242.43, is amended to read:

242.43 CORRECTIONS BOARD COMMISSIONER, DUTIES.

~~It shall be the duty of~~ The commissioner of corrections ~~to~~ shall receive, clothe, maintain, and instruct, at the expense of the state, all children duly committed to the ~~Minnesota correctional facility Red Wing corrections department and placed in a state correctional facility for juveniles~~ and keep them in

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his custody until discharged, paroled, placed on probation, or transferred by the ~~corrections board~~ paroled, or discharged. The ~~corrections board~~ commissioner may in its discretion place any of these children in suitable foster care facilities or cause them to be instructed in such trades or employment as in ~~its~~ the commissioner's judgment will be most conducive to their reformation ~~and amendment~~ and tend to the future benefit and advantage of ~~such~~ these children. The ~~corrections board~~ commissioner may discharge any child so committed, or may recall to the facility at any time any child paroled, placed on probation, or transferred; and, upon ~~such~~ recall, may resume the care and control thereof. The discharge of a child by the ~~corrections board~~ commissioner shall be a complete release from all penalties and disabilities created by reason of the commitment.

Upon the parole or discharge of any inmate of the ~~Minnesota correctional facility—Red Wing~~ or the ~~Minnesota correctional facility—Sauk Centre~~ any state juvenile correctional facility, the commissioner of corrections may pay to each inmate released an amount of money not exceeding the sum of \$10. All ~~such~~ payments shall be made from the current expense fund of the facility.

Sec. 8. Minnesota Statutes 1980, Section 242.44, is amended to read:

242.44 PUPILS.

The ~~corrections board~~ commissioner of corrections, so far as the accommodations of the ~~institution~~ correctional facilities and the ~~other means~~ at its ~~commissioner's~~ disposal will permit, shall receive ~~under its care and guardianship~~, and keep until they reach 21 years of age, or until placed in homes, or discharged, all persons so committed. ~~It~~ The commissioner may place ~~such youth~~ these youths at ~~such~~ employment, and cause ~~him~~ them to be instructed in ~~such~~ branches of useful knowledge, as may be suitable to ~~his~~ their years and capacity, and may place ~~him~~ them in a suitable ~~home and~~ homes. Under ~~such~~ rules as ~~it may prescribe~~ prescribed by the commissioner, when deemed best for ~~such youth~~ these youths, ~~it~~ they may ~~parole~~ be paroled or ~~discharge~~ him ~~discharged~~ from the ~~institution~~ facility ~~by the commissioner~~. All pupils in the ~~school~~ facility shall be clothed, instructed, and maintained at the expense of the state.

Sec. 9. Minnesota Statutes 1980, Section 242.45, is amended to read:

242.45 INFANTS CHILDREN COMMITTED BY UNITED STATES COURTS.

The ~~corrections board~~ commissioner of corrections shall receive into its custody and ~~under its guardianship~~ and keep until duly discharged all ~~infants children~~ within the prescribed ages committed to the ~~training school~~ commissioner by order of any court of the United States within the state for offenses committed against the laws of the United States, and for the support of which

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~~infants children~~ the United States shall undertake to pay ~~50 cents each per day~~ a per diem charge as determined by the commissioner of corrections.

Sec. 10. Minnesota Statutes 1980, Section 242.47, is amended to read:

242.47 INTERFERENCE WITH INMATES.

Every person who ~~shall abduct, conceal, entice, carry~~ abducts, conceals, entices, carries away, or improperly interfere ~~interferes~~ with, any inmate of ~~the a Minnesota correctional facility Red Wing shall be~~ facility for juveniles is guilty of a misdemeanor.

Sec. 11. Minnesota Statutes 1980, Section 242.48, is amended to read:

242.48 NO ROADS OR STREETS THROUGH GROUNDS.

No individual, copartnership, or corporation, public or private, shall lay out, construct, or open any road or street upon or through any grounds of ~~the Minnesota correctional facility Red Wing~~ any state correctional facility without the consent of the ~~corrections board~~ commissioner of corrections.

Sec. 12. Minnesota Statutes 1980, Section 243.05, is amended to read:

243.05 BOARD; POWERS, LIMITATIONS.

The corrections board may parole any person sentenced to confinement in ~~the Minnesota correctional facility Stillwater, the Minnesota correctional facility St. Cloud, or the Minnesota correctional facility Shakopee~~ any state correctional facility for adults under the control of the commissioner of corrections, provided that:

(a) ~~no convict~~ inmate serving a life sentence for murder other than murder committed in violation of clause (1) of section 609.185 who has not been previously convicted of a felony shall be paroled until he has served 20 years, less the diminution which he would have been allowed for good conduct had his sentence been for 20 years; ~~and provided further that~~

(b) ~~no convict~~ inmate serving a life sentence for murder who has been previously convicted of a felony or though not previously convicted of a felony is serving a life sentence for murder in the first degree committed in violation of clause (1) of section 609.185 shall be paroled until he has served 25 years, less the diminution which would have been allowed for good conduct had his sentence been for 25 years; ~~provided further that~~

(c) any ~~convict~~ inmate sentenced prior to September 1, 1963 who would be eligible for parole had he been sentenced after September 1, 1963, shall be eligible for parole; ~~provided further, and~~

(d) in all cases where a ~~convict an inmate~~ inmate is serving a life sentence for murder, unanimous consent of the corrections board ~~shall be~~ is required for parole of ~~such convict the inmate.~~ Any new rule or policy or change thereof adopted by the board which has the effect of postponing eligibility for parole ~~shall have~~ has prospective effect only and ~~shall apply~~ applies only with respect

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to persons committing offenses after the effective date of the new rule or policy or change thereof. Upon being paroled and released, such convicts shall be an inmate is and remain remains in the legal custody and under the control of the corrections board, subject at any time to be returned to ~~the Minnesota correctional facility Stillwater, the Minnesota correctional facility St. Cloud, the Minnesota correctional facility Shakopee,~~ or other a facility of the department of corrections established by law for the confinement or treatment of convicted persons and the parole rescinded by such the board, when the legal custody of such convict shall revert the convicted person reverts to the commissioner of corrections. The written order of the corrections board, certified by the chairman of the board, shall be sufficient to any peace officer or state parole and probation agent to retake and place in actual custody any person on parole to the corrections board, but any state parole and probation agent may, without order of warrant, when it appears ~~to him~~ necessary in order to prevent escape or enforce discipline, take and detain a parolee to the corrections board for its action. The written order of the commissioner of corrections ~~shall be~~ is sufficient to any peace officer or state parole and probation agent to retake and place in actual custody any person on probation under the supervision of the commissioner pursuant to section 609.135, but any state parole and probation agent may, without such an order, when it appears ~~to him~~ necessary in order to prevent escape or enforce discipline, retake and detain such a probationer and bring ~~him~~ the probationer before the court for further proceedings under section 609.14. Paroled persons, and those on probation under the supervision of the commissioner of corrections pursuant to section 609.135 may be placed within or without the boundaries of the state at the discretion of the board or of the commissioner of corrections, and the limits fixed for such these persons may be enlarged or reduced according to their conduct.

In considering applications for parole or final release, the board ~~shall not be is not~~ required to hear oral argument from any attorney or other person not connected with ~~the prison or the reformatory~~ an adult correctional facility of the department of corrections in favor of or against the parole or release of any ~~prisoners inmates,~~ but it may institute inquiries by correspondence, taking testimony or otherwise, as to the previous history, physical or mental condition, and character of ~~such prisoner the inmate,~~ and to that end shall have authority to require the attendance of the chief executive officer of ~~the Minnesota correctional facility Stillwater, the Minnesota correctional facility St. Cloud or the Minnesota correctional Shakopee~~ any state adult correctional facility and the production of the records of these facilities, and to compel the attendance of witnesses; ~~and.~~ Each member of the board is ~~hereby~~ authorized to administer oaths to witnesses for ~~every such purpose~~ these purposes.

Sec. 13. Minnesota Statutes 1980, Section 243.20, is amended to read:
243.20 DISCHARGE; CLOTHING; MONEY.

Upon the release by discharge or on parole of any inmate of ~~the Minnesota correctional facility Stillwater or the Minnesota correctional facility~~

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~~St. Cloud~~ an adult correctional facility under the control of the commissioner of corrections, the chief executive officer thereof, at the expense of the state, shall furnish each inmate released with one good, serviceable outfit of clothing, and, when released during the winter months between approximately October 1 and March 31 following, with a good, serviceable overcoat.

Sec. 14. Minnesota Statutes 1980, Section 243.211, is amended to read:

243.211 UNAUTHORIZED COMMUNICATION WITH PRISONERS.

Every person who, not being authorized by law or by written permission from the commissioner of corrections, or by consent of the chief executive officer of ~~the Minnesota correctional facility Stillwater or the Minnesota correctional facility St. Cloud~~ a state correctional facility under the control of the commissioner of corrections, shall have has any verbal communication with a convict in either of the facilities an inmate thereof, or shall bring brings into or convey conveys out of either of the facilities facility any writing, clothing, food, tobacco, or other article whatsoever, to or from any convict inmate under sentence, shall be is guilty of a misdemeanor.

Sec. 15. Minnesota Statutes 1980, Section 243.465, is amended to read:

243.465 DIVERSIFIED LABOR ACCOUNTS.

Money received in payment for the services of inmate labor employed in the industries carried on at ~~the Minnesota correctional facility St. Cloud; the Minnesota correctional facility Shakopee and the Minnesota correctional facility Stillwater~~ any state correctional facility under the control of the commissioner of corrections is appropriated to the commissioner of corrections to be added to the ~~current expense~~ revolving funds of these facilities. The commissioner of corrections may set aside a portion of the ~~current expense~~ revolving fund of any correctional facility to be used as a diversified labor account for the introduction and encouragement of industries that in his judgment may be beneficial to the inmates of the facilities.

Sec. 16. Minnesota Statutes 1980, Section 243.57, is amended to read:

243.57 CONTAGIOUS DISEASE; REMOVAL OF CONVICTS INMATES.

In case of an epidemic of any infectious or contagious disease in ~~the Minnesota correctional facility Stillwater~~ any state correctional facility under control of the commissioner of corrections, whereby by which the health or lives of the prisoners inmates may be endangered, the chief executive officer thereof, with the approval of the commissioner of corrections may cause the prisoners inmates so affected to be removed to some other secure and suitable place or places for care and treatment; and, should if the facility be is destroyed, in whole or in part, by fire or other casualty so as to become and becomes unsuitable for proper detention and custody of the convicts inmates,

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the chief executive officer, with the approval of the commissioner, may remove them, or any number thereof of inmates, to such other another safe and appropriate place as may be provided.

Sec. 17. Minnesota Statutes 1980, Section 243.58, is amended to read:

243.58 REWARD FOR ESCAPED CONVICT INMATE.

Upon the escape of a convict an inmate from the Minnesota correctional facility ~~Stillwater~~ or the Minnesota correctional facility ~~St. Cloud~~ any state correctional facility under the control of the commissioner of corrections, the chief executive officer of the facility shall use all proper means for his apprehension and return, and for that purpose may offer a reward of not more than \$25 and, with the approval of the commissioner of corrections, a further sum not exceeding \$100, to be paid from the state treasury; provided, that such chief executive officer shall himself pay such reward if the escape is due to his negligence or that of any officer under him to apprehend and return the escapee, which may include the offer of a reward of not more than \$100 to be paid from the state treasury, for information leading to the arrest and return to custody of the escapee.

Sec. 18. Minnesota Statutes 1980, Section 243.64, is amended to read:

243.64 SALE OF LAND ACQUIRED IN COLLECTION OF A DEBT FOR BINDING TWINE ARTICLES MANUFACTURED OR PROCESSED BY CORRECTIONAL INDUSTRIES.

When the state of Minnesota shall have heretofore or shall hereafter acquire acquires title to any land in the course of legal proceedings for the collection of a debt arising out of the sale by the state of farm machinery, binding twine, or other articles manufactured or improved at the Minnesota correctional facility ~~Stillwater~~ any state correctional facility, the same land may be sold by the governor to such persons and for such a price as shall be recommended by the chief executive officer of the Minnesota state correctional facility ~~Stillwater~~ facility, and the governor is hereby authorized to execute, in the name of the state and in its behalf, any deeds or conveyances necessary or desirable to convey the title and interest of the state to the purchaser, and the proceeds of the sale shall be paid into the state treasury to the credit of the appropriate ~~prison~~ correctional facility fund.

Sec. 19. Minnesota Statutes 1980, Section 244.07, Subdivision 1, is amended to read:

Subdivision 1. **FURLOUGHS.** If consistent with the public interest, the commissioner may, under rules prescribed by him the commissioner, furlough any inmate in his custody to any point within the state for up to five days. A furlough may be granted to assist the inmate with family needs, personal health needs, or his reintegration into society. No inmate may receive

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more than three furloughs under this section within any 12 month period. The provisions of this section shall also apply to those inmates convicted of offenses prior to May 1, 1980.

Sec. 20. Minnesota Statutes 1980, Section 260.311, Subdivision 5, is amended to read:

Subd. 5. **REIMBURSEMENT OF COUNTIES.** In order to reimburse the counties for the cost which they assume under Laws 1959, Chapter 698, of providing probation and parole services to wards of the commissioner of corrections and the Minnesota corrections board and to aid the counties in achieving the purposes of this section, the commissioner of ~~corrections~~ shall annually, from funds appropriated for that purpose, pay 50 percent of the costs of probation officers' salaries to all counties of not more than 200,000 population. Nothing herein shall be deemed to invalidate any payments to counties made pursuant to this section before the effective date of Laws 1963, Chapter 694. Salary costs include fringe benefits, but only to the extent that fringe benefits do not exceed those provided for state civil service employees. On or before ~~October 30~~ July 1 of each even numbered year each county or group of counties shall submit to the commissioner of corrections an estimate of its costs ~~hereunder~~ under this section. Reimbursement shall be made on the basis of the estimate or actual expenditures incurred, whichever is less. Salary costs shall not be reimbursed unless county probation officers are paid salaries commensurate with the salaries paid to comparable positions in the classified service of the state civil service. The salary range to which each county probation officer is assigned shall be determined by the authority having power to appoint probation officers, and shall be based on the officer's length of service and performance. The appointing authority shall annually assign each county probation officer to a position on the salary scale commensurate with the officer's experience, tenure, and responsibilities. The judge shall file with the county auditor an order setting each county probation officer's salary. Time spent by a county probation officer as a court referee shall not qualify for reimbursement. Reimbursement shall be prorated if the appropriation is insufficient.

Sec. 21. **REPEALER.**

Minnesota Statutes 1980, Sections 241.01, Subdivision 8; 241.15; 242.-23; 242.24; 242.375; 242.52; 242.53; 243.06; 243.22; 243.25; 243.26; and 243.78, are repealed.

Sec. 22. **EFFECTIVE DATE.**

Sections 1 to 21 are effective the day following final enactment.

Approved May 13, 1981

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