

1.1 moves to amend H.F. No. 1233 as follows:

1.2 Page 2, delete sections 3 and 4 and insert:

1.3 "Sec. 3. [241.0215] JUVENILE DETENTION FACILITIES; RESTRICTIONS ON
1.4 UNCLOTHED VISUAL INSPECTIONS AND DISCIPLINE.

1.5 Subdivision 1. Applicability. This section applies to juvenile facilities licensed by the
1.6 commissioner of corrections under section 241.021, subdivision 2.

1.7 Subd. 2. Searches restricted. (a) A staff person working in a facility may not conduct
1.8 a visual inspection of a juvenile's unclothed breasts, buttocks, or genitalia unless:

1.9 (1) a specific, articulable, and immediate contraband concern is present;

1.10 (2) other search techniques and technology cannot be used or have failed to identify the
1.11 contraband; and

1.12 (3) the facility's chief administrator or designee has reviewed the situation and provided
1.13 specific approval for the visual inspection.

1.14 (b) An inspection under paragraph (a) must be conducted by:

1.15 (1) a health care professional who is licensed or permitted by a Minnesota health-related
1.16 licensing board, as defined in section 214.01, subdivision 2, to perform health care services
1.17 in Minnesota within the professional's scope of practice; or

1.18 (2) a staff person working in a facility who has received training on trauma-informed
1.19 search techniques and other applicable training under Minnesota Rules, chapter 2960.

1.20 (c) Every search involving a visual inspection of a juvenile's unclothed breasts, buttocks,
1.21 or genitalia must be documented in writing and must include a description of the contraband
1.22 concern, a summary of other inspection techniques used or considered, and verification of

2.1 approval from the facility's chief administrator and license holder. A copy of the
2.2 documentation must be provided to the commissioner within 24 hours of the inspection.

2.3 (d) Nothing in this section prohibits or limits a visual inspection of a juvenile's unclothed
2.4 breasts, buttocks, or genitalia performed as part of a health care procedure conducted by a
2.5 health care professional who is licensed or permitted by a Minnesota health-related licensing
2.6 board, as defined in section 214.01, subdivision 2, to perform health care services in
2.7 Minnesota within the professional's scope of practice.

2.8 Subd. 3. **Discipline restricted.** A staff person working at a facility may not discipline
2.9 a juvenile by physically or socially isolating the juvenile. Nothing in this subdivision limits
2.10 the ability of the licensed facility to isolate a juvenile for the safety of the juvenile, other
2.11 residents at a facility, or staff, when isolation for the safety of the juvenile or another is
2.12 consistent with rules adopted by the commissioner.

2.13 Subd. 4. **Commissioner action.** The commissioner may take any action authorized under
2.14 section 241.021, subdivisions 2 and 3, to address a violation of this section.

2.15 Subd. 5. **Report to the legislature.** (a) By February 15 each year, the commissioner
2.16 must report to the chairs and ranking minority members of the legislative committees and
2.17 divisions with jurisdiction over public safety finance and policy on the use of visual
2.18 inspections of a juvenile's unclothed breasts, buttocks, or genitalia and the use of isolation
2.19 of juveniles.

2.20 (b) The report must consist of summary data from the previous calendar year and must,
2.21 at a minimum, include:

2.22 (1) how often visual inspections of a juvenile's unclothed breasts, buttocks, or genitalia
2.23 were performed;

2.24 (2) how often isolation of juveniles was used;

2.25 (3) the length of each period of isolation used and, for juveniles held in isolation in the
2.26 previous year, the total cumulative amount of time the juvenile was held in isolation that
2.27 year; and

2.28 (4) any injury to a juvenile related to a visual inspection of a juvenile's unclothed breasts,
2.29 buttocks, or genitalia, the use of isolation, or both, that was reportable as a critical incident.

2.30 (c) Data in the report must provide information on the demographics of juveniles whose
2.31 unclothed breasts, buttocks, or genitalia were inspected and juveniles placed in isolation.

2.32 At a minimum, data must be desegregated by age, race, and gender.

3.1 (d) The report must identify any facility that performed visual inspections of a juvenile's
3.2 unclothed breasts, buttocks, or genitalia, used isolation, or both in a manner that did not
3.3 comply with this section or rules adopted by the commissioner in conformity with this
3.4 section.

3.5 **EFFECTIVE DATE.** This section is effective January 1, 2024.

3.6 Sec. 4. **REVISED FACILITY PLANS.**

3.7 The commissioner of corrections must direct any juvenile facility licensed by the
3.8 commissioner to revise its plan under Minnesota Rules, part 2960.0270, subpart 6, and its
3.9 restrictive-procedures plan under Minnesota Rules, part 2960.0710, subpart 2, to be consistent
3.10 with Minnesota Statutes, section 241.0215. After receiving notice from the commissioner,
3.11 a facility must submit the revised plans to the commissioner within 60 days.

3.12 **EFFECTIVE DATE.** This section is effective January 1, 2024.

3.13 Sec. 5. **RULEMAKING.**

3.14 (a) The commissioner of corrections must amend Minnesota Rules, chapter 2960, to
3.15 enforce the requirements under Minnesota Statutes, section 241.0215, including but not
3.16 limited to training, facility audits, strip searches, disciplinary room time, time-outs, and
3.17 seclusion. The commissioner may amend the rules to make technical changes and ensure
3.18 consistency with Minnesota Statutes, section 241.0215.

3.19 (b) In amending or adopting rules according to paragraph (a), the commissioner must
3.20 use the exempt rulemaking process under Minnesota Statutes, section 14.386.
3.21 Notwithstanding Minnesota Statutes, section 14.386, paragraph (b), a rule adopted under
3.22 this section is permanent. After the rule is adopted, the authorization to use the exempt
3.23 rulemaking process expires.

3.24 (c) Notwithstanding Minnesota Laws 1995, chapter 226, article 3, sections 50, 51, and
3.25 60, or any other law to the contrary, the joint rulemaking authority with the commissioner
3.26 of human services does not apply to rule amendments applicable only to the Department of
3.27 Corrections. A rule that is amending jointly administered rule parts must be related to
3.28 requirements on strip searches, disciplinary room time, time-outs, and seclusion and be
3.29 necessary for consistency with this section.

3.30 **EFFECTIVE DATE.** This section is effective January 1, 2024."

3.31 Amend the title accordingly