

This Document can be made available in alternative formats upon request

State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 4048

02/22/2024 Authored by Tabke, Frazier and Moller
03/07/2024 The bill was read for the first time and referred to the Committee on Public Safety Finance and Policy
Adoption of Report: Amended and re-referred to the Committee on Judiciary Finance and Civil Law

1.1 A bill for an act
1.2 relating to corrections; modifying data sharing with prosecutor for petition for
1.3 sentence adjustment; modifying correctional officer use of deadly force; clarifying
1.4 use of electronic filing of detainer; authorizing Department of Corrections to
1.5 disclose to victim the city and zip code of offender's residency or relocation after
1.6 release from incarceration; discontinuing report to the legislature of disqualifying
1.7 medical conditions related to challenge incarceration program; modifying
1.8 membership of health care peer review committee; clarifying use of jail inspection
1.9 data; providing medical director designee when medical director unavailable;
1.10 providing for private victim input to Supervised Release Board; modifying date
1.11 of probation report; providing a local advisory board for input into development
1.12 of comprehensive community supervision and probation services plans submitted
1.13 for state funding; amending Minnesota Statutes 2022, sections 13.84, subdivision
1.14 6; 241.021, subdivision 4b; 241.75, subdivision 2; 243.52, subdivision 2; 611A.06,
1.15 subdivision 3a; Minnesota Statutes 2023 Supplement, sections 241.021, subdivision
1.16 1; 244.05, subdivision 5; 244.17, subdivision 3; 244.21, subdivision 2; 401.01,
1.17 subdivision 2; 609.133, subdivision 4; 629.292, subdivision 2.

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

1.19 Section 1. Minnesota Statutes 2022, section 13.84, subdivision 6, is amended to read:

1.20 Subd. 6. Public benefit data. (a) The responsible authority or its designee of a parole
1.21 or probation authority or correctional agency may release private or confidential court
1.22 services data related to:

1.23 (1) criminal acts to any law enforcement agency, if necessary for law enforcement
1.24 purposes; and

1.25 (2) criminal acts or delinquent acts to the victims of criminal or delinquent acts to the
1.26 extent that the data are necessary for the victim to assert the victim's legal right to restitution.

1.27 (b) A parole or probation authority, a correctional agency, or agencies that provide
1.28 correctional services under contract to a correctional agency may release to a law enforcement

2.1 agency the following data on defendants, parolees, or probationers: current address, dates  
2.2 of entrance to and departure from agency programs, and dates and times of any absences,  
2.3 both authorized and unauthorized, from a correctional program.

2.4 (c) The responsible authority or its designee of a juvenile correctional agency may release  
2.5 private or confidential court services data to a victim of a delinquent act to the extent the  
2.6 data are necessary to enable the victim to assert the victim's right to request notice of release  
2.7 under section 611A.06. The data that may be released include only the name, home address,  
2.8 and placement site of a juvenile who has been placed in a juvenile correctional facility as  
2.9 a result of a delinquent act.

2.10 (d) ~~Upon the victim's written or electronic request and, if the victim and offender have~~  
2.11 ~~been household or family members as defined in section 518B.01, subdivision 2, paragraph~~  
2.12 ~~(b),~~ The commissioner of corrections or the commissioner's designee may disclose to the  
2.13 victim of an offender ~~convicted of a qualified domestic violence-related offense as defined~~  
2.14 ~~in section 609.02, subdivision 16,~~ notification of the city and five-digit zip code of the  
2.15 offender's residency upon or after release from a Department of Corrections facility, unless:

2.16 (1) ~~the offender is not under correctional supervision at the time of the victim's request;~~

2.17 (2) ~~the commissioner or the commissioner's designee does not have the city or zip code;~~

2.18 ~~or~~

2.19 (3) the commissioner or the commissioner's designee reasonably believes that disclosure  
2.20 of the city or zip code of the offender's residency creates a risk to the victim, offender, or  
2.21 public safety.

2.22 (e) ~~Paragraph (d) applies only where the offender is serving a prison term for a qualified~~  
2.23 ~~domestic violence-related offense committed against the victim seeking notification.~~

2.24 Sec. 2. Minnesota Statutes 2023 Supplement, section 241.021, subdivision 1, is amended  
2.25 to read:

2.26 Subdivision 1. **Correctional facilities; inspection; licensing.** (a) Except as provided  
2.27 in paragraph (b), the commissioner of corrections shall inspect and license all correctional  
2.28 facilities throughout the state, whether public or private, established and operated for the  
2.29 detention and confinement of persons confined or incarcerated therein according to law  
2.30 except to the extent that they are inspected or licensed by other state regulating agencies.  
2.31 The commissioner shall promulgate pursuant to chapter 14, rules establishing minimum  
2.32 standards for these facilities with respect to their management, operation, physical condition,  
2.33 and the security, safety, health, treatment, and discipline of persons confined or incarcerated

3.1 therein. These minimum standards shall include but are not limited to specific guidance  
3.2 pertaining to:

3.3 (1) screening, appraisal, assessment, and treatment for persons confined or incarcerated  
3.4 in correctional facilities with mental illness or substance use disorders;

3.5 (2) a policy on the involuntary administration of medications;

3.6 (3) suicide prevention plans and training;

3.7 (4) verification of medications in a timely manner;

3.8 (5) well-being checks;

3.9 (6) discharge planning, including providing prescribed medications to persons confined  
3.10 or incarcerated in correctional facilities upon release;

3.11 (7) a policy on referrals or transfers to medical or mental health care in a noncorrectional  
3.12 institution;

3.13 (8) use of segregation and mental health checks;

3.14 (9) critical incident debriefings;

3.15 (10) clinical management of substance use disorders and opioid overdose emergency  
3.16 procedures;

3.17 (11) a policy regarding identification of persons with special needs confined or  
3.18 incarcerated in correctional facilities;

3.19 (12) a policy regarding the use of telehealth;

3.20 (13) self-auditing of compliance with minimum standards;

3.21 (14) information sharing with medical personnel and when medical assessment must be  
3.22 facilitated;

3.23 (15) a code of conduct policy for facility staff and annual training;

3.24 (16) a policy on death review of all circumstances surrounding the death of an individual  
3.25 committed to the custody of the facility; and

3.26 (17) dissemination of a rights statement made available to persons confined or  
3.27 incarcerated in licensed correctional facilities.

3.28 No individual, corporation, partnership, voluntary association, or other private  
3.29 organization legally responsible for the operation of a correctional facility may operate the  
3.30 facility unless it possesses a current license from the commissioner of corrections. Private

4.1 adult correctional facilities shall have the authority of section 624.714, subdivision 13, if  
4.2 the Department of Corrections licenses the facility with the authority and the facility meets  
4.3 requirements of section 243.52.

4.4 The commissioner shall review the correctional facilities described in this subdivision  
4.5 at least once every two years, except as otherwise provided, to determine compliance with  
4.6 the minimum standards established according to this subdivision or other Minnesota statute  
4.7 related to minimum standards and conditions of confinement.

4.8 The commissioner shall grant a license to any facility found to conform to minimum  
4.9 standards or to any facility which, in the commissioner's judgment, is making satisfactory  
4.10 progress toward substantial conformity and the standards not being met do not impact the  
4.11 interests and well-being of the persons confined or incarcerated in the facility. A limited  
4.12 license under subdivision 1a may be issued for purposes of effectuating a facility closure.  
4.13 The commissioner may grant licensure up to two years. Unless otherwise specified by  
4.14 statute, all licenses issued under this chapter expire at 12:01 a.m. on the day after the  
4.15 expiration date stated on the license.

4.16 The commissioner shall have access to the buildings, grounds, books, records, staff, and  
4.17 to persons confined or incarcerated in these facilities. The commissioner may require the  
4.18 officers in charge of these facilities to furnish all information and statistics the commissioner  
4.19 deems necessary, at a time and place designated by the commissioner. Notwithstanding  
4.20 chapter 13 or any other state law classifying or restricting access to data, the officers in  
4.21 charge of these facilities must furnish all data available to the facility that the commissioner  
4.22 deems necessary to conduct a review of any emergency or unusual occurrence at the facility.  
4.23 Failure to provide or grant access to relevant information or statistics necessary to fulfill  
4.24 inspection or emergency or unusual occurrence reviews, as requested by the commissioner,  
4.25 may be grounds for the commissioner to take action against a correctional facility's license  
4.26 under subdivision 1a, 1b, or 1c.

4.27 All facility administrators of correctional facilities are required to report all deaths of  
4.28 individuals who died while committed to the custody of the facility, regardless of whether  
4.29 the death occurred at the facility or after removal from the facility for medical care stemming  
4.30 from an incident or need for medical care at the correctional facility, as soon as practicable,  
4.31 but no later than 24 hours of receiving knowledge of the death, including any demographic  
4.32 information as required by the commissioner.

4.33 All facility administrators of correctional facilities are required to report all other  
4.34 emergency or unusual occurrences as defined by rule, including uses of force by facility

5.1 staff that result in substantial bodily harm or suicide attempts, to the commissioner of  
5.2 corrections within ten days from the occurrence, including any demographic information  
5.3 as required by the commissioner. The commissioner of corrections shall consult with the  
5.4 Minnesota Sheriffs' Association and a representative from the Minnesota Association of  
5.5 Community Corrections Act Counties who is responsible for the operations of an adult  
5.6 correctional facility to define "use of force" that results in substantial bodily harm for  
5.7 reporting purposes.

5.8 The commissioner may require that any or all such information be provided through the  
5.9 Department of Corrections detention information system. The commissioner shall post each  
5.10 inspection report publicly and on the department's website within 30 days of completing  
5.11 the inspection. The education program offered in a correctional facility for the confinement  
5.12 or incarceration of juvenile offenders must be approved by the commissioner of education  
5.13 before the commissioner of corrections may grant a license to the facility.

5.14 (b) For juvenile facilities licensed by the commissioner of human services, the  
5.15 commissioner may inspect and certify programs based on certification standards set forth  
5.16 in Minnesota Rules. For the purpose of this paragraph, "certification" has the meaning given  
5.17 it in section 245A.02.

5.18 (c) Any state agency which regulates, inspects, or licenses certain aspects of correctional  
5.19 facilities shall, insofar as is possible, ensure that the minimum standards it requires are  
5.20 substantially the same as those required by other state agencies which regulate, inspect, or  
5.21 license the same aspects of similar types of correctional facilities, although at different  
5.22 correctional facilities.

5.23 (d) Nothing in this section shall be construed to limit the commissioner of corrections'  
5.24 authority to promulgate rules establishing standards of eligibility for counties to receive  
5.25 funds under chapter 401, or to require counties to comply with operating standards the  
5.26 commissioner establishes as a condition precedent for counties to receive that funding.

5.27 (e) The department's inspection unit must report directly to a division head outside of  
5.28 the correctional institutions division.

5.29 Sec. 3. Minnesota Statutes 2022, section 241.021, subdivision 4b, is amended to read:

5.30 Subd. 4b. **Health care peer review committee.** The commissioner of corrections shall  
5.31 establish a health care peer review committee. Sections 145.61 to 145.67 apply to the  
5.32 committee. The committee shall gather, review, and evaluate information relating to the

6.1 on-site and off-site quality of care and treatment of offenders. The committee shall consist  
6.2 of:

6.3 ~~(1) the director of health services;~~

6.4 ~~(2)~~ (1) the department medical director;

6.5 ~~(3)~~ (2) the regional medical director of the contracted health care vendor;

6.6 ~~(4)~~ (3) the department director of nursing or designee;

6.7 ~~(5)~~ (4) a physician from the contracting hospital provider; and

6.8 ~~(6)~~ (5) another physician who provides health care to offenders on site at a correctional  
6.9 facility;

6.10 (6) one or more licensed physicians from the community, in person or by telephone,  
6.11 with expertise in the most appropriate clinical area;

6.12 (7) the director of psychiatry of the contracted vendor;

6.13 (8) the pharmacist liaison of the contracted vendor's pharmacy vendor;

6.14 (9) the clinical pharmacist of the contracted vendor;

6.15 (10) in cases of suicide or unanticipated death, a representative from the Office of Special  
6.16 Investigations; and

6.17 (11) other ad hoc members as indicated at the discretion of the Department of Corrections  
6.18 medical director or chief medical officer.

6.19 Sec. 4. Minnesota Statutes 2022, section 241.75, subdivision 2, is amended to read:

6.20 Subd. 2. **Health care decisions.** The medical director of the Department of Corrections,  
6.21 or the medical director's designee, who must be a physician licensed under chapter 147,  
6.22 may make a health care decision for an inmate incarcerated in a state correctional facility  
6.23 or placed in an outside facility on conditional medical release if the inmate's attending  
6.24 physician determines that the inmate lacks decision-making capacity and:

6.25 (1) there is not a documented health care agent designated by the inmate or the health  
6.26 care agent is not reasonably available to make the health care decision;

6.27 (2) if there is a documented health care directive, the decision is consistent with that  
6.28 directive;

6.29 (3) the decision is consistent with reasonable medical practice and other applicable law;  
6.30 and

7.1 (4) the medical director has made a good faith attempt to consult with the inmate's next  
7.2 of kin or emergency contact person in making the decision, to the extent those persons are  
7.3 reasonably available.

7.4 Sec. 5. Minnesota Statutes 2022, section 243.52, subdivision 2, is amended to read:

7.5 Subd. 2. **Use of force.** (a) Use of force must not be applied maliciously or sadistically  
7.6 for the purpose of causing harm to a confined or incarcerated person.

7.7 (b) Unless the use of deadly force is justified in this section, a correctional officer working  
7.8 in an adult correctional facility either under the control of the commissioner of corrections  
7.9 or licensed by the commissioner under section 241.021 may not use any of the following  
7.10 restraints:

7.11 (1) a choke hold;

7.12 (2) a prone restraint;

7.13 (3) tying all of a person's limbs together behind the person's back to render the person  
7.14 immobile; or

7.15 (4) securing a person in any way that results in transporting the person face down in a  
7.16 vehicle, except as directed by a medical professional.

7.17 (c) For the purposes of this subdivision, the following terms have the meanings given  
7.18 them:

7.19 (1) "choke hold" means a method by which a person applies sufficient pressure to a  
7.20 person to make breathing difficult or impossible, and includes but is not limited to any  
7.21 pressure to the neck, throat, or windpipe that may prevent or hinder breathing or reduce  
7.22 intake of air. Choke hold also means applying pressure to a person's neck on either side of  
7.23 the windpipe, but not to the windpipe itself, to stop the flow of blood to the brain via the  
7.24 carotid arteries;

7.25 (2) "prone restraint" means the use of manual restraint that places a person in a face-down  
7.26 position; and

7.27 (3) "deadly force" has the meaning given in section 609.066, subdivision 1.

7.28 (d) Use of deadly force is justified only if an objectively reasonable correctional officer  
7.29 would believe, based on the totality of the circumstances known to the officer at the time  
7.30 and without the benefit of hindsight, that deadly force is necessary:

8.1 (1) to protect the correctional officer or another from death or great bodily harm, provided  
8.2 that the threat:

8.3 (i) can be articulated with specificity ~~by the correctional officer~~;

8.4 (ii) is reasonably likely to occur absent action by the correctional officer; and

8.5 (iii) must be addressed through the use of deadly force without unreasonable delay; or

8.6 (2) to effect the capture or prevent the escape of a person when the officer reasonably  
8.7 believes that the person will cause death or great bodily harm to another person under the  
8.8 threat criteria in clause (1), unless immediately apprehended.

8.9 Sec. 6. Minnesota Statutes 2023 Supplement, section 244.05, subdivision 5, is amended  
8.10 to read:

8.11 Subd. 5. **Supervised release, life and indeterminate sentences.** (a) The board may,  
8.12 under rules adopted by the commissioner, grant supervised release or parole as follows:

8.13 (1) to an inmate serving a mandatory life sentence after the inmate has served the  
8.14 minimum term of imprisonment specified in subdivision 4 or section 243.05, subdivision  
8.15 1, paragraph (a);

8.16 (2) at any time for an inmate serving a nonlife indeterminate sentence for a crime  
8.17 committed on or before April 30, 1980; or

8.18 (3) to an inmate eligible for early supervised release under subdivision 4a after the inmate  
8.19 has served the minimum term of imprisonment.

8.20 (b) For cases involving multiple sentences, the board must grant or deny supervised  
8.21 release as follows:

8.22 (1) if an inmate is serving multiple sentences that are concurrent to one another, the  
8.23 board must grant or deny supervised release on all unexpired sentences; and

8.24 (2) notwithstanding any other law to the contrary, if an inmate who was under the age  
8.25 of 18 at the time of the commission of the relevant offenses and has served the minimum  
8.26 term of imprisonment specified in subdivision 4b is serving multiple sentences that are  
8.27 consecutive to one another, the board may grant or deny supervised release on one or more  
8.28 sentences.

8.29 (c) No less than three years before an inmate has served the applicable minimum term  
8.30 of imprisonment, the board must assess the inmate's status and make programming



9.1 recommendations relevant to the inmate's release review. The commissioner must ensure  
9.2 that any board programming recommendations are followed and implemented.

9.3 (d) The board must conduct a supervised release review hearing as soon as practicable  
9.4 before an inmate has served the applicable minimum term of imprisonment.

9.5 (e) The board shall require the preparation of a community investigation report. The  
9.6 report shall:

9.7 (1) reflect the sentiment of the various elements of the community toward the inmate,  
9.8 both at the time of the offense and at the present time;

9.9 (2) include the views of the sentencing judge, the prosecutor, any law enforcement  
9.10 personnel who may have been involved in the case, and any successors to these individuals  
9.11 who may have information relevant to the supervised release decision; and

9.12 (3) include the views of the victim and the victim's family unless the victim or the victim's  
9.13 family chooses not to participate.

9.14 (f) The board shall require the preparation of a development report when making a  
9.15 supervised release decision regarding an inmate who was under 18 years of age at the time  
9.16 of the commission of the offense. The report must be prepared by a mental health professional  
9.17 qualified to provide services to a client under section 245I.04, subdivision 2, clause (1) to  
9.18 (4) or (6), and must address the inmate's cognitive, emotional, and social maturity. The  
9.19 board may use a previous report that was prepared within 12 months immediately preceding  
9.20 the hearing.

9.21 (g) The board shall make reasonable efforts to notify the victim, in advance, of the time  
9.22 and place of the inmate's release review hearing. The victim has a right to submit an oral  
9.23 or written statement at the review hearing. Notwithstanding chapter 13D, the board may  
9.24 meet in closed session to receive and review a victim's statement, at the request of the victim.  
9.25 The statement may summarize the harm suffered by the victim as a result of the crime and  
9.26 give the victim's recommendation on whether the inmate should be given supervised release  
9.27 at this time.

9.28 (h) The board shall permit a prosecutor from the office that prosecuted the case to submit  
9.29 a written statement in advance of the review hearing.

9.30 (i) When considering whether to grant supervised release or parole to an inmate serving  
9.31 a life sentence or indeterminate sentence, the board shall consider, at a minimum, the  
9.32 following:

9.33 (1) the report prepared pursuant to paragraph (e);

- 10.1 (2) the report prepared pursuant to paragraph (f), if applicable;
- 10.2 (3) a victim statement under paragraph (g), if submitted;
- 10.3 (4) the statement of a prosecutor under paragraph (h), if submitted;
- 10.4 (5) the risk the inmate poses to the community if released;
- 10.5 (6) the inmate's progress in treatment, if applicable;
- 10.6 (7) the inmate's behavior while incarcerated;
- 10.7 (8) psychological or other diagnostic evaluations of the inmate;
- 10.8 (9) information on the inmate's rehabilitation while incarcerated;
- 10.9 (10) the inmate's criminal history;
- 10.10 (11) if the inmate was under 18 years of age at the time of the commission of the offense,
- 10.11 relevant science on the neurological development of juveniles and information on the inmate's
- 10.12 maturity and development while incarcerated; and
- 10.13 (12) any other relevant conduct of the inmate while incarcerated or before incarceration.
- 10.14 (j) The board may not grant supervised release or parole to an inmate unless:
- 10.15 (1) while in prison:
- 10.16 (i) the inmate has successfully completed appropriate sex offender treatment, if applicable;
- 10.17 (ii) the inmate has been assessed for substance use disorder needs and, if appropriate,
- 10.18 has successfully completed substance use disorder treatment; and
- 10.19 (iii) the inmate has been assessed for mental health needs and, if appropriate, has
- 10.20 successfully completed mental health treatment; and
- 10.21 (2) a comprehensive individual release plan is in place for the inmate that:
- 10.22 (i) ensures that, after release, the inmate will have suitable housing and receive appropriate
- 10.23 aftercare and community-based treatment; and
- 10.24 (ii) includes a postprison employment or education plan for the inmate.
- 10.25 (k) Supervised release or parole must be granted with a majority vote of the quorum
- 10.26 required under section 244.049, subdivision 3. If there is a tie vote, supervised release or
- 10.27 parole is granted only if the commissioner votes in favor of granting supervised release or
- 10.28 parole.

11.1 (l) Within 30 days after a supervised release review hearing, the board must issue a  
11.2 decision on granting release, including an explanation for the decision. If an inmate is serving  
11.3 multiple sentences that are concurrent to one another, the board must grant or deny supervised  
11.4 release on all sentences.

11.5 (m) If the board does not grant supervised release, the explanation of that decision must  
11.6 identify specific steps that the inmate can take to increase the likelihood that release will  
11.7 be granted at a future hearing.

11.8 (n) When granting supervised release under this subdivision, the board must set prerelease  
11.9 conditions to be followed by the inmate, if time permits, before their actual release or before  
11.10 constructive parole becomes effective. If the inmate violates any of the prerelease conditions,  
11.11 the commissioner may rescind the grant of supervised release without a hearing at any time  
11.12 before the inmate's release or before constructive parole becomes effective. A grant of  
11.13 constructive parole becomes effective once the inmate begins serving the consecutive  
11.14 sentence.

11.15 (o) If the commissioner rescinds a grant of supervised release or parole, the board:

11.16 (1) must set a release review date that occurs within 90 days of the commissioner's  
11.17 rescission; and

11.18 (2) by majority vote, may set a new supervised release date or set another review date.

11.19 (p) If the commissioner revokes supervised release or parole for an inmate serving a life  
11.20 sentence, the revocation is not subject to the limitations under section 244.30 and the board:

11.21 (1) must set a release review date that occurs within one year of the commissioner's final  
11.22 revocation decision; and

11.23 (2) by majority vote, may set a new supervised release date or set another review date.

11.24 (q) The board may, by a majority vote, grant a person on supervised release or parole  
11.25 for a life or indeterminate sentence a final discharge from their sentence in accordance with  
11.26 section 243.05, subdivision 3. In no case, however, may a person subject to a mandatory  
11.27 lifetime conditional release term under section 609.3455, subdivision 7, be discharged from  
11.28 that term.

11.29 (r) For purposes of this subdivision:

11.30 (1) "board" means the ~~Indeterminate Sentence~~ Supervised Release Board under section  
11.31 244.049;

12.1 (2) "constructive parole" means the status of an inmate who has been paroled from an  
12.2 indeterminate sentence to begin serving a consecutive sentence in prison; and

12.3 (3) "victim" has the meaning given in section 611A.01, paragraph (b).

12.4 Sec. 7. Minnesota Statutes 2023 Supplement, section 244.17, subdivision 3, is amended  
12.5 to read:

12.6 Subd. 3. **Offenders not eligible.** (a) The following offenders are not eligible to be placed  
12.7 in the challenge incarceration program:

12.8 (1) offenders who are committed to the commissioner's custody following a conviction  
12.9 for murder, manslaughter, criminal sexual conduct, assault, kidnapping, robbery, carjacking,  
12.10 arson, or any other offense involving death or intentional personal injury;

12.11 (2) offenders who were convicted within the preceding ten years of an offense described  
12.12 in clause (1) and were committed to the custody of the commissioner;

12.13 (3) offenders who have been convicted or adjudicated delinquent within the past five  
12.14 years for a violation of section 609.485;

12.15 (4) offenders who are committed to the commissioner's custody for an offense that  
12.16 requires registration under section 243.166;

12.17 (5) offenders who are the subject of a current arrest warrant or detainer;

12.18 (6) offenders who have fewer than 180 days remaining until their supervised release  
12.19 date;

12.20 (7) offenders who have had disciplinary confinement time added to their sentence or  
12.21 who have been placed in segregation, unless 90 days have elapsed from the imposition of  
12.22 the additional disciplinary confinement time or the last day of segregation;

12.23 (8) offenders who have received a suspended formal disciplinary sanction, unless the  
12.24 suspension has expired; and

12.25 (9) offenders whose governing sentence is for an offense from another state or the United  
12.26 States; and.

12.27 ~~(10) offenders who have a medical condition included on the list of ineligible conditions~~  
12.28 ~~described in paragraph (b).~~

12.29 ~~(b) The commissioner of corrections shall develop a list of medical conditions that will~~  
12.30 ~~disqualify an offender from participating in the challenge incarceration program. The~~  
12.31 ~~commissioner shall submit the list and any changes to it to the chairs and ranking minority~~

13.1 ~~members of the senate and house committees having jurisdiction over criminal justice policy~~  
 13.2 ~~and funding.~~

13.3 Sec. 8. Minnesota Statutes 2023 Supplement, section 244.21, subdivision 2, is amended  
 13.4 to read:

13.5 Subd. 2. **Commissioner of corrections; report.** By ~~January 15~~ May 1 each year, the  
 13.6 commissioner must report to the chairs of the legislative committees with jurisdiction over  
 13.7 public safety policy and finance on ~~recommended methods of coordinating the exchange~~  
 13.8 ~~of~~ information collected on individuals on probation under subdivision 1:

13.9 ~~(1) between probation service providers; and~~

13.10 ~~(2) between probation service providers and the Department of Corrections.~~

13.11 Sec. 9. Minnesota Statutes 2023 Supplement, section 401.01, subdivision 2, is amended  
 13.12 to read:

13.13 Subd. 2. **Definitions.** (a) For purposes of this chapter, the terms defined in this subdivision  
 13.14 have the meanings given them.

13.15 (b) "CCA jurisdiction" means a county or Tribal Nation that participates in the  
 13.16 Community Corrections Act, the subsidy program under this chapter.

13.17 (c) "Commissioner" means the commissioner of corrections or a designee.

13.18 (d) "Conditional release" means:

13.19 (1) parole, supervised release, or conditional release as authorized by section 609.3455,  
 13.20 subdivision 6, 7, or 8; Minnesota Statutes 2004, section 609.108, subdivision 6; or Minnesota  
 13.21 Statutes 2004, section 609.109, subdivision 7;

13.22 (2) work release as authorized by sections 241.26, 244.065, and 631.425; and

13.23 (3) probation, furlough, and any other authorized temporary release from a correctional  
 13.24 facility.

13.25 (e) "Detain" means to take into actual custody, including custody within a local  
 13.26 correctional facility.

13.27 (f) "Joint board" means the board under section 471.59.

13.28 (g) "Local advisory board" means:

13.29 (1) for a CCA jurisdiction, a corrections advisory board as defined in section 401.08;

14.1 (2) for a non-CCA jurisdiction other than a Tribal Nation, a human services advisory  
14.2 board as defined in section 402.02, or advisory committee or task force as defined in section  
14.3 402.03; or

14.4 (3) for a Tribal Nation that is a non-CCA jurisdiction, a board with membership as  
14.5 determined by the Tribal Nation.

14.6 ~~(g)~~ (h) "Non-CCA jurisdiction" means a county or Tribal Nation that is not participating  
14.7 in the Community Corrections Act subsidy program and provides or receives probation  
14.8 services according to section 244.19.

14.9 ~~(h)~~ (i) "Probation officer" means a county or Tribal probation officer under a CCA or  
14.10 non-CCA jurisdiction appointed with the powers under section 244.19.

14.11 ~~(i)~~ (j) "Release" means to release from actual custody.

14.12 ~~(j)~~ (k) "Tribal Nation" means a federally recognized Tribal Nation within the boundaries  
14.13 of the state of Minnesota.

14.14 Sec. 10. Minnesota Statutes 2023 Supplement, section 609.133, subdivision 4, is amended  
14.15 to read:

14.16 Subd. 4. **Petition; contents; fee.** (a) A prosecutor's petition for sentence adjustment  
14.17 shall be filed in the district court where the individual was convicted and include the  
14.18 following:

14.19 (1) the full name of the individual on whose behalf the petition is being brought and, to  
14.20 the extent possible, all other legal names or aliases by which the individual has been known  
14.21 at any time;

14.22 (2) the individual's date of birth;

14.23 (3) the individual's address;

14.24 (4) a brief statement of the reason the prosecutor is seeking a sentence adjustment for  
14.25 the individual;

14.26 (5) the details of the offense for which an adjustment is sought, including:

14.27 (i) the date and jurisdiction of the occurrence;

14.28 (ii) either the names of any victims or that there were no identifiable victims;

14.29 (iii) whether there is a current order for protection, restraining order, or other no contact  
14.30 order prohibiting the individual from contacting the victims or whether there has ever been

15.1 a prior order for protection or restraining order prohibiting the individual from contacting  
15.2 the victims;

15.3 (iv) the court file number; and

15.4 (v) the date of conviction;

15.5 (6) what steps the individual has taken since the time of the offense toward personal  
15.6 rehabilitation, including treatment, work, good conduct within correctional facilities, or  
15.7 other personal history that demonstrates rehabilitation;

15.8 (7) the individual's criminal conviction record indicating all convictions for  
15.9 misdemeanors, gross misdemeanors, or felonies in this state, and for all comparable  
15.10 convictions in any other state, federal court, or foreign country, whether the convictions  
15.11 occurred before or after the conviction for which an adjustment is sought;

15.12 (8) the individual's criminal charges record indicating all prior and pending criminal  
15.13 charges against the individual in this state or another jurisdiction, including all criminal  
15.14 charges that have been continued for dismissal, stayed for adjudication, or were the subject  
15.15 of pretrial diversion; and

15.16 (9) to the extent known, all prior requests by the individual, whether for the present  
15.17 offense or for any other offenses in this state or any other state or federal court, for pardon,  
15.18 return of arrest records, or expungement or sealing of a criminal record, whether granted  
15.19 or not, and all stays of adjudication or imposition of sentence involving the petitioner.

15.20 (b) The filing fee for a petition brought under this section shall be waived.

15.21 (c) Notwithstanding chapter 13 or any other statute related to the classification of  
15.22 government data, a supervising agent or the commissioner of corrections may provide private  
15.23 or confidential data to a prosecutor for purposes of a petition for sentence adjustment.

15.24 Sec. 11. Minnesota Statutes 2022, section 611A.06, subdivision 3a, is amended to read:

15.25 Subd. 3a. **Offender location.** ~~(a) Upon the victim's written or electronic request and if~~  
15.26 ~~the victim and offender have been household or family members as defined in section~~  
15.27 ~~518B.01, subdivision 2, paragraph (b);~~ The commissioner of corrections or the  
15.28 commissioner's designee shall may disclose to the victim of an offender ~~convicted of a~~  
15.29 ~~qualified domestic violence-related offense as defined in section 609.02, subdivision 16,~~  
15.30 notification of the city and five-digit zip code of the offender's residency upon release from  
15.31 a Department of Corrections facility, unless:

15.32 ~~(1) the offender is not under correctional supervision at the time of the victim's request;~~

16.1 ~~(2) the commissioner or the commissioner's designee does not have the city or zip code;~~  
16.2 ~~or~~

16.3 ~~(3) the commissioner or the commissioner's designee reasonably believes that disclosure~~  
16.4 ~~of the city or zip code of the offender's residency creates a risk to the victim, offender, or~~  
16.5 ~~public safety.~~

16.6 ~~(b) All identifying information regarding the victim including, but not limited to, the~~  
16.7 ~~notification provided by the commissioner or the commissioner's designee is classified as~~  
16.8 ~~private data on individuals as defined in section 13.02, subdivision 12, and is accessible~~  
16.9 ~~only to the victim.~~

16.10 ~~(c) This subdivision applies only where the offender is serving a prison term for a~~  
16.11 ~~qualified domestic violence-related offense committed against the victim seeking notification.~~

16.12 Sec. 12. Minnesota Statutes 2023 Supplement, section 629.292, subdivision 2, is amended  
16.13 to read:

16.14 Subd. 2. **Procedure on receipt of request.** The request shall be delivered to the  
16.15 commissioner of corrections or other official designated by the commissioner having custody  
16.16 of the prisoner, who shall forthwith:

16.17 (1) certify the term of commitment under which the prisoner is being held, the time  
16.18 already served on the sentence, the time remaining to be served, the good time earned, the  
16.19 time of parole eligibility of the prisoner, and any decisions of the commissioner of corrections  
16.20 relating to the prisoner; and

16.21 (2) send by registered or certified mail, return receipt requested, one copy of the request  
16.22 and certificate to the court and one copy to the prosecuting attorney to whom it is addressed;  
16.23 ~~and, or~~

16.24 ~~(3) send by e-filing and e-serving the paperwork, one copy of the request to the court~~  
16.25 ~~and one copy to the prosecuting attorney to whom it is addressed.~~