

1.1 moves to amend H.F. No. 1448 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. Minnesota Statutes 2020, section 241.016, subdivision 1, is amended to read:

1.4 Subdivision 1. **Biennial report.** (a) The Department of Corrections shall submit a
1.5 performance report to the chairs and ranking minority members of the senate and house of
1.6 representatives committees and divisions having jurisdiction over criminal justice funding
1.7 by January 15 of each odd-numbered year. The issuance and content of the report must
1.8 include the following:

1.9 (1) department strategic mission, goals, and objectives;

1.10 (2) the department-wide per diem, adult facility-specific per diems, and an average per
1.11 diem, reported in a standard calculated method as outlined in the departmental policies and
1.12 procedures;

1.13 (3) department annual statistics as outlined in the departmental policies and procedures;

1.14 ~~and~~

1.15 (4) information about prison-based mental health programs, including, but not limited
1.16 to, the availability of these programs, participation rates, and completion rates; and

1.17 (5) beginning in 2023, a written aggregate of the state correctional facilities security
1.18 audit group's recommendations based on each security audit and assessment of a state
1.19 correctional facility and the commissioner's responses to the recommendations.

1.20 (b) The department shall maintain recidivism rates for adult facilities on an annual basis.
1.21 In addition, each year the department shall, on an alternating basis, complete a recidivism
1.22 analysis of adult facilities, juvenile services, and the community services divisions and
1.23 include a three-year recidivism analysis in the report described in paragraph (a). The

2.1 recidivism analysis must: (1) assess education programs, vocational programs, treatment
2.2 programs, including mental health programs, industry, and employment; and (2) assess
2.3 statewide re-entry policies and funding, including postrelease treatment, education, training,
2.4 and supervision. In addition, when reporting recidivism for the department's adult and
2.5 juvenile facilities, the department shall report on the extent to which offenders it has assessed
2.6 as chemically dependent commit new offenses, with separate recidivism rates reported for
2.7 persons completing and not completing the department's treatment programs.

2.8 Sec. 2. Minnesota Statutes 2020, section 241.021, subdivision 1, is amended to read:

2.9 Subdivision 1. **Correctional facilities; inspection; licensing.** (a) Except as provided
2.10 in paragraph (b), the commissioner of corrections shall inspect and license all correctional
2.11 facilities throughout the state, whether public or private, established and operated for the
2.12 detention and confinement of persons detained or confined therein according to law except
2.13 to the extent that they are inspected or licensed by other state regulating agencies. The
2.14 commissioner shall promulgate pursuant to chapter 14, rules establishing minimum standards
2.15 for these facilities with respect to their management, operation, physical condition, and the
2.16 security, safety, health, treatment, and discipline of persons detained or confined therein.
2.17 Commencing September 1, 1980, no individual, corporation, partnership, voluntary
2.18 association, or other private organization legally responsible for the operation of a
2.19 correctional facility may operate the facility unless licensed by the commissioner of
2.20 corrections. Private adult correctional facilities shall have the authority of section 624.714,
2.21 subdivision 13, if the Department of Corrections licenses the facility with such authority
2.22 and the facility meets requirements of section 243.52. The commissioner shall review the
2.23 correctional facilities described in this subdivision at least once every biennium, except as
2.24 otherwise provided herein, to determine compliance with the minimum standards established
2.25 pursuant to this subdivision. The commissioner shall grant a license to any facility found
2.26 to conform to minimum standards or to any facility which, in the commissioner's judgment,
2.27 is making satisfactory progress toward substantial conformity and the interests and well-being
2.28 of the persons detained or confined therein are protected. The commissioner may grant
2.29 licensure up to two years. The commissioner shall have access to the buildings, grounds,
2.30 books, records, staff, and to persons detained or confined in these facilities. The commissioner
2.31 may require the officers in charge of these facilities to furnish all information and statistics
2.32 the commissioner deems necessary, at a time and place designated by the commissioner.
2.33 The commissioner may require that any or all such information be provided through the
2.34 Department of Corrections detention information system. The education program offered
2.35 in a correctional facility for the detention or confinement of juvenile offenders must be

3.1 approved by the commissioner of education before the commissioner of corrections may
3.2 grant a license to the facility.

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

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

3.12 (d) Nothing in this section shall be construed to limit the commissioner of corrections'
3.13 authority to promulgate rules establishing standards of eligibility for counties to receive
3.14 funds under sections 401.01 to 401.16, or to require counties to comply with operating
3.15 standards the commissioner establishes as a condition precedent for counties to receive that
3.16 funding.

3.17 (e) When the commissioner finds that any facility described in paragraph (a), except
3.18 foster care facilities for delinquent children and youth as provided in subdivision 2, does
3.19 not substantially conform to the minimum standards established by the commissioner and
3.20 is not making satisfactory progress toward substantial conformance, the commissioner shall
3.21 promptly notify the chief executive officer and the governing board of the facility of the
3.22 deficiencies and order that they be remedied within a reasonable period of time. The
3.23 commissioner may by written order restrict the use of any facility which does not substantially
3.24 conform to minimum standards to prohibit the detention of any person therein for more than
3.25 72 hours at one time. When, after due notice and hearing, the commissioner finds that any
3.26 facility described in this subdivision, except county jails and lockups as provided in sections
3.27 641.26, 642.10, and 642.11, does not conform to minimum standards, or is not making
3.28 satisfactory progress toward substantial compliance therewith, the commissioner may issue
3.29 an order revoking the license of that facility. After revocation of its license, that facility
3.30 shall not be used until its license is renewed. When the commissioner is satisfied that
3.31 satisfactory progress towards substantial compliance with minimum standard is being made,
3.32 the commissioner may, at the request of the appropriate officials of the affected facility
3.33 supported by a written schedule for compliance, grant an extension of time for a period not
3.34 to exceed one year.

4.1 (f) As used in this subdivision, "correctional facility" means any facility, including a
4.2 group home, having a residential component, the primary purpose of which is to serve
4.3 persons placed therein by a court, court services department, parole authority, or other
4.4 correctional agency having dispositional power over persons charged with, convicted, or
4.5 adjudicated to be guilty or delinquent.

4.6 (g) The department's inspection unit must report directly to a division head outside of
4.7 the correctional institutions division.

4.8 Sec. 3. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision to
4.9 read:

4.10 Subd. 1a. **Biennial assessment and audit of security practices; state correctional**
4.11 **facilities.** (a) Beginning in 2022, the commissioner shall have the department's inspection
4.12 unit conduct biennial security audits of each state correctional facility using the standards
4.13 promulgated by the state correctional facilities security audit group. The unit must prepare
4.14 a report for each assessment and audit and submit the report to the state correctional facilities
4.15 security audit group within 30 days of completion of the audit.

4.16 (b) Corrections and detention confidential data, as defined in section 13.85, subdivision
4.17 3, that is contained in reports and records of the group maintain that classification, regardless
4.18 of their classification in the hands of the person who provided the data, and are not subject
4.19 to discovery or introduction into evidence in a civil or criminal action against the state
4.20 arising out of the matters the group is reviewing. Information, documents, and records
4.21 otherwise available from other sources are not immune from discovery or use in a civil or
4.22 criminal action solely because they were acquired during the group's audit. This section
4.23 does not limit a person who presented information to the group or who is a member of the
4.24 group from testifying about matters within the person's knowledge. However, in a civil or
4.25 criminal proceeding, a person may not be questioned about the person's good faith
4.26 presentation of information to the group or opinions formed by the person as a result of the
4.27 group's audits.

4.28 Sec. 4. Minnesota Statutes 2020, section 241.021, is amended by adding a subdivision to
4.29 read:

4.30 Subd. 1b. **State correctional facilities security audit group.** (a) Beginning in fiscal
4.31 year 2022, the commissioner shall form a state correctional facilities security audit group.
4.32 The group must consist of the following members:

5.1 (1) a department employee who is not assigned to the correctional institutions division,
5.2 appointed by the commissioner;

5.3 (2) the ombudsperson for corrections;

5.4 (3) an elected sheriff or designee nominated by the Minnesota Sheriffs Association and
5.5 appointed by the commissioner;

5.6 (4) a physical plant safety consultant, appointed by the governor;

5.7 (5) a private security consultant with expertise in correctional facility security, appointed
5.8 by the governor;

5.9 (6) two senators, one appointed by the senate majority leader and one appointed by the
5.10 minority leader; and

5.11 (7) two representatives, one appointed by the speaker of the house and one appointed
5.12 by the minority leader of the house of representatives.

5.13 (b) By January 1, 2022, the group shall establish security audit standards for state
5.14 correctional facilities. The group must report the standards to the chairs and ranking minority
5.15 members of the house and senate committees with jurisdiction over public safety policy
5.16 and finance by February 15, 2022.

5.17 (c) The group shall review facility audit reports submitted to the group by the agency's
5.18 inspection unit. Notwithstanding any law to the contrary, the group is entitled to review the
5.19 full audit reports including corrections and detention confidential data. Within 60 days of
5.20 receiving an audit report from the department's inspection unit, the group must make
5.21 recommendations to the commissioner. Within 45 days of receiving the group's
5.22 recommendations, the commissioner must reply in writing to the group's findings and
5.23 recommendations. The commissioner's response must explain whether the agency will
5.24 implement the group's recommendations, the timeline for implementation of the changes,
5.25 and, if not, why the commissioner will not or cannot implement the group's recommendations.

5.26 (d) Beginning in 2023, the commissioner must include a written aggregate of the group's
5.27 recommendations based on each security audit and assessment of a state correctional facility
5.28 and the commissioner's responses to the recommendations in the biennial report required
5.29 under section 241.016, subdivision 1. The commissioner shall not include corrections and
5.30 detention confidential data, as defined in section 13.85, subdivision 3, in the commissioner's
5.31 report to the legislature.

5.32 (e) The commissioner shall provide staffing and administrative support to the group.

6.1 Sec. 5. Minnesota Statutes 2020, section 243.48, subdivision 1, is amended to read:

6.2 Subdivision 1. **General searches.** The commissioner of corrections, the state correctional
6.3 facilities audit group, the governor, lieutenant governor, members of the legislature, state
6.4 officers, and the ombudsperson for corrections may visit the inmates at pleasure, but no
6.5 other persons without permission of the chief executive officer of the facility, under rules
6.6 prescribed by the commissioner. A moderate fee may be required of visitors, other than
6.7 those allowed to visit at pleasure. All fees so collected shall be reported and remitted to the
6.8 commissioner of management and budget under rules as the commissioner may deem proper,
6.9 and when so remitted shall be placed to the credit of the general fund."

6.10 Amend the title accordingly