

ARTICLE 24**SUPERVISED RELEASE BOARD; LIFE SENTENCES FOR CERTAIN OFFENDERS****Section 1. [244.049] SUPERVISED RELEASE BOARD.**

Subdivision 1. Establishment; membership. (a) The Supervised Release Board is established to review eligible cases and make release and final discharge decisions for:

(1) inmates serving life sentences with the possibility of parole or supervised release under sections 243.05, subdivision 1, and 244.05, subdivision 5;

(2) inmates serving indeterminate sentences for crimes committed on or before April 30, 1980; and

(3) inmates eligible for early supervised release under section 244.05, subdivision 4a.

(b) The authority to grant discretionary release and final discharge previously vested in the commissioner under sections 243.05, subdivisions 1, paragraph (a), and 3; 244.08; and 609.12 is transferred to the board.

(c) The board consists of the following members:

(1) four individuals appointed by the governor who meet at least one of the following qualifications:

(i) a degree from an accredited law school or a bachelor's, master's, or doctorate degree in criminology, corrections, social work, or a related social science;

(ii) five years of experience in corrections, a criminal justice or community corrections field, rehabilitation programming, behavioral health, or criminal law; or

(iii) demonstrated knowledge of victim issues and correctional processes;

(2) two individuals appointed by the governor with an academic degree in neurology, psychology, or a comparable field and who have expertise in the neurological development of juveniles; and

(3) the commissioner, who serves as chair.

(d) The majority leader of the senate, minority leader of the senate, speaker of the house, and minority leader of the house shall each recommend two candidates for appointment.

Subd. 2. Terms; compensation. (a) Appointed board members serve four-year staggered terms, but the terms of the initial members are as follows:

(1) three members must be appointed for terms that expire January 1, 2026; and

2.1 (2) three members must be appointed for terms that expire January 1, 2028.

2.2 (b) An appointed member is eligible for reappointment and a vacancy must be filled
2.3 according to subdivision 1.

2.4 (c) For appointed members, compensation and removal are as provided in section 15.0575.

2.5 Subd. 3. **Quorum; compensation; administrative duties.** (a) Subject to the requirements
2.6 in paragraph (b), the majority of members constitutes a quorum.

2.7 (b) When reviewing cases involving people who were 18 years of age or older at the
2.8 time of the offense, the board must comprise a quorum of the five members identified in
2.9 subdivision 1, paragraph (c), clauses (1) and (3). When reviewing cases involving people
2.10 who were under 18 years of age at the time of the offense, the board must comprise a quorum
2.11 of all seven members and include at least one member identified in subdivision 1, paragraph
2.12 (c), clause (2).

2.13 (c) An appointed board member must visit at least one state correctional facility every
2.14 12 months.

2.15 (d) The commissioner must provide the board with personnel, supplies, equipment,
2.16 office space, and other administrative services necessary and incident to fulfilling the board's
2.17 functions.

2.18 Subd. 4. **Limitation.** Nothing in this section:

2.19 (1) supersedes the commissioner's authority to set conditions of release or revoke an
2.20 inmate's release for violating any of the conditions; or

2.21 (2) impairs the power of the Board of Pardons to grant a pardon or commutation in any
2.22 case.

2.23 Subd. 5. **Report.** (a) On or before February 15 each year, the board must submit to the
2.24 chairs and ranking minority members of the legislative committees with jurisdiction over
2.25 criminal justice policy a written report that:

2.26 (1) details the number of inmates reviewed;

2.27 (2) identifies inmates granted release or final discharge in the preceding year;

2.28 (3) specifies the length of time served by individuals granted release or final discharge
2.29 in the preceding year before that release or discharge;

2.30 (4) identifies any individual granted release or final discharge in the preceding year who
2.31 will remain in custody as the result of a consecutive sentence;

3.1 (5) identifies the number of prior reviews of inmates who were granted release or final
3.2 discharge and inmates who were denied release or final discharge;

3.3 (6) specifies the underlying offense of inmates who were granted release or final discharge
3.4 and inmates who were denied release or final discharge; and

3.5 (7) provides demographic data of inmates who were granted release or final discharge
3.6 and inmates who were denied release or final discharge, including whether any of the
3.7 individuals were under 18 years of age at the time of committing the offense.

3.8 (b) The report must also include the board's recommendations to the commissioner for
3.9 policy modifications that influence the board's duties.

3.10 Sec. 2. Minnesota Statutes 2022, section 244.05, subdivision 1b, is amended to read:

3.11 Subd. 1b. **Supervised release; offenders who commit crimes on or after August 1,**
3.12 **1993.** (a) Except as provided in subdivisions 4, 4a, and 5, every inmate sentenced to prison
3.13 for a felony offense committed on or after August 1, 1993, shall serve a supervised release
3.14 term upon completion of the inmate's term of imprisonment and any disciplinary confinement
3.15 period imposed by the commissioner due to the inmate's violation of any disciplinary rule
3.16 adopted by the commissioner or refusal to participate in a rehabilitative program required
3.17 under section 244.03. The amount of time the inmate serves on supervised release shall be
3.18 equal in length to the amount of time remaining in the inmate's executed sentence after the
3.19 inmate has served the term of imprisonment and any disciplinary confinement period imposed
3.20 by the commissioner.

3.21 (b) No inmate who violates a disciplinary rule or refuses to participate in a rehabilitative
3.22 program as required under section 244.03 shall be placed on supervised release until the
3.23 inmate has served the disciplinary confinement period for that disciplinary sanction or until
3.24 the inmate is discharged or released from punitive segregation confinement, whichever is
3.25 later. The imposition of a disciplinary confinement period shall be considered to be a
3.26 disciplinary sanction imposed upon an inmate, and the procedure for imposing the
3.27 disciplinary confinement period and the rights of the inmate in the procedure shall be those
3.28 in effect for the imposition of other disciplinary sanctions at each state correctional institution.

3.29 Sec. 3. Minnesota Statutes 2022, section 244.05, subdivision 4, is amended to read:

3.30 Subd. 4. **Minimum imprisonment, life sentence.** (a) An inmate serving a mandatory
3.31 life sentence under section 609.106, subdivision 2, or 609.3455, subdivision 2, paragraph
3.32 (a), must not be given supervised release under this section.

4.1 (b) Except as provided in paragraph (f), an inmate serving a mandatory life sentence
4.2 under section 609.185, paragraph (a), clause (3), (5), or (6), or section 609.2661, clause (3);
4.3 or Minnesota Statutes 2004, section 609.109, subdivision 3, must not be given supervised
4.4 release under this section without having served a minimum term of 30 years.

4.5 (c) Except as provided in paragraph (f), an inmate serving a mandatory life sentence
4.6 under section 609.385 must not be given supervised release under this section without having
4.7 served a minimum term of imprisonment of 17 years.

4.8 (d) An inmate serving a mandatory life sentence under section 609.3455, subdivision 3
4.9 or 4, must not be given supervised release under this section without having served the
4.10 minimum term of imprisonment specified by the court in its sentence.

4.11 (e) An inmate serving a mandatory life sentence under section 609.106, subdivision 3,
4.12 or 609.3455, subdivision 2, paragraph (c), must not be given supervised release under this
4.13 section without having served a minimum term of imprisonment specified in subdivision
4.14 4b.

4.15 (f) An inmate serving a mandatory life sentence for a crime described in paragraph (b)
4.16 or (c) who was under 18 years of age at the time of the commission of the offense must not
4.17 be given supervised release under this section without having served a minimum term of
4.18 imprisonment specified in subdivision 4b.

4.19 Sec. 4. Minnesota Statutes 2022, section 244.05, is amended by adding a subdivision to
4.20 read:

4.21 Subd. 4a. **Eligibility for early supervised release; offenders who were under 18 at**
4.22 **the time of offense.** Notwithstanding any other provision of law, any person who was under
4.23 the age of 18 at the time of the commission of an offense is eligible for early supervised
4.24 release if the person is serving an executed sentence that exceeds the minimum term of
4.25 imprisonment specified in subdivision 4b.

4.26 Sec. 5. Minnesota Statutes 2022, section 244.05, is amended by adding a subdivision to
4.27 read:

4.28 Subd. 4b. **Offenders who were under 18 at the time of offense; minimum terms of**
4.29 **imprisonment.** Any person serving one or more mandatory life sentences or any combination
4.30 of sentences that include combined terms of imprisonment that exceed the applicable
4.31 minimum term specified in this section is eligible for supervised release if the person was

5.1 under the age of 18 at the time of the commission of the relevant offenses and has served
 5.2 a minimum of:

5.3 (1) 15 years if the person:

5.4 (i) received a determinate sentence with a period of imprisonment of more than 15 years;

5.5 (ii) received separate, consecutive, executed determinate sentences for two or more
 5.6 crimes that include combined terms of imprisonment that total more than 15 years and do
 5.7 not involve separate victims; or

5.8 (iii) was sentenced to one mandatory life sentence that is not consecutive to any other
 5.9 sentence involving a separate victim and to which no other sentence involving a separate
 5.10 victim is consecutive;

5.11 (2) 20 years if the person:

5.12 (i) received separate, consecutive, executed determinate sentences for two or more crimes
 5.13 that include combined terms of imprisonment that total more than 20 years and involved
 5.14 separate victims;

5.15 (ii) was sentenced to one mandatory life sentence that is consecutive to any determinate
 5.16 sentence involving a separate victim or to which a determinate sentence involving a separate
 5.17 victim is consecutive; or

5.18 (iii) was sentenced to two consecutive mandatory life sentences; or

5.19 (3) 30 years if the person was sentenced to three or more consecutive life sentences.

5.20 Sec. 6. Minnesota Statutes 2022, section 244.05, subdivision 5, is amended to read:

5.21 **Subd. 5. Supervised release, life sentence and indeterminate sentences.** (a) The
 5.22 ~~commissioner of corrections~~ board may, under rules ~~promulgated~~ adopted by the
 5.23 commissioner, ~~give grant~~ supervised release or parole as follows:

5.24 (1) to an inmate serving a mandatory life sentence under section 609.185, paragraph (a),
 5.25 clause (3), (5), or (6); 609.3455, subdivision 3 or 4; 609.385; or Minnesota Statutes 2004,
 5.26 section 609.109, subdivision 3, after the inmate has served the minimum term of
 5.27 imprisonment specified in subdivision 4 or section 243.05, subdivision 1, paragraph (a);

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

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

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

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

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

6.10 (c) No earlier than three years before an inmate has served the applicable minimum term
6.11 of imprisonment, the commissioner must assess the inmate's status and make programming
6.12 recommendations relevant to the inmate's release review.

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

6.15 ~~(b)~~ (e) The commissioner board shall require the preparation of a community investigation
6.16 report and shall consider the findings of the report when making a supervised release decision
6.17 under this subdivision. The report shall:

6.18 (1) reflect the sentiment of the various elements of the community toward the inmate,
6.19 both at the time of the offense and at the present time. The report shall;

6.20 (2) include the views of the sentencing judge, the prosecutor, any law enforcement
6.21 personnel who may have been involved in the case, and any successors to these individuals
6.22 who may have information relevant to the supervised release decision. The report shall also;
6.23 and

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

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

7.1 ~~(e)~~ (g) The ~~commissioner~~ board shall make reasonable efforts to notify the victim, in
7.2 advance, of the time and place of the inmate's ~~supervised~~ release review hearing. The victim
7.3 has a right to submit an oral or written statement at the review hearing. The statement may
7.4 summarize the harm suffered by the victim as a result of the crime and give the victim's
7.5 recommendation on whether the inmate should be given supervised release at this time. ~~The~~
7.6 ~~commissioner must consider the victim's statement when making the supervised release~~
7.7 ~~decision.~~

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

7.10 ~~(d)~~ (i) When considering whether to ~~give grant~~ supervised release or parole to an inmate
7.11 serving a life sentence ~~under section 609.3455, subdivision 3 or 4~~ or indeterminate sentence,
7.12 the ~~commissioner~~ board shall consider, at a minimum, the following:

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

7.14 (2) the report prepared pursuant to paragraph (f), if applicable;

7.15 (3) a victim statement under paragraph (g), if submitted;

7.16 (4) the statement of a prosecutor under paragraph (h), if submitted;

7.17 (5) the risk the inmate poses to the community if released;

7.18 (6) the inmate's progress in treatment, if applicable;

7.19 (7) the inmate's behavior while incarcerated;

7.20 (8) psychological or other diagnostic evaluations of the inmate;

7.21 (9) information on the inmate's rehabilitation while incarcerated;

7.22 (10) the inmate's criminal history;

7.23 (11) if the inmate was under 18 years of age at the time of the commission of the offense,
7.24 relevant science on the neurological development of juveniles and information on the inmate's
7.25 maturity and development while incarcerated; and

7.26 (12) any other relevant conduct of the inmate while incarcerated or before incarceration.

7.27 (j) The ~~commissioner~~ board may not ~~give grant~~ supervised release or parole to ~~the an~~
7.28 inmate unless:

7.29 (1) while in prison:

7.30 (i) the inmate has successfully completed appropriate sex offender treatment, if applicable;

8.1 (ii) the inmate has been assessed for substance use disorder needs and, if appropriate,
8.2 has successfully completed substance use disorder treatment; and

8.3 (iii) the inmate has been assessed for mental health needs and, if appropriate, has
8.4 successfully completed mental health treatment; and

8.5 (2) a comprehensive individual release plan is in place for the inmate that:

8.6 (i) ensures that, after release, the inmate will have suitable housing and receive appropriate
8.7 aftercare and community-based treatment. ~~The comprehensive plan also must include; and~~

8.8 (ii) includes a postprison employment or education plan for the inmate.

8.9 (k) Supervised release or parole must be granted with a majority vote of the quorum
8.10 required under section 244.049, subdivision 3.

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

8.15 (m) If the board does not grant supervised release, the explanation of that decision must
8.16 identify specific steps that the inmate can take to increase the likelihood that release will
8.17 be granted at a future hearing. The board must conduct a subsequent review hearing no
8.18 more than once every three years.

8.19 (n) When granting supervised release under this subdivision, the board must set prerelease
8.20 conditions to be followed by the inmate before the inmate's actual release or before
8.21 constructive parole becomes effective. If the inmate violates any of the prerelease conditions,
8.22 the commissioner may rescind the grant of supervised release without a hearing at any time
8.23 before the inmate's release or before constructive parole becomes effective. A grant of
8.24 constructive parole becomes effective once the inmate begins serving the consecutive
8.25 sentence.

8.26 (o) When granting supervised release under this subdivision, the board must set prerelease
8.27 conditions to be followed by the inmate, if time permits, before their actual release or before
8.28 constructive parole becomes effective. If the inmate violates any of the prerelease conditions,
8.29 the commissioner may rescind the grant of supervised release without a hearing at any time
8.30 before the inmate's release or before constructive parole becomes effective. A grant of
8.31 constructive parole becomes effective once the inmate begins serving the consecutive
8.32 sentence.

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

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

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

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

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

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

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

9.14 ~~(e) As used in~~ (s) For purposes of this subdivision;

9.15 (1) "board" means the Indeterminate Sentence Release Board under section 244.049;

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

9.18 ~~(3) "victim" means the individual who suffered harm as a result of the inmate's crime~~
 9.19 ~~or, if the individual is deceased, the deceased's surviving spouse or next of kin~~ has the
 9.20 meaning given in section 611A.01, paragraph (b).

9.21 Sec. 7. Minnesota Statutes 2022, section 244.101, subdivision 1, is amended to read:

9.22 Subdivision 1. **Executed sentences.** Except as provided in section 244.05, subdivision
 9.23 4a, when a felony offender is sentenced to a fixed executed sentence for an offense committed
 9.24 on or after August 1, 1993, the executed sentence consists of two parts: (1) a specified
 9.25 minimum term of imprisonment that is equal to two-thirds of the executed sentence; and
 9.26 (2) a specified maximum supervised release term that is equal to one-third of the executed
 9.27 sentence. The amount of time the inmate actually serves in prison and on supervised release
 9.28 is subject to the provisions of section 244.05, subdivision 1b.

10.1 Sec. 8. Minnesota Statutes 2022, section 609.106, subdivision 2, is amended to read:

10.2 Subd. 2. **Life without release.** Except as provided in subdivision 3, the court shall
10.3 sentence a person to life imprisonment without possibility of release under the following
10.4 circumstances:

10.5 (1) the person is convicted of first-degree murder under section 609.185, paragraph (a),
10.6 clause (1), (2), (4), or (7), or murder of unborn child in the first degree under section
10.7 609.2661, clause (1) or (2);

10.8 (2) the person is convicted of committing first-degree murder in the course of a
10.9 kidnapping under section 609.185, paragraph (a), clause (3), or murder of unborn child in
10.10 the first degree in the course of a kidnapping under section 609.2661, clause (3); or

10.11 (3) the person is convicted of first-degree murder under section 609.185, paragraph (a),
10.12 clause (3), (5), or (6), or murder of unborn child in the first degree under section 609.2661,
10.13 clause (3), and the court determines on the record at the time of sentencing that the person
10.14 has one or more previous convictions for a heinous crime.

10.15 Sec. 9. Minnesota Statutes 2022, section 609.106, is amended by adding a subdivision to
10.16 read:

10.17 Subd. 3. **Offender under age 18; life imprisonment.** The court shall sentence a person
10.18 who was under 18 years of age at the time of the commission of an offense under the
10.19 circumstances described in subdivision 2 to imprisonment for life.

10.20 Sec. 10. Minnesota Statutes 2022, section 609.3455, subdivision 2, is amended to read:

10.21 Subd. 2. **Mandatory life sentence without release; egregious first-time and repeat**
10.22 **offenders.** (a) Except as provided in paragraph (c), notwithstanding the statutory maximum
10.23 penalty otherwise applicable to the offense, the court shall sentence a person convicted
10.24 under section 609.342, subdivision 1, paragraph (a), (b), (c), (d), or (e), or subdivision 1a,
10.25 clause (a), (b), (c), (d), (h), or (i); or 609.343, subdivision 1, paragraph (a), (b), (c), (d), or
10.26 (e), or subdivision 1a, clause (a), (b), (c), (d), (h), or (i), to life without the possibility of
10.27 release if:

10.28 (1) the fact finder determines that two or more heinous elements exist; or

10.29 (2) the person has a previous sex offense conviction for a violation of section 609.342,
10.30 609.343, 609.344, or 609.3458, subdivision 1, paragraph (b), and the fact finder determines
10.31 that a heinous element exists for the present offense.

11.1 (b) A fact finder may not consider a heinous element if it is an element of the underlying
11.2 specified violation of section 609.342 or 609.343. In addition, when determining whether
11.3 two or more heinous elements exist, the fact finder may not use the same underlying facts
11.4 to support a determination that more than one element exists.

11.5 (c) The court shall sentence a person who was under 18 years of age at the time of the
11.6 commission of an offense described in paragraph (a) to imprisonment for life.

11.7 Sec. 11. Minnesota Statutes 2022, section 609.3455, subdivision 5, is amended to read:

11.8 Subd. 5. **Life sentences; minimum term of imprisonment.** At the time of sentencing
11.9 under subdivision 3 or 4, the court shall specify a minimum term of imprisonment, based
11.10 on the sentencing guidelines or any applicable mandatory minimum sentence, that must be
11.11 served before the offender may be considered for supervised release. If the offender was
11.12 under 18 years of age at the time of the commission of the offense, the minimum term of
11.13 imprisonment specified by the court shall not exceed the applicable minimum term of
11.14 imprisonment described in subdivision 4b.

11.15 Sec. 12. **REVISOR INSTRUCTION.**

11.16 Where necessary to reflect the transfer under Minnesota Statutes, section 244.049,
11.17 subdivision 1, the revisor of statutes must change the term "commissioner" or "commissioner
11.18 of corrections" to "Supervised Release Board" or "board" in Minnesota Statutes, sections
11.19 243.05, subdivisions 1, paragraph (a), and 3; 244.08; and 609.12 and make any other
11.20 necessary grammatical changes.

11.21 Sec. 13. **EFFECTIVE DATE.**

11.22 Sections 2 to 4 and 6 to 10 are effective July 1, 2023, and apply to offenders sentenced
11.23 on or after that date and retroactively to offenders:

11.24 (1) sentenced to life imprisonment without possibility of release following a conviction
11.25 under Minnesota Statutes, section 609.185, paragraph (a), for an offense committed when
11.26 the offender was under 18 years of age and when a sentence was imposed pursuant to
11.27 Minnesota Statutes, section 609.106, subdivision 2;

11.28 (2) sentenced to life imprisonment without possibility of release following a conviction
11.29 under Minnesota Statutes, section 609.3455, subdivision 2, for an offense committed when
11.30 the offender was under 18 years of age;

12.1 (3) sentenced to life imprisonment under Minnesota Statutes, section 609.185, paragraph
12.2 (a), clause (3), (5), or (6); or Minnesota Statutes 2004, section 609.109, subdivision 3, for
12.3 an offense committed when the offender was under 18 years of age;

12.4 (4) sentenced to life imprisonment under Minnesota Statutes, section 609.2661, for an
12.5 offense committed when the offender was under 18 years of age;

12.6 (5) sentenced to life imprisonment under Minnesota Statutes, section 609.385, for an
12.7 offense committed when the offender was under 18 years of age;

12.8 (6) sentenced to life imprisonment under Minnesota Statutes, section 609.3455,
12.9 subdivision 3 or 4, if the minimum term of imprisonment specified by the court in its sentence
12.10 exceeds 15 years for an offense committed when the offender was under 18 years of age;

12.11 or

12.12 (7) sentenced to an executed sentence that includes a term of imprisonment of more than
12.13 15 years or separate, consecutive executed sentences for two or more crimes that include
12.14 combined terms of imprisonment that total more than 15 years for an offense committed
12.15 when the offender was under 18 years of age.