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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 1355

02/06/2023

Authored by Moller

The bill was read for the first time and referred to the Committee on Public Safety Finance and Policy

1.1 A bill for an act

1.2 relating to corrections; authorizing e-filing of disposition of detainers; providing

1.3 language access to limited English proficient individuals under authority of

1.4 Department of Corrections; amending statutory language regarding substance use

1.5 disorder assessment process to reflect current standards of care; including warrant

1.6 authority for inmate failing to report post sentencing; clarifying that Shakopee

1.7 correctional facility offers challenge incarceration program; combining Advisory

1.8 council of Interstate Adult Supervision with Interstate Commission for Juveniles;

1.9 repealing intensive community supervision program law; providing mechanism

1.10 for funding probation services resulting from transition of services to Department

1.11 of Corrections; amending Minnesota Statutes 2022, sections 169A.276, subdivision

1.12 1; 241.021, by adding a subdivision; 243.1606; 243.58; 244.0513, subdivisions 2,

1.13 4; 244.172, subdivision 1; 244.19, subdivisions 1, 5; 260.515; 629.292, subdivision

1.14 2; repealing Minnesota Statutes 2022, sections 244.14; 244.15.

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

1.16 Section 1. Minnesota Statutes 2022, section 169A.276, subdivision 1, is amended to read:

1.17 Subdivision 1. **Mandatory prison sentence.** (a) The court shall sentence a person who

1.18 is convicted of a violation of section 169A.20 (driving while impaired) under the

1.19 circumstances described in section 169A.24 (first-degree driving while impaired) to

1.20 imprisonment for not less than three years. In addition, the court may order the person to

1.21 pay a fine of not more than \$14,000.

1.22 (b) The court may stay execution of this mandatory sentence as provided in subdivision

1.23 2 (stay of mandatory sentence), but may not stay imposition or adjudication of the sentence

1.24 or impose a sentence that has a duration of less than three years.

1.25 (c) An offender committed to the custody of the commissioner of corrections under this

1.26 subdivision is not eligible for release as provided in section 241.26, 244.065, 244.12, or

1.27 244.17, unless the offender has successfully completed a ~~chemical dependency treatment~~

2.1 ~~program while in prison~~ treatment recommendations as determined by a comprehensive  
 2.2 substance use disorder assessment while incarcerated.

2.3 (d) Notwithstanding the statutory maximum sentence provided in section 169A.24  
 2.4 (first-degree driving while impaired), when the court commits a person to the custody of  
 2.5 the commissioner of corrections under this subdivision, it shall provide that after the person  
 2.6 has been released from prison the commissioner shall place the person on conditional release  
 2.7 for five years. The commissioner shall impose any conditions of release that the commissioner  
 2.8 deems appropriate including, but not limited to, successful completion of an intensive  
 2.9 probation program as described in section 169A.74 (pilot programs of intensive probation  
 2.10 for repeat DWI offenders). If the person fails to comply with any condition of release, the  
 2.11 commissioner may revoke the person's conditional release and order the person to serve all  
 2.12 or part of the remaining portion of the conditional release term in prison. The commissioner  
 2.13 may not dismiss the person from supervision before the conditional release term expires.  
 2.14 Except as otherwise provided in this section, conditional release is governed by provisions  
 2.15 relating to supervised release. The failure of a court to direct the commissioner of corrections  
 2.16 to place the person on conditional release, as required in this paragraph, does not affect the  
 2.17 applicability of the conditional release provisions to the person.

2.18 (e) The commissioner shall require persons placed on supervised or conditional release  
 2.19 under this subdivision to pay as much of the costs of the supervision as possible. The  
 2.20 commissioner shall develop appropriate standards for this.

2.21 Sec. 2. Minnesota Statutes 2022, section 241.021, is amended by adding a subdivision to  
 2.22 read:

2.23 Subd. 4e. **Language access.** The commissioner of corrections shall take reasonable steps  
 2.24 to provide meaningful access to limited English proficient (LEP) individuals incarcerated,  
 2.25 detained, or supervised by the Department of Corrections. The commissioner shall develop  
 2.26 written policy and annual training to implement language access for LEP individuals.

2.27 Sec. 3. Minnesota Statutes 2022, section 243.1606, is amended to read:

2.28 **243.1606 ADVISORY COUNCIL ON INTERSTATE ADULT OFFENDER**  
 2.29 **SUPERVISION.**

2.30 Subdivision 1. **Membership.** The Advisory Council on Interstate Adult Offender  
 2.31 Supervision ~~consists~~ shall be combined with the State Advisory Council for the Interstate  
 2.32 Compact for Juveniles established by section 260.515 and consist of the following individuals  
 2.33 or their designees:

- 3.1 (1) the governor;
- 3.2 (2) the chief justice of the supreme court;
- 3.3 (3) two senators, one from the majority and the other from the minority party, selected
- 3.4 by the Subcommittee on Committees of the senate Committee on Rules and Administration;
- 3.5 (4) two representatives, one from the majority and the other from the minority party,
- 3.6 selected by the house speaker;
- 3.7 (5) the compact administrator, selected as provided in section 243.1607;
- 3.8 (6) a representative from the Department of Human Services regarding the Interstate
- 3.9 Compact for the Placement of Children;
- 3.10 ~~(6)~~ (7) the executive director of the Office of Justice Programs in the Department of
- 3.11 Public Safety; and
- 3.12 (8) the deputy compact administrator as defined in section 260.515;
- 3.13 (9) a representative from the State Public Defender's Office;
- 3.14 (10) a representative from the Minnesota County Attorney's Association;
- 3.15 (11) a representative from the Minnesota Sheriff's Association;
- 3.16 (12) a representative from the Minnesota Association of County Probation Officers;
- 3.17 (13) a representative from the Minnesota Association of Community Corrections Act
- 3.18 Counties;
- 3.19 (14) a representative from the community at large;
- 3.20 (15) a representative from a community organization working with victims of crimes;
- 3.21 and
- 3.22 ~~(7)~~ (16) other members as appointed by the commissioner of corrections.

3.23 The council may elect a chair from among its members.

3.24 Subd. 2. **Duties.** The council shall oversee and administer the state's participation in ~~the~~

3.25 ~~compact~~ both compacts described in ~~section~~ sections 243.1605 and 260.515. The council

3.26 shall appoint the compact administrator as the state's commissioner. In addition to these

3.27 duties, the council shall develop a model policy concerning the operations and procedures

3.28 of the compact within the state.

3.29 Subd. 3. **Annual report.** By March 1 of each year, the council shall report to the governor

3.30 and the chairs and ranking minority members of the senate and house of representatives

4.1 committees having jurisdiction over criminal justice policy on its activities along with  
 4.2 providing a copy of the annual report published by the national commission that includes  
 4.3 the activities of the interstate commission and executive committee as described in section  
 4.4 243.1605 for the preceding year. The council's annual report will also include information  
 4.5 required of the State Advisory Council for the Interstate Compact for Juveniles as described  
 4.6 in Article IV in section 260.515.

4.7 Subd. 4. **Expiration; expenses.** The provisions of section 15.059 apply to the council.

4.8 Sec. 4. Minnesota Statutes 2022, section 243.58, is amended to read:

4.9 **243.58 ESCAPED INMATES; WARRANT; REWARD.**

4.10 If an inmate fails to report post sentencing to that inmate's county authority or escapes  
 4.11 from any state correctional facility under the control of the commissioner of corrections,  
 4.12 the commissioner shall issue a warrant directed to any peace officer requiring that the  
 4.13 fugitive be taken into immediate custody and returned to any state correctional facility  
 4.14 designated by the commissioner. The chief executive officer of the facility from which the  
 4.15 escape occurred shall use all proper means to apprehend and return the escapee, which may  
 4.16 include the offer of a reward of not more than \$100 to be paid from the state treasury, for  
 4.17 information leading to the arrest and return to custody of the escapee.

4.18 Sec. 5. Minnesota Statutes 2022, section 244.0513, subdivision 2, is amended to read:

4.19 Subd. 2. **Conditional release of certain nonviolent controlled substance offenders.** An  
 4.20 offender who has been committed to the commissioner's custody may petition the  
 4.21 commissioner for conditional release from prison before the offender's scheduled supervised  
 4.22 release date or target release date if:

4.23 (1) the offender is serving a sentence for violating section 152.021, subdivision 2 or 2a;  
 4.24 152.022, subdivision 2; 152.023, subdivision 2; 152.024; or 152.025;

4.25 (2) the offender committed the crime as a result of a controlled substance ~~addiction~~ use  
 4.26 disorder;

4.27 (3) the offender has served at least:

4.28 (i) 18 months or one-half of the offender's term of imprisonment, whichever is less, if  
 4.29 the offense for which the offender is seeking conditional release is a violation of section  
 4.30 152.024 or 152.025; or

5.1 (ii) 36 months or one-half of the offender's term of imprisonment, whichever is less, if  
 5.2 the offense for which the offender is seeking conditional release is a violation of section  
 5.3 152.021, subdivision 2 or 2a, 152.022, subdivision 2, or 152.023, subdivision 2;

5.4 (4) the offender successfully completed a ~~substance use disorder treatment program of~~  
 5.5 ~~the type described in this section while in prison~~ treatment recommendations as determined  
 5.6 by a comprehensive substance use disorder assessment while incarcerated;

5.7 (5) the offender has not previously been conditionally released under this section; and

5.8 (6) the offender has not within the past ten years been convicted or adjudicated delinquent  
 5.9 for a violent crime as defined in section 609.1095 other than the current conviction for the  
 5.10 controlled substance offense.

5.11 Sec. 6. Minnesota Statutes 2022, section 244.0513, subdivision 4, is amended to read:

5.12 Subd. 4. **Substance use disorder treatment program components.** (a) The substance  
 5.13 use disorder treatment program described in subdivisions 2 and 3 must:

5.14 (1) contain a ~~highly~~ structured ~~daily~~ schedule for the offender;

5.15 (2) contain ~~individualized educational programs designed to improve the basic educational~~  
 5.16 ~~skills of the offender and to provide vocational training, if appropriate~~ individual or group  
 5.17 counseling or both to help the offender identify and address needs related to substance use  
 5.18 and develop strategies to avoid harmful substance use after discharge and to help the offender  
 5.19 obtain the services necessary to establish a lifestyle free of the harmful effects of substance  
 5.20 use disorder;

5.21 (3) contain programs designed to promote the offender's self-worth and the offender's  
 5.22 acceptance of responsibility for the consequences of the offender's own decisions;

5.23 (4) be ~~licensed by the Department of Human Services and~~ designed to serve the inmate  
 5.24 population; and

5.25 (5) require that each offender submit to a ~~chemical use assessment~~ substance use disorder  
 5.26 assessment and that the offender receive the appropriate level of treatment as indicated by  
 5.27 the assessment.

5.28 (b) The commissioner ~~shall~~ may expel from the substance use disorder treatment program  
 5.29 any offender who:

5.30 (1) commits a material violation of or repeatedly fails to follow the rules of the program;

5.31 (2) commits any criminal offense while in the program; or

6.1 (3) presents any risk to other inmates based on the offender's behavior or attitude.

6.2 Sec. 7. Minnesota Statutes 2022, section 244.172, subdivision 1, is amended to read:

6.3 Subdivision 1. **Phase I.** Phase I of the program lasts at least six months. The offender  
6.4 must be confined at the Minnesota Correctional Facility - Willow River/Moose Lake or,  
6.5 the Minnesota Correctional Facility - Togo, or the Minnesota Correctional Facility - Shakopee  
6.6 and must successfully participate in all intensive treatment, education, and work programs  
6.7 required by the commissioner. The offender must also submit on demand to random drug  
6.8 and alcohol testing at time intervals set by the commissioner. Throughout phase I, the  
6.9 commissioner must severely restrict the offender's telephone and visitor privileges.

6.10 Sec. 8. Minnesota Statutes 2022, section 244.19, subdivision 1, is amended to read:

6.11 Subdivision 1. **Appointment; joint services; state services.** (a) If a county or group of  
6.12 counties has established a human services board pursuant to chapter 402, the district court  
6.13 may appoint one or more county probation officers as necessary to perform court services,  
6.14 and the human services board shall appoint persons as necessary to provide correctional  
6.15 services within the authority granted in chapter 402. In all counties of more than 200,000  
6.16 population, which have not organized pursuant to chapter 402, the district court shall appoint  
6.17 one or more persons of good character to serve as county probation officers during the  
6.18 pleasure of the court. All other counties shall provide adult misdemeanor and juvenile  
6.19 probation services to district courts in one of the following ways:

6.20 (1) the court, with the approval of the county boards, may appoint one or more salaried  
6.21 county probation officers to serve during the pleasure of the court;

6.22 (2) when two or more counties offer probation services the district court through the  
6.23 county boards may appoint common salaried county probation officers to serve in the several  
6.24 counties;

6.25 (3) a county or a district court may request the commissioner of corrections to furnish  
6.26 probation services in accordance with the provisions of this section, and the commissioner  
6.27 of corrections shall furnish such services to any county or court that fails to provide its own  
6.28 probation officer by one of the two procedures listed above;

6.29 (4) if a county or district court providing probation services under clause (1) or (2) asks  
6.30 the commissioner of corrections or the legislative body for the state of Minnesota mandates  
6.31 the commissioner of corrections to furnish probation services to the district court, the  
6.32 probation officers and other employees displaced by the changeover shall be employed by

7.1 the commissioner of corrections. The commissioner of corrections shall request an increase  
7.2 to the county probation officers reimbursement appropriation during the legislative session  
7.3 immediately following the transition of services, in an amount sufficient to pay the salaries  
7.4 of the employees who transferred from county employees to state employees. Reimbursement  
7.5 of funds received under subdivision 5 from a county that requested the commissioner of  
7.6 corrections to furnish probation services shall be appropriated to the commissioner of  
7.7 corrections for the provision of probation services until the county probation officers  
7.8 reimbursement appropriation is sufficiently increased by the legislature. Years of service  
7.9 in the county probation department are to be given full credit for future sick leave and  
7.10 vacation accrual purposes;

7.11 (5) all probation officers serving the juvenile courts on July 1, 1972, shall continue to  
7.12 serve in the county or counties they are now serving.

7.13 (b) The commissioner of management and budget shall place employees transferred to  
7.14 state service under paragraph (a), clause (4), in the proper classifications in the classified  
7.15 service. Each employee is appointed without examination at no loss in salary or accrued  
7.16 vacation or sick leave benefits, but no additional accrual of vacation or sick leave benefits  
7.17 may occur until the employee's total accrued vacation or sick leave benefits fall below the  
7.18 maximum permitted by the state for the employee's position. An employee appointed under  
7.19 paragraph (a), clause (4), shall serve a probationary period of six months. After exhausting  
7.20 labor contract remedies, a noncertified employee may appeal for a hearing within ten days  
7.21 to the commissioner of management and budget, who may uphold the decision, extend the  
7.22 probation period, or certify the employee. The decision of the commissioner of management  
7.23 and budget is final. The state shall negotiate with the exclusive representative for the  
7.24 bargaining unit to which the employees are transferred regarding their seniority. For purposes  
7.25 of computing seniority among those employees transferring from one county unit only, a  
7.26 transferred employee retains the same seniority position as the employee had within that  
7.27 county's probation office.

7.28 Sec. 9. Minnesota Statutes 2022, section 244.19, subdivision 5, is amended to read:

7.29 Subd. 5. **Compensation.** In counties of more than 200,000 population, a majority of the  
7.30 judges of the district court may direct the payment of such salary to probation officers as  
7.31 may be approved by the county board, and in addition thereto shall be reimbursed for all  
7.32 necessary expenses incurred in the performance of their official duties. In all counties which  
7.33 obtain probation services from the commissioner of corrections the commissioner shall, out  
7.34 of appropriations provided therefor, pay probation officers the salary and all benefits fixed

8.1 by the state law or applicable bargaining unit and all necessary expenses, including secretarial  
 8.2 service, office equipment and supplies, postage, telephone and telegraph services, and travel  
 8.3 and subsistence. Each county receiving probation services from the commissioner of  
 8.4 corrections shall reimburse the department of corrections for the total cost and expenses of  
 8.5 such services as incurred by the commissioner of corrections. Total annual costs for each  
 8.6 county shall be that portion of the total costs and expenses for the services of one probation  
 8.7 officer represented by the ratio which the county's population bears to the total population  
 8.8 served by one officer. For the purposes of this section, the population of any county shall  
 8.9 be the most recent estimate made by the Department of Health. At least every six months  
 8.10 the commissioner of corrections shall bill for the total cost and expenses incurred by the  
 8.11 commissioner on behalf of each county which has received probation services. The  
 8.12 commissioner of corrections shall notify each county of the cost and expenses and the county  
 8.13 shall pay to the commissioner the amount due for reimbursement. All such reimbursements  
 8.14 shall be deposited in the general fund except as provided in subdivision 1, paragraph (a),  
 8.15 clause (4). Objections by a county to all allocation of such cost and expenses shall be  
 8.16 presented to and determined by the commissioner of corrections. Each county providing  
 8.17 probation services under this section is hereby authorized to use unexpended funds and to  
 8.18 levy additional taxes for this purpose.

8.19 The county commissioners of any county of not more than 200,000 population shall,  
 8.20 when requested to do so by the juvenile judge, provide probation officers with suitable  
 8.21 offices, and may provide equipment, and secretarial help needed to render the required  
 8.22 services.

8.23 Sec. 10. Minnesota Statutes 2022, section 260.515, is amended to read:

8.24 **260.515 INTERSTATE COMPACT FOR JUVENILES.**

8.25 The Interstate Compact for Juveniles is enacted into law and entered into with all other  
 8.26 states legally joining in it in substantially the following form:

8.27 ARTICLE I

8.28 PURPOSE

8.29 The compacting states to this Interstate Compact recognize that each state is responsible  
 8.30 for the proper supervision or return of juveniles, delinquents, and status offenders who are  
 8.31 on probation or parole and who have absconded, escaped, or run away from supervision  
 8.32 and control and in so doing have endangered their own safety and the safety of others. The  
 8.33 compacting states also recognize that each state is responsible for the safe return of juveniles  
 8.34 who have run away from home and in doing so have left their state of residence. The



9.1 compacting states also recognize that Congress, by enacting the Crime Control Act, United  
9.2 States Code, title 4, section 112 (1965), has authorized and encouraged compacts for  
9.3 cooperative efforts and mutual assistance in the prevention of crime.

9.4 It is the purpose of this compact, through means of joint and cooperative action among  
9.5 the compacting states to:

9.6 (A) ensure that the adjudicated juveniles and status offenders subject to this compact  
9.7 are provided adequate supervision and services in the receiving state as ordered by the  
9.8 adjudicating judge or parole authority in the sending state;

9.9 (B) ensure that the public safety interests of the citizens, including the victims of juvenile  
9.10 offenders, in both the sending and receiving states are adequately protected;

9.11 (C) return juveniles who have run away, absconded, or escaped from supervision or  
9.12 control or have been accused of an offense to the state requesting their return;

9.13 (D) make contracts for the cooperative institutionalization in public facilities in member  
9.14 states for delinquent youth needing special services;

9.15 (E) provide for the effective tracking and supervision of juveniles;

9.16 (F) equitably allocate the costs, benefits, and obligations of the compact states;

9.17 (G) establish procedures to manage the movement between states of juvenile offenders  
9.18 released to the community under the jurisdiction of courts, juvenile departments, or any  
9.19 other criminal or juvenile justice agency which has jurisdiction over juvenile offenders;

9.20 (H) insure immediate notice to jurisdictions where defined juvenile offenders are  
9.21 authorized to travel or to relocate across state lines;

9.22 (I) establish procedures to resolve pending charges (detainers) against juvenile offenders  
9.23 prior to transfer or release to the community under the terms of this compact;

9.24 (J) establish a system of uniform data collection on information pertaining to juveniles  
9.25 subject to this compact that allows access by authorized juvenile justice and criminal justice  
9.26 officials, and regular reporting of compact activities to heads of state; executive, judicial,  
9.27 and legislative branches; and juvenile criminal justice administrators;

9.28 (K) monitor compliance with rules governing interstate movement of juveniles and  
9.29 initiate interventions to address and correct noncompliance;

9.30 (L) coordinate training and education regarding the regulation of interstate movement  
9.31 of juveniles for officials involved in such activity; and

10.1 (M) coordinate the implementation and operation of the compact with the Interstate  
10.2 Compact for the Placement of Children, the Interstate Compact for Adult Offender  
10.3 Supervision, and other compacts affecting juveniles particularly in those cases where  
10.4 concurrent or overlapping supervision issues arise.

10.5 It is the policy of the compacting states that the activities conducted by the Interstate  
10.6 Commission created herein are the information of public policies and therefore are public  
10.7 business. Furthermore, the compacting states shall cooperate and observe their individual  
10.8 and collective duties and responsibilities for the prompt return and acceptance of juveniles  
10.9 subject to the provisions of this compact. The provisions of this compact shall be reasonably  
10.10 and liberally construed to accomplish the purpose and policies of the compact.

## 10.11 ARTICLE II

### 10.12 DEFINITIONS

10.13 As used in this compact, unless the context clearly requires a different construction:

10.14 A. "Bylaws" means those bylaws established by the commission for its governance, or  
10.15 for directing or controlling its actions or conduct.

10.16 B. "Compact administrator" means the individual in each compacting state appointed  
10.17 pursuant to the terms of this compact responsible for the administration and management  
10.18 of the state's supervision and transfer of juveniles subject to the terms of this compact, the  
10.19 rules adopted by the Interstate Commission, and policies adopted by the state council under  
10.20 this compact.

10.21 C. "Compacting state" means any state which has enacted the enabling legislation for  
10.22 this compact.

10.23 D. "Commissioner" means the voting representative of each compacting state appointed  
10.24 pursuant to Article III of this compact.

10.25 E. "Court" means any court having jurisdiction over delinquent, neglected, or dependent  
10.26 children.

10.27 F. "Deputy compact administrator" means the individual, if any, in each compacting  
10.28 state appointed to act on behalf of a compact administrator pursuant to the terms of this  
10.29 compact responsible for the administration and management of the state's supervision and  
10.30 transfer of juveniles subject to the terms of this compact, the rules adopted by the Interstate  
10.31 Commission, and policies adopted by the state council under this compact.

10.32 G. "Interstate Commission" means the Interstate Commission for Juveniles created by  
10.33 Article III of this compact.

11.1 H. "Juvenile" means any person defined as a juvenile in any member state or by the rules  
11.2 of the Interstate Commission, including:

11.3 (1) accused delinquent - a person charged with an offense that, if committed by an adult,  
11.4 would be a criminal offense;

11.5 (2) adjudicated delinquent - a person found to have committed an offense that, if  
11.6 committed by an adult, would be a criminal offense;

11.7 (3) accused status offender - a person charged with an offense that would not be a criminal  
11.8 offense if committed by an adult;

11.9 (4) adjudicated status offender - a person found to have committed an offense that would  
11.10 not be a criminal offense if committed by an adult; and

11.11 (5) nonoffender - a person in need of supervision who has not been accused or adjudicated  
11.12 a status offender or delinquent.

11.13 I. "Noncompacting state" means any state which has not enacted the enabling legislation  
11.14 for this compact.

11.15 J. "Probation" or "parole" means any kind of supervision or conditional release of  
11.16 juveniles authorized under the laws of the compacting states.

11.17 K. "Rule" means a written statement by the Interstate Commission promulgated pursuant  
11.18 to Article VI of this compact that is of general applicability, implements, interprets, or  
11.19 prescribes a policy or provision of the compact, or an organizational, procedural, or practice  
11.20 requirement of the commission, and has the force and effect of statutory law in a compacting  
11.21 state, and includes the amendment, repeal, or suspension of an existing rule.

11.22 L. "State" means a state of the United States, the District of Columbia (or its designee),  
11.23 the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American  
11.24 Samoa, and the Northern Marianas.

### 11.25 ARTICLE III

#### 11.26 INTERSTATE COMMISSION FOR JUVENILES

11.27 A. The compacting states hereby create the "Interstate Commission for Juveniles." The  
11.28 commission shall be a body corporate and joint agency of the compacting states. The  
11.29 commission shall have all the responsibilities, powers, and duties set forth herein, and such  
11.30 additional powers as may be conferred upon it by subsequent action of the respective  
11.31 legislatures of the compacting states in accordance with the terms of this compact.

12.1 B. The Interstate Commission shall consist of commissioners appointed by the appropriate  
12.2 appointing authority in each state pursuant to the rules and requirements of each compacting  
12.3 state and in consultation with the State Advisory Council for Interstate Supervision of  
12.4 Juvenile Offenders and Runaways created hereunder. The commissioner shall be the compact  
12.5 administrator. The commissioner of corrections or the commissioner's designee shall serve  
12.6 as the compact administrator, who shall serve on the Interstate Commission in such capacity  
12.7 under or pursuant to the applicable law of the compacting state.

12.8 C. In addition to the commissioners who are the voting representatives of each state, the  
12.9 Interstate Commission shall include individuals who are not commissioners but who are  
12.10 members of interested organizations. Such noncommissioner members must include a  
12.11 member of the national organizations of governors, legislators, state chief justices, attorneys  
12.12 general, Interstate Compact for Adult Offender Supervision, Interstate Compact on the  
12.13 Placement of Children, juvenile justice and juvenile corrections officials, and crime victims.  
12.14 All noncommissioner members of the Interstate Commission shall be ex-officio (nonvoting)  
12.15 members. The Interstate Commission may provide in its bylaws for such additional ex-officio  
12.16 (nonvoting) members, including members of other national organizations, in such numbers  
12.17 as shall be determined by the commission.

12.18 D. Each compacting state represented at any meeting of the commission is entitled to  
12.19 one vote. A majority of the compacting states shall constitute a quorum for the transaction  
12.20 of business, unless a larger quorum is required by the bylaws of the Interstate Commission.

12.21 E. The commission shall meet at least once each calendar year. The chair may call  
12.22 additional meetings and, upon the request of a simple majority of the compacting states,  
12.23 shall call additional meetings. Public notice shall be given of all meetings and meetings  
12.24 shall be open to the public.

12.25 F. The Interstate Commission shall establish an executive committee, which shall include  
12.26 commission officers, members, and others as determined by the bylaws. The executive  
12.27 committee shall have the power to act on behalf of the Interstate Commission during periods  
12.28 when the Interstate Commission is not in session, with the exception of rulemaking and/or  
12.29 amendment to the compact. The executive committee shall oversee the day-to-day activities  
12.30 of the administration of the compact managed by an executive director and Interstate  
12.31 Commission staff; administer enforcement and compliance with the provisions of the  
12.32 compact, its bylaws, and rules; and perform such other duties as directed by the Interstate  
12.33 Commission or set forth in the bylaws.

13.1 G. Each member of the Interstate Commission shall have the right and power to cast a  
13.2 vote to which that compacting state is entitled and to participate in the business and affairs  
13.3 of the Interstate Commission. A member shall vote in person and shall not delegate a vote  
13.4 to another compacting state. However, a commissioner, in consultation with the state council,  
13.5 shall appoint another authorized representative, in the absence of the commissioner from  
13.6 that state, to cast a vote on behalf of the compacting state at a specified meeting. The bylaws  
13.7 may provide for members' participation in meetings by telephone or other means of  
13.8 telecommunication or electronic communication.

13.9 H. The Interstate Commission's bylaws shall establish conditions and procedures under  
13.10 which the Interstate Commission shall make its information and official records available  
13.11 to the public for inspection or copying. The Interstate Commission may exempt from  
13.12 disclosure any information or official records to the extent they would adversely affect  
13.13 personal privacy rights or proprietary interests.

13.14 I. Public notice shall be given of all meetings and all meetings shall be open to the public,  
13.15 except as set forth in the rules or as otherwise provided in the compact. The Interstate  
13.16 Commission and any of its committees may close a meeting to the public where it determines  
13.17 by two-thirds vote that an open meeting would be likely to:

- 13.18 1. relate solely to the Interstate Commission's internal personnel practices and procedures;
- 13.19 2. disclose matters specifically exempted from disclosure by statute;
- 13.20 3. disclose trade secrets or commercial or financial information which is privileged or  
13.21 confidential;
- 13.22 4. involve accusing any person of a crime or formally censuring any person;
- 13.23 5. disclose information of a personal nature where disclosure would constitute a clearly  
13.24 unwarranted invasion of personal privacy;
- 13.25 6. disclose investigative records compiled for law enforcement purposes;
- 13.26 7. disclose information contained in or related to examination, operating or condition  
13.27 reports prepared by, or on behalf of or for the use of, the Interstate Commission with respect  
13.28 to a regulated person or entity for the purpose of regulation or supervision of such person  
13.29 or entity;
- 13.30 8. disclose information, the premature disclosure of which would significantly endanger  
13.31 the stability of a regulated person or entity;

14.1 9. specifically relate to the Interstate Commission's issuance of a subpoena or its  
14.2 participation in a civil action or other legal proceeding.

14.3 J. For every meeting closed pursuant to this provision, the Interstate Commission's legal  
14.4 counsel shall publicly certify that, in the legal counsel's opinion, the meeting may be closed  
14.5 to the public, and shall reference each relevant exemptive provision. The Interstate  
14.6 Commission shall keep minutes which shall fully and clearly describe all matters discussed  
14.7 in any meeting and shall provide a full and accurate summary of any actions taken, and the  
14.8 reasons therefore, including a description of each of the views expressed on any item and  
14.9 the record of any roll call vote (reflected in the vote of each member on the question). All  
14.10 documents considered in connection with any action shall be identified in such minutes.

14.11 K. The Interstate Commission shall collect standardized data concerning the interstate  
14.12 movement of juveniles as directed through its rules which shall specify the data to be  
14.13 collected, the means of collection, and data exchange and reporting requirements. Such  
14.14 methods of data collection, exchange, and reporting shall insofar as is reasonably possible  
14.15 conform to up-to-date technology and coordinate its information functions with the  
14.16 appropriate repository of records.

#### 14.17 ARTICLE IV

#### 14.18 POWERS AND DUTIES OF THE INTERSTATE COMMISSION

14.19 The commission shall have the following powers and duties:

14.20 1. To provide for dispute resolution among compacting states.

14.21 2. To promulgate rules to affect the purposes and obligations as enumerated in this  
14.22 compact, which shall have the force and effect of statutory law and shall be binding in the  
14.23 compact states to the extent and in the manner provided in this compact.

14.24 3. To oversee, supervise, and coordinate the interstate movement of juveniles subject to  
14.25 the terms of this compact and any bylaws adopted and rules promulgated by the Interstate  
14.26 Commission.

14.27 4. To enforce compliance with the compact provisions, the rules promulgated by the  
14.28 Interstate Commission, and the bylaws, using all necessary and proper means, including  
14.29 but not limited to the use of judicial process.

14.30 5. To establish and maintain offices which shall be located within one or more of the  
14.31 compacting states.

14.32 6. To purchase and maintain insurance and bonds.

- 15.1 7. To borrow, accept, hire, or contract for services of personnel.
- 15.2 8. To establish and appoint committees and hire staff which it deems necessary for the  
15.3 carrying out of its functions including, but not limited to, an executive committee as required  
15.4 by Article III, which shall have the power to act on behalf of the Interstate Commission in  
15.5 carrying out its powers and duties hereunder.
- 15.6 9. To elect or appoint such officers, attorneys, employees, agents, or consultants, and to  
15.7 fix their compensation, define their duties, and determine their qualifications; and to establish  
15.8 the Interstate Commission's personnel policies and programs relating to, inter alia, conflicts  
15.9 of interest, rates of compensation, and qualifications of personnel.
- 15.10 10. To accept any and all donations and grants of money, equipment, supplies, materials,  
15.11 and services, and to receive, utilize, and dispose of it.
- 15.12 11. To lease, purchase, accept contributions or donations of, or otherwise to own, hold,  
15.13 improve, or use any property, real, personal, or mixed.
- 15.14 12. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose  
15.15 of any property, real, personal, or mixed.
- 15.16 13. To establish a budget, make expenditures, and levy dues as provided in Article VIII  
15.17 of this compact.
- 15.18 14. To sue and be sued.
- 15.19 15. To adopt a seal and bylaws governing the management and operation of the Interstate  
15.20 Commission.
- 15.21 16. To perform such functions as may be necessary or appropriate to achieve the purposes  
15.22 of this compact.
- 15.23 17. To report annually to the legislatures, governors, judiciary, and state councils of the  
15.24 compacting states concerning the activities of the Interstate Commission during the preceding  
15.25 year. Such reports shall also include any recommendations that may have been adopted by  
15.26 the Interstate Commission.
- 15.27 18. To coordinate education, training, and public awareness regarding the interstate  
15.28 movement of juveniles for officials involved in such activity.
- 15.29 19. To establish uniform standards of the reporting, collecting, and exchanging of data.
- 15.30 20. The Interstate Commission shall maintain its corporate books and records in  
15.31 accordance with the bylaws.

15.32

## ARTICLE V

16.1 ORGANIZATION AND OPERATION  
16.2 OF THE INTERSTATE COMMISSION

16.3 Section A. Bylaws.

16.4 1. The Interstate Commission shall, by a majority of the members present and voting,  
16.5 within 12 months after the first Interstate Commission meeting, adopt bylaws to govern its  
16.6 conduct as may be necessary or appropriate to carry out the purposes of the compact,  
16.7 including, but not limited to:

16.8 a. establishing the fiscal year of the Interstate Commission;

16.9 b. establishing an executive committee and such other committees as may be necessary;

16.10 c. provide: (i) for the establishment of committees, and (ii) governing any general or  
16.11 specific delegation of any authority or function of the Interstate Commission;

16.12 d. providing reasonable procedures for calling and conducting meetings of the Interstate  
16.13 Commission and ensuring reasonable notice of each such meeting;

16.14 e. establishing the titles and responsibilities of the officers of the Interstate Commission;

16.15 f. providing a mechanism for concluding the operations of the Interstate Commission  
16.16 and the return of any surplus funds that may exist upon the termination of the compact after  
16.17 the payment and/or reserving of all of its debts and obligations;

16.18 g. providing "start-up" rules for initial administration of the compact;

16.19 h. establishing standards and procedures for compliance and technical assistance in  
16.20 carrying out the compact.

16.21 Section B. Officers and staff.

16.22 1. The Interstate Commission shall, by a majority of the members, elect annually from  
16.23 among its members a chair and a vice-chair, each of whom shall have such authority and  
16.24 duties as may be specified in the bylaws. The chair or, in the chair's absence or disability,  
16.25 the vice-chair shall preside at all meetings of the Interstate Commission. The officers so  
16.26 elected shall serve without compensation or remuneration from the Interstate Commission;  
16.27 provided that, subject to the availability of budget funds, the officers shall be reimbursed  
16.28 for any ordinary and necessary costs and expenses incurred by them in the performance of  
16.29 their responsibilities as officers of the Interstate Commission.

16.30 2. The Interstate Commission shall, through its executive committee, appoint or retain  
16.31 an executive director for such period, upon such terms and conditions, and for such  
16.32 compensation as the Interstate Commission may deem appropriate. The executive director



17.1 shall serve as secretary to the Interstate Commission, but shall not be a member and shall  
17.2 hire and supervise such other staff as may be authorized by the Interstate Commission.

17.3 Section C. Qualified immunity, defense, and indemnification.

17.4 1. The commission's executive director and employees shall be immune from suit and  
17.5 liability, either personally or in their official capacity, for any claim for damage to or loss  
17.6 of property or personal injury or other civil liability caused or arising out of or relating to  
17.7 any actual or alleged act, error, or omission that occurred, or that such person had a  
17.8 reasonable basis for believing occurred within the scope of commission employment, duties,  
17.9 or responsibilities; provided, that any such person shall not be protected from suit or liability  
17.10 for any damage, loss, injury, or liability caused by the intentional or willful and wanton  
17.11 misconduct of any such person.

17.12 2. The liability of any commissioner, or the employee or agent of a commissioner, acting  
17.13 within the scope of such person's employment or duties for acts, errors, or omissions  
17.14 occurring within such person's state may not exceed the limits of liability set forth under  
17.15 the Constitution and laws of that state for state officials, employees, and agents. Nothing  
17.16 in this subsection shall be construed to protect any such person from suit or liability for any  
17.17 damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct  
17.18 of any such person.

17.19 3. The Interstate Commission shall defend the executive director or the employees or  
17.20 representatives of the Interstate Commission and, subject to the approval of the attorney  
17.21 general of the state represented by any commissioner of a compacting state, shall defend  
17.22 such commissioner or the commissioner's representatives or employees in any civil action  
17.23 seeking to impose liability arising out of any actual or alleged act, error, or omission that  
17.24 occurred within the scope of Interstate Commission employment, duties, or responsibilities,  
17.25 or that the defendant has a reasonable basis for believing occurred within the scope of  
17.26 Interstate Commission employment, duties, or responsibilities, provided that the actual or  
17.27 alleged act, error, or omission did not result from intentional or willful and wanton  
17.28 misconduct on the part of such person.

17.29 4. The Interstate Commission shall indemnify and hold the commissioner of a compacting  
17.30 state, or the commissioner's representatives or employees, or the Interstate Commission's  
17.31 representatives or employees, harmless in the amount of any settlement or judgment obtained  
17.32 against such persons arising out of any actual or alleged act, error, or omission that occurred  
17.33 within the scope of Interstate Commission employment, duties, or responsibilities, or that  
17.34 such persons had a reasonable basis for believing occurred within the scope of Interstate

18.1 Commission employment, duties, or responsibilities, provided that the actual or alleged act,  
 18.2 error, or omission did not result from intentional or willful and wanton misconduct on the  
 18.3 part of such persons.

## 18.4 ARTICLE VI

### 18.5 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

18.6 1. The Interstate Commission shall promulgate and publish rules in order to effectively  
 18.7 and efficiently achieve the purposes of the compact.

18.8 2. Rulemaking shall occur pursuant to the criteria set forth in this article and the bylaws  
 18.9 and rules adopted pursuant thereto. Such rulemaking shall substantially conform to the  
 18.10 principles of the "Model State Administrative Procedures Act," 1981 Act, Uniform Laws  
 18.11 Annotated, Vol. 15, page 1 (2000), or such other administrative procedures act, as the  
 18.12 Interstate Commission deems appropriate consistent with due process requirements under  
 18.13 the United States Constitution as now or hereafter interpreted by the United States Supreme  
 18.14 Court. All rules and amendments shall become binding as of the date specified, as published  
 18.15 with the final version of the rule as approved by the commission.

18.16 3. When promulgating a rule, the Interstate Commission shall, at a minimum:

18.17 a. publish the proposed rule's entire text stating the reasons for that proposed rule;

18.18 b. allow and invite any and all persons to submit written data, facts, opinions, and  
 18.19 arguments, which information shall be added to the record, and be made publicly available;

18.20 c. provide an opportunity for an informal hearing if petitioned by ten or more persons;

18.21 and

18.22 d. promulgate a final rule and its effective date, if appropriate, based on input from state  
 18.23 or local officials, or interested parties.

18.24 4. The Interstate Commission shall allow, not later than 60 days after a rule is  
 18.25 promulgated, any interested person to file a petition in the United States District Court for  
 18.26 the District of Columbia or in the federal District Court where the Interstate Commission's  
 18.27 principal office is located for judicial review of such rule. If the court finds that the Interstate  
 18.28 Commission's action is not supported by substantial evidence in the rulemaking record, the  
 18.29 court shall hold the rule unlawful and set it aside. For purposes of this subsection, evidence  
 18.30 is substantial if it would be considered substantial evidence under the Model (State)  
 18.31 Administrative Procedures Act.

19.1 5. If a majority of the legislatures of the compacting states rejects a rule, those states  
19.2 may, by enactment of a statute or resolution in the same manner used to adopt the compact,  
19.3 cause that such rule shall have no further force and effect in any compacting state.

19.4 6. The existing rules governing the operation of the Interstate Compact on Juveniles  
19.5 superceded by this act shall be null and void 12 months after the first meeting of the Interstate  
19.6 Commission created hereunder.

19.7 7. Upon determination by the Interstate Commission that a state of emergency exists, it  
19.8 may promulgate an emergency rule which shall become effective immediately upon adoption,  
19.9 provided that the usual rulemaking procedures provided hereunder shall be retroactively  
19.10 applied to said rule as soon as reasonably possible, but no later than 90 days after the effective  
19.11 date of the emergency rule.

## 19.12 ARTICLE VII

### 19.13 OVERSIGHT, ENFORCEMENT, AND DISPUTE 19.14 RESOLUTION BY THE INTERSTATE COMMISSION

#### 19.15 Section A. Oversight.

19.16 1. The Interstate Commission shall oversee the administration and operations of the  
19.17 interstate movement of juveniles subject to this compact in the compacting states and shall  
19.18 monitor such activities being administered in noncompacting states which may significantly  
19.19 affect compacting states.

19.20 2. The courts and executive agencies in each compacting state shall enforce this compact  
19.21 and shall take all actions necessary and appropriate to effectuate the compact's purposes  
19.22 and intent. The provisions of this compact and the rules promulgated hereunder shall be  
19.23 received by all the judges, public officers, commissions, and departments of the state  
19.24 government as evidence of the authorized statute and administrative rules. All courts shall  
19.25 take judicial notice of the compact and the rules. In any judicial or administrative proceeding  
19.26 in a compacting state pertaining to the subject matter of this compact which may affect the  
19.27 powers, responsibilities, or actions of the Interstate Commission, it shall be entitled to  
19.28 receive all service of process in any such proceeding, and shall have standing to intervene  
19.29 in the proceeding for all purposes.

19.30 3. The compact administrator shall assess and collect fines, fees, and costs from any  
19.31 state or local entity deemed responsible by the compact administrator for a default as  
19.32 determined by the Interstate Commission under Article XI.

#### 19.33 Section B. Dispute resolution.

20.1 1. The compacting states shall report to the Interstate Commission on all issues and  
20.2 activities necessary for the administration of the compact as well as issues and activities  
20.3 pertaining to compliance with the provisions of the compact and its bylaws and rules.

20.4 2. The Interstate Commission shall attempt, upon the request of a compacting state, to  
20.5 resolve any disputes or other issues which are subject to the compact and which may arise  
20.6 among compacting states and between compacting and noncompacting states. The  
20.7 commission shall promulgate a rule providing for both mediation and binding dispute  
20.8 resolution for disputes among the compacting states.

20.9 3. The Interstate Commission, in the reasonable exercise of its discretion, shall enforce  
20.10 the provisions and rules of this compact using any or all means set forth in Article XI of  
20.11 this compact.

## 20.12 ARTICLE VIII

### 20.13 FINANCE

20.14 1. The Interstate Commission shall pay or provide for the payment of the reasonable  
20.15 expenses of its establishment, organization, and ongoing activities.

20.16 2. The Interstate Commission shall levy on and collect an annual assessment from each  
20.17 compacting state to cover the cost of the internal operations and activities of the Interstate  
20.18 Commission and its staff which must be in a total amount sufficient to cover the Interstate  
20.19 Commission's annual budget as approved each year. The aggregate annual assessment  
20.20 amount shall be allocated based upon a formula to be determined by the Interstate  
20.21 Commission, taking into consideration the population of each compacting state and the  
20.22 volume of interstate movement of juveniles in each compacting state, and shall promulgate  
20.23 a rule binding upon all compacting states which governs said assessment.

20.24 3. The Interstate Commission shall not incur any obligations of any kind prior to securing  
20.25 the funds adequate to meet the same; nor shall the Interstate Commission pledge the credit  
20.26 of any of the compacting states, except by and with the authority of the compacting state.

20.27 4. The Interstate Commission shall keep accurate accounts of all receipts and  
20.28 disbursements. The receipts and disbursements of the Interstate Commission shall be subject  
20.29 to the audit and accounting procedures established under its bylaws. However, all receipts  
20.30 and disbursements of funds handled by the Interstate Commission shall be audited yearly  
20.31 by a certified or licensed public accountant and the report of the audit shall be included in  
20.32 and become part of the annual report of the Interstate Commission.

21.1 5. Minnesota's annual assessment shall not exceed \$30,000. The Interstate Compact for  
 21.2 Juveniles fund is established as a special fund in the Department of Corrections. The fund  
 21.3 consists of money appropriated for the purpose of meeting financial obligations imposed  
 21.4 on the state as a result of Minnesota's participation in this compact. An assessment levied  
 21.5 or any other financial obligation imposed under this compact is effective against the state  
 21.6 only to the extent that money to pay the assessment or meet the financial obligation has  
 21.7 been appropriated and deposited in the fund established in this paragraph.

## 21.8 ARTICLE IX

### 21.9 THE STATE ADVISORY COUNCIL

21.10 Each member state shall create a State Advisory Council for the Interstate Compact for  
 21.11 Juveniles. The Advisory Council on the Interstate Compact for Juveniles ~~consists~~ shall be  
 21.12 combined with the Advisory Council on Interstate Adult Offender Supervision established  
 21.13 by section 243.1606 and consist of the following individuals or their designees:

21.14 (1) the governor;

21.15 (2) the chief justice of the Supreme Court;

21.16 (3) two senators, one from the majority and the other from the minority party, selected  
 21.17 by the Subcommittee on Committees of the senate Committee on Rules and Administration;

21.18 (4) two representatives, one from the majority and the other from the minority party,  
 21.19 selected by the house speaker;

21.20 (5) a representative from the Department of Human Services regarding the Interstate  
 21.21 Compact for the Placement of Children;

21.22 (6) the compact administrator, selected as provided in Article III;

21.23 (7) the executive director of the Office of Justice Programs or designee;

21.24 (8) the deputy compact administrator; ~~and~~

21.25 (9) a representative from the State Public Defender's Office;

21.26 (10) a representative from the Minnesota County Attorney's Association;

21.27 (11) a representative from the Minnesota Sheriff's Association;

21.28 (12) a representative from the Minnesota Association of County Probation Officers;

21.29 (13) a representative from the Minnesota Association of Community Corrections Act  
 21.30 Counties;

21.31 (14) a representative from the community at large;

22.1 (15) a representative from a community organization working with victims of crimes;  
 22.2 and

22.3 ~~(9)~~ (16) other members as appointed by the commissioner of corrections.

22.4 The council may elect a chair from among its members.

22.5 The council shall oversee and administer the state's participation in the compact as  
 22.6 described in Article III. The council shall appoint the compact administrator as the state's  
 22.7 commissioner.

22.8 The state advisory council will advise and exercise advocacy concerning that state's  
 22.9 participation in Interstate Commission activities and other duties as may be determined by  
 22.10 that state, including, but not limited to, development of policy concerning operations and  
 22.11 procedures of the compact within that state.

22.12 Expiration; expenses. The provisions of section 15.059 apply to the council except that  
 22.13 it does not expire.

## 22.14 ARTICLE X

### 22.15 COMPACTING STATES, EFFECTIVE DATE, 22.16 AND AMENDMENT

22.17 1. Any state, the District of Columbia (or its designee), the Commonwealth of Puerto  
 22.18 Rico, the United States Virgin Islands, Guam, American Samoa, and the Northern Marianas  
 22.19 Islands as defined in Article II of this compact is eligible to become a compacting state.

22.20 2. The compact shall become effective and binding upon legislative enactment of the  
 22.21 compact into law by no less than 35 of the states. The initial effective date shall be the later  
 22.22 of July 1, 2004, or upon enactment into law by the 35th jurisdiction. Thereafter, it shall  
 22.23 become effective and binding as to any other compacting state upon enactment of the  
 22.24 compact into law by that state. The governors of nonmember states or their designees shall  
 22.25 be invited to participate in the activities of the Interstate Commission on a nonvoting basis  
 22.26 prior to adoption of the compact by all states and territories of the United States.

22.27 3. The Interstate Commission may propose amendments to the compact for enactment  
 22.28 by the compacting states. No amendment shall become effective and binding upon the  
 22.29 Interstate Commission and the compacting states unless and until it is enacted into law by  
 22.30 unanimous consent of the compacting states.

## 22.31 ARTICLE XI

### 22.32 WITHDRAWAL, DEFAULT, TERMINATION, 22.33 AND JUDICIAL ENFORCEMENT

22.34 Section A. Withdrawal.

23.1 1. Once effective, the compact shall continue in force and remain binding upon each  
23.2 and every compacting state; provided that a compacting state may withdraw from the  
23.3 compact specifically repealing the statute, which enacted the compact into law.

23.4 2. The effective date of withdrawal is the effective date of the repeal.

23.5 3. The withdrawing state shall immediately notify the chair of the Interstate Commission  
23.6 in writing upon the introduction of legislation repealing this compact in the withdrawing  
23.7 state. The Interstate Commission shall notify the other compacting states of the withdrawing  
23.8 state's intent to withdraw within 60 days of its receipt thereof.

23.9 4. The withdrawing state is responsible for all assessments, obligations, and liabilities  
23.10 incurred through the effective date of withdrawal, including any obligations, the performance  
23.11 of which extend beyond the effective date of withdrawal.

23.12 5. Reinstatement following withdrawal of any compacting state shall occur upon the  
23.13 withdrawing state reenacting the compact or upon such later date as determined by the  
23.14 Interstate Commission.

23.15 Section B. Technical assistance, fines, suspension, termination, and default.

23.16 1. If the Interstate Commission determines that any compacting state has at any time  
23.17 defaulted in the performance of any of its obligations or responsibilities under this compact,  
23.18 or the bylaws or duly promulgated rules, the Interstate Commission may impose any or all  
23.19 of the following penalties:

23.20 a. remedial training and technical assistance as directed by the Interstate Commission;

23.21 b. alternative dispute resolution;

23.22 c. fines, fees, and costs in such amounts as are deemed to be reasonable as fixed by the  
23.23 Interstate Commission;

23.24 d. suspension or termination of membership in the compact, which shall be imposed  
23.25 only after all other reasonable means of securing compliance under the bylaws and rules  
23.26 have been exhausted and the Interstate Commission has therefore determined that the  
23.27 offending state is in default. Immediate notice of suspension shall be given by the Interstate  
23.28 Commission to the governor, the chief justice, or the chief judicial officer of the state; the  
23.29 majority and minority leaders of the defaulting state's legislature; and the state council. The  
23.30 grounds for default include, but are not limited to, failure of a compacting state to perform  
23.31 such obligations or responsibilities imposed upon it by this compact, the bylaws, or duly  
23.32 promulgated rules and any other grounds designated in commission bylaws and rules. The  
23.33 Interstate Commission shall immediately notify the defaulting state in writing of the penalty

24.1 imposed by the Interstate Commission and of the default pending a cure of the default. The  
24.2 commission shall stipulate the conditions and the time period within which the defaulting  
24.3 state must cure its default. If the defaulting state fails to cure the default within the time  
24.4 period specified by the commission, the defaulting state shall be terminated from the compact  
24.5 upon an affirmative vote of a majority of the compacting states and all rights, privileges,  
24.6 and benefits conferred by this compact shall be terminated from the effective date of  
24.7 termination.

24.8         2. Within 60 days of the effective date of termination of a defaulting state, the commission  
24.9 shall notify the governor, the chief justice or chief judicial officer, the majority and minority  
24.10 leaders of the defaulting state's legislature, and the state council of such termination.

24.11         3. The defaulting state is responsible for all assessments, obligations, and liabilities  
24.12 incurred through the effective date of termination including any obligations, the performance  
24.13 of which extends beyond the effective date of termination.

24.14         4. The Interstate Commission shall not bear any costs relating to the defaulting state  
24.15 unless otherwise mutually agreed upon in writing between the Interstate Commission and  
24.16 the defaulting state.

24.17         5. Reinstatement following termination of any compacting state requires both a  
24.18 reenactment of the compact by the defaulting state and the approval of the Interstate  
24.19 Commission pursuant to the rules.

#### 24.20         Section C. Judicial enforcement.

24.21         The Interstate Commission may, by majority vote of the members, initiate legal action  
24.22 in the United States District Court for the District of Columbia or, at the discretion of the  
24.23 Interstate Commission, in the federal district where the Interstate Commission has its offices,  
24.24 to enforce compliance with the provisions of the compact, its duly promulgated rules and  
24.25 bylaws, against any compacting state in default. In the event judicial enforcement is  
24.26 necessary, the prevailing party shall be awarded all costs of such litigation, including  
24.27 reasonable attorney fees.

#### 24.28         Section D. Dissolution of compact.

24.29         1. The compact dissolves effective upon the date of the withdrawal or default of the  
24.30 compacting state, which reduces membership in the compact to one compacting state.

24.31         2. Upon the dissolution of this compact, the compact becomes null and void and shall  
24.32 be of no further force or effect, and the business and affairs of the Interstate Commission  
24.33 shall be concluded and any surplus funds shall be distributed in accordance with the bylaws.



## ARTICLE XII

## SEVERABILITY AND CONSTRUCTION

1. The provisions of this compact shall be severable, and if any phrase, clause, sentence, or provision is deemed unenforceable, the remaining provisions of this compact shall be enforceable.

2. The provisions of this compact shall be liberally constructed to effectuate its purposes.

## ARTICLE XIII

## BINDING EFFECT OF COMPACT AND OTHER LAWS

## Section A. Other laws.

1. Nothing herein prevents the enforcement of any other law of a compacting state that is not inconsistent with this compact.

2. All compacting states' laws other than state constitutions and other interstate compacts conflicting with this compact are superseded to the extent of the conflict.

## Section B. Binding effect of the compact.

1. All lawful actions of the Interstate Commission, including all rules and bylaws promulgated by the Interstate Commission, are binding upon the compacting state.

2. All agreements between the Interstate Commission and the compacting states are binding in accordance with their terms.

3. Upon the request of a party to a conflict over meaning or interpretation of Interstate Commission actions, and upon a majority vote of the compacting states, the Interstate Commission may issue advisory opinions regarding such meaning of interpretation.

4. In the event any provision of this compact exceeds the constitutional limits imposed on the legislature of any compacting state, the obligations, duties, powers, or jurisdiction sought to be conferred by such provision upon the Interstate Commission shall be ineffective and such obligations, duties, powers, or jurisdiction shall remain in the compacting state and shall be exercised by the agency thereof to which such obligations, duties, powers, or jurisdiction are delegated by law in effect at the time this compact becomes effective.

Sec. 11. Minnesota Statutes 2022, section 629.292, subdivision 2, is amended to read:

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

26.1        ~~(a)~~ (1) certify the term of commitment under which the prisoner is being held, the time  
26.2 already served on the sentence, the time remaining to be served, the good time earned, the  
26.3 time of parole eligibility of the prisoner, and any decisions of the commissioner of corrections  
26.4 relating to the prisoner; ~~and~~

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

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

26.10      Sec. 12. **REPEALER.**

26.11      Minnesota Statutes 2022, sections 244.14; and 244.15, are repealed.

#### **244.14 INTENSIVE COMMUNITY SUPERVISION; BASIC ELEMENTS.**

Subdivision 1. **Requirements.** This section governs the intensive community supervision programs established under section 244.13. The commissioner shall operate the programs in conformance with this section. The commissioner shall administer the programs to further the following goals:

- (1) to punish the offender;
- (2) to protect the safety of the public;
- (3) to facilitate employment of the offender during the intensive community supervision and afterward; and
- (4) to require the payment of restitution ordered by the court to compensate the victims of the offender's crime.

Subd. 2. **Good time not available.** An offender serving a sentence on intensive community supervision for a crime committed before August 1, 1993, does not earn good time, notwithstanding section 244.04.

Subd. 3. **Sanctions.** The commissioner shall impose severe and meaningful sanctions for violating the conditions of an intensive community supervision program. The commissioner shall provide for revocation of intensive community supervision of an offender who:

- (1) commits a material violation of or repeatedly fails to follow the rules of the program;
- (2) commits any misdemeanor, gross misdemeanor, or felony offense; or
- (3) presents a risk to the public, based on the offender's behavior, attitude, or abuse of alcohol or controlled substances. The revocation of intensive community supervision is governed by the procedures in the commissioner's rules adopted under section 244.05, subdivision 2.

An offender whose intensive community supervision is revoked shall be imprisoned for a time period equal to the offender's term of imprisonment, but in no case for longer than the time remaining in the offender's sentence. "Term of imprisonment" means a time period equal to two-thirds of the sentence originally executed by the sentencing court, minus jail credit, if any.

Subd. 4. **All phases.** Throughout all phases of an intensive community supervision program, the offender shall submit at any time to an unannounced search of the offender's person, vehicle, or premises by an intensive supervision agent. If the offender received a restitution order as part of the sentence, the offender shall make weekly payments as scheduled by the agent until the full amount is paid.

#### **244.15 INTENSIVE COMMUNITY SUPERVISION; PHASES I TO IV.**

Subdivision 1. **Duration.** Phase I of an intensive community supervision program is six months, or one-half the time remaining in the offender's term of imprisonment, whichever is less. Phase II lasts for at least one-third of the time remaining in the offender's term of imprisonment at the beginning of phase II. Phase III lasts for at least one-third of the time remaining in the offender's term of imprisonment at the beginning of phase III. Phase IV continues until the commissioner determines that the offender has successfully completed the program or until the offender's sentence, minus jail credit, expires, whichever occurs first. If an offender successfully completes the intensive community supervision program before the offender's sentence expires, the offender shall be placed on supervised release for the remainder of the sentence.

Subd. 2. **Random drug testing.** (a) During phase I, the offender will be subjected at least weekly to urinalysis and breath tests to detect the presence of controlled substances or alcohol. The tests will be random and unannounced.

(b) During phase II, the tests will be done at least twice monthly.

(c) During phases III and IV, the tests will be done at random at the frequency determined by the intensive supervision agent.

Subd. 3. **House arrest.** (a) During phase I, the offender will be under house arrest in a residence approved by the offender's intensive supervision agent and may not move to another residence without permission. "House arrest" means that the offender's movements will be severely restricted and continually monitored by the assigned agent.

(b) During phase II, modified house arrest is imposed.

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(c) During phases III and IV, the offender is subjected to a daily curfew instead of house arrest.

Subd. 4. **Face-to-face contacts.** (a) During phase I, the assigned intensive supervision agent shall have at least four face-to-face contacts with the offender each week.

(b) During phase II, two face-to-face contacts a week are required.

(c) During phase III, one face-to-face contact a week is required.

(d) During phase IV, two face-to-face contacts a month are required.

(e) When an offender is an inmate of a jail or a resident of a facility which is staffed full time, the assigned agent may reduce face-to-face contacts to one per week during all phases.

Subd. 5. **Work required.** During phases I, II, III, and IV, the offender must spend at least 40 hours a week performing approved work, undertaking constructive activity designed to obtain employment, or attending a treatment or education program as directed by the commissioner. An offender may not spend more than six months in a residential treatment program that does not require the offender to spend at least 40 hours a week performing approved work or undertaking constructive activity designed to obtain employment.

Subd. 6. **Electronic surveillance.** (a) During any phase, the offender may be placed on electronic surveillance if the intensive supervision agent so directs. If electronic surveillance is directed during phase I, the commissioner must require that the inmate be kept in custody, or that the inmate's intensive supervised release agent, or the agent's designee, directly supervise the offender until electronic surveillance is activated.

(b) It is the responsibility of the inmate placed on electronic surveillance to ensure that the inmate's residence is properly equipped and the inmate's telecommunications system is properly configured to support electronic surveillance prior to being released from custody or the direct supervision of an intensive supervised release agent. An inmate who fails to comply with this paragraph may be found in violation of the inmate's conditions of release after a revocation hearing.

Subd. 7. **Other requirements.** The commissioner may include any other conditions in the various phases of the intensive community supervision program that the commissioner finds necessary and appropriate.