

Subject Department of Corrections Licensing of Juvenile Facilities and Halfway Houses and Statutory Clean Up

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Overview

This bill seeks to update and clarify the Department of Corrections' licensing process for juvenile facilities and halfway houses so that licensure and oversight of these facilities aligns with recent changes to the licensing and oversight process for adult detention facilities. This bill also recodifies provisions in chapter 241 to improve the organization of that chapter.

Summary

Section	Description
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| 1 | <p>Licensing and inspecting juvenile and adult community-based residential correctional facilities.</p> <p>Subd. 1. Scope. Defines the scope of this section and sections 2 and 3.</p> <p>Subd. 2. Definitions. Defines “commissioner,” “critical incident,” “department,” “emergency or unusual occurrence,” “facility administrator,” and “local correctional facility” for purposes sections 241.011 to 241.013.</p> <p>Subd. 3. Local correctional facilities; inspection and licensing. Recodifies the commissioner’s obligation to inspect local correctional facilities in the state.</p> <p>Subd. 4. Inspecting facilities for compliance; publishing inspection reports. Requires the commissioner to inspect each local facility at least once every two years and to make the inspection report available to the public.</p> <p>Subd. 5. Granting license; expiration. Authorizes the commissioner to issue two-year licenses to local facilities.</p> <p>Subd. 6. Providing and accessing facility data. Requires local facilities to provide data required by statute or requested by the commissioner regardless of restrictions placed on that data by chapter 13.</p> |
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Section	Description
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Subd. 7. Reporting; deaths, emergencies or unusual occurrences, and critical incidents. Requires local facilities to report deaths and critical incidents to the commissioner.

Subd. 8. Death review. Requires a death review team to assess the circumstances and causes of the death of a juvenile in a local facility.

Subd. 9. Rulemaking. Requires the commissioner to adopt rules for local correctional facilities for the management, operation, and physical condition of the facilities and the security, safety, health, treatment, and discipline of individuals detained or housed in or served by the facilities.

2	Licensing actions against juvenile and adult community-based residential correctional facilities.
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Subd. 1. Correction order; conditional license. Directs the commissioner to promptly notify a facility when there is a significant deficiency that jeopardizes the facility's license. Authorizes the commissioner to issue a conditional license to a local facility to allow the facility time to correct specified significant deficiencies.

Subd. 2. Requesting review of conditional license order. Establishes the protocol for the commissioner to follow when a facility administrator requests a review of a conditional license order.

Subd. 3. License revocation order. Establishes the grounds that would justify the commissioner revoking the license of a local correctional facility. Specifies what information the commissioner must include in a notice of intent to revoke and in a final revocation order. Establishes the protocol for a facility to respond to a revocation notice.

Subd. 4. Reconsideration orders. Establishes the protocol for a facility to request that the commissioner reconsider a revocation order.

Subd. 5. Temporary immediate license suspension. Sets forth the emergency circumstances when the commissioner must issue a temporary license suspension without delay.

Subd. 6. Requesting reconsideration of temporary immediate suspension. Establishes the protocol for a facility to request that the commissioner reconsider an order immediately suspending its license.

Subd. 7. Appealing commissioner's reconsideration request. Authorizes a facility to appeal an order under this section to the Minnesota Court of Appeals.

Section	Description
	<p>Subd. 8. Public notice of restriction, revocation, or suspension. Requires the commissioner to provide public notice of a license restriction, suspension, or revocation under this section.</p>
3	<p>Licensing and inspecting local juvenile correctional facilities.</p> <p>Subd. 1. Scope. Establishes that this section applies to juvenile facilities licensed by the commissioner.</p> <p>Subd. 2. Facilities for children and youth; inspection and licensing. Requires the commissioner to inspect juvenile facilities and authorizes the commissioner to issue juvenile facilities licenses that last up to two years.</p> <p>Subd. 3. Commissioner consultation. Requires local juvenile facilities to consult the commissioner “as needed” to strengthen services to the juveniles they serve.</p> <p>Subd. 4. Affected municipality; notice. Requires the commissioner to give notice to affected communities prior to issuing a juvenile facility license.</p> <p>Subd. 5. Licensing with juveniles from outside the state. Places restrictions on issuing licenses to juvenile facilities that house juveniles who are not residents of Minnesota.</p> <p>Subd. 6. Licensing actions. Empowers the commissioner to invoke the same licensure actions against juvenile facilities that are available in section 2.</p> <p>Subd. 7. Education for juveniles. Requires the commissioner of education to approve a juvenile facility’s education plan prior to the commissioner of corrections issuing the facility a license.</p> <p>Subd. 8. Rulemaking. Directs the commissioner to adopt rules for local juvenile facilities.</p>
4	<p>Security audits for state correctional facilities.</p> <p>Recodifies and updates the governing provisions of the state correctional facilities security audit group.</p>
5	<p>Correctional facilities; inspection; licensing.</p> <p>Contains conforming changes to reflect new sections governing licensure of local correctional facilities and juvenile facilities in sections 1 through 3.</p>
6	<p>Report.</p> <p>Contains conforming changes to reflect new sections governing licensure of local correctional facilities and juvenile facilities in sections 1 through 3.</p>

Section	Description
7	<p>Substance use disorder treatment programs.</p> <p>Clarifies that substance use disorder treatment programs offered by the commissioner for both adults and juveniles must comply with the standards established in chapter 245G for these programs.</p>
8	<p>Rulemaking; Department of Corrections; licensed juvenile facilities.</p> <p>Subd. 1. Administrative and medical separation. Requires juvenile facilities to notify the commissioner when a juvenile is placed in administrative or medical separation for more than seven days.</p> <p>Subd. 2. Rulemaking. Requires the commissioner to adopt rules implementing the notice requirement established in subdivision 1.</p>
9	<p>Revisor instruction.</p> <p>Directs the revisor to renumber sections in chapter 241.</p>
10	<p>Repealer.</p> <p>Repeals provisions that are recodified, with amendments, elsewhere in the bill or obsolete.</p>



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