

HOUSE RESEARCH

Bill Summary

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Authors: Skoglund and others
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Analyst: Judie Zollar, 651-296-1554

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Overview

This bill expands the scope of the Camp Ripley work program to include chemically dependent offenders, probation violators, and supervised release violators. The bill also gives courts greater discretion to use local resources instead of the Camp Ripley work program; strikes broad language prohibiting courts from sentencing offenders to the program for prior offenses against a person or for prior violent offenses; and clarifies the past and current offenses that will make an offender ineligible for the Camp Ripley work program. The bill also clarifies that offenders who are sentenced to the work program are entitled to credit for prior incarceration and for time served at the work program. Finally, the bill provides that counties do not have to pay per diem costs for offenders sentenced to the program for crimes committed during the fiscal biennium ending June 30, 2001.

- 1 Program established.** Expands the Camp Ripley work program to include adult male offenders who are found by the court to have violated a condition of probation or an intermediate sanction and offenders who are found by the commissioner of corrections to have violated supervised release conditions. Also makes a technical change consistent with section 6.
- 2 Status of offender.** Clarifies that offenders who are sentenced to the program are entitled to credit for time served.
- 3 Costs of program.** Current law requires counties to pay 25 percent of the per diem cost for each offender sentenced to the program. This bill states that counties sentencing offenders to the program for crimes committed on or after July 1, 1999, and before July 1, 2001, are not required to pay any per diem or other expenses.
- 4 Mandatory sentence.** Current law requires a court that stays imposition of sentence for an adult male who is convicted of a first- or second-time nonviolent felony offense to order the person to satisfactorily complete the Camp Ripley work program. The law requires the court to sentence an offender to 60 days at Camp Ripley for a first offense and 90 days for a second offense. Current law creates an exception to this mandatory sentence when the court determines, based

on substantial and compelling reasons, that a person would receive a more appropriate sanction and level of care through an alternative disposition using local correctional resources.

This bill makes it easier for a court to impose a sentence using local correctional resources.

Under the bill, the court simply needs to find that a disposition using local correctional resources would be more appropriate.

Also makes technical changes consistent with section 6.

5 Permissive sentence. Provides that the court may sentence to the program an offender who has violated a condition of probation or an intermediate sanction. Also makes technical changes consistent with section 6.

6 Offenders ineligible for the program. Clarifies the past convictions and current offenses that will make an offender ineligible for the Camp Ripley work program. Provides that an offender may not be sentenced to the program if:

the person has been previously convicted of or adjudicated delinquent for committing or attempting to commit any of the following laws of this state or any similar law of the United States or any other state:

- unlawful possession of a firearm (felon in possession);
- murder in the first, second, and third degree;
- manslaughter in the first or second degree;
- criminal vehicular homicide or injury;
- assault in the first, second, third, or fourth degree;
- great bodily harm caused by drug distribution;
- a crime committed for the benefit of a gang;
- use of drugs to injure or facilitate crime;
- simple or aggravated robbery;
- false imprisonment;
- kidnapping;
- murder of an unborn child in the first, second, or third degree;
- manslaughter of an unborn child in the first or second degree;
- assault of an unborn child in the first or second degree;
- injury or death of an unborn child in the commission of a crime;
- criminal sexual conduct in the first, second, third, fourth or fifth degree;

- escape from custody involving violence;
- fleeing a peace officer (involving death or bodily injury);
- witness tampering in the first degree and aggravated first degree;
- arson in the first degree;
- drive-by shooting;
- adulteration;
- harassment and stalking;
- terroristic threats;
- shooting at or in public transit vehicle or facility;
- unlawful possession of certain weapons;
- any gross misdemeanor or felony fifth degree assault or domestic assault; and
- any provision of chapter 152 that is punishable by a maximum sentence of 15 years or more; or
 - the person has been previously convicted of or adjudicated delinquent for committing or attempting to commit a misdemeanor violation of section 609.224 (fifth degree assault) or 609.2242 (domestic assault) or any similar law of the United States or any other state, unless three or more years have passed since the person was discharged from sentence or disposition for the conviction or adjudication; or
 - the current offense is one for which the sentencing guidelines presume a commitment to the commissioner of corrections; or
 - the current offense is one which is listed in clause (2) or (3).

Strikes language in the law that makes an offender ineligible for the program based upon a debilitating chemical dependency problem, thereby allowing courts to sentence offenders with chemical dependency problems to the program.

- 7** Length of sentence. Provides that a court may sentence an offender who violates a probation condition or an intermediate sanction to the program for any period of time up to one year. Also makes technical changes consistent with section 6.
- 8** **Credit for prior incarceration.** Provides that, when sentence is imposed under the Camp Ripley work program law, the court must ensure that the record accurately reflects all time spent in custody in connection with the offense or behavioral incident for which sentence is imposed. Provides that this time must be deducted from the sentence, including time spent in custody as a condition of probation from a prior stay of imposition or execution of sentence.
- 9** **Repealer.** Repeals a subdivision that contains definitions of the terms "nonviolent felony offense" and "nonviolent gross misdemeanor offense" as these terms are not used in the bill.
- 10** Effective date. Provides that sections 1 to 9 are effective the day following final enactment for crimes committed on or after that date.