

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 853

DATE: March 24, 2011

Version: First engrossment

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Subject: Public Safety Finance Omnibus Bill

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Article 1: Appropriations

Overview

Article 1 contains appropriations for the following state government entities: Department of Public Safety, Peace Officers Standards and Training Board, Private Detective Board, Department of Human Rights, and Department of Corrections.

- 1 Summary of Appropriations.** Summarizes direct appropriations by fund.
- 2 Public Safety Appropriations.** Describes, in general terms, the appropriations contained in this article.
- 3 Public Safety.**

Subd. 1. Total appropriation. Appropriates \$1,226,000 for FY11, \$159,958,000 for FY12 and \$157,343,000 for FY11.

Subd. 2. Emergency management. Appropriates \$1,226,000 in FY11 and \$2,525,000 each year of the forthcoming biennium to the emergency management division.

- FY11 appropriation is the state's federal disaster assistance match.
- Appropriates \$604,000 each year from the Fire Safety Account to fund Hazmat and Chemical Assessment Teams.

Subd. 3. Criminal apprehension. Appropriates \$41,887,000 each year to the BCA.

- **DWI analysis.** Transfers funding for DWI lab analysis from the trunk highway fund to the general fund.

Subd. 4. Fire Marshal. Appropriates \$5,757,000,000 each year to fund the state fire marshal and firefighter training grants.

Subd. 5. Alcohol and Gambling Enforcement. Appropriates \$2,236,000 each year to the alcohol and gambling enforcement division. \$500,000 from the alcohol enforcement account is transferred to the general fund.

Subd. 6. Office of Justice Programs. Appropriates \$28,387,000 each year to OJP.

- (a) **Domestic abuse shelters.** Limits the cuts to domestic abuse shelters to no more than 11 percent of base funding.
- (b) **Administration Costs.** Permits OJP to use up to 2.5 percent of the funds to administer the grant program.

Subd. 7. Emergency communications networks. Appropriates \$72,548,000 the first year and \$69,933,000 the second year from the 911 emergency telecommunications service fee account for emergency communications.

- Funds public safety answering points, medical resource communication centers, ARMER debt service, MET Council debt service, ARMER state backbone operating costs, ARMER improvements, and transfers \$2,600,000 each year to the general fund.

4 Peace Officers Standards and Training Board. Appropriates \$3,770,000 each year to the POST Board. \$2,634,000 is for reimbursements to local governments for peace officer training costs.

5 Private Detective Board. Appropriates \$120,000 each year to the private detective board.

6 Human Rights. Appropriates \$1,170,000 each year for the department of human rights.

- Directs the commissioner to use the amounts appropriated in this section on enforcement.

7 Department of Corrections.

Subd. 1. Total appropriation. Appropriates \$455,185,000 the first year and \$441,427,000 the second year to the department of corrections.

Subd. 2. Correctional institutions. Appropriates \$325,759,000 the first year and \$312,001,000 the second year to correctional institutions.

- (a) **Position reductions.** Requires the commissioner to focus staff reductions on management positions within the department's facilities. Prohibits the commissioner from eliminating line officer positions.
- (b) **Inmate medical cost savings; report.** Directs the commissioner to reduce the inmate medical expense per diem by 5 percent and for the commissioner to submit a report to the legislature on how the savings were or were not achieved.
- (c) **Juvenile facilities; report.** Requires the commissioner to assess the need for the state's two juvenile facilities and make recommendations on the facilities' future in a report to the legislature.
- (d) **Reform working group; report.** Directs the commissioner to form a working group to study the use of earned credit programs, deportation of illegal immigrant prisoners, early release, and accepting inmates from other states or closing all or part of a facility. Requires a report to the legislature.

Subd. 3. Community services. Appropriates \$109,082,000 each year for community services.

- **Probation revocation reform; report.** Directs the commissioner to study and report to the legislature on probation revocation reform including policies that would reduce probation revocations and the value of adopting a unified probation and supervised release system.

Subd. 4. Operations support. Appropriates \$20,344,000 each year for the department's operations support group.

- **Position reductions.** Directs the commissioner achieve at least 50% of reduction in funding by cutting management positions and management benefits with a focus on IT and finance positions. The cuts should not be adverse to public or line officer safety.

Subd. 5. Transfers.

- Transfers \$600,000 each year from the MINNCOR revolving fund to the general fund.
- Transfers \$400,000 each year from various special revenue accounts within the department.

Article 2: Policy

Overview

Article 2 contains policy initiatives that relate to the appropriations contained in article 1 and, in some cases, assist the affected agencies in absorbing the changes in funding from the previous biennium.

- 1 Inmate medical co-pay. Requires the Commissioner of Corrections to impose an inmate healthcare co-payment of at least \$5 for each inmate visit to a healthcare provider. [HF1034]
- 2 **Fire safety account.** Increases the amount of funds transferred from the fire safety account to the general fund in each of the next two years.
- 3 **Department of human rights formulation of policies.** Eliminates the state-funded education and research responsibilities of the department and strikes language requiring the department to give priority to contract compliance duties. Authorizes the commissioner to use nonstate funds to develop education programs. Eliminates the requirement that the department maintain its principal office in St. Paul. [HF1161]
- 4 **Scope of application.** Amends the contract compliance provisions by increasing the thresholds that trigger requirement of a certificate. Increases the contract amount from \$100,000 to \$250,000. Increases the number of employees from 40 to 50 and extends the renewal period from 2 to 5 years. [HF 1161]
- 5 -7 **Sentence to 60 days or less.** Requires offenders with 60 days or less remaining in their sentences to serve that time in a county jail or workhouse. [HF 1033]
- 8 **Indeterminate sentence for predatory sex offenders.**

Subd. 1. Definitions. Defines the following terms:

- "sex offense" means a violation of criminal sexual conduct 1-4;
- "predatory sex offender" is a person who is unable to control the person's sexual impulses, is dangerous to other persons, and has a pattern of harmful sexual conduct;

and

- "harmful sexual conduct" is sexual conduct that creates a substantial likelihood of serious physical or emotional harm to another.

Subd. 2. Applicability. An offender may be prosecuted under this section if the county attorney determines there is probable cause that the person committed a sex offense and is a predatory sex offender.

Subd. 3. Procedures. Requires a bifurcated trial, with the first phase determining guilt or innocence on the sex offense, and the second phase determining whether the person is a predatory sex offender, with the standard of proof in both phases being beyond a reasonable doubt.

Subd. 4. Indeterminate sentence; minimum and maximum term specified. Provides minimum and maximum sentences for persons proven to be predatory sex offenders. The minimum sentence shall be **twice** the presumptive sentence under the sentencing guidelines, unless the presumptive sentence is a stayed one, in which case the court shall determine an appropriate minimum sentence. The maximum sentence for all offenders so convicted shall be 60 years. In addition to the sentence of imprisonment, the offender upon release shall be placed on conditional release status described in subdivision 9. The court may not stay the imposition or the execution of a sentence under this section.

Subd. 5. Sentence of persons not found to be predatory sex offenders. Provides that if an offender is found guilty of the underlying crime of criminal sexual conduct, but is not found to be a predatory sex offender, the court shall sentence the offender as otherwise provided by law.

Subd. 6. Release authority. Establishes the Commissioner of Corrections as the sole release authority for offenders sentenced to indeterminate sentences under this section.

Subd. 7. Petition for release; hearing. Establishes procedures for predatory sex offenders to petition for release. After serving their minimum sentence, offenders may petition the Commissioner of Corrections for release. Within 45 days of the hearing, the commissioner shall notify the following parties of the time and place of the release hearing: the petitioner, the sentencing court, the county attorney's office that prosecuted the case, and any victims of the crime who requested notification. The hearing shall be held on the record and the petitioner may subpoena witnesses to appear. If the board votes to release the offender, the release shall occur within 14 days after the hearing. If the board rejects the petition for release, it must do so in writing, and the inmate may not petition for release again for 24 months.

Subd. 8. Criteria for release. Establishes the following release criteria the commissioner must use to determine if a predatory sex offender is suitable for conditional release:

- (1) no longer poses a threat to public safety;
- (2) no longer in need of programming in a secure facility; and
- (3) is capable of reintegration with the general public.

The burden of proof is on the petitioner and the evidentiary standard is clear and convincing evidence.

Subd. 9. Conditional release. Requires the commissioner to place a predatory sex offender released from incarceration on conditional release with a minimum term of ten years. The Commissioner of Corrections shall set the conditions of release. The county attorney in the county of conviction, the offender's conditional release agent or probation officer, or any other interested party may petition the court regarding the offender's failure to meet any condition of release. If the court determines that the offender violated the conditions of release, the court may order sanctions, including, but not limited to, incarcerating the offender for any or all of the duration of the offender's conditional release term.

Effective date. July 1, 2013. [HF 6]

- 9 In service training in police pursuits required.** Requires peace officers to be trained in police pursuit training every 5 years instead of every 4 years.
- 10 Medical aid.** Authorizes county jails to reimburse healthcare providers at the medical assistance payment rate for care provided to inmates.
- 11 Juvenile Justice Reform Advisory Task Force.** Establishes a juvenile justice task force to evaluate and assess various aspects of the state's juvenile justice system. Requires a report to the legislature. [HF 1227]
- 12 Sex offender policy task force.** Establishes a sex offender policy task force to evaluate Minnesota's sex offender policies and programs and to submit a report to the legislature containing recommendations for reforming the system.
- 13 Acquisition of easement; DOC - Faribault.** Authorizes the commissioner of administration to purchase an easement to serve the Minnesota Correctional Facility at Faribault.
- 14 Repealer.** Repeals a requirement that the Department of Human Rights provide technical assistance to a contractor whose license was suspended. [HF 1161]

Article 3: Correctional Employees Retirement Plan

Overview

Article 3 contains various changes relating to correctional employee pensions and retirement benefits. The article removes various non-security positions from the correctional employees retirement plan and returns the list of eligible positions to the original set of participants covered when the legislature established the plan in 1973. [H.F. 1072]

- 1 Policy.** Removes employees who work with patients in the Minnesota extended treatment options program from eligibility in the correctional employees retirement plan.
- 2 Qualifying jobs.** Amends the definition of "covered correctional service."
- 3 Employment occupation name changes.** Removes cross-references to positions that are removed from participation in the correctional employees retirement plan by the repealer in section 5.
- 4 Modification in certain postretirement employer-paid health insurance coverage.** Imposes a ten-year employment eligibility requirement for employer paid post-retirement health insurance for correctional workers.
- 5 Repealer.** Removes positions from participation in the correctional employees retirement plan