

HOUSE RESEARCH

Bill Summary

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Authors: Rosenthal and others

Subject: Conditional release of nonviolent drug offenders

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Overview

Authorizes the commissioner of corrections to grant conditional release to nonviolent controlled substance offenders if the offenders serve a minimum portion of their sentences and complete substance abuse treatment while incarcerated.

Section

1 Conditional release of nonviolent controlled substance offenders; opportunity for drug treatment.

Subd. 1. Conditional release authority. Authorizes the Commissioner of Corrections to grant conditional early release to nonviolent drug offenders who have met the criteria outlined in subdivision 2.

Subd. 2. Conditional release of certain nonviolent controlled substance offenders. Provides the following offender criteria for consideration for conditional early release:

- ▶ the crime of conviction must be a first- to fifth-degree controlled substance crime (Minnesota Statutes, sections 152.021 to 152.025) (first degree-possession and manufacture crimes only, second degree-possession crime only);
- ▶ the offender must have committed the crime as a result of drug addiction and not primarily for profit;

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- ▶ the offender has served at least 36 months or one-half of the offender's term of imprisonment;
- ▶ the offender has successfully completed a chemical dependency treatment program while in prison;
- ▶ the offender has not previously been conditionally released under this section; and
- ▶ the offender has not been previously convicted/adjudicated delinquent for a violent crime.

Subd. 3. Offer of chemical dependency treatment. Requires the commissioner to offer chemical dependency treatment to the offenders described in subdivision 2 within 160 days after their term of imprisonment begins or as soon as possible thereafter.

Subd. 4. Chemical dependency treatment program components. Delineates the treatment program components. Authorizes the commissioner to expel anyone who violates the rules, commits an offense, or presents a risk to others while in the program.

Subd. 5. Additional requirements. Requires the offender to sign a written contract agreeing to comply with the program requirements and agreeing to submit to random drug and alcohol tests and electronic monitoring.

Subd. 6. Extension of term of imprisonment for offenders who fail in treatment. Authorizes the commissioner to add the time the offender was in the treatment program to the offender's term of imprisonment if the offender fails to complete the program.

Subd. 7. Release procedures. Allows the commissioner to deny release, if the commissioner determines that an offender poses a threat to public safety. In making the determination, the commissioner must follow the release procedures established in Minnesota Statutes, section 244.05, subdivision 5, and applicable rules.

Subd. 8. Conditional release. Provides that the commissioner may rescind a conditional release without a hearing if the commissioner determines that continuation of the release poses a danger to the public or to an individual.

Subd. 9. Offenders serving other sentences. Prohibits the conditional release of an offender serving concurrent sentences for an offense eligible for conditional release and an offense ineligible for release under this section until the offender has served the entire term of imprisonment for the ineligible offense.

Subd. 10. Notice. Requires that notice and an opportunity to comment be given to the prosecuting authority and the sentencing court before an offender is given conditional release under this section.