A bill for an act

relating to corrections; establishing a parole board; prescribing its membership, duties, and powers; prescribing when an individual is eligible to be considered for parole; authorizing rulemaking; appropriating money; proposing coding for new law as Minnesota Statutes, chapter 244A.

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

Section 1. [244A.01] PAROLE BOARD.

Subdivision 1. Creation. There is created a Parole Board consisting of five full-time members; four members shall be appointed by the governor, with the advice and consent of the senate. No more than two members appointed by the governor shall belong to the same political party. An appointment to a vacancy shall be made in the same manner as other appointments and shall be for the unexpired term. The fifth member shall be chair and shall be an officer of the Department of Corrections in the unclassified service and shall be appointed by the commissioner of corrections to serve at the commissioner’s pleasure.

Subd. 2. Qualifications. A candidate for appointment to the Parole Board is not required to have specific academic or professional attainment, but shall have knowledge or experience in corrections or related fields and be selected on the basis of sound judgment and the ability to consider both the needs of individuals over whom the board has jurisdiction and the safety of the public.

Subd. 3. Terms of office; reappointment. Members of the board shall serve six-year staggered terms. A member is eligible for reappointment.

Subd. 4. Compensation; expenses. Each member of the board other than the chair shall receive as compensation 85 percent of a district court judge’s salary per year, payable in the
same manner as other employees of the state. The chair of the board shall receive as compensation the chair's salary as an officer of the Department of Corrections, which shall not be less than the salary of the other members of the board. In addition to the compensation provided in this subdivision, each member of the board shall be reimbursed for expenses paid or incurred in the performance of official duties in the same manner as other employees of the state. This compensation and these expenses shall be paid out of the general fund in the same manner as the salaries and expenses of other state officers, except that the salary and expenses of the chair of the board shall be paid out of funds appropriated to the commissioner of corrections.

Subd. 5. Quorum. (a) The board may sit in units of three as designated by the chair under rules prescribed by the board, and each unit constitutes a quorum.

(b) The chair may, with the approval of the commissioner of corrections, appoint employees of the Department of Corrections to perform administrative duties as assigned by the chair.

Sec. 2. [244A.02] BOARD POWERS; LIMITATIONS.

Subdivision 1. Powers. Except as provided in subdivisions 2 and 3, the Parole Board, giving due consideration to public safety, may parole an individual sentenced to confinement in an adult correctional facility:

(1) if the individual has served two-thirds of the individual's sentence-to-serve as defined in subdivision 3;

(2) if the individual has served three years or more of the current sentence and is more than 60 years old;

(3) if the individual committed the offense when a minor, as defined in section 260B.007, subdivision 9, and was certified for prosecution as an adult or designated as an extended jurisdiction juvenile and has served five years or more of the sentence;

(4) if the individual was sentenced:

(i) for a drug offense;

(ii) for a conspiracy, if another conspirator dominated the individual or was the individual's domestic partner;

(iii) for a crime based on consequences that were not proved to be intentional; or

(iv) for a commercial crime; or
(5) if there has been a profound change in the individual's character and conduct since
the time of the offense.

Subd. 2. Sex offenders; parole eligibility. (a) The Parole Board is not authorized to
parole an offender convicted of a sex offense.

(b) As used in this section, "sex offense" means a violation of section 609.342, 609.343,
609.344, 609.345, 609.3451, 609.3453, 609.3455, 609.352, 609.365, 617.23, 617.246, or
617.247, or another offense arising out of a charge based on one or more of those sections.

Subd. 3. Limitations. An individual sentenced under the sentencing guidelines is not
eligible for parole until the individual has served one-half of the individual's
sentence-to-serve. "Sentence-to-serve" as applied to individuals whose crimes were
committed before August 1, 1993, is the period of time for which the individual was
committed to the custody of the commissioner of corrections minus good time allowed.
Sentence-to-serve as applied to individuals whose crimes were committed on or after August
1, 1993, is the period of time equal to two-thirds of the individual's executed sentence.
Parole is not authorized if proscribed by United States Code, title 42, section 13704. The
limitations specified in this subdivision shall not affect parole eligibility for individuals 60
years or older as specified in subdivision 1, clause (2), and minors as specified in subdivision
1, clause (3).

Subd. 4. Legal custody of parolees. Upon being paroled and released, an individual
remains in the legal custody and under the control of the Parole Board, subject to be returned
at any time to a facility of the Department of Corrections. If the individual is returned, the
legal custody of the individual reverts to the commissioner of corrections. A written order
of the Parole Board, certified by the chair of the board, is sufficient to authorize a peace
officer or state parole or probation agent to retake and place in the custody of the Parole
Board any parolee, but a state parole or probation agent may, without order of warrant,
when it appears necessary to prevent escape or enforce discipline, take and detain a parolee
to the custody of the Parole Board for its action. A written order of the commissioner of
corrections is sufficient for a peace officer or state parole or probation agent to retake and
place in actual custody an individual on probation under the supervision of the commissioner
pursuant to section 609.135, but any state parole or probation agent may, when it appears
necessary to prevent escape or enforce discipline, retake and detain the probationer without
an order and bring a paroled individual before the court for further proceedings under section
609.14. Paroled individuals, and those on probation under the supervision of the
commissioner of corrections pursuant to section 609.135 may be placed within or without
the boundaries of the state at the discretion of the board or the commissioner of corrections,
and the limits fixed for the individuals may be enlarged or reduced according to the
individuals' conduct.

Subd. 5. **Parole hearings.** In considering applications for parole or final release, the
board is not required to hear oral argument from any attorney or other person not connected
with a facility of the Department of Corrections, but the board may institute inquiries by
correspondence, taking testimony or otherwise, as to the previous history, physical or mental
condition, and character of an applicant, and to that end it has authority to require the
attendance of the chief executive officer of the relevant Minnesota correctional facility and
the production of the records of the facility, and to compel the attendance of witnesses. Each
member of the board is authorized to administer oaths to witnesses.

Subd. 6. **Report.** On or before January 1 each year, the board shall submit to the
legislative committees with jurisdiction over criminal justice policy a written report
identifying persons granted parole in the preceding year and the cost savings, if any, to the
Department of Corrections that resulted from the parole of these persons. The report shall
also include the board's recommendations for policy modifications that influence the board's
duties.

Sec. 3. **[244A.03] CREDITS FOR PRISONERS.**

Each inmate shall be credited for good prison demeanor, diligence in labor and study
and results accomplished, and be charged for derelictions, negligences, and offenses under
a uniform system of marks or other methods prescribed by the commissioner of corrections.
The commissioner of corrections shall inform the Parole Board of the work progress,
derelictions, negligences, demeanor, and future program of each inmate a month before the
inmate's appearance before the Parole Board.

Sec. 4. **[244A.04] DUTY OF BOARD; FINAL DISCHARGE.**

The Parole Board shall keep in communication with all individuals on parole and also
with the parolees' employers, and when any parolee has kept the conditions of parole in a
manner and for a period of time that satisfies the board that the parolee is rehabilitated,
trustworthy, will remain at liberty without violating the law, and that final release is not
incompatible with the welfare of society, then the board has power in its discretion to grant
to that individual a final discharge from confinement. If final discharge is granted, the board
shall issue to the individual a certificate of final discharge, and shall also cause a record of
the acts of the individual to be made showing the date of commitment, record while in
prison, the date of parole, record while on parole, and its reasons for determining final
discharge, together with any other facts that the board deems relevant. Nothing in this chapter
impairs the power of the Board of Pardons to grant a pardon or commutation in any case.

Sec. 5. [244A.05] SUPERVISION BY COMMISSIONER OF CORRECTIONS; AGENTS.

Subdivision 1. Parole supervision. Except in Community Corrections Act counties, the
commissioner of corrections shall exercise supervision over individuals released on parole
or probation pursuant to this chapter. The responsibilities and powers granted to the
commissioner of corrections under sections 241.26, 242.10, 242.19, 242.46, 243.05, and
244.05 shall be exercised with regard to an individual paroled by the board under this
chapter.

Subd. 2. Agents. For the purposes of subdivisions 1 and 2, and sections 609.115 and
609.135, subdivision 1, the commissioner shall appoint state agents who shall be in the
classified service of the state. The commissioner may also appoint suitable persons in any
part of the state or enter into agreements with individuals and public or private agencies,
for the same purposes, and pay the costs incurred under the agreements. Every agent shall
perform the duties the commissioner prescribes on behalf of or in the supervision of
individuals released on parole or probation. In addition, every agent or person shall act
under the orders of the Parole Board or the commissioner in the supervision of individuals
conditionally released. Agents shall provide assistance to conditionally released individuals
in obtaining employment, and shall conduct relevant investigations and studies of individuals
under supervision upon the request of the commissioner or the board. Regional supervisors
may also supervise state parole or probation agents as directed by the commissioner of
corrections. This duty shall not interfere with the supervisor's responsibility under the County
Probation Act, Laws 1959, chapter 698.

Subd. 3. Administrative services. The commissioner of corrections shall provide the
board with all other personnel, supplies, equipment, office space, and other administrative
services necessary and incident to the discharge of the functions of the board.

Sec. 6. [244A.06] DEPUTIZATION OF OUT-OF-STATE AGENTS.

Subdivision 1. Out-of-state deputies. The Parole Board may deputize a person regularly
employed by another state to act as an agent of this state in effecting the return of an
individual who has violated the terms and conditions of parole or probation granted by this
state. In any matter relating to the return of an individual, an agent so deputized has the
powers of a police officer of this state.
Subd. 2. **In writing.** A deputization pursuant to subdivision 1 shall be in writing and a person authorized to act as an agent of this state shall carry formal evidence of the deputization and shall produce the evidence upon demand.

Subd. 3. **Sharing costs.** Subject to the approval of the commissioner of management and budget, the Parole Board may enter into contracts with similar officials of another state for the purpose of sharing an equitable portion of the cost of effecting the return of an individual who has violated the terms and conditions of parole or probation granted by this state.

Sec. 7. [244A.07] **RULES GOVERNING PAROLES.**

Subdivision 1. **Rules.** The Parole Board may adopt rules that govern the granting of paroles and final discharges, the procedure of granting paroles and final discharges, the conditions of parole, the conduct and employment of individuals on parole, and other matters related to the exercise of the powers and duties of the board under this chapter.

Subd. 2. **Prospective effect.** Any new rule or policy adopted by the board that has the effect of postponing eligibility for parole has prospective effect only and applies only with respect to individuals committing offenses after the effective date of the new rule or policy.

Sec. 8. **INITIAL TERMS FOR BOARD MEMBERS.**

Two of the four members appointed by the governor to the Board of Corrections shall serve initial terms of six years. The other two members appointed by the governor shall serve initial terms of four years.

Sec. 9. **APPROPRIATION.**

$....... in fiscal year 2020 is appropriated from the general fund to the commissioner of corrections to implement sections 1 to 8. This appropriation is available until June 30, 2021.

Sec. 10. **EFFECTIVE DATE.**

Sections 1 to 9 are effective the day following final enactment.