

December 31, 2024.

Senate Judiciary and Public Safety Finance and Policy Committee

Senator Ron Latz, Chair
3105 Minnesota Senate Bldg.
Saint Paul, MN 55155

Senator Warren Limmer, Minority Lead
2221 Minnesota Senate Bldg.
Saint Paul, MN 55155

House Public Safety and Criminal Justice Reform Finance and Policy Division Committee

Representative Kelly Moller, Chair
509 State Office Building
Saint Paul, MN 55155

Representative Paul Novotny, Minority Lead
301 Rev. Dr. Martin Luther King Jr. Blvd.
Saint Paul, MN 55155

Re: Annual Submission of Rulemaking Docket and Official Rulemaking Record

Dear Legislators:

Minnesota Statutes, section 14.116(a) requires that by January 15 of each year, each state agency submits its rulemaking docket maintained under section 14.366, and the official rulemaking record required under section 14.365 for any rule adopted during the preceding calendar year, to the chairs and ranking minority members of the legislative policy and budget committees with jurisdiction over the subject matter of the proposed rule.

The department respectfully submits its rulemaking docket and an official rulemaking record from an adopted rule on search procedures and isolation in department-licensed juvenile correctional facilities. The rule was adopted in October 2024 and is effective January 13, 2025. We have attached the official rulemaking record to this report.

The department has three rules currently under active consideration, all of which are scheduled to be completed by the end of fiscal year 2027:

- **Chapter 2900, constructing correctional facilities.** The department is proposing to replace the current outdated chapter with a comprehensive performance-based standard that supplements the State Building Code and establishes uniform performance standards. These performance standards will standardize jail construction and serve to promote efficiency and economy, allowing jails to deliver high-quality correctional services.
- **Chapter 2911, county jails.** Since 1976, the department has had the authority to inspect adult correctional facilities, or jails, for compliance with minimum standards. But this authority and the minimum standards haven't been substantively revised for half a century.

Because of 2021 legislative changes under the transformative Hardel Sherrell Act, the department was given the ability to improve the standards of confinement in jails to ensure that all justice-involved

populations are treated with basic levels of care. For the first time, the legislature mandated specific topics for the department to include in its rules, and the department is working with an advisory committee to adopt guidance on these topics.

- **Chapters 2955/2965, treatment programs for sex offenders.** Both chapters 2955 (juveniles) and 2965 (adults) were adopted in 1999 to establish minimum standards to certify (1) sex offender treatment programs in state and local correctional facilities, and (2) state-operated sex offender treatment not operated in state and local correctional facilities.

The rules originated from a concerted effort by the legislature to control, manage, and provide appropriate treatment for persons perpetrating sexual crimes, but they have not been updated in 25 years. The department is working with an advisory committee to update the rules to reflect current best practices in treatment.

You can find information on the department's rulemaking docket (including the recently completed rulemaking proceeding) on the department's rulemaking web page:

<https://mn.gov/doc/about/rulemaking/>.

You can also track rulemaking proceedings by using the revisor's Rule Status System:

<https://www.revisor.mn.gov/rules/status/>.

The cost to prepare this report was \$50.

If you have questions regarding this report, please contact Kelly Haff, Legislative Coordinator at Kelly.haff@state.mn.us.

Sincerely,

Paul Schnell
Commissioner

Cc: Legislative Reference Library