

## Colton's Law (Electronic Surveillance)

### What is Colton's Law?

Colton's Law is an amendment to the electronic surveillance statute that requires an electronic monitoring device to be placed on people under Phase I of Intensive Supervised Release (ISR), before they are released from custody. Justice-involved people may be required to be held in custody until placed on electronic surveillance, if directed.

### Agent Role

An ISR agent or designee must provide direct supervision prior to or during the installation of electronic surveillance for those under Phase I of intensive supervision. For justice-involved juveniles with electronic monitoring requirements, agents may provide direct supervision during this process.

### Stakeholder Role

Local authorities, detention facilities, or county jails, may hold people until placed on electronic monitoring. For individuals directed to be placed on electronic monitoring under Phase I of ISR, supervision must be held until an electronic device has been activated to enhance public safety.

### Minnesota Statutes

#### **244.05, Subd. 1D: Electronic surveillance (Supervised Release Term)**

(a) If the commissioner orders electronic surveillance of an inmate placed on supervised release, the commissioner may require that the inmate be kept in custody, or that the inmate's probation agent, or the agent's designee, directly supervise the offender until electronic surveillance is activated.

(b) It is the responsibility of the inmate placed on electronic surveillance to ensure that the inmate's residence is properly equipped and the inmate's telecommunications system is properly configured to support electronic surveillance prior to being released from custody or the direct supervision of a probation agent. An inmate who fails to comply with this paragraph may be found in violation of the inmate's conditions of release after a revocation hearing.

#### **244.15, Subd. 6: Electronic surveillance (Intensive Community Supervision)**

(a) During any phase, the offender may be placed on electronic surveillance if the intensive supervision agent so directs. If electronic surveillance is directed during phase I, the commissioner must require that the inmate be kept in custody, or that the inmate's intensive supervised release agent, or the agent's designee, directly supervise the offender until electronic surveillance is activated.

#### **260B.198, Subd. 13: Electronic surveillance (Delinquent Child)**

(a) If a court orders a juvenile adjudicated delinquent to serve any portion of the juvenile's disposition on electronic surveillance, the court may require that the juvenile be kept in custody, or that the juvenile's probation agent directly supervise the juvenile until electronic surveillance is activated.

(b) It is the responsibility of the parent or guardian of the juvenile placed on electronic surveillance to ensure that the juvenile's residence is properly equipped and the residence's telecommunications system is properly configured to support electronic surveillance prior to the juvenile being released from custody or the direct supervision of a probation agent.