

# Notice of Intent to Repeal Obsolete Rules

## Minnesota Department of Corrections

### Proposed Repeal of Obsolete Rules of the Hearings and Release Unit; Revisor's ID No. R-4958; CAH Docket No. 23-9051-41029

**Introduction.** The Department of Corrections intends to repeal obsolete rules using the obsolete rulemaking process under the Administrative Procedure Act, Minnesota Statutes, section 14.3895. By 4:30 p.m. Monday, November 17, 2025, you may submit written comments on the proposed rules. You may also submit a written request that a hearing be held on the rules.

**Agency contact person.** Please send questions to Ian Lewenstein, *docrulemaking.DOC@state.mn.us*, 651-361-7707, or the Department of Corrections, 1450 Energy Park Drive, St. Paul, Minnesota 55108.

**Subject of rules.** The proposed obsolete rules govern the department's Hearings and Release Unit. HRU is responsible for approving an incarcerated person's conditions of release from a state correctional facility and for conducting hearings for people who violate their conditions of release. HRU also issues warrants and—among other duties—conducts detention hearings (for people alleged to have committed a new crime), interstate probable-cause hearings, and disciplinary hearings for people who are subject to extended incarceration.

HRU's rules were first adopted in 1984, and they have been amended only once since then (in 1998) for technical and nonsubstantive changes. In 2005, the Minnesota Legislature exempted most of the department's HRU rules from the Administrative Procedure Act; this exemption applied to "rules of the commissioner of corrections relating to the release, placement, term, and supervision of inmates serving a supervised release or conditional release term . . ." (*see* Minnesota Laws 2005, chapter 136, article 4, section 2)

Because of this rulemaking exemption, most of the HRU rule chapter has been superseded by department policies, which are publicly available on the department's website (<https://policy.doc.mn.gov/DOCPolicy/>). Both the rulemaking exemption and the department's policies have made the HRU rule mostly unnecessary. Additionally, other changes to HRU practices have made other rule parts obsolete. Accordingly, the department proposes to repeal the following rule parts and subparts: Minnesota Rules, parts 2940.0100, subparts 3, 4, 5, 9, 10, 12, 14, 20, 21, 22, 23, 24, 25, and 27; 2940.0200; 2940.0300; 2940.0400; 2940.0500; 2940.0600; 2940.0700; 2940.0800; 2940.0900; 2940.1000; 2940.1100; 2940.1200; 2940.1300; 2940.1400; 2940.1500; 2940.1600; 2940.1700; 2940.1800; 2940.1900; 2940.2000; 2940.2100; 2940.2200; 2940.2300; 2940.2400; 2940.2500; 2940.2600; 2940.2700; 2940.2800; 2940.2900; 2940.3100; 2940.4000; 2940.4500; and 2940.5700.

After repealing these rules, the rule chapter will be limited to the following topics:

- Revoking supervised release and parole
- Issuing warrants
- Length of revocation
- Definitions used in the remaining rule parts

A copy of the proposed obsolete rules to be repealed is published in the *State Register*. A free copy of the proposed rule is also available on the department's rulemaking web page (<https://mn.gov/doc/about/rulemaking/>) or upon request to Ian Lewenstein.

**Statutory authority.** The department identified the proposed obsolete rules to be repealed in its annual obsolete rules report under Minnesota Statutes, section 14.05, subdivision 5. The statutory authority to repeal the obsolete rules is found in Minnesota Statutes, section 14.3895. The statutory authority under which the rules were first adopted is found in the following sections of *Minnesota Statutes*:

- 241.26, subdivision 3 (work release)
- 242.10 and 242.44 (juveniles; HRU generally)
- 243.05, subdivisions 2 and 4 (granting conditional release; HRU generally)
- 244.04, subdivisions 1 and 2 (loss of good time because of a disciplinary offense)
- 244.05, subdivisions 2 and 5 (establishing conditions of release and revoking supervised or conditional release; period of revocation for each release violation; granting supervised release or parole)

**Comments.** You have until 4:30 p.m. Monday, November 17, 2025, to comment on—supporting or opposing—the proposed rules, including any specific rule part. **Comments on the rule or requests for a public hearing must be submitted via the eComments website** (<https://minnesotaoah.granicusideas.com>). If you cannot use the eComments website, you may submit comments in person, via US mail, or by facsimile addressed to Judge Todnem's Legal Assistant William Moore at the Court of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, telephone 651-361-7900 and fax 651-539-0310 or ***William.t.moore@state.mn.us***.

The department strongly encourages public comment—especially if the proposed rules affect you—and your comments should identify which rule part you are commenting on, the reason for the comment, and any proposed change. Any comments that you have about the legality of the proposed rules must also be made during the comment period.

**Requesting a public hearing.** In addition to submitting comments, you may also request that the department hold a hearing on the rules. You must make your request for a public hearing by 4:30 p.m. Monday, November 17, 2025. You must include your name and address in your request and identify the portion of the proposed rules that you object to or state that you oppose the entire rule. Any request that does not comply with these requirements is invalid and does not count as a request for hearing.

You are also encouraged to state why you are requesting a hearing and any changes that you want made to the proposed rules.

**Holding a public hearing.** If 25 or more people submit a written request for a public hearing before the comment period ends, the department must hold a public hearing. The department will then proceed according to Minnesota Statutes, sections 14.131 to 14.20, including by preparing a statement of need and reasonableness, publishing a notice of public hearing in the *State Register*, and notifying people who submitted a written request for a public hearing.

**Withdrawing requests for a public hearing.** If enough requests for a hearing are withdrawn to reduce the number of hearing requests below 25, the department must give written notice to all people who requested a hearing and explain that enough people have withdrawn their hearing requests. The department's notice on withdrawing requests must comply with additional requirements under Minnesota Statutes, section 14.25, subdivision 2.

**Modifications.** The department may modify the proposed rules because of public comment or as otherwise needed to comply with the Administrative Procedure Act. Unless the department follows the procedure under Minnesota Rules, part 1400.2110, the adopted rules may not be substantially different than the proposed rules.

**Lobbyist registration.** A lobbyist must register with the Minnesota Campaign Finance and Public Disclosure Board (see Minnesota Statutes, chapter 10A). You may ask questions about this requirement by contacting the Campaign Finance and Public Disclosure Board at 190 Centennial Office Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 1-800-657-3889.

**Adopting and reviewing rules.** If no hearing is required, the department may adopt the rules after the comment period ends. The department will then submit the rules and supporting documents to the Court of Administrative Hearings to review for legality. Please contact Ian Lewenstein if you want to:

- 1) be notified when the department submits the rules to the court;
- 2) receive a copy of the adopted rules; or
- 3) register with the department to receive notice of future rule proceedings.

**Alternative format.** Upon request, the information in this notice can be made available in an alternative format, such as large print, braille, or audio. To make a request, please contact Ian Lewenstein.

September 15, 2025

Paul Schnell, Commissioner  
Department of Corrections