

SENATE
STATE OF MINNESOTA
EIGHTY-EIGHTH LEGISLATURE

S.F. No. 671

(SENATE AUTHORS: LATZ and Dibble)

DATE	D-PG	OFFICIAL STATUS
02/21/2013	357	Introduction and first reading Joint rule 2.03, referred to Rules and Administration
02/28/2013	405	Comm report: Re-referred to Finance
04/15/2013	1790a	Comm report: To pass as amended
	1835	Second reading
04/16/2013	1862	Special Order
	1862	Third reading Passed
04/20/2013	2512	Returned from House with amendment
	2513	Senate not concur, conference committee of 5 requested
	2522	Senate conferees Latz; Dibble; Goodwin; Dziedzic; Limmer
04/22/2013	2591	House conferees Paymar; Hilstrom; Lesch; Melin; Cornish
05/16/2013	3745c	Conference committee report, delete everything Senate adopted CC report and repassed bill
	3781	Third reading
05/17/2013	3953	House adopted SCC report and repassed bill Presentment date 05/21/13 Governor's action Approval 05/23/13 Secretary of State Chapter 86 05/23/13 Effective date Various Dates See also SF 1664, Sec. 5

29.16 Sec. 3. [244.0551] CONDITIONAL RELEASE OF NONVIOLENT
 29.17 CONTROLLED SUBSTANCE OFFENDERS; TREATMENT.

29.18 Subdivision 1. Conditional release authority. The commissioner of corrections has
 29.19 the authority to release offenders committed to the commissioner's custody who meet the
 29.20 requirements of this section and of any rules adopted by the commissioner.

29.21 Subd. 2. Conditional release of certain nonviolent controlled substance
 29.22 offenders. An offender who has been committed to the commissioner's custody may
 29.23 petition the commissioner for conditional release from prison before the offender's
 29.24 scheduled supervised release date or target release date if:

29.25 (1) the offender is serving a sentence for violating section 152.021, subdivision 2 or
 29.26 2a; 152.022, subdivision 2; 152.023, subdivision 2; 152.024, subdivision 2; or 152.025,
 29.27 subdivision 2;

29.28 (2) the offender committed the crime as a result of a controlled substance addiction;

29.29 (3) the offender has served at least 36 months or one-half of the offender's term of
 29.30 imprisonment, whichever is less;

29.31 (4) the offender successfully completed a chemical dependency treatment program
 29.32 of the type described in this section while in prison;

29.33 (5) the offender has not previously been conditionally released under this section; and

30.1 (6) the offender has not within the past ten years been convicted or adjudicated
30.2 delinquent for a violent crime as defined in section 609.1095 other than the current
30.3 conviction for the controlled substance offense.

30.4 Subd. 3. Offer of chemical dependency treatment. The commissioner shall offer
30.5 all offenders meeting the criteria described in subdivision 2, clauses (1), (2), (5), and
30.6 (6), the opportunity to begin a suitable chemical dependency treatment program of the
30.7 type described in this section within 160 days after the offender's term of imprisonment
30.8 begins or as soon after 160 days as possible.

30.9 Subd. 4. Chemical dependency treatment program components. (a) The
30.10 chemical dependency treatment program described in subdivisions 2 and 3 must:

30.11 (1) contain a highly structured daily schedule for the offender;

30.12 (2) contain individualized educational programs designed to improve the basic
30.13 educational skills of the offender and to provide vocational training, if appropriate;

30.14 (3) contain programs designed to promote the offender's self-worth and the offender's
30.15 acceptance of responsibility for the consequences of the offender's own decisions;

30.16 (4) be licensed by the Department of Human Services and designed to serve the
30.17 inmate population; and

30.18 (5) require that each offender submit to a chemical use assessment and that the
30.19 offender receive the appropriate level of treatment as indicated by the assessment.

30.20 (b) The commissioner shall expel from the chemical dependency treatment program
30.21 any offender who:

30.22 (1) commits a material violation of or repeatedly fails to follow the rules of the
30.23 program;

30.24 (2) commits any criminal offense while in the program; or

30.25 (3) presents any risk to other inmates based on the offender's behavior or attitude.

30.26 Subd. 5. Additional requirements. To be eligible for release under this section,
30.27 an offender shall sign a written contract with the commissioner agreeing to comply with
30.28 the requirements of this section and the conditions imposed by the commissioner. In
30.29 addition to other items, the contract must specifically refer to the term of imprisonment
30.30 extension in subdivision 6. In addition, the offender shall agree to submit to random drug
30.31 and alcohol tests and electronic or home monitoring as determined by the commissioner or
30.32 the offender's supervising agent. The commissioner may impose additional requirements
30.33 on the offender that are necessary to carry out the goals of this section.

30.34 Subd. 6. Extension of term of imprisonment for offenders who fail in treatment.
30.35 When an offender fails to successfully complete the chemical dependency treatment
30.36 program under this section, the commissioner shall add the time that the offender was

31.1 participating in the program to the offender's term of imprisonment. However, the
31.2 offender's term of imprisonment may not be extended beyond the offender's executed
31.3 sentence.

31.4 Subd. 7. **Release procedures.** The commissioner may deny conditional release to
31.5 an offender under this section if the commissioner determines that the offender's release
31.6 may reasonably pose a danger to the public or an individual. In making this determination,
31.7 the commissioner shall follow the procedures in section 244.05, subdivision 5, and the
31.8 rules adopted by the commissioner under that subdivision. The commissioner shall
31.9 consider whether the offender was involved in criminal gang activity during the offender's
31.10 prison term. The commissioner shall also consider the offender's custody classification
31.11 and level of risk of violence and the availability of appropriate community supervision for
31.12 the offender. Conditional release granted under this section continues until the offender's
31.13 sentence expires, unless release is rescinded under subdivision 8. The commissioner
31.14 may not grant conditional release unless a release plan is in place for the offender that
31.15 addresses, at a minimum, plans for aftercare, community-based chemical dependency
31.16 treatment, gaining employment, and securing housing.

31.17 Subd. 8. **Conditional release.** The conditions of release granted under this
31.18 section are governed by the statutes and rules governing supervised release under this
31.19 chapter, except that release may be rescinded without hearing by the commissioner if the
31.20 commissioner determines that continuation of the conditional release poses a danger to
31.21 the public or to an individual. If the commissioner rescinds an offender's conditional
31.22 release, the offender shall be returned to prison and shall serve the remaining portion of
31.23 the offender's sentence.

31.24 Subd. 9. **Offenders serving other sentences.** An offender who is serving
31.25 both a sentence for an offense described in subdivision 2 and an offense not described
31.26 in subdivision 2 is not eligible for release under this section unless the offender has
31.27 completed the offender's full term of imprisonment for the other offense.

31.28 Subd. 10. **Notice.** Upon receiving an offender's petition for release under
31.29 subdivision 2, the commissioner shall notify the prosecuting authority responsible for the
31.30 offender's conviction and the sentencing court. The commissioner shall give the authority
31.31 and court a reasonable opportunity to comment on the offender's potential release. If
31.32 the authority or court elects to comment, the comments must specify the reasons for
31.33 the authority or court's position.

31.34 **EFFECTIVE DATE.** This section is effective July 1, 2013, and applies to persons
31.35 in prison on or after that date.