CHAPTER 243

CORRECTIONS BOARD; ADULTS

243.05 Commissioner of corrections; powers, limitations.
243.07 Repealed.
243.09 Repealed.
243.10 Repealed.
243.12 Repealed.
243.14 Repealed.
243.17 Sheriff, expenses conveying convicts.
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243.05 COMMISSIONER OF CORRECTIONS; POWERS, LIMITATIONS.

Subdivision 1. **Conditional release.** The commissioner of corrections may parole any person sentenced to confinement in any state correctional facility for adults under the control of the commissioner of corrections, provided that:

(a) no inmate serving a life sentence for murder other than murder committed in violation of clause (1) of section 609.185 who has not been previously convicted of a felony shall be paroled until he has served 20 years, less the diminution which he would have been allowed for good conduct had his sentence been for 20 years;

(b) no inmate serving a life sentence for murder who has been previously convicted of a felony or though not previously convicted of a felony is serving a life sentence for murder in the first degree committed in violation of clause (1) of section 609.185 shall be paroled until he has served 25 years, less the diminution which would have been allowed for good conduct had his sentence been for 25 years;

(c) any inmate sentenced prior to September 1, 1963 who would be eligible for parole had he been sentenced after September 1, 1963, shall be eligible for parole; and

(d) any new rule or policy or change of rule or policy adopted by the commissioner of corrections which has the effect of postponing eligibility for parole has prospective effect only and applies only with respect to persons committing offenses after the effective date of the new rule or policy or change. Upon being paroled and released, an inmate is and remains in the legal custody and under the control of the commissioner, subject at any time to be returned to a facility of the department of corrections established by law for the confinement or treatment of convicted persons and the parole rescinded by the commissioner. The written order of the commissioner of corrections, is sufficient authority for any peace officer or state parole and probation agent to retake and place in actual custody any person on parole or supervised release, but any state parole and probation agent may, without order of warrant, when it appears necessary in order to prevent escape or enforce discipline, take and detain a parolee or person on supervised release or work release to the commissioner for his action. The written order of the commissioner of corrections is sufficient authority for any peace officer or state parole and probation agent to retake and place in actual custody any person on probation under the supervision of the commissioner pursuant to section 609.135, but any state parole and probation agent may, without an order, when it appears necessary in order to prevent escape or enforce discipline, retake and detain a probationer and bring the probationer before the court for further proceedings under section 609.14. Persons conditionally released, and those on probation under the supervision of the commissioner of corrections pursuant to section 609.135 may be placed within or outside the boundaries of the state at the

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discretion of the commissioner of corrections or the court, and the limits fixed for these persons may be enlarged or reduced according to their conduct.

In considering applications for conditional release or discharge, the commissioner is not required to hear oral argument from any attorney or other person not connected with an adult correctional facility of the department of corrections in favor of or against the parole or release of any inmates, but the commissioner may institute inquiries by correspondence, taking testimony or otherwise, as to the previous history, physical or mental condition, and character of the inmate, and to that end shall have authority to require the attendance of the chief executive officer of any state adult correctional facility and the production of the records of these facilities, and to compel the attendance of witnesses. The commissioner is authorized to administer oaths to witnesses for these purposes.

Subd. 2. **Rules.** The commissioner of corrections may adopt rules in accordance with chapter 14, the Administrative Procedure Act, governing the procedures for granting of conditional release and final discharge. The rules may provide for the conduct and employment of persons conditionally released, and other matters necessary to implement the duties conferred by law upon the commissioner with respect to conditional release and discharge of persons. For purposes of this subdivision, "conditional release" means a person on parole, work release, or supervised release.

Subd. 3. **Duty of commissioner; final discharge.** It is the duty of the commissioner of corrections to keep in communication, as far as possible, with all persons who are on parole and with their employers. The commissioner may grant a person on parole a final discharge from any sentence when:

(a) the person on parole has complied with the conditions of parole for a period of time sufficient to satisfy the commissioner that he or she is reliable and trustworthy;

(b) the commissioner is satisfied the person on parole will remain at liberty without violating the law; and

(c) final discharge is not incompatible with the welfare of society.

Upon the granting of a final discharge, the commissioner shall issue a certificate of final discharge to the person discharged and also cause a record of the acts of the inmate to be made. The record shall show the date of the inmate's confinement, the inmates's record while in prison, the date of his parole, the inmate's record while on parole, reasons underlying the decision for final discharge, and other facts which the commissioner regards as appropriate. Nothing in sections 243.05 or 244.05 shall be construed as impairing the power of the board of pardons to grant a pardon or commutation in any case.

Subd. 4. **Hearing officers; powers; duties.** To carry out the powers and duties conferred upon him by this section, the commissioner of corrections may designate from among the members of his staff, one or more hearing officers and delegate to them any of the powers and duties conferred by this section. In the exercise of their delegated powers and duties the hearing officers shall be subject to the rules prescribed by the commissioner of corrections.

Subd. 5. **Deputization of out-of-state agents.** The commissioner of corrections may deputize any person regularly employed by another state to act as an officer and agent of this state in effecting the return of any person who has violated the terms and conditions of parole or probation as granted by this state. In any matter relating to the return of that person, any agent so deputized has all the powers of a police officer of this state. Any deputization pursuant to this subdivision shall be in writing and carried by the agent as formal evidence of his

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deputization and must be produced upon demand. Subject to the approval of the commissioner of finance, the commissioner of corrections may enter into contracts with similar officials of any other state for the purpose of sharing an equitable portion of the cost of effecting the return of any person who has violated the terms and conditions of release or probation as granted by this state.

Subd. 6. **Supervision by commissioner of corrections; agents.** (a) The commissioner of corrections, as far as possible, shall exercise supervision over persons released on parole or probation pursuant to this section and section 242.19.

(b) The commissioner of corrections shall exercise supervision over probationers as provided in section 609.135, and over persons conditionally released pursuant to section 241.26.

(c) For the purposes of clauses (a) and (b), 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 civil service. He 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. Parole agents shall reside in the various districts of the state in which they are employed. Each agent or person shall perform the duties the commissioner may prescribe in behalf of or in the supervision of those persons described in clause (b). In addition, each agent or person shall act under the orders of the commissioner in the supervision of those persons conditionally released as provided in clause (a). Agents shall provide assistance to conditionally released persons in obtaining employment, and shall conduct relevant investigations and studies of persons under supervision upon the request of the commissioner. Regional supervisors may also supervise state parole 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.

History: *1983 c 274 s 4*

243.07 [Repealed, 1983 c 274 s 19]

243.09 [Repealed, 1983 c 274 s 19]

243.10 [Repealed, 1983 c 274 s 19]

243.12 [Repealed, 1983 c 274 s 19]

243.14 [Repealed, 1983 c 274 s 19]

243.17 SHERIFF, EXPENSES CONVEYING CONVICTS.

Subdivision 1. **Allowed expenses.** The necessary expenses of sheriffs and other peace officers incurred in conveying convicted persons and children adjudicated delinquent and committed to the custody of the commissioner of corrections to the appropriate adult or juvenile correctional facility as designated by the commissioner of corrections, including per diem and expenses of guards, shall be allowed by the commissioner of finance and paid out of the state treasury. The commissioner of finance may allow and pay for the necessary expenses incurred by the sheriff, deputy, or other peace officer in going to and returning from the correctional facility and $10 per day for each guard. Not more than one guard shall be allowed for one prisoner, but one additional guard shall be allowed for every two additional prisoners. All bills shall be in writing, fully itemized, verified, and accompanied by the receipt of the chief executive officer of the

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facility for the delivery of the convicted or adjudicated persons, in a form prescribed by the commissioner of finance.

[For text of subd 2, see M.S.1982]

History: *1983 c 264 s 5*

243.23 COMPENSATION PAID TO INMATES.

[For text of subds 1 and 2, see M.S.1982]

Subd. 3. **Exceptions.** Notwithstanding sections 241.01, subdivision 8, 241.26, subdivision 5, and 243.24, subdivision 1, the commissioner shall promulgate rules for the disbursement of funds earned under subdivision 1 for the support of families and dependent relatives of the respective inmates, for the payment of court-ordered restitution, and for the discharge of any legal obligations arising out of litigation under this subdivision. An inmate of an adult correctional facility under the control of the commissioner is subject to actions for the enforcement of support obligations and reimbursement of any public assistance rendered the dependent family and relatives. The commissioner may conditionally release an inmate who is a party to an action under this subdivision and provide for his detention in a local detention facility convenient to the place of the hearing when he is not engaged in preparation and defense.

History: *1983 c 262 art 2 s 2*

243.49 COMMITMENT PAPERS; DUTY OF CLERK.

Upon a plea of guilty or finding of guilty after trial, the clerk of every court which sentences a defendant for a felony or gross misdemeanor to the custody of the commissioner of corrections or to the superintendent of the work house or work farm, shall provide the officer or person having custody of the defendant a certified record for commitment, including (1) a copy of the indictment and plea, (2) the name and residence of the judge presiding, of the prosecuting officer, of the defendant's attorney, of the jurors, and of the witnesses sworn on the trial or proceedings, (3) a transcript of the sentencing proceedings, with the date thereof, together with the defendant's statement under oath, if obtained, as to his true name, his residence, if any, the date and place of his birth, the names and addresses of his parents and other relatives and of employers and others who know him well, his social and other affiliations, his past occupations and employments, his former places of residence and the period of time and the dates he has resided in each, his citizenship, the number, dates, places and causes of any prior convictions, and (4) if the person pleaded guilty, a transcript of the sentencing proceedings. The record shall also include the trial judge's impressions of the mental and physical condition of the defendant, his general character, capacity, disposition, habits and special needs. The court reporter shall provide the required transcripts. The certified record for commitment may be used as evidence in any post-conviction proceeding brought by the defendant. The clerk shall also deliver to the sheriff or other officer or person conveying the defendant to the correctional facility, work house, or work farm designated by the commissioner of corrections or the judge a warrant of commitment together with a certified copy of the warrant directing him to deliver the person and the certified record for commitment to the principal officer in charge of the correctional facility, work house, or work farm. Upon the delivery of any person, the principal officer in charge of the correctional facility, work house, or work farm shall keep the certified copy of the warrant of commitment and endorse his receipt upon the

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original, which shall be filed with the sentencing court. The clerk shall retain one copy of the required transcripts, and a tape recording and the court reporter's notes of all other proceedings.

History: *1983 c 40 s 1*

243.51 UNITED STATES PRISONERS; PRISONERS FROM OTHER STATES.

[For text of subds 1 and 2, see M.S.1982]

Subd. 3. **Temporary detention.** The commissioner of corrections is authorized to contract with the United States attorney general and with the appropriate officials of any county of this state for the temporary detention of any person in custody pursuant to any process issued under the authority of the United States or the district courts of this state. The contract shall provide for reimbursement to the state of Minnesota for all costs and expenses involved. Money received under contracts shall be deposited in the state treasury to the credit of the facility in which the persons may be confined.

History: *1983 c 274 s 5*

243.52 DISCIPLINE; PREVENTION OF ESCAPE.

If any inmate of any state adult correctional facility assaults any officer, guard, or any other person or inmate, the assaulted person may defend himself by the use of force. If any inmate attempts to damage the buildings or appurtenances, resists the lawful authority of any officer or guard, refuses to obey his reasonable demands, or attempts to escape, the officer or guard may enforce obedience and discipline or prevent escape by the use of force. If any inmate resisting lawful authority is wounded or killed by the use of force by the officer, guard, or assistants, that conduct is authorized under this section.

As used in this section, "use of force" means conduct which is authorized by sections 609.06 to 609.066. An officer or guard may use force in the same manner as authorized for peace officers under sections 609.06 to 609.066.

History: *1983 c 264 s 6*

243.58 ESCAPED INMATES; WARRANT; REWARD.

If an inmate escapes from any state correctional facility under the control of the commissioner of corrections, the commissioner shall issue a warrant directed to any peace officer requiring that the fugitive be taken into immediate custody and returned to any state correctional facility designated by the commissioner. The chief executive officer of the facility from which the escape occurred shall use all proper means to apprehend and return the escapee, which may include the offer of a reward of not more than $100 to be paid from the state treasury, for information leading to the arrest and return to custody of the escapee.

History: *1983 c 264 s 7*

243.62 SELLING OF LABOR OF INMATES PROHIBITED.

It is unlawful for the commissioner of corrections, or the chief executive officer of any state adult correctional facility, or any person exercising control of or supervision over any inmate sentenced to and confined in the facility to enter into any contract or agreement, or any arrangement, in which the labor or service of the inmate is either sold or leased or otherwise disposed of for hire to any person or to any party.

History: *1983 c 264 s 8*

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