

1.1 ..... moves to amend H.F. No. 2562 as follows:

1.2 Page 1, after line 5, insert:

1.3 "Section 1. **[260B.1755] LAW ENFORCEMENT DIVERSION OF NONVIOLENT**  
1.4 **JUVENILE OFFENDERS AUTHORIZED.**

1.5 (a) A peace officer may refer a child that the officer has the lawful authority to arrest  
1.6 or has arrested to a diversion program that the law enforcement agency with jurisdiction  
1.7 over the child deems appropriate.

1.8 (b) This section applies only to nonviolent offenses and does not apply to peace  
1.9 officers acting pursuant to an order or warrant described in section 260B.175, subdivision  
1.10 1, paragraph (a), or other court order to take a child into custody.

1.11 (c) A diversion program authorized by this section may defer prosecution of  
1.12 juvenile offenders who agree to complete appropriate conditions. Upon completion of the  
1.13 conditions, the charge shall be dismissed. Both petty offenders and delinquents may be  
1.14 diverted.

1.15 Sec. 2. Minnesota Statutes 2012, section 260B.176, subdivision 1, is amended to read:

1.16 Subdivision 1. **Notification; release.** (a) If a child is taken into custody as provided  
1.17 in section 260B.175, the parent, guardian, or custodian of the child shall be notified as soon  
1.18 as possible. ~~Unless~~ If the risk assessment instrument described in subdivision 1a indicates  
1.19 there is reason to believe that the child would endanger self or others; ~~or~~ not return for a  
1.20 court hearing, ~~run away from the child's parent, guardian, or custodian or otherwise not~~  
1.21 remain in the care or control of the person to whose lawful custody the child is released;  
1.22 or that the child's health or welfare would be immediately endangered; the child shall be  
1.23 released ~~kept in custody or placed in a suitable noncustodial community-based alternative~~  
1.24 supervision setting as described in subdivision 1b, whichever is appropriate considering  
1.25 the child's risk assessment score. If there is reason to believe that the child might endanger  
1.26 the child's self; that the child might run away from the child's parent, guardian, or custodian

2.1 or otherwise not remain in the care or control of the person to whose lawful custody the  
2.2 child is released; or that the child's health or welfare would be immediately endangered,  
2.3 the child may not be kept in custody but instead shall be placed in a suitable noncustodial  
2.4 community-based alternative supervision setting. In all other situations, the child shall be  
2.5 released to the custody of a parent, guardian, custodian, or other suitable person.

2.6 (b) The person to whom the child is released shall promise to bring the child to the  
2.7 court, if necessary, at the time the court may direct. If the person taking the child into  
2.8 custody believes it desirable, that person may request the parent, guardian, custodian, or  
2.9 other person designated by the court to sign a written promise to bring the child to court as  
2.10 provided above. The intentional violation of such a promise, whether given orally or in  
2.11 writing, shall be punishable as contempt of court.

2.12 The court may require the parent, guardian, custodian, or other person to whom the  
2.13 child is released, to post any reasonable bail or bond required by the court which shall be  
2.14 forfeited to the court if the child does not appear as directed. The court may also release  
2.15 the child on the child's own promise to appear in juvenile court.

2.16 **EFFECTIVE DATE.** This section is effective January 1, 2015.

2.17 Sec. 3. Minnesota Statutes 2012, section 260B.176, is amended by adding a  
2.18 subdivision to read:

2.19 **Subd. 1a. Risk assessment instrument.** A person making a release decision under  
2.20 subdivision 1 shall use an objective and racially, ethnically, and gender-responsive juvenile  
2.21 detention risk assessment instrument developed by the commissioner, county, group of  
2.22 counties, or judicial district. The risk assessment instrument must assess the likelihood  
2.23 that a child released from preadjudication detention under section 260B.176 or 260B.178  
2.24 would endanger others or not return for a court hearing. The instrument must identify the  
2.25 appropriate setting for a child who might endanger others or not return for a court hearing  
2.26 pending adjudication, with either continued detention or placement in a noncustodial  
2.27 community-based supervision setting. The instrument must also identify the type of  
2.28 noncustodial community-based supervision setting necessary to minimize the risk that a  
2.29 child who is released from custody will endanger others or not return for a court hearing.

2.30 **EFFECTIVE DATE.** This section is effective January 1, 2015.

2.31 Sec. 4. Minnesota Statutes 2012, section 260B.176, is amended by adding a  
2.32 subdivision to read:

3.1 Subd. 1b. **Community-based supervision options.** Each county or group of  
 3.2 counties shall provide suitable noncustodial community-based alternative supervision  
 3.3 options for children released from custody under subdivision 1. The options must involve  
 3.4 less restrictive noncustodial-based means to supervise children who without proper  
 3.5 supervision may endanger the children's selves or others; who may not return for a court  
 3.6 hearing, run away from their parent, guardian, or custodian or otherwise not remain in the  
 3.7 care or control of the person to whose lawful custody the child is released; or whose health  
 3.8 or welfare might be in immediate danger. The options required under this subdivision  
 3.9 must address the different supervision needs of the described children.

3.10 **EFFECTIVE DATE.** This section is effective January 1, 2015.

3.11 Sec. 5. Minnesota Statutes 2012, section 260B.178, subdivision 1, is amended to read:

3.12 Subdivision 1. **Hearing and release requirements.** (a) The court shall hold a  
 3.13 detention hearing:

3.14 (1) within 36 hours of the time the child was taken into custody, excluding  
 3.15 Saturdays, Sundays, and holidays, if the child is being held at a juvenile secure detention  
 3.16 facility or shelter care facility; or

3.17 (2) within 24 hours of the time the child was taken into custody, excluding Saturdays,  
 3.18 Sundays, and holidays, if the child is being held at an adult jail or municipal lockup.

3.19 (b) ~~Unless~~ If the court determines there is reason to believe that the child would  
 3.20 ~~endanger self or others; or not return for a court hearing, run away from the child's parent,~~  
 3.21 ~~guardian, or custodian or otherwise not remain in the care or control of the person to~~  
 3.22 ~~whose lawful custody the child is released, or that the child's health or welfare would be~~  
 3.23 ~~immediately endangered;~~ the child shall be released kept in custody or placed in a suitable  
 3.24 noncustodial community-based alternative supervision setting as described in section  
 3.25 260B.176, subdivision 1b. In making this determination, the court shall consider the child's  
 3.26 score from the risk assessment instrument described in section 260B.176, subdivision 1a.  
 3.27 If there is reason to believe that the child might endanger the child's self; that the child  
 3.28 might run away from the child's parent, guardian, or custodian or otherwise not remain in  
 3.29 the care or control of the person to whose lawful custody the child is released; or that the  
 3.30 child's health or welfare would be immediately endangered, the child may not be kept in  
 3.31 custody but instead shall be placed in a suitable noncustodial community-based alternative  
 3.32 supervision setting. In all other situations, the child shall be released to the custody of a  
 3.33 parent, guardian, custodian, or other suitable person, subject to reasonable conditions of  
 3.34 release including, but not limited to, a requirement that the child undergo a chemical use  
 3.35 assessment as provided in section 260B.157, subdivision 1, and a children's mental health

4.1 screening as provided in section 260B.176, subdivision 2, paragraph (e). In determining  
4.2 whether the child's health or welfare would be immediately endangered, the court shall  
4.3 consider whether the child would reside with a perpetrator of domestic child abuse.

4.4 **EFFECTIVE DATE.** This section is effective January 1, 2015.

4.5 Sec. 6. Minnesota Statutes 2012, section 260B.198, subdivision 7, is amended to read:

4.6 Subd. 7. **Continuance.** (a) When it is in the best interests of the child to do so and  
4.7 not inimical to public safety and when the child has admitted the allegations contained in  
4.8 the petition before the judge or referee, or when a hearing has been held as provided for in  
4.9 section 260B.163 and the allegations contained in the petition have been duly proven but,  
4.10 in either case, before a finding of delinquency has been entered, the court may continue  
4.11 the case for a period not to exceed ~~90~~ 180 days on any one order. ~~Such a continuance may~~  
4.12 ~~be extended for one additional successive period not to exceed 90 days and only after the~~  
4.13 ~~court has reviewed the case and entered its order for an additional continuance without a~~  
4.14 ~~finding of delinquency.~~ The continuance may be extended for one additional successive  
4.15 period not to exceed 180 days, but only with the consent of the prosecutor and only after  
4.16 the court has reviewed the case and entered its order for the additional continuance  
4.17 without a finding of delinquency. During ~~this~~ a continuance the court may enter an order  
4.18 in accordance with the provisions of subdivision 1, ~~clause (1) or (2),~~ except clause (4), or  
4.19 enter an order to hold the child in detention for a period not to exceed 15 days on any one  
4.20 order for the purpose of completing any consideration, or any investigation or examination  
4.21 ordered in accordance with the provisions of section 260B.157.

4.22 (b) A prosecutor may appeal a continuance ordered in contravention of this  
4.23 subdivision. This subdivision does not extend to the court's jurisdiction under section  
4.24 260B.193 and does not apply to an extended jurisdiction juvenile proceeding.

4.25 **EFFECTIVE DATE.** This section is effective August 1, 2014, and applies to  
4.26 offenses committed on or after that date.

4.27 Sec. 7. Minnesota Statutes 2012, section 388.24, subdivision 1, is amended to read:

4.28 Subdivision 1. **Definition.** As used in this section:

4.29 (1) a child under the jurisdiction of the juvenile court is an "offender" if:

4.30 (i) the child is petitioned for, or probable cause exists to petition or take the child into  
4.31 custody for, a felony, gross misdemeanor, ~~or~~ misdemeanor, petty misdemeanor, juvenile  
4.32 petty, or juvenile traffic offense, other than an offense against the person, but has not yet  
4.33 entered a plea in the proceedings;

5.1 (ii) the child has not previously been adjudicated in Minnesota or any other state for  
5.2 any offense against the person; and

5.3 (iii) the child has not previously been petitioned for an offense in Minnesota and  
5.4 then had the petition dismissed as part of a diversion program, including a program that  
5.5 existed before July 1, 1995; and

5.6 (2) "pretrial diversion" means the decision of a prosecutor to refer an offender to a  
5.7 diversion program on condition that the delinquency petition against the offender will be  
5.8 dismissed or the petition will not be filed after a specified period of time if the offender  
5.9 successfully completes the program.

5.10 Sec. 8. **ADOPTION OF JUVENILE DETENTION RISK ASSESSMENT**  
5.11 **INSTRUMENT.**

5.12 Subdivision 1. **Adoption required.** By September 15, 2014, the commissioner of  
5.13 corrections shall adopt an objective and racially, ethnically, and gender-responsive juvenile  
5.14 detention risk assessment instrument. The instrument must assess the likelihood that a  
5.15 child released from preadjudication detention under Minnesota Statutes, section 260B.176  
5.16 or 260B.178, would endanger others or not return for a court hearing. The instrument  
5.17 must be designed to identify the appropriate setting for a child who might endanger others  
5.18 or not return for a court hearing pending adjudication, with either continued detention or  
5.19 placement in a noncustodial community-based supervision setting. The instrument must  
5.20 also identify the type of noncustodial community-based supervision setting necessary to  
5.21 minimize the risk that a child who is released from custody will endanger others or not  
5.22 return for a court hearing.

5.23 Subd. 2. **Consultation required.** In adopting the risk assessment instrument  
5.24 required in subdivision 1, the commissioner of corrections shall consult and collaborate  
5.25 with the commissioners of public safety and human services and individuals throughout  
5.26 the state who are knowledgeable in matters relating to the detention and treatment of  
5.27 juvenile offenders and at-risk juveniles including, but not limited to, individuals from  
5.28 the courts, probation, law enforcement, prosecutorial offices, public defender's offices,  
5.29 communities of color, social services, juvenile detention and shelter care facilities, and  
5.30 juvenile residential treatment and correctional facilities. The commissioner shall also  
5.31 review similar risk assessment instruments in use both inside and outside of the state.

5.32 Subd. 3. **Dissemination required.** The commissioner of corrections shall make  
5.33 the risk assessment instrument required in this section available to law enforcement,  
5.34 correctional, and court personnel throughout the state.

6.1            Subd. 4. **Local instruments required.** By January 1, 2015, each county, group of  
6.2 counties, or judicial district making a decision related to the release or detention of a child  
6.3 under Minnesota Statutes, section 260B.176 or 260B.178, shall either adopt the instrument  
6.4 developed by the commissioner of corrections or develop a risk assessment instrument of  
6.5 their own meeting the requirements described in subdivision 1.

6.6            Sec. 9. **EFFECT ON RULES OF JUVENILE DELINQUENCY PROCEDURE.**

6.7            Rules 5.04 and 5.07 of the Rules of Juvenile Delinquency Procedure are superseded  
6.8 to the extent of their conflict with sections 2 to 5 and 8 . The Supreme Court is requested  
6.9 to amend the rules in a manner consistent with sections 2 to 5 and 8.

6.10           **EFFECTIVE DATE.** This section is effective January 1, 2015.

6.11           Sec. 10. **APPROPRIATION; GRANTS.**

6.12           Subdivision 1. **Appropriation.** \$..... for the fiscal year ending June 30, 2015, is  
6.13 appropriated from the general fund to the commissioner of corrections to adopt the risk  
6.14 assessment instrument required in Minnesota Statutes, section 242.325, and to make  
6.15 the grants required under subdivision 2.

6.16           Subd. 2. **Grants.** The commissioner of corrections shall make grants to counties to  
6.17 develop and provide the noncustodial community-based alternative supervision options  
6.18 required in Minnesota Statutes, section 260B.176, subdivision 1b. By January 15, 2017,  
6.19 the commissioner shall report to the chairs and ranking minority members of the senate  
6.20 and house of representatives committees and divisions having jurisdiction over juvenile  
6.21 justice policy and funding on the grants made under this subdivision. The report must  
6.22 identify the options funded by the grants and assess how well the options are working."

6.23            Renumber the sections in sequence and correct the internal references

6.24            Amend the title accordingly