

(SENATE AUTHORS: LATZ and Harrington)

DATE	D-PG	OFFICIAL STATUS
03/10/2011	483	Introduction and first reading Referred to Judiciary and Public Safety
04/28/2011	1528a	Comm report: To pass as amended
	1539	Second reading
05/18/2011	2208	HF substituted on General Orders HF642

1.1 A bill for an act
1.2 relating to public safety; providing for a child certified as an adult to be detained
1.3 in a juvenile facility prior to trial and verdict; amending Minnesota Statutes
1.4 2010, section 260B.125, subdivision 8.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2010, section 260B.125, subdivision 8, is amended to
1.7 read:

1.8 Subd. 8. **Written findings; options.** (a) The court shall decide whether to order
1.9 certification within 15 days after the certification hearing was completed, unless additional
1.10 time is needed, in which case the court may extend the period up to another 15 days. If
1.11 the juvenile court orders certification, and the presumption described in subdivision 3
1.12 does not apply, the order shall contain in writing, findings of fact and conclusions of law
1.13 as to why public safety is not served by retaining the proceeding in the juvenile court.
1.14 A child certified under this paragraph may be detained pending the outcome of criminal
1.15 proceedings in a secure juvenile detention facility that allows the child to be confined in
1.16 adequate and safe quarters separate from other children confined in the facility.

1.17 (b) If the juvenile court, after a hearing conducted pursuant to subdivision 2, decides
1.18 not to order certification, the decision shall contain, in writing, findings of fact and
1.19 conclusions of law as to why certification is not ordered. If the juvenile court decides not
1.20 to order certification in a case in which the presumption described in subdivision 3 applies,
1.21 the court shall designate the proceeding an extended jurisdiction juvenile prosecution
1.22 and include in its decision written findings of fact and conclusions of law as to why the
1.23 retention of the proceeding in juvenile court serves public safety, with specific reference
1.24 to the factors listed in subdivision 4. If the court decides not to order certification in a

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- 2.1 case in which the presumption described in subdivision 3 does not apply, the court may
- 2.2 designate the proceeding an extended jurisdiction juvenile prosecution, pursuant to the
- 2.3 hearing process described in section 260B.130, subdivision 2.