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## State of Minnesota

## HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 2846

01/31/2022 Authored by Edelson, Novotny and Huot

The bill was read for the first time and referred to the Committee on Public Safety and Criminal Justice Reform Finance and Policy

- 1.1 A bill for an act
- 1.2 relating to public safety; requiring money in the automobile theft prevention special
- 1.3 revenue account to be used for pretrial diversion programs for youth; establishing
- 1.4 a motor vehicle theft intervention pilot program; providing for expiration of the
- 1.5 motor vehicle theft intervention pilot program; requiring a report; amending
- 1.6 Minnesota Statutes 2020, section 65B.84, subdivision 1.
- 1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.8 Section 1. Minnesota Statutes 2020, section 65B.84, subdivision 1, is amended to read:
- 1.9 Subdivision 1. **Program described; commissioner's duties; appropriation.** (a) The
- 1.10 commissioner of commerce shall:
- 1.11 (1) develop and sponsor the implementation of statewide plans, programs, and strategies
- 1.12 to combat automobile theft, improve the administration of the automobile theft laws, and
- 1.13 provide a forum for identification of critical problems for those persons dealing with
- 1.14 automobile theft;
- 1.15 (2) coordinate the development, adoption, and implementation of plans, programs, and
- 1.16 strategies relating to interagency and intergovernmental cooperation with respect to
- 1.17 automobile theft enforcement;
- 1.18 (3) annually audit the plans and programs that have been funded in whole or in part to
- 1.19 evaluate the effectiveness of the plans and programs and withdraw funding should the
- 1.20 commissioner determine that a plan or program is ineffective or is no longer in need of
- 1.21 further financial support from the fund;
- 1.22 (4) develop a plan of operation including:

- 2.1 (i) an assessment of the scope of the problem of automobile theft, including areas of the  
2.2 state where the problem is greatest;
- 2.3 (ii) an analysis of various methods of combating the problem of automobile theft;
- 2.4 (iii) a plan for providing financial support to combat automobile theft;
- 2.5 (iv) a plan for eliminating car hijacking; and
- 2.6 (v) an estimate of the funds required to implement the plan; and
- 2.7 (5) distribute money, in consultation with the commissioner of public safety, pursuant  
2.8 to subdivision 3 from the automobile theft prevention special revenue account for automobile  
2.9 theft prevention activities, including:
- 2.10 (i) paying the administrative costs of the program;
- 2.11 (ii) providing financial support to the State Patrol and local law enforcement agencies  
2.12 for automobile theft enforcement teams;
- 2.13 (iii) providing financial support to state or local law enforcement agencies for programs  
2.14 designed to reduce the incidence of automobile theft and for improved equipment and  
2.15 techniques for responding to automobile thefts;
- 2.16 (iv) providing financial support to local prosecutors for programs designed to reduce  
2.17 the incidence of automobile theft;
- 2.18 (v) providing financial support to judicial agencies for programs designed to reduce the  
2.19 incidence of automobile theft;
- 2.20 (vi) providing financial support for neighborhood or community organizations or business  
2.21 organizations for programs designed to reduce the incidence of automobile theft and to  
2.22 educate people about the common methods of automobile theft, the models of automobiles  
2.23 most likely to be stolen, and the times and places automobile theft is most likely to occur;  
2.24 and
- 2.25 (vii) providing financial support for automobile theft educational and training programs  
2.26 for state and local law enforcement officials, driver and vehicle services exam and inspections  
2.27 staff, and members of the judiciary.
- 2.28 (b) The commissioner may not spend in any fiscal year more than ten percent of the  
2.29 money in the fund for the program's administrative and operating costs. The commissioner  
2.30 is annually appropriated and must distribute the amount of the proceeds credited to the  
2.31 automobile theft prevention special revenue account each year, less the transfer of \$1,300,000

each year to the insurance fraud prevention account described in section 297I.11, subdivision 2.

(c) At least 15 percent of the balance of the proceeds credited to the automobile theft prevention special revenue account each year less the transfer of \$1,300,000 to the insurance fraud prevention account must be distributed to offices, agencies, or organizations that operate pretrial diversion programs for youth designed to reduce recidivism in juveniles alleged to have committed a violation of section 609.52, subdivision 2, paragraph (a), clause (17) (theft of motor vehicle), or 609.546 (motor vehicle tampering).

~~(e)~~ (d) At the end of each fiscal year, the commissioner may transfer any unobligated balances in the auto theft prevention account to the insurance fraud prevention account under section 45.0135, subdivision 6.

**EFFECTIVE DATE.** This section is effective July 1, 2022.

Sec. 2. **MOTOR VEHICLE THEFT INTERVENTION PILOT PROGRAM.**

Subdivision 1. Definitions. (a) As used in this section, the following terms have the meanings given.

(b) "Juvenile" means an individual who is at least ten and no more than 18 years of age.

(c) "Motor vehicle" has the meaning given in Minnesota Statutes, section 609.52, subdivision 1, clause (10).

Subd. 2. Establishment. Any city or county may establish a motor vehicle theft intervention program to detain and divert juveniles suspected of committing acts that would constitute a violation of Minnesota Statutes, section 609.52, subdivision 2, paragraph (a), clause (17) (theft of motor vehicle), or 609.546 (motor vehicle tampering). The program may not accept juveniles suspected of committing acts that would constitute a violation of Minnesota Statutes, section 609.24 (simple robbery), or 609.245 (aggravated robbery).

Subd. 3. Purpose; eligibility for funding. (a) A motor vehicle theft intervention program must interrupt patterns of motor vehicle theft by effectively supervising program participants, connecting program participants and families of the participants to appropriate services, directing program participants to prosocial activities, and providing an opportunity to avoid a delinquency adjudication.

(b) Motor vehicle theft intervention programs that meet the requirements of this section are eligible for funding under Minnesota Statutes, section 65B.84.

4.1 Subd. 4. **Contract.** Notwithstanding any law or ordinance to the contrary, a city or  
4.2 county may contract with a third party to create and administer the motor vehicle theft  
4.3 intervention program.

4.4 Subd. 5. **Detention of juveniles; hearing.** (a) Notwithstanding Minnesota Statutes,  
4.5 section 260B.175, or any other law or rule, a peace officer in a city or county with a motor  
4.6 vehicle theft intervention program shall take a juvenile into custody without a warrant if  
4.7 the peace officer has probable cause to believe that within the preceding 72 hours, exclusive  
4.8 of the day probable cause was established, the juvenile has committed an act that would  
4.9 constitute a violation of Minnesota Statutes, section 609.52, subdivision 2, paragraph (a),  
4.10 clause (17) (theft of motor vehicle), or 609.546 (motor vehicle tampering). The juvenile  
4.11 may be taken into custody even though the act did not take place in the presence of the  
4.12 peace officer. A peace officer acting in good faith and exercising due care in detaining a  
4.13 juvenile pursuant to this subdivision is immune from civil liability that might result from  
4.14 the officer's action.

4.15 (b) If a juvenile is taken into custody as provided in paragraph (a), the parent, guardian,  
4.16 or custodian of the juvenile shall be notified as soon as possible. Notwithstanding Minnesota  
4.17 Statutes, section 260B.176, or any other law or rule, the juvenile shall not be released from  
4.18 custody unless the juvenile is placed on electronic home monitoring. A juvenile placed on  
4.19 electronic home monitoring pursuant to this section shall not be charged an electronic home  
4.20 monitoring fee.

4.21 (c) The court shall hold a detention hearing for a juvenile taken into custody under this  
4.22 section:

4.23 (1) within 24 hours of the time the juvenile was taken into custody, excluding Saturdays,  
4.24 Sundays, and holidays, if the juvenile is being held at an adult jail or municipal lockup;

4.25 (2) within 36 hours of the time the juvenile was taken into custody, excluding Saturdays,  
4.26 Sundays, and holidays, if the juvenile is being held at a juvenile secure detention facility  
4.27 or shelter care facility; or

4.28 (3) within 72 hours of the time the juvenile was taken into custody, excluding Saturdays,  
4.29 Sundays, and holidays, if the juvenile is on electronic home monitoring.

4.30 (d) At the detention hearing held pursuant to this subdivision, the court shall determine  
4.31 whether to refer the juvenile to the diversion program described in subdivision 6. If the  
4.32 court refers the juvenile to the diversion program, the court shall place the delinquency  
4.33 proceedings on hold and release the juvenile to the custody of a parent, guardian, custodian,  
4.34 or other suitable person, subject to the requirement that the juvenile participate in the

diversion program. If the court does not refer the juvenile to the diversion program, the court shall proceed pursuant to Minnesota Statutes, section 260B.178.

Subd. 6. **Diversion of juveniles; assessment.** (a) When a juvenile is taken into custody pursuant to subdivision 4, the juvenile shall be screened for eligibility to participate in the diversion component of the motor vehicle theft intervention program. Screening must be completed before the detention hearing held pursuant to subdivision 4, paragraph (c).

(b) The assessment must use an objective tool to determine the likelihood of success in the diversion program. The assessment must include a review of the juvenile's prior and pending adjudications and any prior failures to appear for court.

(c) A juvenile is not eligible for diversion if there is reason to believe that the juvenile would endanger self or others, not return for a court hearing, run away from the juvenile's parent, guardian, or custodian or otherwise not remain in the care or control of the person to whose lawful custody the juvenile is released or that the juvenile's health or welfare would be immediately endangered by participation in the diversion program.

Subd. 7. **Diversion of juveniles; program components.** (a) The diversion component of the motor vehicle theft intervention program must be developed with input from communities affected by motor vehicle theft and must provide culturally competent services that reflect the demographic makeup of juveniles most frequently adjudicated delinquent for violations of Minnesota Statutes, section 609.52, subdivision 2, paragraph (a), clause (17) (theft of motor vehicle), or 609.546 (motor vehicle tampering).

(b) The diversion program must last at least three months and must be structured to provide multiphased supervision. Supervision must begin with a period of intensive review lasting at least 30 days from the date the juvenile is referred to the diversion program. During the period of intensive review:

(1) the juvenile must attend at least one in-person meeting each week;

(2) a representative from the county human services department must meet with the juvenile and the juvenile's parent, guardian, custodian, or other suitable person responsible for the custody of the juvenile; and

(3) the juvenile must complete any mental health, chemical dependency, or other needs assessment deemed to be appropriate.

(c) The diversion program must require the juvenile to attend school, obtain or maintain employment, or both.

6.1 Subd. 8. **Termination of participation in diversion program.** (a) A juvenile who  
6.2 successfully participates in the diversion program for a period of six months or successfully  
6.3 meets all benchmarks established by the program shall be considered to have completed  
6.4 the program. Upon successful completion, any proceedings against the juvenile arising out  
6.5 of the incident for which the juvenile was granted diversion shall be dismissed. The program  
6.6 shall establish and communicate the requirements for successful participation. At a minimum,  
6.7 successful participation must include remaining law abiding; attending school, work, or  
6.8 both; meeting with any counselor or supervising agent as required; and attending any required  
6.9 in-person meetings unless excused.

6.10 (b) A juvenile who does not successfully participate in the diversion program may be  
6.11 terminated from the program at any time. Upon termination, the court shall reinstate the  
6.12 delinquency proceedings.

6.13 Subd. 9. **Report.** (a) By January 15, 2024, any city or county that establishes a motor  
6.14 vehicle theft intervention program shall report to the commissioner of public safety on:

6.15 (1) the number of juveniles accepted into the diversion component of the program;

6.16 (2) the number of juveniles who successfully completed diversion;

6.17 (3) the number of juveniles who did not successfully complete diversion and whether  
6.18 those individuals are still participating or have been terminated;

6.19 (4) the recidivism rates for participants who completed diversion;

6.20 (5) the number of participants who committed a new offense while participating in  
6.21 diversion;

6.22 (6) a description of the services provided to juveniles in the program; and

6.23 (7) the number of motor vehicles reported stolen in the 12 months before the program  
6.24 began and the number reported stolen while the program was in operation.

6.25 (b) By February 15, 2024, the commissioner of public safety shall compile the reports  
6.26 received under paragraph (a) and provide them to the chairs and ranking minority members  
6.27 of the house of representatives and senate committees and divisions with jurisdiction over  
6.28 public safety finance and policy.

6.29 Subd. 10. **Sunset.** The pilot project under this section expires June 30, 2024.