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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 1798

01/24/2012 Authored by Hackbarth

The bill was read for the first time and referred to the Committee on Public Safety and Crime Prevention Policy and Finance

1.1 A bill for an act
1.2 relating to public safety; authorizing peace officers to perform a protective
1.3 pat-down search of a child stopped for certain violations in order to protect
1.4 the officer's safety; amending Minnesota Statutes 2010, section 260C.175,
1.5 subdivision 1.

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

1.7 Section 1. Minnesota Statutes 2010, section 260C.175, subdivision 1, is amended to
1.8 read:

1.9 Subdivision 1. **Immediate custody.** No child may be taken into immediate custody
1.10 except:

1.11 (1) with an order issued by the court in accordance with the provisions of section
1.12 260C.151, subdivision 6, or Laws 1997, chapter 239, article 10, section 10, paragraph
1.13 (a), clause (3), or 12, paragraph (a), clause (3), or by a warrant issued in accordance
1.14 with the provisions of section 260C.154;

1.15 (2) by a peace officer:

1.16 (i) when a child has run away from a parent, guardian, or custodian, or when the
1.17 peace officer reasonably believes the child has run away from a parent, guardian, or
1.18 custodian, but only for the purpose of transporting the child home, to the home of a
1.19 relative, or to another safe place, which may include a shelter care facility; ~~or~~

1.20 (ii) when a child is lawfully stopped for an offense which would not constitute a
1.21 violation of a state law or local ordinance if the child were an adult, but only for the
1.22 purpose of transporting the child home, to the home of a relative, or to another safe place,
1.23 which may include a shelter care facility; or

1.24 (iii) when a child is found in surroundings or conditions which endanger the child's
1.25 health or welfare or which such peace officer reasonably believes will endanger the child's

2.1 health or welfare. If an Indian child is a resident of a reservation or is domiciled on a
2.2 reservation but temporarily located off the reservation, the taking of the child into custody
2.3 under this clause shall be consistent with the Indian Child Welfare Act of 1978, United
2.4 States Code, title 25, section 1922;

2.5 (3) by a peace officer or probation or parole officer when it is reasonably believed
2.6 that the child has violated the terms of probation, parole, or other field supervision; or

2.7 (4) by a peace officer or probation officer under section 260C.143, subdivision 1 or 4.