

This Document can be made available in alternative formats upon request

State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 1509

02/09/2023 Authored by Feist, Moller, Frazier, Hornstein, Pinto and others
The bill was read for the first time and referred to the Committee on Judiciary Finance and Civil Law

1.1 A bill for an act
1.2 relating to corrections; eliminating public hearings for 16- and 17-year-old juveniles
1.3 in delinquency proceedings; amending Minnesota Statutes 2022, section 260B.163,
1.4 subdivision 1.

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

1.6 Section 1. Minnesota Statutes 2022, section 260B.163, subdivision 1, is amended to read:

1.7 Subdivision 1. General. (a) Except for hearings arising under section 260B.425, hearings
1.8 on any matter shall be without a jury and may be conducted in an informal manner, except
1.9 that a child who is prosecuted as an extended jurisdiction juvenile has the right to a jury
1.10 trial on the issue of guilt. The rules of evidence promulgated pursuant to section 480.0591
1.11 and the law of evidence shall apply in adjudicatory proceedings involving a child alleged
1.12 to be delinquent, an extended jurisdiction juvenile, or a juvenile petty offender, and hearings
1.13 conducted pursuant to section 260B.125 except to the extent that the rules themselves provide
1.14 that they do not apply.

1.15 (b) When a continuance or adjournment is ordered in any proceeding, the court may
1.16 make any interim orders as it deems in the best interests of the minor in accordance with
1.17 the provisions of sections 260B.001 to 260B.421.

1.18 (c) Except as otherwise provided in this paragraph, the court shall exclude the general
1.19 public from hearings under this chapter and shall admit only those persons who, in the
1.20 discretion of the court, have a direct interest in the case or in the work of the court. The
1.21 court shall permit the victim of a child's delinquent act to attend any related delinquency
1.22 proceeding, except that the court may exclude the victim:

1.23 (1) as a witness under the Rules of Criminal Procedure; and

2.1 (2) from portions of a certification hearing to discuss psychological material or other
2.2 evidence that would not be accessible to the public.

2.3 The court shall open the hearings to the public in ~~delinquency~~ or extended jurisdiction
2.4 juvenile proceedings where the child is alleged to have committed an offense or has been
2.5 proven to have committed an offense that would be a felony if committed by an adult and
2.6 the child was at least 16 years of age at the time of the offense, except that the court may
2.7 exclude the public from portions of a certification hearing to discuss psychological material
2.8 or other evidence that would not be accessible to the public in an adult proceeding.

2.9 (d) In all delinquency cases a person named in the charging clause of the petition as a
2.10 person directly damaged in person or property shall be entitled, upon request, to be notified
2.11 by the court administrator in writing, at the named person's last known address, of (1) the
2.12 date of the certification or adjudicatory hearings, and (2) the disposition of the case.