

HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 392

02/06/2013 Authored by Melin, Cornish, Woodard, Lesch, Johnson, S., and others

The bill was read for the first time and referred to the Committee on Early Childhood and Youth Development Policy

02/18/2013 Adoption of Report: Pass and re-referred to the Committee on Judiciary Finance and Policy

04/02/2013 Adoption of Report: Pass as Amended and Read Second Time

1.1 A bill for an act
 1.2 relating to judiciary; modifying provisions governing public hearings and records
 1.3 in juvenile court proceedings; amending Minnesota Statutes 2012, sections
 1.4 260B.171, by adding a subdivision; 260B.198, subdivision 7.

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

1.6 Section 1. Minnesota Statutes 2012, section 260B.171, is amended by adding a
 1.7 subdivision to read:

1.8 Subd. 9. **Electronic public records.** (a) Legal records arising from juvenile court
 1.9 proceedings accessible to the public through an electronic database shall not include the
 1.10 juvenile subject's name in any public record of the electronic database until after a juvenile's
 1.11 first court appearance, nor thereafter if the court determines, on the basis of written
 1.12 case-specific findings made after notice and an opportunity for the juvenile, the prosecutor,
 1.13 and any interested party to be heard, that the juvenile's interest in confidentiality outweighs
 1.14 the public's interest in access to electronic records containing the juvenile subject's name.

1.15 (b) The court may not issue the order described in paragraph (a) over the objection
 1.16 of the prosecutor in any case in which:

1.17 (1) the prosecutor has filed a motion for certification;

1.18 (2) the prosecutor has designated or requested that the proceeding be designated an
 1.19 extended jurisdiction juvenile prosecution; or

1.20 (3) the juvenile has been adjudicated delinquent of a crime of violence as defined in
 1.21 section 624.712, subdivision 5, and not codified in chapter 152.

1.22 Sec. 2. Minnesota Statutes 2012, section 260B.198, subdivision 7, is amended to read:

2.1 Subd. 7. **Continuance.** (a) When it is in the best interests of the child to do so and
2.2 not inimical to public safety and when the child has admitted the allegations contained in
2.3 the petition before the judge or referee, or when a hearing has been held as provided for in
2.4 section 260B.163 and the allegations contained in the petition have been duly proven but,
2.5 in either case, before a finding of delinquency has been entered, the court may continue
2.6 the case for a period not to exceed ~~90~~ 180 days on any one order. ~~Such a continuance may~~
2.7 ~~be extended for one additional successive period not to exceed 90 days and only after the~~
2.8 ~~court has reviewed the case and entered its order for an additional continuance without~~
2.9 ~~a finding of delinquency.~~ The continuance may be renewed for up to three additional
2.10 successive periods not to exceed 180 days each, but only with the consent of the prosecutor
2.11 and only after the court has reviewed the case and entered its order for each additional
2.12 continuance without a finding of delinquency. During ~~this~~ a continuance the court may
2.13 enter an order in accordance with the provisions of subdivision 1, ~~elause (1) or (2)~~ except
2.14 clause (4), or enter an order to hold the child in detention for a period not to exceed 15 days
2.15 on any one order for the purpose of completing any consideration, or any investigation or
2.16 examination ordered in accordance with the provisions of section 260B.157.

2.17 (b) A prosecutor may appeal a continuance ordered in contravention of this
2.18 subdivision. This subdivision does not extend the court's jurisdiction under section
2.19 260B.193 and does not apply to an extended jurisdiction juvenile proceeding.

2.20 **EFFECTIVE DATE.** This section is effective August 1, 2013, and applies to
2.21 offenses committed on or after that date.