

1.1 A bill for an act

1.2 relating to public safety; providing a restorative justice-based alternative
1.3 disposition process for certain juvenile offenses; proposing coding for new law
1.4 in Minnesota Statutes, chapter 260B.

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

1.6 Section 1. [260B.237] FIRST-TIME JUVENILE PETTY OFFENDERS; USE
1.7 OF RESTORATIVE JUSTICE.

1.8 Subdivision 1. **Applicability.** (a) This section applies to a child alleged to be a
1.9 juvenile petty offender who:

1.10 (1) has not been previously adjudicated delinquent or as a petty offender;

1.11 (2) has not previously participated in or completed a diversion program for an
1.12 offense;

1.13 (3) has not previously been placed on probation without an adjudication for an
1.14 offense or received a continuance under section 260B.198, subdivision 7;

1.15 (4) admits having committed the offense; and

1.16 (5) agrees to successfully complete a restorative justice program under this section.

1.17 (b) This section applies only in jurisdictions where suitable restorative justice
1.18 resources and mediators are available.

1.19 Subd. 2. **Procedure.** Notwithstanding section 260B.235, a child described in
1.20 subdivision 1 shall be assigned to a court-appointed mediator who shall arrange an
1.21 appropriate outcome for the matter using restorative justice concepts as described in
1.22 section 611A.775. The mediator shall involve the victim of the offense in the proceedings.
1.23 If the victim is unwilling or unable to proceed, or if there is no identifiable victim, the
1.24 mediator shall ensure that someone serves as a proxy for the victim. The mediator and

S.F. No. 1453, as introduced - 86th Legislative Session (2009-2010) [09-3012]

2.1 child, along with other participants, shall agree in writing to an appropriate sanction
2.2 for the child. The sanction may include any of the dispositions authorized in section
2.3 260B.235, if appropriate, along with any other sanctions agreed to.

2.4 Subd. 3. **Considered as guilty plea.** A child's agreement to participate under this
2.5 section is considered a guilty plea to the offense.

2.6 Subd. 4. **Failure to comply.** If the child fails to comply with the settlement
2.7 agreement, the child shall be referred back to the court for further proceedings.

2.8 Subd. 5. **Dismissal of charge.** Upon the successful completion by a child of the
2.9 sanctions agreed to in the settlement agreement, the mediator shall notify the court and the
2.10 court shall dismiss the charge against the child.

2.11 Subd. 6. **Volunteer resources.** Mediators and other individuals participating in
2.12 restorative justice programs under this section may not be compensated by the court for
2.13 their services.

2.14 **EFFECTIVE DATE.** This section is effective July 1, 2009.