

Sec. 22. **EFFECTIVE DATE.**

Sections 1, 3, 5, 7, 9, 10, 11, 12, and 17 are effective August 1, 1982. Sections 2, 8, 16, 18, 19, 20, and 21 are effective the day after final enactment. Sections 4, 6, 13, 14, and 15 are effective for licensing years beginning March 1, 1983.

Approved March 22, 1982

CHAPTER 544 — H.F.No. 879

An act relating to juveniles; removing certain children from definition of "delinquent child"; defining "runaway," "habitual truant," "juvenile petty offender," "juvenile alcohol or controlled substance offender"; simplifying certain pleading and notice procedures; providing hearing rights and dispositional alternatives; amending Minnesota Statutes 1980, Sections 260.015, Subdivision 5, and by adding subdivisions; 260.111, Subdivision 1; 260.121, Subdivisions 1 and 2; 260.155, Subdivision 1; and 260.173, Subdivision 3; Minnesota Statutes 1981 Supplement, Section 260.125, Subdivision 3; proposing new law coded in Minnesota Statutes, Chapter 260.

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

Section 1. Minnesota Statutes 1980, Section 260.015, Subdivision 5, is amended to read:

Subd. 5. **DELINQUENT CHILD.** "Delinquent child" means a child:

(a) Who has violated any state or local law or ordinance, except as provided in section 260.193, subdivision 1, and except for juvenile offenders as described in subdivisions 19 to 23; or

(b) Who has violated a federal law or a law of another state and whose case has been referred to the juvenile court; or if the violation would be an act of delinquency if committed in this state or a crime or offense if committed by an adult.

(c) Who is habitually truant from school; or

(d) Who is uncontrolled by his parent, guardian, or other custodian by reason of being wayward or habitually disobedient.

Sec. 2. Minnesota Statutes 1980, Section 260.015, is amended by adding a subdivision to read:

Subd. 19. HABITUAL TRUANT. "Habitual truant" means a child under the age of 16 years absenting himself from attendance at school without lawful excuse for seven school days if the child is in elementary school or for one

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or more class periods on seven school days if the child is in middle school, junior high school, or high school.

Sec. 3. Minnesota Statutes 1980, Section 260.015, is amended by adding a subdivision to read:

Subd. 20. RUNAWAY. "Runaway" means an unmarried child under the age of 18 years who absents himself from the home of his parent or other lawful placement without the consent of his parent, guardian, or lawful custodian.

Sec. 4. Minnesota Statutes 1980, Section 260.015, is amended by adding a subdivision to read:

Subd. 21. JUVENILE PETTY OFFENDER; JUVENILE PETTY OFFENSE. A "juvenile petty offense" is a violation of section 609.685 or violation of a local ordinance, other than a juvenile alcohol or controlled substance offense, which by its terms prohibits conduct by a child under the age of 18 years which would be lawful conduct if committed by an adult or where a child is uncontrolled by his or her parent, guardian, or other custodian by reason of being wayward or habitually disobedient. A child who commits a juvenile petty offense is a "juvenile petty offender."

Sec. 5. Minnesota Statutes 1980, Section 260.015, is amended by adding a subdivision to read:

Subd. 22. JUVENILE ALCOHOL OFFENDER. "Juvenile alcohol offender" means a child who violates section 340.035, subdivision 1, clause (4), (5), or (6) or section 340.731 or an equivalent local ordinance.

Sec. 6. Minnesota Statutes 1980, Section 260.015, is amended by adding a subdivision to read:

Subd. 23. JUVENILE CONTROLLED SUBSTANCE OFFENDER. "Juvenile controlled substance offender" means a child who violates section 152.09, subdivision 1, clause (2) with respect to a small amount of marijuana or an equivalent local ordinance.

Sec. 7. Minnesota Statutes 1980, Section 260.111, Subdivision 1, is amended to read:

Subdivision 1. **CHILDREN WHO ARE DELINQUENT, NEGLECTED, DEPENDENT OR NEGLECTED AND IN FOSTER CARE.** Except as provided in sections 260.125 and 260.193, the juvenile court has original and exclusive jurisdiction in proceedings concerning any child who is alleged to be delinquent, a juvenile traffic offender, a juvenile petty offender, a habitual truant, a runaway, a juvenile alcohol or controlled substance offender, neglected, neglected and in foster care, or dependent, and in proceedings concerning any minor alleged to have been a delinquent, a juvenile petty offender, a habitual truant, a runaway, or a juvenile alcohol or controlled substance offender or a juvenile

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traffic offender prior to having become 18 years of age. The juvenile court shall deal with such a minor as it deals with any other child who is alleged to be delinquent or a juvenile traffic offender.

Sec. 8. Minnesota Statutes 1980, Section 260.121, Subdivision 1, is amended to read:

Subdivision 1. **VENUE.** Except where otherwise provided, venue for any proceedings under section 260.111 shall be in the county where the child is found, or the county of his residence. When it is alleged that a child is neglected, venue may be in the county where the child is found, in the county of his residence, or in the county where the alleged neglect occurred. If delinquency, habitual truancy, running away, a juvenile petty offense, a juvenile alcohol or controlled substance offense, or a juvenile traffic offense is alleged, proceedings shall be brought in the county of his residence or the county where the alleged delinquency, habitual truancy, running away, juvenile petty offense, juvenile alcohol or controlled substance offense or juvenile traffic offense occurred.

Sec. 9. Minnesota Statutes 1980, Section 260.121, Subdivision 2, is amended to read:

Subd. 2. **TRANSFER.** The judge of the juvenile court may transfer any proceedings brought under section 260.111, except adoptions, to the juvenile court of a county having venue as provided in subdivision 1, at any stage of the proceedings and in the following manner. When it appears that the best interests of the child, society, or the convenience of proceedings will be served by a transfer, the court may transfer the case to the juvenile court of the county of the child's residence. With the consent of the receiving court, the court may also transfer the case to the juvenile court of the county where the child is found or, if delinquency, habitual truancy, running away, a juvenile petty offense, juvenile alcohol or controlled substance offense or a juvenile traffic offense is alleged, to the county where the alleged delinquency, habitual truancy, running away, juvenile petty offense, juvenile alcohol or controlled substance offense or juvenile traffic offense occurred. The court transfers the case by ordering a continuance and by forwarding to the clerk of the appropriate juvenile court a certified copy of all papers filed, together with an order of transfer. The judge of the receiving court may accept the findings of the transferring court or he may direct the filing of a new petition or notice under section 6 or 11 and hear the case anew.

Sec. 10. Minnesota Statutes 1981 Supplement, Section 260.125, Subdivision 3, is amended to read:

Subd. 3. A prima facie case that the public safety is not served or that the child is not suitable for treatment shall have been established if the child was at least 16 years of age at the time of the alleged offense and:

(1) Is alleged by delinquency petition to have committed an aggravated felony against the person and (a) in committing the offense, the child acted with

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particular cruelty or disregard for the life or safety of another; or (b) the offense involved a high degree of sophistication or planning by the juvenile; or

(2) Is alleged by delinquency petition to have committed murder in the first degree; or

(3) Has been found by the court, pursuant to an admission in court or after trial, to have committed an offense within the preceding 24 months which would be a felony if committed by an adult, and is alleged by delinquency petition to have committed murder in the second or third degree, manslaughter in the first degree, criminal sexual conduct in the first degree or assault in the first degree; or

(4) Has been found by the court, pursuant to an admission in court or after trial, to have committed two offenses, not in the same behavioral incident, within the preceding 24 months which would be felonies if committed by an adult, and is alleged by delinquency petition to have committed manslaughter in the second degree, kidnapping, criminal sexual conduct in the second degree, arson in the first degree, aggravated robbery, or assault in the second degree; or

(5) Has been found by the court, pursuant to an admission in court or after trial, to have committed two offenses, not in the same behavioral incident, within the preceding 24 months, one or both of which would be the felony of burglary of a dwelling if committed by an adult, and the child is alleged by the delinquency petition to have committed another burglary of a dwelling. For purposes of this subdivision, "dwelling" means a building which is, in whole or in part, usually occupied by one or more persons living there at night; or

(6) Has previously been found by the court, pursuant to an admission in court or after trial, to have committed three offenses, none in the same behavioral incident, within the preceding 24 months which would be felonies if committed by an adult, and is alleged by delinquency petition to have committed any felony other than those described in clauses (2), (3) or (4).

For the purposes of this subdivision, "aggravated felony against the person" means a violation of any of the following provisions: sections 609.185; 609.19; 609.195; 609.20, subdivision 1 or 2; 609.221; 609.222; 609.223; 609.245; 609.25; 609.342; 609.343; 609.344, clause (c) or (d); 609.345, clause (c) or (d); 609.561; 609.58, subdivision 2, clause (b); or 609.713.

Sec. 11. [260.132] PROCEDURE; HABITUAL TRUANTS, RUNAWAYS, JUVENILE PETTY OFFENDERS.

Subdivision 1. NOTICE. When a peace officer, or attendance officer in the case of a habitual truant, has probable cause to believe that a child is a runaway, a habitual truant, or a juvenile petty offender, the officer may issue a notice to the child to appear in juvenile court in the county in which the child is found or in the county of his residence or, in the case of a juvenile petty offense,

the county in which the offense was committed. The officer shall file a copy of the notice to appear with the juvenile court of the appropriate county. If a child fails to appear in response to the notice, the court may issue a summons notifying the child of the nature of the offense alleged and the time and place set for the hearing. If the peace officer finds it necessary to take the child into custody, sections 260.165 and 260.171 shall apply.

Subd. 2. EFFECT OF NOTICE. Filing with the court a notice to appear containing the name and address of the child, specifying the offense alleged and the time and place it was committed, has the effect of a petition giving the juvenile court jurisdiction. In the case of running away, the place where the offense was committed may be stated in the notice as either the child's custodial parent's or guardian's residence or lawful placement or where the child was found by the officer. In the case of truancy, the place where the offense was committed may be stated as the school or the place where the child was found by the officer.

Subd. 3. NOTICE TO PARENT. Whenever a notice to appear or petition is filed alleging that a child is a runaway, a habitual truant, or a juvenile petty offender, the court shall summon and notify the person or persons having custody or control of the child of the nature of the offense alleged and the time and place of hearing. This summons and notice shall be served in the time and manner provided in section 260.135, subdivision 1.

Sec. 12. Minnesota Statutes 1980, Section 260.155, Subdivision 1, is amended to read:

Subdivision 1. **GENERAL.** Except for hearings arising under section 260.261, hearings on any matter shall be without a jury and may be conducted in an informal manner. The rules of evidence promulgated pursuant to section 480.0591 and the law of evidence shall apply in adjudicatory proceedings involving a child alleged to be delinquent, a habitual truant, a runaway, a juvenile petty offender, or a juvenile alcohol or controlled substance offender, and hearings conducted pursuant to section 260.125 except to the extent that the rules themselves provide that they do not apply. Hearings may be continued or adjourned from time to time and, in the interim, the court may make ~~such~~ any orders as it deems in the best interests of the minor in accordance with the provisions of sections 260.011 to 260.301. The court shall exclude the general public from these hearings and shall admit only those persons who, in the discretion of the court, have a direct interest in the case or in the work of the court. In all delinquency cases a person named in the charging clause of the petition as a person directly damaged in person or property shall be entitled, upon request, to be notified by the clerk of court in writing, at his last known address, of (1) the date of the reference or adjudicatory hearings, and (2) the disposition of the case. Adoption hearings shall be conducted in accordance with the provisions of laws relating to adoptions.

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Sec. 13. Minnesota Statutes 1980, Section 260.173, Subdivision 3, is amended to read:

Subd. 3. **PLACEMENT.** If the child had been taken into custody and detained as one who is alleged to be delinquent, a habitual truant, a runaway, a juvenile petty offender, or a juvenile alcohol or controlled substance offender by reason of:

(a) ~~Being uncontrolled by his parent, guardian, or other custodian because of waywardness or habitual disobedience; or~~

(b) Having committed an offense which would not constitute a violation of a state law or local ordinance if he were an adult; or

~~(c)~~ (b) Having been previously adjudicated delinquent, habitually truant, a runaway, a juvenile petty offender, or a juvenile alcohol or controlled substance offender, or conditionally released by the juvenile court without adjudication of delinquency, has violated his probation, parole, or other field supervision under which he had been placed as a result of behavior described in this subdivision; he may be placed only in a shelter care facility.

Sec. 14. [260.194] **DISPOSITIONS; CHILDREN WHO ARE HABITUALLY TRUANT, RUNAWAYS, OR JUVENILE PETTY OFFENDERS.**

Subdivision 1. DISPOSITIONS PERMITTED. If the court finds that the child is a habitual truant, a runaway, or a juvenile petty offender, it shall enter an order making any of the following dispositions of the case which it deems necessary to the rehabilitation of the child:

(a) Counsel the child or his parents, guardian, or custodian;

(b) Place the child under the supervision of a probation officer or other suitable person in the child's own home under conditions prescribed by the court, including reasonable rules for the child's conduct and the conduct of his parents, guardian, or custodian, designed for the physical, mental, and moral well-being and behavior of the child; or with consent of the commissioner of corrections, in a group foster care facility which is under the commissioner's management and supervision;

(c) Subject to the supervision of the court, transfer legal custody of the child to one of the following:

(1) A child placing agency; or

(2) The county welfare board; or

(3) A reputable individual of good moral character. No person may receive custody of two or more unrelated children unless he is licensed as a residential facility pursuant to sections 245.781 to 245.813; or

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(4) A county probation officer for placement in a group foster home established under the direction of the juvenile court and licensed pursuant to section 241.021;

(d) Require the child to pay a fine of up to \$100; the court shall order payment of the fine in a manner that will not impose undue financial hardship upon the child;

(e) If the child is in need of special treatment and care for his physical or mental health, the court may order the child's parent, guardian, or custodian to provide it. If the parent, guardian, or custodian fails to provide this treatment or care, the court may order it provided;

(f) Require the child to participate in a community service project;

(g) Order the child to undergo a chemical dependency evaluation and, if warranted by the evaluation, order participation by the child in a drug awareness program, or an inpatient or outpatient chemical dependency treatment program;

(h) Require the child to perform any other activities or participate in any other treatment programs deemed appropriate by the court;

(i) If the court believes that it is in the best interests of the child and of public safety that the child's driver's license be cancelled, the court may recommend to the commissioner of public safety that the child's license be cancelled for any period up to the child's 18th birthday. The commissioner is authorized to cancel the license without a hearing. At any time before the expiration of the period of cancellation, the court may, for good cause, recommend to the commissioner of public safety that the child be authorized to apply for a new license, and the commissioner may so authorize.

Any order for a disposition authorized by this section shall contain written findings of fact to support the disposition ordered, and shall also set forth in writing the following information:

(a) Why the best interests of the child are served by the disposition ordered; and

(b) What alternative dispositions were considered by the court and why they were not appropriate in the instant case.

Subd. 2. EXPUNGEMENT. The court may expunge the adjudication of a child as a habitual truant, a runaway, or juvenile petty offender at any time it deems advisable.

Subd. 3. CONTINUANCE. When it is in the best interests of the child to do so and when the child has admitted the allegations contained in the notice before the judge or referee, or when a hearing has been held as provided for in section 260.155 and the allegations contained in the notice have been duly proven but, in either case, before a finding of habitual truancy, running away, or juvenile

petty offense has been entered, the court may continue the case for a period not to exceed 90 days, and only after the court has reviewed the case and entered its order for an additional continuance without a finding of habitual truancy, running away, or petty juvenile offense.

Subd. 4. SUPERVISION; DURATION; RENEWAL. All orders for supervision under subdivision 1, clause (b) shall be for an indeterminate period unless otherwise specified by order of the court. They shall be reviewed by the court at least annually. All orders under subdivision 1, clause (c) shall be for a specified length of time set by the court. However, before an order has expired and upon the court's own motion or that of any interested party, the court has continuing jurisdiction to renew the order or, after notice to the parties and a hearing, make some other disposition of the case, until the individual is no longer a minor. Any person to whom legal custody is transferred shall report to the court in writing at such periods as the court directs.

Subd. 5. TRANSFER OF CUSTODY; REPORT. When the court transfers legal custody of a juvenile petty offender, a habitual truant, or a runaway child to a licensed child placing agency or county welfare board, it shall transmit with the order transferring legal custody a copy of its findings and a summary of its information concerning the child.

Sec. 15. [260.195] JUVENILE ALCOHOL OR CONTROLLED SUBSTANCE OFFENDER; PROCEDURES; DISPOSITIONS.

Subdivision 1. ADJUDICATION. A juvenile alcohol or controlled substance offender shall be adjudicated a "juvenile alcohol offender or juvenile controlled substance offender," and shall not be adjudicated delinquent, unless, as in the case of any other child alleged to be delinquent, a petition is filed in the manner provided in section 260.131, summons issued, notice given, a hearing held, and the court finds as a further fact that the child is also delinquent within the meaning and purpose of the laws related to juvenile courts.

Subd. 2. PROCEDURE. When a peace officer has probable cause to believe that a child is a juvenile alcohol or controlled substance offender, the officer may issue a notice to the child to appear in juvenile court in the county in which the alleged violation occurred. The officer shall file a copy of the notice to appear with the juvenile court of the county in which the alleged violation occurred. Filing with the court a notice to appear containing the name and address of the child who is alleged to be a juvenile alcohol or controlled substance offender, specifying the offense charged, and the time and place of the alleged violation has the effect of a petition giving the juvenile court jurisdiction. Any reputable person having knowledge that a child is a juvenile alcohol or controlled substance offender may petition the juvenile court in the manner provided in section 260.131. Whenever a notice to appear or petition is filed alleging that a child is a juvenile alcohol or controlled substance offender, the court shall summon and notify the person or persons having custody or control of the child

of the nature of the offense charged and the time and place of hearing. This summons and notice shall be served in the time and manner provided in section 260.135, subdivision 1. If a child fails to appear in response to the notice provided by this subdivision, the court may issue a summons notifying the child of the nature of the offense alleged and the time and place set for the hearing. If the peace officer finds it necessary to take the child into custody, sections 260.165 and 260.171 shall apply.

Subd. 3. DISPOSITIONS. If the juvenile court finds that a child is a juvenile alcohol or controlled substance offender, the court may require the child to:

- (a) Pay a fine of up to \$100;
- (b) Participate in a community service project;
- (c) Participate in a drug awareness program; or
- (d) Order the child to undergo a chemical dependency evaluation and if warranted by this evaluation, order participation by the child in an inpatient or outpatient chemical dependency treatment program; or
- (e) Perform any other activities or participate in any other treatment programs deemed appropriate by the court.

None of the dispositional alternatives described in this subdivision shall be imposed by the court in a manner which would cause an undue hardship upon the child.

Subd. 4. ALTERNATIVE DISPOSITION. In addition to dispositional alternatives authorized by subdivision 3, in the case of a third or subsequent finding by the court pursuant to an admission in court or after trial that a child is a juvenile alcohol or controlled substance offender, the juvenile court shall order a chemical dependency evaluation of the child and if warranted by the evaluation, the court may order participation by the child in an inpatient or outpatient chemical dependency treatment program, or any other treatment deemed appropriate by the court.

Subd. 5. FINDINGS REQUIRED. Any order for disposition authorized by this section shall contain written findings of fact to support the disposition ordered, and shall also set forth in writing the following information:

- (a) Why the best interests of the child are served by the disposition ordered; and
- (b) What alternative dispositions were considered by the court and why they were not appropriate in the instant case.

Subd. 6. REPORT TO THE COMMISSIONER. The juvenile court shall report to the office of state court administrator each disposition made under

sections 260.185, 260.191, 260.192, and sections 14 and 15 where placement is made outside of this state's jurisdictional boundaries. Each report shall contain information as to date of placement, length of anticipated placement, program costs, reasons for out of state placement, and any other information as the office requires to determine the number of out of state placements, the reasons for these placements, and the costs involved. The report shall not contain the name of the child. Any information contained in the reports relating to factors identifying a particular child is confidential and may be disclosed only by order of the juvenile court. Any person violating this subdivision as to release of this confidential information is guilty of a misdemeanor.

Subd. 7. EXPUNGEMENT. The court may expunge the adjudication of a child as a juvenile alcohol or controlled substance offender at any time it deems advisable.

Sec. 16. EFFECTIVE DATE.

Sections 1 to 14 are effective August 1, 1982 and apply to proceedings commenced on and after that date.

Approved March 22, 1982 .

CHAPTER 545 — H.F.No. 930

An act relating to the collection and dissemination of data; classifying data as private, confidential, nonpublic, and protected nonpublic; amending Minnesota Statutes 1980, Sections 15.162, Subdivision 4; 15.1621, Subdivision 1; 15.1642, Subdivision 5; 15.165, Subdivision 2; 15.1678; 15.1679; 15.1691, Subdivision 6; 15.1692, Subdivision 2; 169.09, Subdivision 13; 268.12, Subdivision 12; Minnesota Statutes 1981 Supplement, Sections 15.1682; 15.1699; 15.775, Subdivision 2; 15.781, Subdivisions 1, 2, and 4; and 15.784, Subdivision 2; proposing new law coded in Minnesota Statutes, Chapter 15.

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

Section 1. Minnesota Statutes 1980, Section 15.162, Subdivision 4, is amended to read:

Subd. 4. "Individual" means a natural person. In the case of a minor or an individual adjudged mentally incompetent, "individual" includes a parent or guardian or an individual acting as a parent or guardian in the absence of a parent or guardian, except that the responsible authority shall withhold data from parents or guardians, or individuals acting as parents or guardians in the absence of parents or guardians, upon request by the minor if the responsible authority determines that withholding the data would be in the best interest of the minor.

Sec. 2. Minnesota Statutes 1980, Section 15.1621, Subdivision 1, is amended to read:

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