

State of Minnesota

H. F. No. **3580**

1.1 A bill for an act

1.2 relating to juvenile delinquency; authorizing use of adult facilities, programs, and

1.3 sanctions for certain extended jurisdiction juveniles; authorizing a continuance of

1.4 more than 180 days for juveniles who admit or are proven to have committed

1.5 certain acts; amending Minnesota Statutes 2022, sections 260B.130, subdivision

1.6 5, by adding a subdivision; 260B.198, subdivision 7.

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

1.8 Section 1. Minnesota Statutes 2022, section 260B.130, is amended by adding a subdivision

1.9 to read:

1.10 Subd. 4a. **Placement and sanctions; persons 19 years of age or older.** (a)

1.11 Notwithstanding any law to the contrary, conditions prescribed by the court for the

1.12 supervision of a person convicted as an extended jurisdiction juvenile who, at the time of

1.13 the hearing, is 19 years of age or older may include any of the adult intermediate sanctions

1.14 described in section 609.135, subdivision 1, paragraph (b). If the court orders incarceration

1.15 of a person who is 19 years of age or older at the time of the hearing in a local jail or

1.16 workhouse, the person may be detained without the need for sight and sound separation.

1.17 (b) If a court orders a person convicted as an extended jurisdiction juvenile to undergo

1.18 mental health treatment, chemical dependency treatment, or sex offender treatment and the

1.19 person is 19 years of age or older, the court may authorize the treatment to take place in a

1.20 facility or through a program that primarily or exclusively serves adults. For purposes of

1.21 eligibility for any facility or program that primarily or exclusively serves adults and is

1.22 operated or licensed by the commissioner of corrections or the commissioner of human

1.23 services, a conviction as an extended jurisdiction juvenile must be treated as an adult criminal

1.24 sentence if the person is 19 years of age or older.

Sec. 2. Minnesota Statutes 2022, section 260B.130, subdivision 5, is amended to read:

Subd. 5. Execution of adult sentence. (a) When it appears that a person convicted as an extended jurisdiction juvenile has violated the conditions of the stayed sentence, or is alleged to have committed a new offense, the court may, without notice, revoke the stay and probation and direct that the offender be taken into immediate custody. The court shall notify the offender in writing of the reasons alleged to exist for revocation of the stay of execution of the adult sentence. If the offender challenges the reasons, the court shall hold a summary hearing on the issue at which the offender is entitled to be heard and represented by counsel.

(b) If a person described in paragraph (a) is taken into custody, the person may be detained in a secure juvenile detention facility. If there is no secure juvenile detention facility or existing acceptable detention alternative available for juveniles within the county, the child may be detained up to 24 hours, excluding Saturdays, Sundays, and holidays, or for up to six hours in a standard metropolitan statistical area, in a jail, lockup, or other facility used for the confinement of adults who have been charged with or convicted of a crime. In this instance, the person must be confined in quarters separate from any adult confined in the facility that allow for complete sight and sound separation for all activities during the period of the detention, and the adult facility must be approved for the detention of juveniles by the commissioner of corrections.

If the person is 18 years of age or older and is to be detained prior to the revocation hearing, the person may be detained in a local adult correctional facility without the need for sight and sound separation.

(c) After the hearing, if the court finds that reasons exist to revoke the stay of execution of sentence, the court shall treat the offender as an adult and order any of the adult sanctions authorized by section 609.14, subdivision 3, except that no credit shall be given for time served in juvenile facility custody prior to a summary hearing. If the offender was convicted of an offense described in subdivision 1, clause (2), and the court finds that reasons exist to revoke the stay, the court must order execution of the previously imposed sentence unless the court makes written findings regarding the mitigating factors that justify continuing the stay.

(d) After the hearing, if the court does not revoke the stay of execution of sentence, the court may impose one or more juvenile dispositions under section 260B.198. If the person convicted as an extended jurisdiction juvenile is 19 years of age or older at the time of the hearing, the court may impose any of the adult intermediate sanctions described in section

609.135, subdivision 1, paragraph (b), or any combination of juvenile dispositions and adult intermediate sanctions. If the court orders incarceration of a person who is 19 years of age or older at the time of the hearing in a local jail or workhouse, the person may be detained without the need for sight and sound separation.

~~(d)~~ (e) Upon revocation, the offender's extended jurisdiction status is terminated and juvenile court jurisdiction is terminated. The ongoing jurisdiction for any adult sanction, other than commitment to the commissioner of corrections, is with the adult court.

Sec. 3. Minnesota Statutes 2022, section 260B.198, subdivision 7, is amended to read:

Subd. 7. **Continuance.** (a) When it is in the best interests of the child to do so and not inimical to public safety and when the child has admitted the allegations contained in the petition before the judge or referee, or when a hearing has been held as provided for in section 260B.163 and the allegations contained in the petition have been duly proven but, in either case, before a finding of delinquency has been entered, the court may continue the case for a period not to exceed 180 days on any one order unless a longer period is authorized under paragraph (b). The continuance may be extended for one additional successive period not to exceed 180 days, but only with the consent of the prosecutor and only after the court has reviewed the case and entered its order for the additional continuance without a finding of delinquency. During a continuance the court may enter an order in accordance with the provisions of subdivision 1, except clause (4), or enter an order to hold the child in detention for a period not to exceed 15 days on any one order for the purpose of completing any consideration, or any investigation or examination ordered in accordance with the provisions of section 260B.157.

(b) If the court continues a case under paragraph (a) and the allegations contained in the petition that were admitted or proven include a violation of section 609.342, 609.343, 609.344, 609.345, 609.3451, subdivision 3, or 609.3453, the court may continue the case for any period of time beyond 180 days during which the court has jurisdiction over the individual.

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