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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 485

02/11/2013 Authored by Allen, Liebling, Huntley, Clark, Paymar and others

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

02/28/2013 Adoption of Report: Pass and re-referred to the Committee on Housing Finance and Policy

1.1 A bill for an act
1.2 relating to sexually exploited youth; establishing a director of child sex
1.3 trafficking prevention; modifying provisions relating to sexually exploited
1.4 youth; establishing and amending grant programs relating to combatting sexual
1.5 exploitation of youth; providing related services and housing to victims;
1.6 appropriating money; amending Minnesota Statutes 2012, sections 260B.007,
1.7 subdivisions 6, 16; 260C.007, subdivisions 6, 31; 260C.176, subdivisions 1, 3,
1.8 5; 260C.178, subdivision 1; 260C.181, subdivision 2, by adding a subdivision;
1.9 proposing coding for new law in Minnesota Statutes, chapter 145; repealing
1.10 Minnesota Statutes 2012, section 609.093.

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

1.12 **ARTICLE 1**

1.13 **DEPARTMENT OF HEALTH**

1.14 Section 1. **[145.4716] SAFE HARBOR FOR SEXUALLY EXPLOITED YOUTH.**

1.15 Subdivision 1. **Director.** The commissioner of health shall establish a position for a
1.16 director of child sex trafficking prevention.

1.17 Subd. 2. **Duties of director.** The director of child sex trafficking prevention is
1.18 responsible for the following:

1.19 (1) developing and providing comprehensive training on sexual exploitation of
1.20 youth for social service professionals, medical professionals, public health workers, and
1.21 criminal justice professionals;

1.22 (2) collecting, organizing, maintaining, and disseminating information on sexual
1.23 exploitation and services across the state, including maintaining a list of resources on the
1.24 Department of Health Web site;

1.25 (3) monitoring and applying for federal funding for antitrafficking efforts that may
1.26 benefit victims in the state;

- 2.1 (4) managing grant programs established under this act;
2.2 (5) identifying best practices in serving sexually exploited youth, as defined in
2.3 section 260C.007, subdivision 31;
2.4 (6) providing oversight of and technical support to regional navigators pursuant to
2.5 section 145.4717;
2.6 (7) conducting a comprehensive evaluation of the statewide program for safe harbor
2.7 of sexually exploited youth; and
2.8 (8) developing a policy, consistent with the requirements of chapter 13, for sharing
2.9 data related to sexually exploited youth, as defined in section 260C.007, subdivision 31,
2.10 among regional navigators and community-based advocates.

2.11 **Sec. 2. [145.4717] REGIONAL NAVIGATOR GRANTS.**

2.12 The commissioner of health, through its director of child sex trafficking prevention,
2.13 established in section 145.4716, shall provide grants to regional navigators serving six
2.14 regions of the state to be determined by the commissioner. Each regional navigator must
2.15 develop and annually submit a work plan to the director of child sex trafficking prevention.
2.16 The work plans must include, but are not limited to, the following information:

- 2.17 (1) a needs statement specific to the region, including an examination of the
2.18 population at risk;
2.19 (2) regional resources available to sexually exploited youth, as defined in section
2.20 260C.007, subdivision 31;
2.21 (3) grant goals and measurable outcomes; and
2.22 (4) grant activities including timelines.

2.23 **Sec. 3. [145.4718] PROGRAM EVALUATION.**

2.24 (a) The director of child sex trafficking prevention, established under section
2.25 145.4716, must conduct, or contract for, comprehensive evaluation of the statewide
2.26 program for safe harbor for sexually exploited youth. The first evaluation must be
2.27 completed by June 30, 2015, and must be submitted to the commissioner of health by
2.28 September 1, 2015, and every two years thereafter. The evaluation must consider whether
2.29 the program is reaching intended victims and whether support services are available,
2.30 accessible, and adequate for sexually exploited youth, as defined in section 260C.007,
2.31 subdivision 31.

2.32 (b) In conducting the evaluation, the director of child sex trafficking prevention must
2.33 consider evaluation of outcomes, including whether the program increases identification
2.34 of sexually exploited youth, coordination of investigations, access to services and housing

available for sexually exploited youth, and improved effectiveness of services. The evaluation must also include examination of the ways in which penalties under section 609.3241 are assessed, collected, and distributed to ensure funding for investigation, prosecution, and victim services to combat sexual exploitation of youth.

ARTICLE 2

SAFE HARBOR PROVISIONS

Section 1. Minnesota Statutes 2012, section 260B.007, subdivision 6, is amended to read:

Subd. 6. **Delinquent child.** (a) Except as otherwise provided in paragraphs (b) and (c), "delinquent child" means a child:

(1) who has violated any state or local law, except as provided in section 260B.225, subdivision 1, and except for juvenile offenders as described in subdivisions 16 to 18;

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

(3) who has escaped from confinement to a state juvenile correctional facility after being committed to the custody of the commissioner of corrections; or

(4) who has escaped from confinement to a local juvenile correctional facility after being committed to the facility by the court.

(b) The term delinquent child does not include a child alleged to have committed murder in the first degree after becoming 16 years of age, but the term delinquent child does include a child alleged to have committed attempted murder in the first degree.

(c) The term delinquent child does not include a child ~~under the age of 16 years~~ alleged to have engaged in conduct which would, if committed by an adult, violate any federal, state, or local law relating to being hired, offering to be hired, or agreeing to be hired by another individual to engage in sexual penetration or sexual conduct.

EFFECTIVE DATE. This section is effective August 1, 2014, and applies to offenses committed on or after that date.

Sec. 2. Minnesota Statutes 2012, section 260B.007, subdivision 16, is amended to read:

Subd. 16. **Juvenile petty offender; juvenile petty offense.** (a) "Juvenile petty offense" includes a juvenile alcohol offense, a juvenile controlled substance offense, a violation of section 609.685, or a violation of a local ordinance, 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.

(b) Except as otherwise provided in paragraph (c), "juvenile petty offense" also includes an offense that would be a misdemeanor if committed by an adult.

(c) "Juvenile petty offense" does not include any of the following:

(1) a misdemeanor-level violation of section 518B.01, 588.20, 609.224, 609.2242, 609.324, subdivision 2 or 3, 609.5632, 609.576, 609.66, 609.746, 609.748, 609.79, or 617.23;

(2) a major traffic offense or an adult court traffic offense, as described in section 260B.225;

(3) a misdemeanor-level offense committed by a child whom the juvenile court previously has found to have committed a misdemeanor, gross misdemeanor, or felony offense; or

(4) a misdemeanor-level offense committed by a child whom the juvenile court has found to have committed a misdemeanor-level juvenile petty offense on two or more prior occasions, unless the county attorney designates the child on the petition as a juvenile petty offender notwithstanding this prior record. As used in this clause, "misdemeanor-level juvenile petty offense" includes a misdemeanor-level offense that would have been a juvenile petty offense if it had been committed on or after July 1, 1995.

(d) A child who commits a juvenile petty offense is a "juvenile petty offender." The term juvenile petty offender does not include a child ~~under the age of 16 years~~ alleged to have violated any law relating to being hired, offering to be hired, or agreeing to be hired by another individual to engage in sexual penetration or sexual conduct which, if committed by an adult, would be a misdemeanor.

EFFECTIVE DATE. This section is effective August 1, 2014, and applies to offenses committed on or after that date.

Sec. 3. Minnesota Statutes 2012, section 260C.007, subdivision 6, is amended to read:

Subd. 6. **Child in need of protection or services.** "Child in need of protection or services" means a child who is in need of protection or services because the child:

(1) is abandoned or without parent, guardian, or custodian;

(2)(i) has been a victim of physical or sexual abuse as defined in section 626.556, subdivision 2, (ii) resides with or has resided with a victim of child abuse as defined in subdivision 5 or domestic child abuse as defined in subdivision 13, (iii) resides with or would reside with a perpetrator of domestic child abuse as defined in subdivision 13 or

5.1 child abuse as defined in subdivision 5 or 13, or (iv) is a victim of emotional maltreatment
5.2 as defined in subdivision 15;

5.3 (3) is without necessary food, clothing, shelter, education, or other required care
5.4 for the child's physical or mental health or morals because the child's parent, guardian,
5.5 or custodian is unable or unwilling to provide that care;

5.6 (4) is without the special care made necessary by a physical, mental, or emotional
5.7 condition because the child's parent, guardian, or custodian is unable or unwilling to
5.8 provide that care;

5.9 (5) is medically neglected, which includes, but is not limited to, the withholding of
5.10 medically indicated treatment from a disabled infant with a life-threatening condition. The
5.11 term "withholding of medically indicated treatment" means the failure to respond to the
5.12 infant's life-threatening conditions by providing treatment, including appropriate nutrition,
5.13 hydration, and medication which, in the treating physician's or physicians' reasonable
5.14 medical judgment, will be most likely to be effective in ameliorating or correcting all
5.15 conditions, except that the term does not include the failure to provide treatment other
5.16 than appropriate nutrition, hydration, or medication to an infant when, in the treating
5.17 physician's or physicians' reasonable medical judgment:

5.18 (i) the infant is chronically and irreversibly comatose;

5.19 (ii) the provision of the treatment would merely prolong dying, not be effective in
5.20 ameliorating or correcting all of the infant's life-threatening conditions, or otherwise be
5.21 futile in terms of the survival of the infant; or

5.22 (iii) the provision of the treatment would be virtually futile in terms of the survival
5.23 of the infant and the treatment itself under the circumstances would be inhumane;

5.24 (6) is one whose parent, guardian, or other custodian for good cause desires to be
5.25 relieved of the child's care and custody, including a child who entered foster care under a
5.26 voluntary placement agreement between the parent and the responsible social services
5.27 agency under section 260C.227;

5.28 (7) has been placed for adoption or care in violation of law;

5.29 (8) is without proper parental care because of the emotional, mental, or physical
5.30 disability, or state of immaturity of the child's parent, guardian, or other custodian;

5.31 (9) is one whose behavior, condition, or environment is such as to be injurious or
5.32 dangerous to the child or others. An injurious or dangerous environment may include, but
5.33 is not limited to, the exposure of a child to criminal activity in the child's home;

5.34 (10) is experiencing growth delays, which may be referred to as failure to thrive, that
5.35 have been diagnosed by a physician and are due to parental neglect;

(11) ~~has engaged in prostitution as defined in section 609.321, subdivision 9~~ is a sexually exploited youth;

(12) has committed a delinquent act or a juvenile petty offense before becoming ten years old;

(13) is a runaway;

(14) is a habitual truant;

(15) has been found incompetent to proceed or has been found not guilty by reason of mental illness or mental deficiency in connection with a delinquency proceeding, a certification under section 260B.125, an extended jurisdiction juvenile prosecution, or a proceeding involving a juvenile petty offense; or

(16) has a parent whose parental rights to one or more other children were involuntarily terminated or whose custodial rights to another child have been involuntarily transferred to a relative and there is a case plan prepared by the responsible social services agency documenting a compelling reason why filing the termination of parental rights petition under section 260C.301, subdivision 3, is not in the best interests of the child; or

~~(17) is a sexually exploited youth.~~

EFFECTIVE DATE. This section is effective August 1, 2014.

Sec. 4. Minnesota Statutes 2012, section 260C.007, subdivision 31, is amended to read:

Subd. 31. **Sexually exploited youth.** "Sexually exploited youth" means an individual who:

(1) is alleged to have engaged in conduct which would, if committed by an adult, violate any federal, state, or local law relating to being hired, offering to be hired, or agreeing to be hired by another individual to engage in sexual penetration or sexual conduct;

(2) is a victim of a crime described in section 609.342, 609.343, 609.344, 609.345, 609.3451, 609.3453, 609.352, 617.246, or 617.247;

(3) is a victim of a crime described in United States Code, title 18, section 2260; 2421; 2422; 2423; 2425; 2425A; or 2256; or

(4) is a sex trafficking victim as defined in section 609.321, subdivision 7b.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 5. **REPEALER.**

Minnesota Statutes 2012, section 609.093, is repealed.

EFFECTIVE DATE. This section is effective the day following final enactment.

7.1 **ARTICLE 3**

7.2 **CHILD PROTECTION**

7.3 Section 1. Minnesota Statutes 2012, section 260C.176, subdivision 1, is amended to
7.4 read:

7.5 Subdivision 1. **Notice; release.** (a) If a child is taken into custody as provided in
7.6 section 260C.175, the parent, guardian, or custodian of the child shall be notified as soon
7.7 as possible. Unless there is reason to believe that the child would endanger self or others
7.8 or not return for a court hearing, or that the child's health or welfare would be immediately
7.9 endangered, the child shall be released to the custody of a parent, guardian, or other suitable
7.10 relative. If a child taken into custody is believed to be a sexually exploited youth, the
7.11 detaining officer, the county attorney, or the county social services agency shall consider
7.12 access of the trafficker to the child when determining whether there is reason to believe
7.13 that the child's health or welfare would be immediately endangered if the child is released.

7.14 (b) When a child is taken into custody by a peace officer under section 260C.175,
7.15 subdivision 1, clause (2), item (ii), release from detention may be authorized by the
7.16 detaining officer, the detaining officer's supervisor, the county attorney, or the social
7.17 services agency, provided that the agency has conducted an assessment and with the
7.18 family has developed and implemented a safety plan for the child, if needed. The person
7.19 to whom the child is released shall promise to bring the child to the court, if necessary,
7.20 at the time the court may direct. If the person taking the child into custody believes
7.21 it desirable, that person may request the parent, guardian, custodian, or other person
7.22 designated by the court to sign a written promise to bring the child to court as provided
7.23 above. The intentional violation of such a promise, whether given orally or in writing,
7.24 shall be punishable as contempt of court.

7.25 The court may require the parent, guardian, custodian, or other person to whom the
7.26 child is released, to post any reasonable bail or bond required by the court which shall be
7.27 forfeited to the court if the child does not appear as directed. The court may also release
7.28 the child on the child's own promise to appear in juvenile court.

7.29 **EFFECTIVE DATE.** This section is effective August 1, 2013.

7.30 Sec. 2. Minnesota Statutes 2012, section 260C.176, subdivision 3, is amended to read:

7.31 Subd. 3. **Advisement if detained.** Except as provided in subdivision 5, if the person
7.32 who has taken the child into custody determines that the child should be placed in a secure
7.33 detention facility or a shelter care facility, that person shall advise the child and as soon
7.34 as is possible, the child's parent, guardian, or custodian:

(1) of the reasons why the child has been taken into custody and why the child is being placed in a juvenile secure detention facility or a shelter care facility;

(2) of the location of the juvenile secure detention facility or a shelter care facility. If there is reason to believe that disclosure of the location of the shelter care facility would place the child's health and welfare in immediate endangerment, disclosure of the location of the shelter care facility shall not be made;

(3) that the child's parent, guardian, or custodian and attorney or guardian ad litem may make an initial visit to the juvenile secure detention facility or shelter care facility at any time. Subsequent visits by a parent, guardian, or custodian may be made on a reasonable basis during visiting hours and by the child's attorney or guardian ad litem at reasonable hours;

(4) that the child may telephone parents and an attorney or guardian ad litem from the juvenile secure detention facility or shelter care facility immediately after being admitted to the facility and thereafter on a reasonable basis to be determined by the director of the facility;

(5) that the child may not be detained pursuant to section 260C.175, subdivision 1, clause (1) or (2), item (ii), at a shelter care facility longer than 72 hours, excluding Saturdays, Sundays, and holidays, unless a petition has been filed within that time and the court orders the child's continued detention, pursuant to section 260C.178;

(6) of the date, time, and place of the detention hearing, if this information is available to the person who has taken the child into custody; and

(7) that the child and the child's parent, guardian, or custodian have the right to be present and to be represented by counsel at the detention hearing, and that if they cannot afford counsel, counsel will be appointed at public expense for the child, or for any party, if it is a child in need of protection or services, neglected and in foster care, or termination of parental rights matter.

EFFECTIVE DATE. This section is effective August 1, 2013.

Sec. 3. Minnesota Statutes 2012, section 260C.176, subdivision 5, is amended to read:

Subd. 5. **Shelter care or secure detention; notice to parent.** When a child is to be placed in a secure detention facility or shelter care facility, the person taking the child into custody or the court shall determine whether or not there is reason to believe that disclosure of the ~~shelter care~~ facility's location to the child's parent, guardian, or custodian would immediately endanger the health and welfare of the child. If there is reason to believe that the child's health and welfare would be immediately endangered, disclosure of the location shall not be made. This determination shall be included in the report required

9.1 by subdivision 4, along with instructions to the secure detention facility or shelter care
9.2 facility to notify or withhold notification.

9.3 **EFFECTIVE DATE.** This section is effective August 1, 2013.

9.4 Sec. 4. Minnesota Statutes 2012, section 260C.178, subdivision 1, is amended to read:

9.5 Subdivision 1. **Hearing and release requirements.** (a) If a child was taken into
9.6 custody under section 260C.175, subdivision 1, clause (1) or (2), item (ii), the court shall
9.7 hold a hearing within 72 hours of the time the child was taken into custody, excluding
9.8 Saturdays, Sundays, and holidays, to determine whether the child should continue in
9.9 custody.

9.10 (b) Unless there is reason to believe that the child would endanger self or others or
9.11 not return for a court hearing, or that the child's health or welfare would be immediately
9.12 endangered, the child shall be released to the custody of a parent, guardian, custodian,
9.13 or other suitable person, subject to reasonable conditions of release including, but not
9.14 limited to, a requirement that the child undergo a chemical use assessment as provided in
9.15 section 260C.157, subdivision 1.

9.16 (c) If the court determines there is reason to believe that the child would endanger
9.17 self or others or not return for a court hearing, or that the child's health or welfare would
9.18 be immediately endangered if returned to the care of the parent or guardian who has
9.19 custody and from whom the child was removed, the court shall order the child into
9.20 foster care under the legal responsibility of the responsible social services agency or
9.21 responsible probation or corrections agency for the purposes of protective care as that term
9.22 is used in the juvenile court rules or into the home of a noncustodial parent and order the
9.23 noncustodial parent to comply with any conditions the court determines to be appropriate
9.24 to the safety and care of the child, including cooperating with paternity establishment
9.25 proceedings in the case of a man who has not been adjudicated the child's father. The
9.26 court shall not give the responsible social services legal custody and order a trial home
9.27 visit at any time prior to adjudication and disposition under section 260C.201, subdivision
9.28 1, paragraph (a), clause (3), but may order the child returned to the care of the parent or
9.29 guardian who has custody and from whom the child was removed and order the parent or
9.30 guardian to comply with any conditions the court determines to be appropriate to meet
9.31 the safety, health, and welfare of the child.

9.32 (d) In determining whether the child's health or welfare would be immediately
9.33 endangered, the court shall consider:

9.34 (1) whether the child would reside with a perpetrator of domestic child abuse; or

10.1 (2) whether the child is believed to be a sexually exploited youth and the trafficker
10.2 may have access to the child if released.

10.3 (e) The court, before determining whether a child should be placed in or continue
10.4 in foster care under the protective care of the responsible agency, shall also make a
10.5 determination, consistent with section 260.012 as to whether reasonable efforts were made
10.6 to prevent placement or whether reasonable efforts to prevent placement are not required.
10.7 In the case of an Indian child, the court shall determine whether active efforts, according
10.8 to the Indian Child Welfare Act of 1978, United States Code, title 25, section 1912(d),
10.9 were made to prevent placement. The court shall enter a finding that the responsible
10.10 social services agency has made reasonable efforts to prevent placement when the agency
10.11 establishes either:

10.12 (1) that it has actually provided services or made efforts in an attempt to prevent
10.13 the child's removal but that such services or efforts have not proven sufficient to permit
10.14 the child to safely remain in the home; or

10.15 (2) that there are no services or other efforts that could be made at the time of the
10.16 hearing that could safely permit the child to remain home or to return home. When
10.17 reasonable efforts to prevent placement are required and there are services or other efforts
10.18 that could be ordered which would permit the child to safely return home, the court shall
10.19 order the child returned to the care of the parent or guardian and the services or efforts put
10.20 in place to ensure the child's safety. When the court makes a prima facie determination
10.21 that one of the circumstances under paragraph (g) exists, the court shall determine that
10.22 reasonable efforts to prevent placement and to return the child to the care of the parent or
10.23 guardian are not required.

10.24 If the court finds the social services agency's preventive or reunification efforts
10.25 have not been reasonable but further preventive or reunification efforts could not permit
10.26 the child to safely remain at home, the court may nevertheless authorize or continue
10.27 the removal of the child.

10.28 (f) The court may not order or continue the foster care placement of the child unless
10.29 the court makes explicit, individualized findings that continued custody of the child by
10.30 the parent or guardian would be contrary to the welfare of the child and that placement is
10.31 in the best interest of the child.

10.32 (g) At the emergency removal hearing, or at any time during the course of the
10.33 proceeding, and upon notice and request of the county attorney, the court shall determine
10.34 whether a petition has been filed stating a prima facie case that:

10.35 (1) the parent has subjected a child to egregious harm as defined in section
10.36 260C.007, subdivision 14;

11.1 (2) the parental rights of the parent to another child have been involuntarily
11.2 terminated;

11.3 (3) the child is an abandoned infant under section 260C.301, subdivision 2,
11.4 paragraph (a), clause (2);

11.5 (4) the parents' custodial rights to another child have been involuntarily transferred
11.6 to a relative under Minnesota Statutes 2010, section 260C.201, subdivision 11, paragraph
11.7 (e), clause (1); section 260C.515, subdivision 4; or a similar law of another jurisdiction;

11.8 (5) the parent has committed sexual abuse as defined in section 626.556, subdivision
11.9 2, against the child or another child of the parent;

11.10 (6) the parent has committed an offense that requires registration as a predatory
11.11 offender under section 243.166, subdivision 1b, paragraph (a) or (b); or

11.12 (7) the provision of services or further services for the purpose of reunification is
11.13 futile and therefore unreasonable.

11.14 (h) When a petition to terminate parental rights is required under section 260C.301,
11.15 subdivision 3 or 4, but the county attorney has determined not to proceed with a
11.16 termination of parental rights petition, and has instead filed a petition to transfer permanent
11.17 legal and physical custody to a relative under section 260C.507, the court shall schedule a
11.18 permanency hearing within 30 days of the filing of the petition.

11.19 (i) If the county attorney has filed a petition under section 260C.307, the court shall
11.20 schedule a trial under section 260C.163 within 90 days of the filing of the petition except
11.21 when the county attorney determines that the criminal case shall proceed to trial first under
11.22 section 260C.503, subdivision 2, paragraph (c).

11.23 (j) If the court determines the child should be ordered into foster care and the child's
11.24 parent refuses to give information to the responsible social services agency regarding
11.25 the child's father or relatives of the child, the court may order the parent to disclose the
11.26 names, addresses, telephone numbers, and other identifying information to the responsible
11.27 social services agency for the purpose of complying with sections 260C.151, 260C.212,
11.28 260C.215, and 260C.221.

11.29 (k) If a child ordered into foster care has siblings, whether full, half, or step, who
11.30 are also ordered into foster care, the court shall inquire of the responsible social services
11.31 agency of the efforts to place the children together as required by section 260C.212,
11.32 subdivision 2, paragraph (d), if placement together is in each child's best interests, unless
11.33 a child is in placement for treatment or a child is placed with a previously noncustodial
11.34 parent who is not a parent to all siblings. If the children are not placed together at the time
11.35 of the hearing, the court shall inquire at each subsequent hearing of the agency's reasonable
11.36 efforts to place the siblings together, as required under section 260.012. If any sibling is

12.1 not placed with another sibling or siblings, the agency must develop a plan to facilitate
12.2 visitation or ongoing contact among the siblings as required under section 260C.212,
12.3 subdivision 1, unless it is contrary to the safety or well-being of any of the siblings to do so.

12.4 (l) When the court has ordered the child into foster care or into the home of a
12.5 noncustodial parent, the court may order a chemical dependency evaluation, mental health
12.6 evaluation, medical examination, and parenting assessment for the parent as necessary
12.7 to support the development of a plan for reunification required under subdivision 7 and
12.8 section 260C.212, subdivision 1, or the child protective services plan under section
12.9 626.556, subdivision 10, and Minnesota Rules, part 9560.0228.

12.10 **EFFECTIVE DATE.** This section is effective August 1, 2013.

12.11 Sec. 5. Minnesota Statutes 2012, section 260C.181, subdivision 2, is amended to read:

12.12 Subd. 2. **Least restrictive setting.** Notwithstanding the provisions of subdivision 1,
12.13 if the child had been taken into custody pursuant to section 260C.175, subdivision 1, clause
12.14 (1) or (2), item (ii), and is not alleged to be delinquent or a sexually exploited youth, the
12.15 child shall be detained in the least restrictive setting consistent with the child's health and
12.16 welfare and in closest proximity to the child's family as possible. Placement may be with a
12.17 child's relative, a designated caregiver under chapter 257A, or in a shelter care facility. The
12.18 placing officer shall comply with this section and shall document why a less restrictive
12.19 setting will or will not be in the best interests of the child for placement purposes.

12.20 **EFFECTIVE DATE.** This section is effective August 1, 2013.

12.21 Sec. 6. Minnesota Statutes 2012, section 260C.181, is amended by adding a
12.22 subdivision to read:

12.23 Subd. 4. **Secure detention; limitations.** If the child had been taken into custody
12.24 pursuant to section 260C.175, subdivision 1, clause (1) or (2), item (ii), and is alleged to
12.25 be a sexually exploited youth, upon motion by the county attorney, placement in a secure
12.26 detention facility may be continued for up to 48 additional hours, exclusive of Saturdays,
12.27 Sundays, and holidays, if the court determines that the child's health or welfare would be
12.28 immediately endangered if released to a less restrictive setting.

12.29 **EFFECTIVE DATE.** This section is effective August 1, 2013.

ARTICLE 4**APPROPRIATIONS****Section 1. DEPARTMENT OF HEALTH.**

(a) \$762,000 is appropriated from the general fund to the commissioner of health in fiscal year 2014 for grants to six regional navigators under Minnesota Statutes, section 145.4717. This appropriation shall be added to the base.

(b) \$750,000 is appropriated from the general fund to the commissioner of health for grants to provide training on sexual exploitation of youth, pursuant to Minnesota Statutes, section 145.4716, subdivision 4. Of this amount, \$500,000 is appropriated in fiscal year 2014 and \$250,000 in fiscal year 2015. This appropriation shall be added to the base.

(c) \$300,000 is appropriated from the general fund to the commissioner of health in fiscal year 2015 for program evaluation required under Minnesota Statutes, section 145.4718. This appropriation shall be added to the base.

(d) \$532,000 in fiscal year 2014 and \$532,000 in fiscal year 2015 are appropriated from the general fund to the commissioner of health for grants to outreach workers for the safe harbor of sexually exploited youth program under Minnesota Statutes, section 145.4716. This appropriation shall be added to the base.

(e) \$1,000,000 in fiscal year 2014 and \$1,000,000 in fiscal year 2015 are appropriated from the general fund to the commissioner of health for supportive service grants for the safe harbor for sexually exploited youth program, under Minnesota Statutes, section 145.4716, including advocacy services, civil legal services, health care services, mental and chemical health services, education and employment services, aftercare and relapse prevention, and family reunification services. This appropriation shall be added to the base.

(f) \$82,550 in fiscal year 2014 and \$82,550 in fiscal year 2015 are appropriated from the general fund to the commissioner of health for the director of child sex trafficking prevention position. This appropriation shall be added to the base.

Sec. 2. DEPARTMENT OF HUMAN SERVICES.

(a) \$4,472,500 in fiscal year 2014 is appropriated from the general fund to the commissioner of human services for a safe harbor shelter and housing fund to be spent in the following manner for housing and supportive services for youth who are sexually exploited:

(1) \$2,190,000 to increase the capacity of emergency shelter beds;

(2) \$1,370,000 for transitional living programs;

(3) \$547,500 for supportive housing services; and

- 14.1 (4) \$365,000 to increase the capacity of child foster care homes.
- 14.2 The appropriation in this paragraph is added to the base.
- 14.3 (b) \$4,000,000 in fiscal year 2014 is appropriated from the general fund to the
- 14.4 commissioner of human services for renovation and construction of facilities to serve
- 14.5 the housing and supportive services needs of youth who are sexually exploited. This is
- 14.6 a onetime appropriation.
- 14.7 (c) The appropriations in this section are available until spent.

APPENDIX
Article locations in 13-1474

ARTICLE 1	DEPARTMENT OF HEALTH	Page.Ln 1.12
ARTICLE 2	SAFE HARBOR PROVISIONS	Page.Ln 3.5
ARTICLE 3	CHILD PROTECTION	Page.Ln 7.1
ARTICLE 4	APPROPRIATIONS	Page.Ln 13.1

609.093 JUVENILE PROSTITUTES; DIVERSION OR CHILD PROTECTION PROCEEDINGS.

Subdivision 1. **First-time prostitution offense; applicability; procedure.** (a) This section applies to a 16 or 17 year old child alleged to have engaged in prostitution as defined in section 609.321, subdivision 9, who:

(1) has not been previously adjudicated delinquent for engaging in prostitution as defined in section 609.321, subdivision 9;

(2) has not previously participated in or completed a diversion program for engaging in prostitution as defined in section 609.321, subdivision 9;

(3) has not previously been placed on probation without an adjudication or received a continuance under section 260B.198, subdivision 7, for engaging in prostitution as defined in section 609.321, subdivision 9;

(4) has not previously been found to be a child in need of protection or services for engaging in prostitution as defined in section 609.321, subdivision 9, or because the child is a sexually exploited youth as defined in section 260C.007, subdivision 31, clause (1); and

(5) agrees to successfully complete a diversion program under section 388.24 or fully comply with a disposition order under sections 260C.201, 260C.202, and 260C.204.

(b) The prosecutor shall refer a child described in paragraph (a) to a diversion program under section 388.24 or file a petition under section 260C.141 alleging the child to be in need of protection or services.

Subd. 2. **Failure to comply.** If a child fails to successfully complete diversion or fails to fully comply with a disposition order under sections 260C.201, 260C.202, and 260C.204, the child may be referred back to the court for further proceedings under chapter 260B.

Subd. 3. **Dismissal of charge.** The court shall dismiss the charge against the child if any of the following apply:

(1) the prosecutor referred the child to a diversion program and the prosecutor notifies the court that the child successfully completed the program;

(2) the prosecutor filed a petition under section 260C.141 and the court does not find that the child is in need of protection or services; or

(3) the prosecutor filed a petition under section 260C.141, the court entered an order under sections 260C.201, 260C.202, and 260C.204, and the child fully complied with the order.