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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 3671

02/13/2024 Authored by Pinto and Feist
The bill was read for the first time and referred to the Committee on Children and Families Finance and Policy
03/11/2024 Adoption of Report: Amended and re-referred to the Committee on Public Safety Finance and Policy
03/20/2024 Adoption of Report: Placed on the General Register
Read for the Second Time

1.1 A bill for an act
1.2 relating to child protection; modifying the definitions of delinquent child, juvenile
1.3 petty offender, and child in need of protection or services; amending Minnesota
1.4 Statutes 2022, sections 260B.007, subdivisions 6, 16; 260C.007, subdivision 6.

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

1.6 Section 1. Minnesota Statutes 2022, section 260B.007, subdivision 6, is amended to read:

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

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

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

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

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

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

1.21 (c) The term delinquent child does not include a child alleged to have engaged in conduct
1.22 which would, if committed by an adult, violate any federal, state, or local law relating to

2.1 being hired, offering to be hired, or agreeing to be hired by another individual to engage in  
2.2 sexual penetration or sexual conduct.

2.3 (d) Effective August 1, 2026, and applied to acts committed on or after that date, the  
2.4 term delinquent child does not include a child alleged to have committed a delinquent act  
2.5 before reaching 13 years of age.

2.6 Sec. 2. Minnesota Statutes 2022, section 260B.007, subdivision 16, is amended to read:

2.7 Subd. 16. **Juvenile petty offender; juvenile petty offense.** (a) "Juvenile petty offense"  
2.8 includes a juvenile alcohol offense, a juvenile controlled substance offense, a violation of  
2.9 section 609.685, or a violation of a local ordinance, which by its terms prohibits conduct  
2.10 by a child under the age of 18 years which would be lawful conduct if committed by an  
2.11 adult.

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

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

2.15 (1) a misdemeanor-level violation of section 518B.01, 588.20, 609.224, 609.2242,  
2.16 609.324, subdivision 2 or 3, 609.5632, 609.576, 609.66, 609.746, 609.748, 609.79, or  
2.17 617.23;

2.18 (2) a major traffic offense or an adult court traffic offense, as described in section  
2.19 260B.225;

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

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

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

3.1 (e) Effective August 1, 2026, and applied to acts committed on or after that date,  
3.2 notwithstanding any contrary provision in paragraphs (a) to (d), a juvenile petty offender  
3.3 does not include a child who is alleged to have committed a juvenile petty offense before  
3.4 reaching 13 years of age.

3.5 Sec. 3. Minnesota Statutes 2022, section 260C.007, subdivision 6, is amended to read:

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

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

3.9 (2)(i) has been a victim of physical or sexual abuse as defined in section 260E.03,  
3.10 subdivision 18 or 20, (ii) resides with or has resided with a victim of child abuse as defined  
3.11 in subdivision 5 or domestic child abuse as defined in subdivision 13, (iii) resides with or  
3.12 would reside with a perpetrator of domestic child abuse as defined in subdivision 13 or child  
3.13 abuse as defined in subdivision 5 or 13, or (iv) is a victim of emotional maltreatment as  
3.14 defined in subdivision 15;

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

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

3.21 (5) is medically neglected, which includes, but is not limited to, the withholding of  
3.22 medically indicated treatment from an infant with a disability with a life-threatening  
3.23 condition. The term "withholding of medically indicated treatment" means the failure to  
3.24 respond to the infant's life-threatening conditions by providing treatment, including  
3.25 appropriate nutrition, hydration, and medication which, in the treating physician's, advanced  
3.26 practice registered nurse's, or physician assistant's reasonable medical judgment, will be  
3.27 most likely to be effective in ameliorating or correcting all conditions, except that the term  
3.28 does not include the failure to provide treatment other than appropriate nutrition, hydration,  
3.29 or medication to an infant when, in the treating physician's, advanced practice registered  
3.30 nurse's, or physician assistant's reasonable medical judgment:

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

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

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

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

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

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

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

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

4.18 (11) is a sexually exploited youth;

4.19 (12) has committed a delinquent act or a juvenile petty offense before becoming ten  
4.20 years old. This clause expires on July 31, 2026;

4.21 (13) is a runaway;

4.22 (14) is a habitual truant;

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

4.27 (16) has a parent whose parental rights to one or more other children were involuntarily  
4.28 terminated or whose custodial rights to another child have been involuntarily transferred to  
4.29 a relative and there is a case plan prepared by the responsible social services agency  
4.30 documenting a compelling reason why filing the termination of parental rights petition under  
4.31 section 260C.503, subdivision 2, is not in the best interests of the child; or

5.1 (17) effective August 1, 2026, has committed a delinquent act or a juvenile petty offense  
5.2 before reaching 13 years of age.

5.3 **Sec. 4. DIRECTION TO COMMISSIONERS; CHILDREN WHO COMMIT A**  
5.4 **DELINQUENT ACT OR JUVENILE PETTY OFFENSE BEFORE REACHING 13**  
5.5 **YEARS OF AGE.**

5.6 Before August 1, 2026, the commissioners of human services; children, youth, and  
5.7 families; corrections; and public safety, in consultation with stakeholders, shall confer to  
5.8 ensure sufficient child protection system capacity and develop policies related to children  
5.9 who have committed a delinquent act or juvenile petty offense before reaching 13 years of  
5.10 age, who will be children in need of protection or services rather than delinquent children  
5.11 as of August 1, 2026. Policies developed under this section must include but are not limited  
5.12 to policies related to:

5.13 (1) the ability of responsible social services agencies to provide necessary interventions  
5.14 and services to these children and their families;

5.15 (2) the ability and authority to provide secure confinement, when appropriate; and

5.16 (3) victim rights and notification.