SENATE
STATE OF MINNESOTA
EIGHTY-EIGHTH SESSION

S.F. No. 1441

1.1   A bill for an act

1.2   relating to public safety; extending the time period and renewals allowed for a

1.3   continuance without adjudication in a juvenile delinquency case; expanding

1.4   the scope of juvenile diversion programs; amending Minnesota Statutes 2012,

1.5   sections 260B.198, subdivision 7; 388.24, subdivision 1.

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

1.7   Section 1. Minnesota Statutes 2012, section 260B.198, subdivision 7, is amended to

1.8   read:

1.9   Subd. 7. **Continuance.** (a) When it is in the best interests of the child to do so and

1.10   not inimical to public safety and when the child has admitted the allegations contained in

1.11   the petition before the judge or referee, or when a hearing has been held as provided for in

1.12   section 260B.163 and the allegations contained in the petition have been duly proven but,

1.13   in either case, before a finding of delinquency has been entered, the court may continue

1.14   the case for a period not to exceed 90 180 days on any one order. Such a continuance may

1.15   be extended for one additional successive period not to exceed 90 days and only after the

1.16   court has reviewed the case and entered its order for an additional continuance without a

1.17   finding of delinquency. The continuance may be extended for one additional successive

1.18   period not to exceed 180 days, but only with the consent of the prosecutor and only after

1.19   the court has reviewed the case and entered its order for the additional continuance

1.20   without a finding of delinquency. During this a continuance the court may enter an order

1.21   in accordance with the provisions of subdivision 1, clause (1) or (2) except clause (4), or

1.22   enter an order to hold the child in detention for a period not to exceed 15 days on any one

1.23   order for the purpose of completing any consideration, or any investigation or examination

1.24   ordered in accordance with the provisions of section 260B.157.

2.1   (b) A prosecutor may appeal a continuance ordered in contravention of this

2.2   subdivision. This subdivision does not extend the court's jurisdiction under section

2.3   260B.193 and does not apply to an extended jurisdiction juvenile proceeding.

2.4   **EFFECTIVE DATE.** This section is effective August 1, 2014, and applies to

2.5   offenses committed on or after that date.

2.6   Sec. 2. Minnesota Statutes 2012, section 388.24, subdivision 1, is amended to read:

2.7   Subdivision 1. **Definition.** As used in this section:

2.8   (1) a child under the jurisdiction of the juvenile court is an "offender" if:

2.9   (i) the child is petitioned for, or probable cause exists to petition or take the child into

2.10   custody for, a felony, gross misdemeanor, or misdemeanor, petty misdemeanor, juvenile

2.11   petty, or juvenile traffic offense, other than an offense against the person, but has not yet

2.12   entered a plea in the proceedings;

2.13   (ii) the child has not previously been adjudicated in Minnesota or any other state for

2.14   any offense against the person; and

2.15   (iii) the child has not previously been petitioned for an offense in Minnesota and

2.16   then had the petition dismissed as part of a diversion program, including a program that

2.17   existed before July 1, 1995; and

2.18   (2) "pretrial diversion" means the decision of a prosecutor to refer an offender to a

2.19   diversion program on condition that the delinquency petition against the offender will be

2.20   dismissed or the petition will not be filed after a specified period of time if the offender

2.21   successfully completes the program.