

1901, et seq. Where the interests of parent and child conflict, the interests of the child are paramount.

Subd. 5. FINDINGS REGARDING REASONABLE EFFORTS. In any proceeding under this section, the court shall make specific findings regarding the nature and extent of efforts made by the social service agency to rehabilitate the parent and reunite the family.

Sec. 9. STUDY.

By January 1, 1989, the commissioner of human services shall study and make recommendations to the legislature on what constitutes reasonable efforts by the social service agency to provide families with placement prevention and family reunification services and under what circumstances information and notice should be provided to parents. The commissioner shall consult with community-based family advocacy organizations, representatives of minority communities, groups representing mentally or physically disabled children and their families, representatives of public and private social service agencies, members of the judiciary, and attorneys who represent all parties in juvenile protection proceedings.

Sec. 10. EFFECTIVE DATE; APPLICATION.

This act is effective August 1, 1988, and applies to petitions for termination of parental rights filed and placements begun on and after that date.

Approved April 14, 1988

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CHAPTER 515—H.F.No. 1111

*An act relating to crimes; providing that it is a prima facie case for reference for prosecution as an adult if a child is alleged to have committed an aggravated felony against the person as a member of an organized gang; making it a crime for an alleged or adjudicated juvenile delinquent who is 18 years old to escape from lawful custody; providing for custody of minors; amending Minnesota Statutes 1986, sections 260.125, subdivision 3; 609.485, subdivisions 2 and 4; and 636.07; and Minnesota Statutes 1987 Supplement, section 641.14.*

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

Section 1. Minnesota Statutes 1986, 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:

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(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 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) Is alleged by delinquency petition (a) to have committed the delinquent act of escape from confinement to a state juvenile correctional facility and (b) to have committed an offense as part of, or subsequent to, escape from custody that would be a felony listed in section 609.11, subdivision 9, if committed by an adult; or

(4) 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

(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 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

(6) 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

(7) 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 clause (2), (4), or (5); or

(8) Is alleged by delinquency petition to have committed an aggravated felony against the person, other than a violation of section 609.713, in furtherance of criminal activity by an organized gang.

For the purposes of this subdivision, "aggravated felony against the person" means a violation of any of the following provisions: section 609.185; 609.19; 609.195; 609.20, subdivision 1 or 2; 609.221; 609.222; 609.223; 609.245; 609.25;

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609.342; 609.343; 609.344, subdivision 1, clause (c) or (d); 609.345, subdivision 1, clause (c) or (d); 609.561; ~~609.58~~, subdivision 2, ~~clause (b)~~ 609.582, subdivision 1, clause (b) or (c); or 609.713.

For the purposes of this subdivision, an "organized gang" means an association of five or more persons, with an established hierarchy, formed to encourage members of the association to perpetrate crimes or to provide support to members of the association who do commit crimes.

Sec. 2. Minnesota Statutes 1986, section 609.485, subdivision 2, is amended to read:

Subd. 2. **ACTS PROHIBITED.** Whoever does any of the following may be sentenced as provided in subdivision 4:

(1) Escapes while held in lawful custody on a charge or conviction of a crime, or while held in lawful custody of the commissioner of corrections on an allegation or adjudication of a delinquent act while 18 years of age;

(2) Transfers to another, who is in lawful custody on a charge or conviction of a crime, or introduces into an institution in which the latter is confined, anything usable in making such escape, with intent that it shall be so used;

(3) Having another in lawful custody on a charge or conviction of a crime, intentionally permits the other to escape; or

(4) Escapes while in a facility designated under section 253B.18, subdivision 1, pursuant to a court commitment order after a finding of not guilty by reason of mental illness or mental deficiency of a crime against the person, as defined in section 253B.02, subdivision 4a. Notwithstanding section 609.17, no person may be charged with or convicted of an attempt to commit a violation of this clause.

Sec. 3. Minnesota Statutes 1986, section 609.485, subdivision 4, is amended to read:

Subd. 4. **SENTENCE.** Except as otherwise provided in subdivision 3a, whoever violates this section may be sentenced as follows:

(1) If the person who escapes is in lawful custody on a charge or conviction of a felony, to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

(2) If the person who escapes is in lawful custody after a finding of not guilty by reason of mental illness or mental deficiency of a crime against the person, as defined in section 253B.02, subdivision 4a, to imprisonment for not more than one year and one day or to payment of a fine of not more than \$3,000, or both.

(3) If such charge or conviction is for a gross misdemeanor, or if the person who escapes is in lawful custody of the commissioner of corrections on an

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allegation or adjudication of a delinquent act while 18 years of age, to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

(4) If such charge or conviction is for a misdemeanor, to imprisonment for not more than 90 days or to payment of a fine of not more than \$700, or both.

(5) If the escape was a violation of subdivision 2, clause (1), (2), or (3) and was effected by violence or threat of violence against a person, the sentence may be increased to not more than twice those permitted in clauses (1), (3), and (4).

(6) Unless a concurrent term is specified by the court, a sentence under this section shall be consecutive to any sentence previously imposed or which may be imposed for any crime or offense for which the person was in custody when the person escaped.

(7) Notwithstanding clause (6), if a person who was committed to the commissioner of corrections under section 260.185 escapes from the custody of the commissioner while 18 years of age, the person's sentence under this section shall commence on the person's nineteenth birthday or on the person's date of discharge by the commissioner of corrections, whichever occurs first. However, if the person described in this clause is convicted under this section after becoming 19 years old and after having been discharged by the commissioner, the person's sentence shall commence upon imposition by the sentencing court.

Sec. 4. Minnesota Statutes 1986, section 636.07, is amended to read:

#### 636.07 CARE AND CUSTODY OF MINORS.

Every sheriff or other person having charge of a minor under the age of 18 years, chargeable with any crime, shall provide a ~~separate place of confinement for the minor, under no circumstances with grown-up prisoners.~~ Every the minor while in confinement ~~shall be provided~~ with good reading matter, and relatives and friends likely to exert a good influence over the minor shall at all reasonable times be permitted to visit.

Sec. 5. Minnesota Statutes 1987 Supplement, section 641.14, is amended to read:

#### 641.14 JAILS, ~~HOW KEPT;~~ SEPARATION OF PRISONERS.

The sheriff of each county ~~shall have charge of the jail, and be is~~ responsible for ~~its~~ the operation and condition of the jail. Male and female prisoners shall be kept in separate rooms. No minor under 18 years shall be kept in the same room with adult prisoners. No insane prisoner shall be kept in the same room with any other prisoner. No person awaiting trial shall be kept in a room with a person convicted of a crime. No person awaiting trial shall be kept in a room with another person awaiting trial unless consistent with the person's safety, health and welfare. ~~So far as~~ If construction of the jail ~~will permit permits,~~ and ~~so far as~~ the sheriff shall maintain strict separation of prisoners to the extent that separation is consistent with prisoners' security, safety, health, and welfare;

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strict separation of prisoners shall be maintained. The sheriff shall not keep in the same room or section of the jail:

(1) a minor under 18 years old and a prisoner who is 18 years old or older, unless the minor has been committed to the commissioner of corrections under section 609.105 or the minor has been referred for adult prosecution and the prosecuting authority has filed a notice of intent to prosecute the matter for which the minor is being held under section 260.125;

(2) an insane prisoner and another prisoner;

(3) a prisoner awaiting trial and a prisoner who has been convicted of a crime;

(4) a prisoner awaiting trial and another prisoner awaiting trial, unless consistent with the safety, health, and welfare of both; and

(5) a female prisoner and a male prisoner.

**Sec. 6. EFFECTIVE DATE.**

Sections 2, 3, 4, and 5 are effective August 1, 1988, and apply to crimes committed on or after that date.

Approved April 14, 1988

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**CHAPTER 516—H.F.No. 1224**

*An act relating to local government; permitting the establishment of a joint economic development authority in Cook county.*

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

**Section 1. COOK COUNTY AND GRAND MARAIS; JOINT ECONOMIC DEVELOPMENT AUTHORITY.**

A public body corporate and politic, to be known as the Cook county/Grand Marais joint economic development authority, is created, having all of the powers and duties of an economic development authority under Minnesota Statutes, sections 469.091 to 469.108, except as otherwise provided in this act. For the purposes of sections 1 to 6, "joint authority" means the Cook county/Grand Marais joint economic development authority. For the purposes of applying Minnesota Statutes, sections 469.091 to 469.108, to the joint authority, Cook county and Grand Marais have all of the powers and duties of a city, and the Cook county board and the Grand Marais city council have all of the powers and duties of a city council, except for bond issuance and tax levy purposes as otherwise provided in this act. The joint authority may exercise all of the powers of an economic development authority, including those contained in

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