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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 46

01/04/2023 Authored by Feist, Berg, Norris, Clardy, Frazier and others
The bill was read for the first time and referred to the Committee on Judiciary Finance and Civil Law
01/18/2023 By motion, recalled and re-referred to the Committee on Public Safety Finance and Policy

1.1 A bill for an act
1.2 relating to human services; establishing the Office of Juvenile Restorative Justice;
1.3 requiring local steering committees to establish local juvenile restorative justice
1.4 programs; establishing grants; requiring reports; appropriating money; proposing
1.5 coding for new law in Minnesota Statutes, chapter 260B.

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

1.7 Section 1. 260B.020 OFFICE OF JUVENILE RESTORATIVE JUSTICE.

1.8 Subdivision 1. Establishment. The Office of Juvenile Restorative Justice is established
1.9 within the Children and Family Services Administration of the Department of Human
1.10 Services. The Office of Juvenile Restorative Justice shall have the powers and duties
1.11 described in this section.

1.12 Subd. 2. Director; other staff. (a) The commissioner of human services shall appoint
1.13 a director to manage the Office of Juvenile Restorative Justice. The director must have
1.14 experience in restorative justice programs, including Native American sentencing circles;
1.15 knowledge about the truancy, delinquency, and juvenile safety and placement systems; and
1.16 knowledge about victim-centered and trauma-informed programs and services. The director
1.17 shall serve in the unclassified service.

1.18 (b) The commissioner may hire additional staff to perform the duties of the Office of
1.19 Juvenile Restorative Justice. The staff shall be in the unclassified service of the state and
1.20 compensation shall be established pursuant to chapter 43A. The staff shall be reimbursed
1.21 for the expenses necessarily incurred in the performance of official duties in the same manner
1.22 as other state employees.

2.1 Subd. 3. Duties. (a) The director shall work with counties and multicounty agencies to
2.2 establish sustainable programs that employ restorative practices to identify the underlying
2.3 causes of behavior and empower children, families, and communities to address and prevent
2.4 issues surrounding incidents of negative behavior by children. The director shall ensure that
2.5 every county is served by at least one local restorative justice program.

2.6 (b) The director shall consult with existing restorative justice programs in Tribal
2.7 communities, counties, multicounty agencies, other state agencies, nonprofit agencies, and
2.8 other jurisdictions to identify effective restorative justice practices.

2.9 (c) The director shall communicate with county attorneys and other prosecutors, defense
2.10 attorneys, law enforcement agencies, school boards, schools, human services providers, and
2.11 other community members to explain the rigorous nature of restorative justice programs
2.12 and circle sentencing, present options for restorative practices, and describe expected
2.13 outcomes from those practices.

2.14 (d) The director shall work with local communities to identify community needs that
2.15 could be addressed through restorative practices and explore community strengths that could
2.16 support those restorative practices.

2.17 (e) The director shall provide technical support for existing local restorative justice
2.18 programs, including sharing information on successful practices in other jurisdictions,
2.19 notifying program organizers and participants about available training opportunities, and
2.20 informing program organizers about sources for financial support.

2.21 (f) The director shall coordinate the establishment of local steering committees as
2.22 described in subdivision 4.

2.23 (g) The director shall support the establishment of new local restorative justice programs
2.24 provided those programs:

2.25 (1) utilize restorative practices that:

2.26 (i) are rooted in community values;

2.27 (ii) work to restore all parties to an incident instead of focusing on punishment;

2.28 (iii) engage with those most directly affected by an incident;

2.29 (iv) ensure that the voices of all who have been negatively impacted by the harmful
2.30 behavior are heard; and

- 3.1 (v) have broad authority to determine complete and appropriate responses to specific
3.2 incidents through the use of a collaborative process involving input from the child,
3.3 community members, and others affected by an incident or the response;
- 3.4 (2) implement policies and procedures that are informed by the science of cognitive
3.5 development, including relevant research on the immediate and long-term impact of punitive
3.6 responses to youth behavior;
- 3.7 (3) recognize the multiple individual and societal factors that influence the behavior of
3.8 children;
- 3.9 (4) acknowledge the role that race, sex, and socioeconomic status have played in the
3.10 establishment of social systems and the effect those systems have on the development of
3.11 children;
- 3.12 (5) provide solutions and approaches that affirm and are tailored to specific cultures;
- 3.13 (6) respect a child's history of trauma and provide an individualized approach to heal
3.14 that trauma;
- 3.15 (7) include community representatives that reflect the diversity of the child's environment
3.16 and the individuals most frequently involved in the truancy, delinquency, and juvenile safety
3.17 and placement systems;
- 3.18 (8) give power to children, their families, and communities to build on individual and
3.19 community strengths, identify resources available to support the needs of children, and
3.20 develop procedures to repair and prevent harms;
- 3.21 (9) develop diverse, supportive relationships that reflect the fact that building community
3.22 requires a network of partnerships;
- 3.23 (10) respect the demands on children and coordinate programs to support and encourage
3.24 other prosocial activities;
- 3.25 (11) promote restorative justice practices within education, delinquency, and truancy
3.26 systems;
- 3.27 (12) establish policies and procedures around the confidentiality of information shared
3.28 by children to promote honesty and protect the public;
- 3.29 (13) create meaningful accountability that prioritizes commitments made with children,
3.30 recognizes and addresses the underlying issues of behavior, repairs harms, and prevents
3.31 future harms; and

4.1 (14) include mechanisms for meaningful input and engagement with communities that
4.2 have been most harmed by existing systems of justice.

4.3 (h) The director may provide information and technical support to local restorative justice
4.4 programs that address substance use disorders in adults, the transition of children into or
4.5 out of the foster system, and challenges facing families working to provide a safe and healthy
4.6 environment for children.

4.7 (i) The director shall establish minimum eligibility requirements for grants to local
4.8 restorative justice programs, including:

4.9 (1) requiring that recipients accept eligible children into restorative programs pursuant
4.10 to section 260B.1755 before a delinquency petition has been filed or after a delinquency
4.11 petition has been filed consistent with the eligibility determinations of the applicable local
4.12 steering committee;

4.13 (2) prohibiting recipients from utilizing involuntary out-of-home placements as part of
4.14 the program; and

4.15 (3) requiring that recipients address issues surrounding incidents of negative behavior
4.16 by children through the use of voluntary gatherings of community members that emphasize
4.17 sharing and listening, focus on accountability, are rooted in relationships, and are centered
4.18 in equity.

4.19 (j) The director shall review newly established local restorative justice programs two
4.20 years after their establishment and shall perform an updated review five years after their
4.21 establishment. At a minimum, the review shall include the following information:

4.22 (1) the number and demographic makeup of program participants;

4.23 (2) the effect, if any, on the demographic makeup of individuals in the traditional school
4.24 disciplinary, community violence prevention, truancy, delinquency, and juvenile safety and
4.25 placement systems;

4.26 (3) the total number of out-of-home placements involving children in the county and
4.27 the number of out-of-home placements for children in the program;

4.28 (4) the rate of high school graduation in the county disaggregated by race and identifying
4.29 the rate for individuals who participated in the program and the rate for individuals in the
4.30 traditional school disciplinary, community violence prevention, truancy, delinquency, and
4.31 juvenile safety and placement systems;

5.1 (5) the rate of recidivism for children in the program and the rate of recidivism for
5.2 children in the traditional delinquency system; and

5.3 (6) a review of locally developed implementation measures that assess the extent to
5.4 which children, their families, victims and victims advocacy groups, and community members
5.5 believe that the program encourages their input, responds to their recommendations, and
5.6 improves outcomes.

5.7 **Subd. 4. Local steering committees; program organization.** (a) The director shall
5.8 work with counties and multicounty agencies to establish a local steering committee in each
5.9 jurisdiction by January 1, 2024.

5.10 (b) If a county or multicounty agency does not participate in establishing a local steering
5.11 committee, the director shall establish a local steering committee by June 30, 2024.

5.12 (c) Each local steering committee shall develop and implement a local restorative justice
5.13 program that meets the requirements described in subdivision 3, paragraph (g), and is eligible
5.14 for grant funding under the requirements established pursuant to subdivision 3, paragraph
5.15 (i). Local steering committees must establish eligibility requirements designed to provide
5.16 the maximum benefit to children in the community and may include separate standards for
5.17 children referred:

5.18 (1) pursuant to section 260B.1755;

5.19 (2) before a delinquency petition has been filed;

5.20 (3) after a delinquency petition has been filed;

5.21 (4) while serving an existing sentence of incarceration or probation;

5.22 (5) from a school;

5.23 (6) from a county social services agency; or

5.24 (7) from any other source, including self-referral.

5.25 (d) The director shall coordinate or establish a sufficient number of local steering
5.26 committees to ensure that every county is served by at least one local restorative justice
5.27 program.

5.28 (e) To the extent possible, local steering committees must include:

5.29 (1) the chief judge of a county that will be served by the local restorative justice program
5.30 or a designee;

6.1 (2) the county attorney of a county that will be served by the local restorative justice
6.2 program or a designee;

6.3 (3) the chief district public defender in the district that will be served by the local
6.4 restorative justice program or a designee;

6.5 (4) a representative from the county social services agency that has responsibility for
6.6 public child welfare and child protection services in a county that will be served by the local
6.7 restorative justice program;

6.8 (5) a representative from the community corrections agency that has responsibility for
6.9 supervising juveniles adjudicated delinquent in a county that will be served by the local
6.10 restorative justice program;

6.11 (6) a representative from a local law enforcement agency that operates in a county that
6.12 will be served by the local restorative justice program;

6.13 (7) a school principal or member of a school board for a school located in a county that
6.14 will be served by the local restorative justice program;

6.15 (8) multiple community members that reflect the racial, socioeconomic, and other
6.16 diversity of the population of a county that will be served by the local restorative justice
6.17 program and the individuals most frequently involved in the truancy, delinquency, and
6.18 juvenile safety and placement systems; and

6.19 (9) a representative from a victims advocacy group.

6.20 (f) Community members described in paragraph (e), clause (8), must have representation,
6.21 input, and authority to make decisions equal to the members identified in paragraph (e),
6.22 clauses (1) to (7).

6.23 (g) Once a local restorative justice program has been established, a local steering
6.24 committee may permit a county attorney, county social services agency, or local nonprofit
6.25 agency to operate and oversee the program. Local steering committees must establish
6.26 budgetary guidance about how grants established in subdivision 5 will be leveraged alongside
6.27 a reallocation of local funds from the education, public health, social services, truancy, and
6.28 delinquency sectors to be employed for the maximum benefit to children in the community.

6.29 Subd. 5. **Grants.** Within available appropriations, the director shall award grants to
6.30 support existing local restorative justice programs and to establish new local restorative
6.31 justice programs. Grants to support existing local restorative justice programs shall not
6.32 exceed \$50,000 each year. Grants to establish new local restorative justice programs shall

7.1 not exceed \$150,000 and a recipient may receive only one grant in this category. Grant
 7.2 recipients must meet the requirements established pursuant to subdivision 3, paragraph (i).

7.3 Subd. 6. **Report.** By February 15 of each year, the director shall report to the chairs and
 7.4 ranking minority members of the legislative committees with jurisdiction over human
 7.5 services, education, and public safety on the work of the Office of Juvenile Restorative
 7.6 Justice, any grants issued pursuant to this section, and the status of local restorative justice
 7.7 programs in the state that were reviewed in the previous year.

7.8 Sec. 2. **OFFICE OF JUVENILE RESTORATIVE JUSTICE; APPROPRIATION.**

7.9 \$..... in fiscal years 2024 and 2025 are appropriated from the general fund to the
 7.10 commissioner of human services to establish and maintain the Office of Juvenile Restorative
 7.11 Justice.

7.12 Sec. 3. **LOCAL JUVENILE RESTORATIVE JUSTICE PROGRAMS;**
 7.13 **APPROPRIATION.**

7.14 \$..... in fiscal years 2024 and 2025 are appropriated from the general fund to the
 7.15 commissioner of human services for grants administered by the Office of Juvenile Restorative
 7.16 Justice and issued pursuant to Minnesota Statutes, section 260B.020, subdivision 5. The
 7.17 Office of Juvenile Restorative Justice may use up to four percent of this amount to administer
 7.18 the program.