

HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 876

03/03/2011 Authored by Smith, Woodard, Shimanski, Johnson, Hilstrom and others
The bill was read for the first time and referred to the Committee on Judiciary Policy and Finance
03/21/2012 Adoption of Report: Pass as Amended and Read Second Time

1.1 A bill for an act
1.2 relating to judiciary; modifying when the court opens hearings in delinquency
1.3 or extended jurisdiction juvenile proceedings; amending Minnesota Statutes
1.4 2010, section 260B.163, subdivision 1.

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

1.6 Section 1. Minnesota Statutes 2010, section 260B.163, subdivision 1, is amended to
1.7 read:

1.8 Subdivision 1. **General.** (a) Except for hearings arising under section 260B.425,
1.9 hearings on any matter shall be without a jury and may be conducted in an informal
1.10 manner, except that a child who is prosecuted as an extended jurisdiction juvenile has the
1.11 right to a jury trial on the issue of guilt. The rules of evidence promulgated pursuant
1.12 to section 480.0591 and the law of evidence shall apply in adjudicatory proceedings
1.13 involving a child alleged to be delinquent, an extended jurisdiction juvenile, or a juvenile
1.14 petty offender, and hearings conducted pursuant to section 260B.125 except to the extent
1.15 that the rules themselves provide that they do not apply.

1.16 (b) When a continuance or adjournment is ordered in any proceeding, the court may
1.17 make any interim orders as it deems in the best interests of the minor in accordance with
1.18 the provisions of sections 260B.001 to 260B.421.

1.19 (c) Except as otherwise provided in this paragraph, the court shall exclude the
1.20 general public from hearings under this chapter and shall admit only those persons who, in
1.21 the discretion of the court, have a direct interest in the case or in the work of the court. The
1.22 court shall permit the victim of a child's delinquent act to attend any related delinquency
1.23 proceeding, except that the court may exclude the victim:

1.24 (1) as a witness under the Rules of Criminal Procedure; and

2.1 (2) from portions of a certification hearing to discuss psychological material or other
2.2 evidence that would not be accessible to the public.

2.3 The court shall open the hearings to the public in ~~delinquency certification~~ or extended
2.4 jurisdiction juvenile proceedings where the child is alleged to have committed an offense
2.5 or has been proven to have committed an offense that would be a felony if committed
2.6 by an adult and the child was at least 16 years of age at the time of the offense, except
2.7 that the court may exclude the public from portions of a certification hearing to discuss
2.8 psychological material or other evidence that would not be accessible to the public in
2.9 an adult proceeding. The court shall open the hearings to the public in delinquency
2.10 proceedings where the child is alleged to have committed an offense or has been proven
2.11 to have committed an offense that would be a felony if committed by an adult and the
2.12 child was at least 16 years of age at the time of the offense, if the court determines that,
2.13 due to the violent or serious nature of the alleged offense, the benefit to public safety of
2.14 holding an open hearing outweighs the potential consequences for the child due to the
2.15 resulting public record.

2.16 (d) In all delinquency cases a person named in the charging clause of the petition
2.17 as a person directly damaged in person or property shall be entitled, upon request, to be
2.18 notified by the court administrator in writing, at the named person's last known address, of
2.19 (1) the date of the certification or adjudicatory hearings, and (2) the disposition of the case.