

20.25 **ARTICLE 2**  
20.26 **JUVENILE JUSTICE**

20.27 Section 1. Minnesota Statutes 2014, section 244.05, subdivision 4, is amended to read:

20.28 Subd. 4. **Minimum imprisonment, life sentence.** (a) An inmate serving a  
20.29 mandatory life sentence under section 609.106, subdivision 2, or 609.3455, subdivision 2,  
20.30 paragraph (a), must not be given supervised release under this section.

20.31 (b) Except as provided in paragraph (f), an inmate serving a mandatory life sentence  
20.32 under section 609.185, clause (3), (5), or (6); or Minnesota Statutes 2004, section 609.109,  
21.1 subdivision 3, must not be given supervised release under this section without having  
21.2 served a minimum term of 30 years.

21.3 (c) An inmate serving a mandatory life sentence under section 609.385 must not  
21.4 be given supervised release under this section without having served a minimum term of  
21.5 imprisonment of 17 years.

21.6 (d) An inmate serving a mandatory life sentence under section 609.3455, subdivision  
21.7 3 or 4, must not be given supervised release under this section without having served the  
21.8 minimum term of imprisonment specified by the court in its sentence.

21.9 (e) An inmate serving a mandatory life sentence under section 609.106, subdivision  
21.10 3, or 609.3455, subdivision 2, paragraph (c), must not be given supervised release under  
21.11 this section without having served a minimum term of imprisonment of 20 years.

21.12 (f) An inmate serving a mandatory life sentence for a crime described in paragraph  
21.13 (b) who was under 18 years of age at the time of the commission of the offense requiring  
21.14 the life sentence, and who was certified under section 260B.125 or designated an extended  
21.15 jurisdiction juvenile under section 260B.130, must not be given supervised release under  
21.16 this section without having served a minimum term of imprisonment of 20 years.

21.17 **EFFECTIVE DATE; RETROACTIVITY.** This section is effective the day  
21.18 following final enactment and applies to offenders sentenced on or after that date, and also  
21.19 retroactively to offenders sentenced to life without release before that date.

21.20 Sec. 2. Minnesota Statutes 2014, section 244.05, subdivision 5, is amended to read:

21.21 Subd. 5. **Supervised release, life sentence.** (a) The commissioner of corrections  
21.22 may, under rules promulgated by the commissioner, give supervised release to an inmate  
21.23 serving a mandatory life sentence under section 609.185, clause (3), (5), or (6); 609.106,  
21.24 subdivision 3; 609.3455, subdivision 2, paragraph (c), 3, or 4; 609.385; or Minnesota  
21.25 Statutes 2004, section 609.109, subdivision 3, after the inmate has served the minimum  
21.26 term of imprisonment specified in subdivision 4.

21.27 (b) The commissioner shall require the preparation of a community investigation  
21.28 report and shall consider the findings of the report when making a supervised release  
21.29 decision under this subdivision. The report shall reflect the sentiment of the various  
21.30 elements of the community toward the inmate, both at the time of the offense and at the  
21.31 present time. The report shall include the views of the sentencing judge, the prosecutor,  
21.32 any law enforcement personnel who may have been involved in the case, and any  
21.33 successors to these individuals who may have information relevant to the supervised  
21.34 release decision. The report shall also include the views of the victim and the victim's  
21.35 family unless the victim or the victim's family chooses not to participate.

22.1 (c) The commissioner shall make reasonable efforts to notify the victim, in advance,  
22.2 of the time and place of the inmate's supervised release review hearing. The victim has  
22.3 a right to submit an oral or written statement at the review hearing. The statement may  
22.4 summarize the harm suffered by the victim as a result of the crime and give the victim's  
22.5 recommendation on whether the inmate should be given supervised release at this time.  
22.6 The commissioner must consider the victim's statement when making the supervised  
22.7 release decision.

22.8 (d) When considering whether to give supervised release to an inmate serving a life  
22.9 sentence under section 609.3455, subdivision 3 or 4, the commissioner shall consider, at  
22.10 a minimum, the following: the risk the inmate poses to the community if released, the  
22.11 inmate's progress in treatment, the inmate's behavior while incarcerated, psychological  
22.12 or other diagnostic evaluations of the inmate, the inmate's criminal history, and any  
22.13 other relevant conduct of the inmate while incarcerated or before incarceration. The  
22.14 commissioner may not give supervised release to the inmate unless:

22.15 (1) while in prison:

22.16 (i) the inmate has successfully completed appropriate sex offender treatment;

22.17 (ii) the inmate has been assessed for chemical dependency needs and, if appropriate,  
22.18 has successfully completed chemical dependency treatment; and

22.19 (iii) the inmate has been assessed for mental health needs and, if appropriate, has  
22.20 successfully completed mental health treatment; and

22.21 (2) a comprehensive individual release plan is in place for the inmate that ensures  
22.22 that, after release, the inmate will have suitable housing and receive appropriate aftercare  
22.23 and community-based treatment. The comprehensive plan also must include a postprison  
22.24 employment or education plan for the inmate.

22.25 (e) As used in this subdivision, "victim" means the individual who suffered harm as  
22.26 a result of the inmate's crime or, if the individual is deceased, the deceased's surviving  
22.27 spouse or next of kin.

22.28 **EFFECTIVE DATE; RETROACTIVITY.** This section is effective the day  
22.29 following final enactment and applies to offenders sentenced on or after that date, and also  
22.30 retroactively to offenders sentenced to life without release before that date.

22.31 Sec. 3. Minnesota Statutes 2014, section 260B.001, subdivision 2, is amended to read:

22.32 Subd. 2. **Delinquency.** The purpose of the laws relating to children alleged or  
22.33 adjudicated to be delinquent is to promote the public safety and reduce by reducing  
22.34 juvenile delinquency by maintaining the integrity of the substantive law prohibiting  
22.35 certain behavior and by developing individual responsibility for lawful behavior. This  
23.1 purpose should be pursued through means that are fair and just, that recognize the unique  
23.2 characteristics and needs of children, and that give children access to opportunities for  
23.3 personal and social growth.

23.4 Sec. 4. **[260B.008] USE OF RESTRAINTS.**

23.5 (a) As used in this section, "restraints" means a mechanical or other device that  
23.6 constrains the movement of a person's body or limbs.

23.7 (b) Restraints may not be used on a child appearing in court in a proceeding under  
23.8 this chapter unless the court finds that:

23.9 (1) the use of restraints is necessary:

23.10 (i) to prevent physical harm to the child or another; or

23.11 (ii) to prevent the child from fleeing in situations in which the child presents a  
23.12 substantial risk of flight from the courtroom; and

23.13 (2) there are no less restrictive alternatives to restraints that will prevent flight or  
23.14 physical harm to the child or another, including, but not limited to, the presence of court  
23.15 personnel, law enforcement officers, or bailiffs.

23.16 The finding in clause (1), item (i), may be based, among other things, on the child having  
23.17 a history of disruptive courtroom behavior or behavior while in custody for any current  
23.18 or prior offense that has placed others in potentially harmful situations, or presenting a  
23.19 substantial risk of inflicting physical harm on the child or others as evidenced by recent  
23.20 behavior.

23.21 (c) The court shall be provided the child's behavior history and shall provide the child  
23.22 an opportunity to be heard in person or through counsel before ordering the use of restraints.  
23.23 If restraints are ordered, the court shall make findings of fact in support of the order.

23.24 Sec. 5. Minnesota Statutes 2014, section 260B.125, is amended by adding a  
23.25 subdivision to read:

23.26 Subd. 11. **Applicability of mandatory minimum sentences.** Notwithstanding  
23.27 any other law to the contrary, when a person who has been convicted of an offense that  
23.28 has been certified under this section is sentenced, the sentencing court is not required  
23.29 to sentence the person under the terms of a mandatory minimum sentence that would  
23.30 otherwise be applicable to the offense.

23.31 Sec. 6. Minnesota Statutes 2014, section 260B.130, subdivision 4, is amended to read:

23.32 Subd. 4. **Disposition.** (a) If an extended jurisdiction juvenile prosecution results in a  
23.33 guilty plea or finding of guilt, the court shall:

24.1 (1) impose one or more juvenile dispositions under section 260B.198; and

24.2 (2) impose an adult criminal sentence, the execution of which shall be stayed on  
24.3 the condition that the offender not violate the provisions of the disposition order and  
24.4 not commit a new offense.

24.5 (b) If a child prosecuted as an extended jurisdiction juvenile after designation by  
24.6 the prosecutor in the delinquency petition is convicted of an offense after trial that is not  
24.7 an offense described in subdivision 1, clause (2), the court shall adjudicate the child  
24.8 delinquent and order a disposition under section 260B.198. If the extended jurisdiction  
24.9 juvenile proceeding results in a guilty plea for an offense not described in subdivision 1,  
24.10 clause (2), the court may impose a disposition under paragraph (a) if the child consents.

24.11 (c) Notwithstanding any other law to the contrary, when imposing an adult sentence  
24.12 under paragraph (a), clause (2), the court is not required to sentence the child under the  
24.13 terms of a mandatory minimum sentence that would otherwise be applicable to the offense.

24.14 Sec. 7. **[260B.1755] LAW ENFORCEMENT DIVERSION OF NONVIOLENT**  
24.15 **JUVENILE OFFENDERS AUTHORIZED.**

24.16 (a) A peace officer may refer a child that the officer has the lawful authority to arrest  
24.17 or has arrested to a diversion program that the law enforcement agency with jurisdiction  
24.18 over the child deems appropriate.

24.19 (b) This section applies only to nonviolent offenses and does not apply to peace  
24.20 officers acting pursuant to an order or warrant described in section 260B.175, subdivision  
24.21 1, paragraph (a), or other court order to take a child into custody.

24.22 (c) A diversion program authorized by this section may defer prosecution of  
24.23 juvenile offenders who agree to complete appropriate conditions. Upon completion of the  
24.24 conditions, the charge shall be dismissed. Both petty offenders and delinquents may be  
24.25 diverted.

24.26 Sec. 8. Minnesota Statutes 2014, section 609.106, subdivision 2, is amended to read:

24.27 Subd. 2. **Life without release.** Except as provided in subdivision 3, the court shall  
24.28 sentence a person to life imprisonment without possibility of release under the following  
24.29 circumstances:

24.30 (1) the person is convicted of first-degree murder under section 609.185, paragraph  
24.31 (a), clause (1), (2), (4), or (7);

24.32 (2) the person is convicted of committing first-degree murder in the course of a  
24.33 kidnapping under section 609.185, clause (3); or

25.1 (3) the person is convicted of first-degree murder under section 609.185, clause (3),  
25.2 (5), or (6), and the court determines on the record at the time of sentencing that the person  
25.3 has one or more previous convictions for a heinous crime.

25.4 **EFFECTIVE DATE; RETROACTIVITY.** This section is effective the day  
25.5 following final enactment and applies to offenders sentenced on or after that date, and also  
25.6 retroactively to offenders sentenced to life without release before that date.

25.7 Sec. 9. Minnesota Statutes 2014, section 609.106, is amended by adding a subdivision  
25.8 to read:

25.9 Subd. 3. **Offender under age 18; life imprisonment with possibility of release.** If  
25.10 the defendant was under 18 years of age at the time of the commission of an offense that  
25.11 would require a life without release sentence under subdivision 2, and the child has been  
25.12 certified under section 260B.125 or designated an extended jurisdiction juvenile under  
25.13 section 260B.130, the court shall sentence the defendant to imprisonment for life.

25.14 **EFFECTIVE DATE; RETROACTIVITY.** This section is effective the day  
25.15 following final enactment and applies to offenders sentenced on or after that date, and also  
25.16 retroactively to offenders sentenced to life without release before that date.

25.17 Sec. 10. Minnesota Statutes 2014, section 609.3455, subdivision 2, is amended to read:

25.18 Subd. 2. **Mandatory life sentence without release; egregious first-time and**  
25.19 **repeat offenders.** (a) Except as provided in paragraph (c), notwithstanding the statutory  
25.20 maximum penalty otherwise applicable to the offense, the court shall sentence a person  
25.21 convicted under section 609.342, subdivision 1, paragraph (c), (d), (e), (f), or (h); or  
25.22 609.343, subdivision 1, paragraph (c), (d), (e), (f), or (h), to life without the possibility of  
25.23 release if:

25.24 (1) the fact finder determines that two or more heinous elements exist; or

25.25 (2) the person has a previous sex offense conviction for a violation of section  
25.26 609.342, 609.343, or 609.344, and the fact finder determines that a heinous element exists  
25.27 for the present offense.

25.28 (b) A fact finder may not consider a heinous element if it is an element of the  
25.29 underlying specified violation of section 609.342 or 609.343. In addition, when  
25.30 determining whether two or more heinous elements exist, the fact finder may not use the  
25.31 same underlying facts to support a determination that more than one element exists.

25.32 (c) If the defendant was under 18 years of age at the time of the commission of an  
25.33 offense that would require a life without release sentence under paragraph (a), and the child  
26.1 has been certified under section 260B.125 or designated an extended jurisdiction juvenile  
26.2 under section 260B.130, the court shall sentence the defendant to imprisonment for life.

26.3 **EFFECTIVE DATE; RETROACTIVITY.** This section is effective the day  
26.4 following final enactment and applies to offenders sentenced on or after that date, and also  
26.5 retroactively to offenders sentenced to life without release before that date.

26.6 Sec. 11. **RULE SUPERSEDED.**

26.7 Minnesota Rules of Juvenile Procedure, rule 2.03, subdivision 1, is superseded to  
26.8 the extent it conflicts with section 4.

26.9 Sec. 12. **COMPLIANCE WITH JUVENILE RESTRAINT PROVISION.**

26.10 By July 1, 2016, each judicial district shall develop a protocol to address how to  
26.11 implement and comply with section 4. In developing the protocol, a district shall consult  
26.12 with law enforcement agencies, prosecutors, and public defenders within the district, as  
26.13 well as any other entity deemed necessary by the district's chief judge.

26.14 Sec. 13. **LEGISLATIVE FINDINGS AND INTENT.**

26.15 The legislature finds that emerging research on brain development indicates that  
26.16 adolescent brains, and thus adolescent intellectual and emotional capabilities, differ  
26.17 significantly from those of mature adults. It is appropriate to take these differences into  
26.18 consideration when sentencing extended jurisdiction juveniles and juveniles tried as  
26.19 adults. The legislature further finds that requiring mandatory minimum sentences for these  
26.20 juveniles prevents judges from taking these differences into consideration in appropriate  
26.21 circumstances. The legislature intends to eliminate the nondiscretionary application of  
26.22 mandatory minimum sentences to extended jurisdiction juveniles and to juveniles tried as  
26.23 adults while continuing to apply all other adult sentencing provisions to these juveniles.