

HF922 - 0 - Use of Restraints on Juveniles

Chief Author: **Jamie Long**
 Committee: **Public Safety and Criminal Justice Reform Finance and Policy**
 Date Completed: **2/18/2021 8:35:09 AM**
 Agency: **Corrections Dept**

State Fiscal Impact	Yes	No
Expenditures		X
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2021	FY2022	FY2023	FY2024	FY2025
Total	-	-	-	-	-	-
Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium		
		FY2021	FY2022	FY2023	FY2024	FY2025
Total	-	-	-	-	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Maren Bardal **Date:** 2/18/2021 8:35:09 AM
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State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands	FY2021	FY2022	FY2023	FY2024	FY2025	
Total	-	-	-	-	-	-
Biennial Total			-			-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Total	-	-	-	-	-	-
Biennial Total			-			-
2 - Revenues, Transfers In*						
Total	-	-	-	-	-	-
Biennial Total			-			-

Bill Description

Section 1 of the proposed legislation would prohibit the use of restraints on a child who appears to a court proceeding, except in specified instances. Each judicial district would be required to develop a protocol to address how to implement and comply with the provisions of Section 1.

Section 2 would exclude the general public from delinquency hearings.

Section 3 establishes a peace officer may refer a child that the officer has the lawful authority to arrest or has arrested to a program that the law enforcement agency with jurisdiction over the child deems appropriate. An authorized program may defer prosecution of juveniles who agree to complete the appropriate conditions. Upon completion of the conditions, the charge would be dismissed.

Before detaining a child, Section 4 would require the use of a risk assessment instrument to assess the likelihood that a child released from preadjudication detention would endanger others or not return for a court hearing. The instrument must identify the appropriate setting for a child who might endanger others or not return for a court hearing pending adjudication with either continued detention or placement in a noncustodial community-based supervision setting. If, after using the instrument, a determination is made that the child should be released, the person taking the child into custody or the supervisor of the facility shall release the child as provided.

Assumptions

Sections 1, 2 and 3 of this bill would not have a fiscal impact on the Department of Corrections (DOC).

The DOC currently has access to risk assessment instruments to comply with the provisions in Section 4 of this bill.

There are no criminal charges in this bill.

There would be no impact on prison beds or supervision caseloads statewide.

There would be no fiscal impact to the DOC as a result of this bill.

Section 1 of this bill would be effective on April 15, 2022, except the requirement for judicial districts to develop the described protocol would be effective the day following enactment.

Section 4 of this bill would be effective on August 15, 2022.

Expenditure and/or Revenue Formula

N/A

Long-Term Fiscal Considerations

N/A

Local Fiscal Impact

The estimated fiscal impact on local correctional resources as a result of this bill would be minimal.

References/Sources

Department of Corrections staff

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