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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 1233

02/02/2023 Authored by Pinto, Moller, Novotny, Feist, Hollins and others
The bill was read for the first time and referred to the Committee on Public Safety Finance and Policy

1.1 A bill for an act
1.2 relating to juvenile justice; prohibiting visual inspection of delinquent children
1.3 and youth in detention facilities; prohibiting disciplinary room time for delinquent
1.4 children and youth in detention facilities; amending Minnesota Statutes 2022,
1.5 section 241.021, subdivisions 2a, 2b, by adding subdivisions.

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

1.7 Section 1. Minnesota Statutes 2022, section 241.021, subdivision 2a, is amended to read:

1.8 Subd. 2a. Affected municipality; notice. The commissioner must not ~~issue~~ grant a
1.9 license without giving 30 calendar days' written notice to any affected municipality or other
1.10 political subdivision unless the facility has a licensed capacity of six or fewer persons and
1.11 is occupied by either the licensee or the group foster home parents. The notification must
1.12 be given before the license is first issuance of a license granted and annually after that time
1.13 if annual notification is requested in writing by any affected municipality or other political
1.14 subdivision. State funds must not be made available to or be spent by an agency or department
1.15 of state, county, or municipal government for payment to a foster care facility licensed under
1.16 subdivision 2 until the provisions of this subdivision have been complied with in full.

1.17 Sec. 2. Minnesota Statutes 2022, section 241.021, subdivision 2b, is amended to read:

1.18 Subd. 2b. Licensing; facilities; juveniles from outside state. The commissioner may
1.19 not:

1.20 (1) ~~issue~~ grant a license under this section to operate a correctional facility for the
1.21 detention or confinement of juvenile offenders if the facility accepts juveniles who reside
1.22 outside of Minnesota without an agreement with the entity placing the juvenile at the facility
1.23 that obligates the entity to pay the educational expenses of the juvenile; or

2.1 (2) renew a license under this section to operate a correctional facility for the detention  
2.2 or confinement of juvenile offenders if the facility accepts juveniles who reside outside of  
2.3 Minnesota without an agreement with the entity placing the juvenile at the facility that  
2.4 obligates the entity to pay the educational expenses of the juvenile.

2.5 Sec. 3. Minnesota Statutes 2022, section 241.021, is amended by adding a subdivision to  
2.6 read:

2.7 Subd. 2c. **Searches.** The commissioner shall not grant a license to any county,  
2.8 municipality, or agency to operate a facility for the detention, care, and training of delinquent  
2.9 children and youth unless the county, municipality, or agency institutes a policy strictly  
2.10 prohibiting the visual inspection of breasts, buttocks, or genitalia of children and youth  
2.11 received by the facility except during a health care procedure conducted by a medically  
2.12 licensed person.

2.13 Sec. 4. Minnesota Statutes 2022, section 241.021, is amended by adding a subdivision to  
2.14 read:

2.15 Subd. 2d. **Disciplinary room time.** The commissioner shall not grant a license to any  
2.16 county, municipality, or agency to operate a facility for the detention, care, and training of  
2.17 delinquent children and youth unless the county, municipality, or agency institutes a policy  
2.18 strictly prohibiting the use of disciplinary room time for children and youth received by the  
2.19 facility.