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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 3991

02/19/2024 Authored by Feist; Hill; Berg; Lee, K.; Sencer-Mura and others
The bill was read for the first time and referred to the Committee on Judiciary Finance and Civil Law

1.1 A bill for an act
1.2 relating to public safety; creating restorative practices restitution program;
1.3 eliminating ability of court to order fine in delinquency proceeding or juvenile
1.4 major water or traffic offender proceeding; making conforming and technical
1.5 changes; amending Minnesota Statutes 2022, sections 260B.198, subdivision 1;
1.6 260B.225, subdivision 9; 260B.235, subdivision 4; Minnesota Statutes 2023
1.7 Supplement, section 299A.95, subdivision 5.

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

1.9 Section 1. Minnesota Statutes 2022, section 260B.198, subdivision 1, is amended to read:

1.10 Subdivision 1. Court order, findings, remedies, treatment. (a) If the court finds that
1.11 the child is delinquent, it shall enter an order making any of the following dispositions of
1.12 the case which are deemed necessary to the rehabilitation of the child:

1.13 (1) counsel the child or the parents, guardian, or custodian;

1.14 (2) place the child under the supervision of a probation officer or other suitable person
1.15 in the child's own home under conditions prescribed by the court including reasonable rules
1.16 for the child's conduct and the conduct of the child's parents, guardian, or custodian, designed
1.17 for the physical, mental, and moral well-being and behavior of the child, or with the consent
1.18 of the commissioner of corrections, in a group foster care facility which is under the
1.19 management and supervision of said commissioner;

1.20 (3) if the court determines that the child is a danger to self or others, subject to the
1.21 supervision of the court, transfer legal custody of the child to one of the following:

1.22 (i) a child-placing agency;

1.23 (ii) the local social services agency;

2.1 (iii) a reputable individual of good moral character. No person may receive custody of
2.2 two or more unrelated children unless licensed as a residential facility pursuant to sections
2.3 245A.01 to 245A.16;

2.4 (iv) a county home school, if the county maintains a home school or enters into an
2.5 agreement with a county home school; or

2.6 (v) a county probation officer for placement in a group foster home established under
2.7 the direction of the juvenile court and licensed pursuant to section 241.021;

2.8 (4) transfer legal custody by commitment to the commissioner of corrections;

2.9 (5) if the child is found to have violated a state or local law or ordinance which has
2.10 resulted in damage to the person or property of another, the court may order the child to
2.11 make reasonable restitution for such damage and may offer the child an opportunity to
2.12 participate in a restorative process to satisfy the restitution obligation, where available;

2.13 ~~(6) require the child to pay a fine of up to \$1,000. The court shall order payment of the~~
2.14 ~~fine in accordance with a time payment schedule which shall not impose an undue financial~~
2.15 ~~hardship on the child;~~

2.16 ~~(7)~~ (6) if the child is in need of special treatment and care for reasons of physical or
2.17 mental health, the court may order the child's parent, guardian, or custodian to provide it.
2.18 If the parent, guardian, or custodian fails to provide this treatment or care, the court may
2.19 order it provided;

2.20 ~~(8)~~ (7) if the court believes that it is in the best interests of the child and of public safety
2.21 that the driver's license of the child be canceled until the child's 18th birthday, the court
2.22 may recommend to the commissioner of public safety the cancellation of the child's license
2.23 for any period up to the child's 18th birthday, and the commissioner is hereby authorized
2.24 to cancel such license without a hearing. At any time before the termination of the period
2.25 of cancellation, the court may, for good cause, recommend to the commissioner of public
2.26 safety that the child be authorized to apply for a new license, and the commissioner may so
2.27 authorize;

2.28 ~~(9)~~ (8) if the court believes that it is in the best interest of the child and of public safety
2.29 that the child is enrolled in school, the court may require the child to remain enrolled in a
2.30 public school until the child reaches the age of 18 or completes all requirements needed to
2.31 graduate from high school. Any child enrolled in a public school under this clause is subject
2.32 to the provisions of the Pupil Fair Dismissal Act in chapter 127;

3.1 ~~(10)~~ (9) if the child is petitioned and found by the court to have committed a controlled
3.2 substance offense under sections 152.021 to 152.027, the court shall determine whether the
3.3 child unlawfully possessed or sold the controlled substance while driving a motor vehicle.
3.4 If so, the court shall notify the commissioner of public safety of its determination and order
3.5 the commissioner to revoke the child's driver's license for the applicable time period specified
3.6 in section 152.0271. If the child does not have a driver's license or if the child's driver's
3.7 license is suspended or revoked at the time of the delinquency finding, the commissioner
3.8 shall, upon the child's application for driver's license issuance or reinstatement, delay the
3.9 issuance or reinstatement of the child's driver's license for the applicable time period specified
3.10 in section 152.0271. Upon receipt of the court's order, the commissioner is authorized to
3.11 take the licensing action without a hearing;

3.12 ~~(11)~~ (10) if the child is petitioned and found by the court to have committed or attempted
3.13 to commit an act in violation of section 609.342; 609.343; 609.344; 609.345; 609.3451;
3.14 609.746, subdivision 1; 609.79; or 617.23, or another offense arising out of a delinquency
3.15 petition based on one or more of those sections, the court shall order an independent
3.16 professional assessment of the child's need for sex offender treatment. An assessor providing
3.17 an assessment for the court must be experienced in the evaluation and treatment of juvenile
3.18 sex offenders. If the assessment indicates that the child is in need of and amenable to sex
3.19 offender treatment, the court shall include in its disposition order a requirement that the
3.20 child undergo treatment. Notwithstanding section 13.384, 13.85, 144.291 to 144.298, or
3.21 260B.171, or chapter 260E, the assessor has access to the following private or confidential
3.22 data on the child if access is relevant and necessary for the assessment:

- 3.23 (i) medical data under section 13.384;
- 3.24 (ii) corrections and detention data under section 13.85;
- 3.25 (iii) health records under sections 144.291 to 144.298;
- 3.26 (iv) juvenile court records under section 260B.171; and
- 3.27 (v) local welfare agency records under chapter 260E.

3.28 Data disclosed under this clause may be used only for purposes of the assessment and
3.29 may not be further disclosed to any other person, except as authorized by law; or

3.30 ~~(12)~~ (11) if the child is found delinquent due to the commission of an offense that would
3.31 be a felony if committed by an adult, the court shall make a specific finding on the record
3.32 regarding the juvenile's mental health and chemical dependency treatment needs.

4.1 (b) Any order for a disposition authorized under this section shall contain written findings
4.2 of fact to support the disposition ordered and shall also set forth in writing the following
4.3 information:

4.4 (1) why the best interests of the child are served by the disposition ordered; and

4.5 (2) what alternative dispositions were considered by the court and why such dispositions
4.6 were not appropriate in the instant case. Clause (1) does not apply to a disposition under
4.7 subdivision 1a.

4.8 Sec. 2. Minnesota Statutes 2022, section 260B.225, subdivision 9, is amended to read:

4.9 Subd. 9. **Juvenile major highway or water traffic offender.** If the juvenile court finds
4.10 that the child is a juvenile major highway or water traffic offender, it may make any one or
4.11 more of the following dispositions of the case:

4.12 (1) reprimand the child and counsel with the child and the parents;

4.13 (2) continue the case for a reasonable period under such conditions governing the child's
4.14 use and operation of any motor vehicles or boat as the court may set;

4.15 (3) require the child to attend a driver improvement school if one is available within the
4.16 county;

4.17 (4) recommend to the Department of Public Safety suspension of the child's driver's
4.18 license as provided in section 171.16;

4.19 (5) if the child is found to have committed two moving highway traffic violations or to
4.20 have contributed to a highway accident involving death, injury, or physical damage in excess
4.21 of \$100, the court may recommend to the commissioner of public safety or to the licensing
4.22 authority of another state the cancellation of the child's license until the child reaches the
4.23 age of 18 years, and the commissioner of public safety is hereby authorized to cancel the
4.24 license without hearing. At any time before the termination of the period of cancellation,
4.25 the court may, for good cause, recommend to the commissioner of public safety, or to the
4.26 licensing authority of another state, that the child's license be returned, and the commissioner
4.27 of public safety is authorized to return the license;

4.28 (6) place the child under the supervision of a probation officer in the child's own home
4.29 under conditions prescribed by the court including reasonable rules relating to operation
4.30 and use of motor vehicles or boats directed to the correction of the child's driving habits;

4.31 (7) if the child is found to have violated a state or local law or ordinance and the violation
4.32 resulted in damage to the person or property of another, the court may order the child to

5.1 make reasonable restitution for the damage and may offer the child an opportunity to
 5.2 participate in a restorative process to satisfy the restitution obligation, where available;

5.3 ~~(8) require the child to pay a fine of up to \$1,000. The court shall order payment of the~~
 5.4 ~~fine in accordance with a time payment schedule which shall not impose an undue financial~~
 5.5 ~~hardship on the child;~~

5.6 ~~(9)~~ (8) if the court finds that the child committed an offense described in section 169A.20,
 5.7 the court shall order that a chemical use assessment be conducted and a report submitted to
 5.8 the court in the manner prescribed in section 169A.70. If the assessment concludes that the
 5.9 child meets the level of care criteria for placement under rules adopted under section 254A.03,
 5.10 subdivision 3, the report must recommend a level of care for the child. The court may require
 5.11 that level of care in its disposition order. In addition, the court may require any child ordered
 5.12 to undergo an assessment to pay a chemical dependency assessment charge of \$75. The
 5.13 court shall forward the assessment charge to the commissioner of management and budget
 5.14 to be credited to the general fund. The state shall reimburse counties for the total cost of
 5.15 the assessment in the manner provided in section 169A.284.

5.16 Sec. 3. Minnesota Statutes 2022, section 260B.235, subdivision 4, is amended to read:

5.17 Subd. 4. **Dispositions.** If the juvenile court finds that a child is a petty offender, the court
 5.18 may:

5.19 ~~(1) require the child to pay a fine of up to \$100;~~

5.20 ~~(2)~~ (1) require the child to participate in a community service project;

5.21 ~~(3)~~ (2) require the child to participate in a drug awareness program;

5.22 ~~(4)~~ (3) order the child to undergo a chemical dependency evaluation and if warranted
 5.23 by this evaluation, order participation by the child in an outpatient chemical dependency
 5.24 treatment program;

5.25 ~~(5)~~ (4) place the child on probation for up to six months or, in the case of a juvenile
 5.26 alcohol or controlled substance offense, following a determination by the court that the
 5.27 juvenile is chemically dependent, the court may place the child on probation for a time
 5.28 determined by the court;

5.29 ~~(6)~~ (5) order the child to make restitution to the victim, which may be satisfied through
 5.30 participation in a restorative process, where available; or

5.31 ~~(7)~~ (6) perform any other activities or participate in any other outpatient treatment
 5.32 programs deemed appropriate by the court.

6.1 In all cases where the juvenile court finds that a child has purchased or attempted to
6.2 purchase an alcoholic beverage in violation of section 340A.503, if the child has a driver's
6.3 license or permit to drive, and if the child used a driver's license, permit, Minnesota
6.4 identification card, or any type of false identification to purchase or attempt to purchase the
6.5 alcoholic beverage, the court shall forward its finding in the case and the child's driver's
6.6 license or permit to the commissioner of public safety. Upon receipt, the commissioner shall
6.7 suspend the child's license or permit for a period of 90 days.

6.8 In all cases where the juvenile court finds that a child has purchased or attempted to
6.9 purchase tobacco in violation of section 609.685, subdivision 3, if the child has a driver's
6.10 license or permit to drive, and if the child used a driver's license, permit, Minnesota
6.11 identification card, or any type of false identification to purchase or attempt to purchase
6.12 tobacco, the court shall forward its finding in the case and the child's driver's license or
6.13 permit to the commissioner of public safety. Upon receipt, the commissioner shall suspend
6.14 the child's license or permit for a period of 90 days.

6.15 None of the dispositional alternatives described in clauses (1) to (6) shall be imposed
6.16 by the court in a manner which would cause an undue hardship upon the child.

6.17 Sec. 4. Minnesota Statutes 2023 Supplement, section 299A.95, subdivision 5, is amended
6.18 to read:

6.19 Subd. 5. **Grants.** (a) Within available appropriations, the director shall award grants to
6.20 establish and support restorative practices initiatives. An approved applicant must receive
6.21 a grant of up to \$500,000 each year.

6.22 (b) On an annual basis, the Office of Restorative Practices shall establish a minimum
6.23 number of applications that must be received during the application process. If the minimum
6.24 number of applications is not received, the office must reopen the application process.

6.25 (c) Grants may be awarded to private and public nonprofit agencies; local units of
6.26 government, including cities, counties, and townships; local educational agencies; and Tribal
6.27 governments. A restorative practices advisory committee may support multiple entities
6.28 applying for grants based on community needs, the number of youth and families in the
6.29 jurisdiction, and the number of restorative practices available to the community. Budgets
6.30 supported by grant funds can include contracts with partner agencies.

6.31 (d) Applications must include the following:

6.32 (1) a list of willing restorative practices advisory committee members;

6.33 (2) letters of support from potential restorative practices advisory committee members;

- 7.1 (3) a description of the planning process that includes:
- 7.2 (i) a description of the origins of the initiative, including how the community provided
- 7.3 input; and
- 7.4 (ii) an estimated number of participants to be served; and
- 7.5 (4) a formal document containing a project description that outlines the proposed goals,
- 7.6 activities, and outcomes of the initiative including, at a minimum:
- 7.7 (i) a description of how the initiative meets the minimum eligibility requirements of the
- 7.8 grant;
- 7.9 (ii) the roles and responsibilities of key staff assigned to the initiative;
- 7.10 (iii) identification of any key partners, including a summary of the roles and
- 7.11 responsibilities of those partners;
- 7.12 (iv) a description of how volunteers and other community members are engaged in the
- 7.13 initiative; and
- 7.14 (v) a plan for evaluation and data collection.
- 7.15 (e) In determining the appropriate amount of each grant, the Office of Restorative
- 7.16 Practices shall consider the number of individuals likely to be served by the local restorative
- 7.17 practices initiative.
- 7.18 (f) The Office of Restorative Practices may award grants to provide restitution funds
- 7.19 that allow a victim of a juvenile offense, juvenile petty offense, or major traffic offense as
- 7.20 defined in section 260B.225, subdivision 1, paragraph (b), committed by a juvenile to obtain
- 7.21 monetary compensation to satisfy the restitution obligations of a child who participates in
- 7.22 a restorative process to address harm.