

# HOUSE RESEARCH

## Bill Summary

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**Subject:** Juvenile offenses: age of adult certification

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### Overview

In Minnesota, children between the ages of 14 and 17 who are alleged to have committed a felony-level offense may be certified to adult criminal court or may be prosecuted as an extended jurisdiction juvenile (EJJ). This amendment lowers the certification and EJJ age to 13 years if the child is alleged to have committed a violent juvenile offense. A violent juvenile offense is defined as certain person offenses. The amendment also restricts the court's ability to expunge a juvenile record if the juvenile is adjudicated delinquent for committing a violent juvenile offense.

#### Section

- 1** **Violent juvenile offense.** Defines a "violent juvenile offense" as any of the following offenses that would be a felony if committed by an adult: first through third degree murder, first and second degree manslaughter, first through third degree assault, aggravated robbery, kidnapping, first through fourth degree criminal sexual conduct, and malicious punishment of a child.
- 2** **Order.** Provides that a judge may certify proceedings to adult criminal court if a child, after becoming 13 years of age, is alleged to have committed a violent juvenile offense. The current age for certification is 14.
- 3** **Designation.** Provides that a proceeding is an EJJ prosecution if: (1) a certification hearing was held for a child age 13 to 17 and the court designated the proceeding as an EJJ prosecution, or (2) the prosecutor requests an EJJ prosecution for a 13-year-old child who is alleged to have committed a violent juvenile offense, a hearing was held, and the court

**Section**

- designated the proceeding as an EJJ prosecution. The current age for EJJ prosecutions is 14.
- 4 Delinquency petition; extended jurisdiction juvenile.** Makes a conforming change to allow a prosecutor to request that a proceeding be designated as an EJJ prosecution if a child is 13 years old and is alleged to have committed a violent juvenile offense (see section 3).
- 5 Expungement.** Restricts a court's authority to expunge a juvenile record. Currently, a court may expunge a juvenile court record at any time it deems advisable, unless the child is transferred to the custody of the commissioner of corrections. This section provides that the court may not expunge a juvenile record if a child is adjudicated delinquent for a violent juvenile offense.
- 6 Liability of children.** Makes a conforming change to the criminal code to reflect the change in age for adult certification and EJJ prosecutions.