

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 2707
2010

Authors: Mullery

DATE: March 15,

Version: Second engrossment

Authors: Mullery

Subject: Juvenile delinquency; continuance period

Analyst: Matt Gehring, 651-296-5052; Rebecca Pirius, 651-296-5044

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: www.house.mn/hrd.

Overview

This bill permits the judge in a juvenile delinquency proceeding to continue (postpone) the case for a period of up to 180 days. Current law permits a continuance for 90 days. The bill would also permit an additional continuance for no longer than until the child's 19th birthday, with the consent of the prosecutor, and permits the court to make additional orders during the continuance period. The court could not grant a continuance (or stay of adjudication) for a felony offense if the child previously received a stay of adjudication. Finally, the bill adds "stays of adjudications" to certain provisions in law that currently reference delinquency adjudications, such as DNA collection, juvenile treatment and programming, background checks for child service workers, and firearm restrictions.

Section

- 1 Establishment of program.** Authorizes a community corrections program that provides housing, supervision, treatment, counseling or other correctional services to provide services to persons who received a stay of adjudication of delinquency.
- 2 Secure placement of juveniles.** Authorizes regional facilities to provide secure capacity programming for juveniles who have received a stay of adjudication of delinquency.
- 3 Public safety.** Directs a juvenile court judge, when making a determination on a certification petition, to consider delinquency petitions that resulted in a stay of adjudication.
- 4 Investigation.** Authorizes a court to place a minor who received a stay of adjudication of delinquency in a correctional institution for detention, diagnosis, custody, and treatment of conditions identified in chemical use assessments and mental health screenings.

- 5** **Continuance.** Permits a judge to continue a juvenile delinquency case for up to 180 days, rather than 90 days as permitted under current law. Modifies the court's authority to renew a continuance for an additional period. Instead of extension of the continuance for an additional 90 days, the court would be permitted to continue the case up to the child's 19th birthday, with the consent of the prosecutor.
- Permits the court to enact certain orders it deems necessary for the rehabilitation of the child during the continuance period, as permitted by law, rather than only orders related to counseling and placement with a probation officer or group foster care facility (the items specified in subdivision 1, clauses (1) and (2) of section 260B.198).
- Provides that a court may not stay adjudication on a felony-level offense if the child previously received a stay of adjudication in a different case. Provides that a stay of adjudication for a felony-level offense must be counted as delinquency adjudication when calculating an adult criminal history score.
- 6** **Required collection of biological specimen for DNA testing.** Requires juveniles who receive stays of adjudication to provide a DNA sample under the specified circumstances that currently apply to juveniles who are charged with or have been adjudicated delinquent of certain felony-level offenses.
- 7** **Conviction.** Adds stay of adjudication of delinquency to the definition of conviction that applies to background check requirements for child service workers.
- 8** **Upon sentencing.** Authorizes a court to order a juvenile who receives a stay of adjudication to provide a DNA sample if the juvenile has not already done so under section 6.
- 9-10** **Ineligible persons; Notice.** Adds a juvenile who receives a stay of adjudication for a crime of violence to the statute that provides a lifetime prohibition on possessing a firearm.