

HOUSE RESEARCH

Bill Summary

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Overview

This bill implements recommendations found in the No Wrong Door report (prepared by Department of Public Safety, released January 2013).

Article 1 places a statewide program for sexually exploited youth in the Department of Health. The department shall create a director of child sex trafficking prevention position and provide grants to create and support regional navigators serving six regions of the state.

In article 2, the bill amends safe harbor provisions enacted in 2011 by eliminating language that would allow a 16 or 17 year old to be charged as a prostitute.

Article 3 amends provisions in the child protection chapter. It provides secure detention options for a child who is believed to be a sexually exploited youth, if the court determines that the child's health or welfare would be immediately endangered if released. It directs the court to consider whether the trafficker may have access to the child if released.

Finally, article 4 appropriates general funds to the Departments of Health and Human Services to implement the bill and provide services to sexually exploited youth, including housing and supportive services and training.

Section

Article 1: Department of Health

- 1 Safe harbor for sexually exploited youth.** Directs the commissioner of health to establish a director of child sex trafficking prevention. Outlines the duties of the director, including providing training, maintaining information, applying for federal funding, managing grants, providing oversight, conducting evaluations, and developing policies.
- 2 Regional navigator grants.** Directs the commissioner of health, through the director of child sex trafficking prevention, to provide grants for regional navigators serving six regions of the state to coordinate resources and services for sexually exploited youth. Provides that each regional navigator must develop and annually submit a work plan to the director outlining a needs and resource assessment, grant goals and outcomes, and grant activities.
- 3 Program evaluation.** Requires the director to conduct or contract for a comprehensive evaluation of the statewide program for sexually exploited youth. The first evaluation must be completed by June 30, 2015, and submitted to MDH by September 1, 2015, and then be conducted every two years thereafter.

Article 2: Safe Harbor Provisions

- 1 Delinquent child.** Strikes language that would allow a 16 or 17 year old to be charged with being hired, offering to be hired, or agreeing to be hired by another to engage in sexual penetration or contact. (A juvenile acting as a patron or promoter could still be charged.) Effective August 1, 2014.
- 2 Juvenile petty offender.** Exempts from the definition of “juvenile petty offense” a juvenile charged with a misdemeanor-level prostitution offense *when acting as a patron*. This means the juvenile would receive an adjudication of delinquency, rather than be adjudicated as a petty offender. There are more disposition options available to the court on a delinquency adjudication. Effective August 1, 2014.
- 3 Child in need of protection or services.** Amends the definition of a child in need of protection or services by striking a reference to juveniles engaged in prostitution. This would no longer be an offense under section 1. Replaces the reference with the term “sexually exploited youth” – which is being moved from clause (17) to clause (11). Effective August 1, 2014.
- 4 Sexually exploited youth.** Corrects an oversight in the definition of sexually exploited youth by adding a citation that was missed in a sequence. The sequence lists first-, second-, fourth-, and fifth-degrees of criminal sexual conduct, but misses the third-degree crime.
- 5 Repealer.** Repeals a diversion program for 16 and 17 year old juvenile prostitutes. This would no longer be an offense under section 1.

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Article 3: Child Protection

- 1** **Notice; release.** Provides that when a child is taken into custody and is believed to be a sexually exploited youth, the officer, prosecutor, or social services must consider the access of the trafficker to the child when determining whether to release the child to the parent's custody. A child that is not released may not be detained longer than 72 hours excluding weekends and holidays.
- 2** **Advisement if detained.** Provides a cross reference to section 3. (see below)
- 3** **Shelter care or secure detention; notice to parent.** Adds a reference to "secure detention facility." Section 2 requires a person who places a child in secure detention or a shelter care facility to notify a parent of the facility's location. Section 3 notes an exception to this rule if disclosure of the facility location would endanger the child.
- 4** **Hearing and release requirement.** Requires the court, as part of an emergency removal hearing conducted within 72 hours of taking a child into custody, to consider whether a child is believed to be a sexually exploited youth and whether the trafficker may have access to the child if released. If the court determines that the child's health or welfare would be immediately endangered if released, the court may order the child into protective care, including placement in a secure detention facility for up to 48 additional hours. (see section 6)
- 5** **Least restrictive setting.** Creates an exception to the presumption that a child being detained under section 4 be placed in the least restrictive setting if the child is a sexually exploited youth. (see section 6)
- 6** **Secure detention; limitations.** Allows a county attorney to make a motion to the court to place a child alleged to be a sexually exploited youth in a secure detention facility for up to 48 additional hours (beyond the 24-hour period currently allowed), if the court determines the child's health or welfare would be immediately endangered if released to a less restrictive setting.

Article 4: Appropriations

- 1** **Department of Health.** Appropriates the following amounts from the general fund to MDH for the following purposes:
 - ▶ \$762,000 in FY 14 for grants to six regional navigators (see art. 1, § 2). Added to the base.
 - ▶ \$500,000 in FY14 and \$250,000 in FY15 for grants to provide training on sexual exploitation of youth. Added to the base.
 - ▶ \$300,000 in FY15 for program evaluation. Added to the base.
 - ▶ \$532,000 in both FY14 and FY15 for grants to outreach works for the safe harbor

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of sexually exploited youth program. Added to the base.

- ▶ \$1,000,000 in both FY14 and FY15 for supportive service grants for the safe harbor of sexually exploited youth program, including advocacy services, civil legal services, health care services, mental and chemical health services, education and employment services, aftercare and relapse prevention, and family reunification. Added to the base.
- ▶ \$82,550 in both FY14 and FY15 for the director of child sex trafficking prevention position. Added to the base.

2 Department of Human Services (DHS). Appropriates the following amounts from the general fund to DHS for the following purposes:

- ▶ \$4,472,500 in FY14 for a safe harbor shelter and housing fund to be spent in the following manner (and added to the base):
 - ▶ \$2,190,000 to increase emergency shelter bed capacity;
 - ▶ \$1,370,000 for transitional living programs;
 - ▶ \$547,500 for supportive housing services; and
 - ▶ \$365,000 to increase child foster care home capacity.
- ▶ \$4,000,000 in FY14 for renovation and construction of facilities to serve the housing and supportive services needs of sexually exploited youth. Onetime appropriation.