

**Subject** Arrest, restraint, and detention of juveniles

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## Overview

This bill establishes and requires the use of guidelines when courts consider the detention and restraint of juveniles. It further permits law enforcement agencies to direct youth into programs in place of arresting those youth.

## Article 1: Juvenile Proceedings

This article establishes guidelines for the use of restraints on juveniles and permits law enforcement officers to refer certain children to programs in place of arrest.

Section	Description
1	<p><b>Use of restraints.</b></p> <p>Prohibits the use of restraints on children appearing in court unless the court makes findings that there are no less restrictive alternatives available and the use is necessary to prevent physical harm to the child or another, or to prevent the child from fleeing. Describes factors the court can consider. Requires the court to hold a hearing before ordering the use of restraints, and further requires the court to make findings of fact in support of the order.</p>
2	<p><b>Alternative to arrest of certain juvenile offenders authorized.</b></p> <p>Permits a law enforcement officer to refer a child to a program that the law enforcement agency deems appropriate when the officer has the lawful authority to arrest the child. Excludes violent felony offenses from the category of offenses for which a peace officer may refer a child. Permits a program authorized under this section to defer prosecution of juvenile offenders and directs that charges against juvenile offenders shall be dismissed upon completion of the program.</p>
3	<p><b>Rule superseded.</b></p> <p>States that section 1 supersedes rule 2.03 of the Minnesota Rules of Juvenile Delinquency Procedure.</p>

Section	Description
4	<b>Compliance with juvenile restraint provisions.</b> Requires each judicial district to develop a protocol on how to implement and comply with section 1. The protocol must be developed by July 1, 2020.

## Article 2: Risk Assessments

This article requires courts and the Department of Corrections to use risk assessment instruments to assist in determining the appropriate detention and placement of juveniles.

Section	Description
1	<b>Risk assessment instrument.</b> Requires the court to use an objective juvenile detention risk assessment instrument developed in coordination with the Minnesota Juvenile Detention Alternative Initiative. Directs the risk assessment instrument to assess the likelihood that a juvenile will return to court or be a danger to others. Further directs the instrument to identify appropriate noncustodial community-based supervision that will minimize the risk the child poses to others and increase the probability that the child will return to court.
2	<b>Adoption of juvenile detention risk assessment instrument.</b> Requires the commissioner of corrections to adopt an objective risk assessment instrument by September 15, 2019. Directs the commissioner to consult with experts and review other assessment tools in adopting the risk assessment instrument.



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