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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. **1962**

March 23, 2009

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The bill was read for the first time and referred to the Committee on Public Safety Policy and Oversight

1.1 A bill for an act
1.2 relating to corrections; allowing the parents of juvenile petty offenders be ordered
1.3 probation supervisory duties; changing children's mental health screening duties;
1.4 amending Minnesota Statutes 2008, section 260B.235, subdivisions 4, 6.

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

1.6 Section 1. Minnesota Statutes 2008, section 260B.235, subdivision 4, is amended to
1.7 read:

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

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

1.11 (2) require the child to participate in a community service project;

1.12 (3) require the child to participate in a drug awareness program;

1.13 (4) order the child to undergo a chemical dependency evaluation and if warranted
1.14 by this evaluation, order participation by the child in an outpatient chemical dependency
1.15 treatment program;

1.16 (5) place the child on probation for up to six months or, in the case of a juvenile
1.17 alcohol or controlled substance offense, following a determination by the court that the
1.18 juvenile is chemically dependent, the court may place the child on probation for a time
1.19 determined by the court;

1.20 (6) order probation supervisory duties be transferred to the parents or guardian;

1.21 ~~(6)~~ (7) order the child to make restitution to the victim; or

1.22 ~~(7)~~ (8) perform any other activities or participate in any other outpatient treatment
1.23 programs deemed appropriate by the court.

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

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

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

2.17 Sec. 2. Minnesota Statutes 2008, section 260B.235, subdivision 6, is amended to read:

2.18 Subd. 6. **Alternative disposition.** In addition to dispositional alternatives authorized
2.19 by subdivision 4, in the case of a third or subsequent finding by the court pursuant to an
2.20 admission in court or after trial that a child has committed a juvenile alcohol or controlled
2.21 substance offense, the juvenile court shall order a chemical dependency evaluation of the
2.22 child and if warranted by the evaluation, the court may order participation by the child in
2.23 an inpatient or outpatient chemical dependency treatment program, or any other treatment
2.24 deemed appropriate by the court. In the case of a third or subsequent finding that a child
2.25 has committed any juvenile petty offense, the court ~~shall~~ may order a children's mental
2.26 health screening be conducted as provided in section 260B.157, subdivision 1, and if
2.27 indicated by the screening, to undergo a diagnostic assessment, including a functional
2.28 assessment, as defined in section 245.4871.