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State of Minnesota

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HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH SESSION

HOUSE FILE No. 2607

February 4, 2010

Authored by Mullery and Kahn

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

February 22, 2010

Committee Recommendation and Adoption of Report:

To Pass

Read Second Time

A bill for an act

relating to public safety; clarifying detention placement options for extended jurisdiction juveniles pending revocation hearings; amending Minnesota Statutes 2008, section 260B.130, subdivision 5.

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

Section 1. Minnesota Statutes 2008, section 260B.130, subdivision 5, is amended to read:

Subd. 5. Execution of adult sentence. (a) When it appears that a person convicted as an extended jurisdiction juvenile has violated the conditions of the stayed sentence, or is alleged to have committed a new offense, the court may, without notice, revoke the stay and probation and direct that the offender be taken into immediate custody. The court shall notify the offender in writing of the reasons alleged to exist for revocation of the stay of execution of the adult sentence. If the offender challenges the reasons, the court shall hold a summary hearing on the issue at which the offender is entitled to be heard and represented by counsel.

(b) If the offender is under 18 years of age and is to be detained prior to the revocation hearing, the offender may only be detained in a juvenile secure detention facility or shelter care facility. If the offender is 18 years of age or older and is to be detained prior to the revocation hearing, the offender may be detained in a local adult correctional facility.

(c) After the hearing, if the court finds that reasons exist to revoke the stay of execution of sentence, the court shall treat the offender as an adult and order any of the adult sanctions authorized by section 609.14, subdivision 3, except that no credit shall be given for time served in juvenile facility custody prior to a summary hearing. If the offender was convicted of an offense described in subdivision 1, clause (2), and the court

2.1 finds that reasons exist to revoke the stay, the court must order execution of the previously
2.2 imposed sentence unless the court makes written findings regarding the mitigating factors
2.3 that justify continuing the stay.

2.4 (d) Upon revocation, the offender's extended jurisdiction status is terminated and
2.5 juvenile court jurisdiction is terminated. The ongoing jurisdiction for any adult sanction,
2.6 other than commitment to the commissioner of corrections, is with the adult court.