

**SENATE  
STATE OF MINNESOTA  
NINETY-THIRD SESSION**

**S.F. No. 3904**

(SENATE AUTHORS: CHAMPION)

DATE  
02/19/2024

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Introduction and first reading  
Referred to Judiciary and Public Safety

OFFICIAL STATUS

1.1 A bill for an act

1.2 relating to delinquency; extending the jurisdiction of the juvenile courts to

1.3 individuals under age 21; including individuals aged 16 to 20 who are alleged to

1.4 have committed murder in the first degree in the definition of delinquent child;

1.5 eliminating the presumption that certain individuals will be certified as adults;

1.6 amending the public safety factors a court must consider before ordering that a

1.7 case charge in juvenile court be certified for trial in adult court; removing the

1.8 ability of a prosecutor to designate a proceeding as an extended jurisdiction juvenile

1.9 procedure; extending the jurisdiction of the juvenile court over individuals

1.10 adjudicated delinquent in extended jurisdiction juvenile proceedings to age 24;

1.11 limiting the period of supervision over juveniles adjudicated to be delinquent;

1.12 making certain technical and conforming changes; amending Minnesota Statutes

1.13 2022, sections 260B.007, subdivisions 3, 6, 16; 260B.101, subdivision 1; 260B.103,

1.14 subdivisions 1, 2, 3; 260B.125, subdivisions 1, 2, 4, 5, 6, 8; 260B.130, subdivisions

1.15 1, 4, 5; 260B.141, subdivision 4; 260B.163, subdivisions 1, 6, 7, 8, 9; 260B.193,

1.16 subdivisions 1, 5; 260B.198, subdivisions 7, 9; 260B.255, subdivision 1; 260B.331,

1.17 subdivision 4; 260B.415, subdivision 1; 609.055, subdivision 2; Minnesota Statutes

1.18 2023 Supplement, sections 260B.157, subdivision 1; 260B.171, subdivision 5;

1.19 repealing Minnesota Statutes 2022, sections 260B.101, subdivision 2; 260B.125,

1.20 subdivisions 3, 10; 260B.130, subdivision 6.

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

1.22 Section 1. Minnesota Statutes 2022, section 260B.007, subdivision 3, is amended to read:

1.23 Subd. 3. **Child.** "Child" means an individual under ~~18~~ 21 years of age and includes any

1.24 minor alleged to have been delinquent or a juvenile traffic offender prior to having become

1.25 ~~18~~ 21 years of age.

1.26 Sec. 2. Minnesota Statutes 2022, section 260B.007, subdivision 6, is amended to read:

1.27 Subd. 6. **Delinquent child.** (a) Except as otherwise provided in paragraphs (b) and (c),

1.28 "delinquent child" means a child:

2.1 (1) who has violated any state or local law, except as provided in section 260B.225,  
 2.2 subdivision 1, and except for juvenile offenders as described in subdivisions 16 to 18;

2.3 (2) who has violated a federal law or a law of another state and whose case has been  
 2.4 referred to the juvenile court if the violation would be an act of delinquency if committed  
 2.5 in this state or a crime or offense if committed by an adult;

2.6 (3) who has escaped from confinement to a state juvenile correctional facility after being  
 2.7 committed to the custody of the commissioner of corrections; or

2.8 (4) who has escaped from confinement to a local juvenile correctional facility after being  
 2.9 committed to the facility by the court.

2.10 ~~(b) The term delinquent child does not include a child alleged to have committed murder~~  
 2.11 ~~in the first degree after becoming 16 years of age, but the term delinquent child does include~~  
 2.12 ~~a child alleged to have committed attempted murder in the first degree.~~

2.13 ~~(e)~~ (b) The term delinquent child does not include a child alleged to have engaged in  
 2.14 conduct which would, if committed by an adult, violate any federal, state, or local law  
 2.15 relating to being hired, offering to be hired, or agreeing to be hired by another individual  
 2.16 to engage in sexual penetration or sexual conduct.

2.17 Sec. 3. Minnesota Statutes 2022, section 260B.007, subdivision 16, is amended to read:

2.18 Subd. 16. **Juvenile petty offender; juvenile petty offense.** (a) "Juvenile petty offense"  
 2.19 includes a juvenile alcohol offense, a juvenile controlled substance offense, a violation of  
 2.20 section 609.685, or a violation of a local ordinance, which by its terms prohibits conduct  
 2.21 by a child under the age of ~~18~~ 21 years which would be lawful conduct if committed by an  
 2.22 adult.

2.23 (b) Except as otherwise provided in paragraph (c), "juvenile petty offense" also includes  
 2.24 an offense that would be a misdemeanor if committed by an adult.

2.25 (c) "Juvenile petty offense" does not include any of the following:

2.26 (1) a misdemeanor-level violation of section 518B.01, 588.20, 609.224, 609.2242,  
 2.27 609.324, subdivision 2 or 3, 609.5632, 609.576, 609.66, 609.746, 609.748, 609.79, or  
 2.28 617.23;

2.29 (2) a major traffic offense or an adult court traffic offense, as described in section  
 2.30 260B.225;

2.31 (3) a misdemeanor-level offense committed by a child whom the juvenile court previously  
 2.32 has found to have committed a misdemeanor, gross misdemeanor, or felony offense; or

3.1 (4) a misdemeanor-level offense committed by a child whom the juvenile court has  
3.2 found to have committed a misdemeanor-level juvenile petty offense on two or more prior  
3.3 occasions, unless the county attorney designates the child on the petition as a juvenile petty  
3.4 offender notwithstanding this prior record. As used in this clause, "misdemeanor-level  
3.5 juvenile petty offense" includes a misdemeanor-level offense that would have been a juvenile  
3.6 petty offense if it had been committed on or after July 1, 1995.

3.7 (d) A child who commits a juvenile petty offense is a "juvenile petty offender." The  
3.8 term juvenile petty offender does not include a child alleged to have violated any law relating  
3.9 to being hired, offering to be hired, or agreeing to be hired by another individual to engage  
3.10 in sexual penetration or sexual conduct which, if committed by an adult, would be a  
3.11 misdemeanor.

3.12 Sec. 4. Minnesota Statutes 2022, section 260B.101, subdivision 1, is amended to read:

3.13 Subdivision 1. **Children who are delinquent.** Except as provided in sections 260B.125  
3.14 and 260B.225, the juvenile court has original and exclusive jurisdiction in proceedings  
3.15 concerning any child who is alleged to be delinquent, a juvenile traffic offender, a juvenile  
3.16 petty offender, and in proceedings concerning any minor person alleged to have been a  
3.17 delinquent, a juvenile petty offender, or a juvenile traffic offender prior to having become  
3.18 ~~18~~ 21 years of age. The juvenile court shall deal with such a minor person as it deals with  
3.19 any other child who is alleged to be delinquent or a juvenile traffic offender.

3.20 Sec. 5. Minnesota Statutes 2022, section 260B.103, subdivision 1, is amended to read:

3.21 Subdivision 1. **Transfers required.** Except where a juvenile court has certified an  
3.22 alleged violation in accordance with the provisions of section 260B.125, ~~the child is alleged~~  
3.23 ~~to have committed murder in the first degree after becoming 16 years of age,~~ or a court has  
3.24 original jurisdiction of a child who has committed an adult court traffic offense, as defined  
3.25 in section 260B.225, subdivision 1, paragraph (c), a court other than a juvenile court shall  
3.26 immediately transfer to the juvenile court of the county the case of a minor person who  
3.27 appears before the court on a charge of violating any state or local law or ordinance and  
3.28 who is under ~~18~~ 21 years of age or who was under ~~18~~ 21 years of age at the time of the  
3.29 commission of the alleged offense.

3.30 Sec. 6. Minnesota Statutes 2022, section 260B.103, subdivision 2, is amended to read:

3.31 Subd. 2. **Certificate.** The court transfers the case by filing with the judge or court  
3.32 administrator of juvenile court a certificate showing the name, age, and residence of the

4.1 ~~minor~~ person, the names and addresses of the ~~minor's~~ person's parent or guardian, if the  
4.2 person is a minor and the names and addresses are known, and the reasons for appearance  
4.3 in court, together with all the papers, documents, and testimony connected therewith. The  
4.4 certificate has the effect of a petition filed in the juvenile court, unless the judge of the  
4.5 juvenile court directs the filing of a new petition, which shall supersede the certificate of  
4.6 transfer.

4.7 Sec. 7. Minnesota Statutes 2022, section 260B.103, subdivision 3, is amended to read:

4.8 Subd. 3. **Order to be taken.** The transferring court shall order the ~~minor~~ person to be  
4.9 taken immediately to the juvenile court and in no event shall detain the ~~minor~~ person for  
4.10 longer than 48 hours after the appearance of the minor in the transferring court. The  
4.11 transferring court may release the ~~minor~~ person to the custody of a parent, guardian,  
4.12 custodian, or other person designated by the court on the condition that the ~~minor~~ person  
4.13 will appear in juvenile court as directed. The transferring court may require the person given  
4.14 custody of the ~~minor~~ person being released to post such bail or bond as may be approved  
4.15 by the court which shall be forfeited to the juvenile court if the ~~minor~~ person being released  
4.16 does not appear as directed. The transferring court may also release the ~~minor~~ person on  
4.17 the ~~minor's~~ person's own promise to appear in juvenile court.

4.18 Sec. 8. Minnesota Statutes 2022, section 260B.125, subdivision 1, is amended to read:

4.19 Subdivision 1. **Order.** When a child is alleged to have committed, after becoming ~~14~~  
4.20 16 years of age, an offense that would be a felony if committed by an adult, the juvenile  
4.21 court may enter an order certifying the proceeding for action under the laws and court  
4.22 procedures controlling adult criminal violations.

4.23 Sec. 9. Minnesota Statutes 2022, section 260B.125, subdivision 2, is amended to read:

4.24 Subd. 2. **Order of certification; requirements.** Except as provided in subdivision 5 or  
4.25 6, the juvenile court may order a certification only if:

4.26 (1) a petition has been filed in accordance with the provisions of section 260B.141;

4.27 (2) a motion for certification has been filed by the prosecuting authority;

4.28 (3) notice has been given in accordance with the provisions of sections 260B.151 and  
4.29 260B.152;

4.30 (4) a hearing has been held in accordance with the provisions of section 260B.163 within  
4.31 30 days of the filing of the certification motion, unless good cause is shown by the

5.1 prosecution or the child as to why the hearing should not be held within this period in which  
5.2 case the hearing shall be held within 90 days of the filing of the motion;

5.3 (5) the court finds that there is probable cause, as defined by the Rules of Criminal  
5.4 Procedure promulgated pursuant to section 480.059, to believe the child committed the  
5.5 offense alleged by delinquency petition; and

5.6 (6) the court finds ~~either:~~

5.7 ~~(i) that the presumption of certification created by subdivision 3 applies and the child~~  
5.8 ~~has not rebutted the presumption by clear and convincing evidence demonstrating that~~  
5.9 ~~retaining the proceeding in the juvenile court serves public safety; or~~

5.10 ~~(ii) that the presumption of certification does not apply and the prosecuting authority~~  
5.11 ~~has demonstrated by clear and convincing evidence that retaining the proceeding in the~~  
5.12 ~~juvenile court does not serve public safety. If the court finds that the prosecutor has not~~  
5.13 ~~demonstrated by clear and convincing evidence that retaining the proceeding in juvenile~~  
5.14 ~~court does not serve public safety, the court shall retain the proceeding in juvenile court.~~

5.15 Sec. 10. Minnesota Statutes 2022, section 260B.125, subdivision 4, is amended to read:

5.16 Subd. 4. **Public safety.** In determining whether the public safety is served by certifying  
5.17 the matter, the court shall consider the following factors:

5.18 ~~(1) the seriousness of the alleged offense in terms of community protection, including~~  
5.19 ~~the existence of any aggravating factors recognized by the Sentencing Guidelines, the use~~  
5.20 ~~of a firearm, and the impact on any victim;~~

5.21 (1) the degree of criminal sophistication exhibited by the child as demonstrated by any  
5.22 relevant information, including but not limited to:

5.23 (i) the child's age, maturity, intellectual capacity, and physical, mental, and emotional  
5.24 health at the time of the alleged offense;

5.25 (ii) scientific evidence related to brain development, the child's impetuosity or failure  
5.26 to appreciate risks and consequences of criminal behavior;

5.27 (iii) the effect of familial, adult, or peer pressure on the child's actions; and

5.28 (iv) the effect of the child's family and community environment and childhood trauma  
5.29 on the child's criminal sophistication;

6.1 ~~(2) the culpability of the child in committing the alleged offense, including the level of~~  
6.2 ~~the child's participation in planning and carrying out the offense and the existence of any~~  
6.3 ~~mitigating factors recognized by the Sentencing Guidelines;~~

6.4 (2) whether the child can be rehabilitated prior to the expiration of the juvenile court's  
6.5 jurisdiction as demonstrated by any relevant information, including but not limited to:

6.6 (i) scientific evidence related to brain development;

6.7 (ii) the child's potential to grow and mature; and

6.8 (iii) whether or not the child can benefit from the treatment or rehabilitative programs  
6.9 available to the juvenile court;

6.10 (3) the child's prior record of delinquency; previous delinquent history as demonstrated  
6.11 by any relevant information, including but not limited to:

6.12 (i) the seriousness of the child's previous delinquent history; and

6.13 (ii) the effect of the child's family and community environment and childhood trauma  
6.14 on the child's previous delinquent behavior;

6.15 ~~(4) the child's programming history, including the child's past willingness to participate~~  
6.16 ~~meaningfully in available programming;~~

6.17 (4) success of previous attempts by the juvenile court to rehabilitate the child as  
6.18 demonstrated by any relevant information, including but not limited to:

6.19 (i) the adequacy of the services previously provided to address the child's needs;

6.20 (ii) the cultural competency of the services previously provided; and

6.21 (iii) the efficacy of those services with similarly situated youth; and

6.22 ~~(5) the adequacy of the punishment or programming available in the juvenile justice~~  
6.23 ~~system; and~~

6.24 (5) the circumstances and gravity of the offense alleged in the petition to have been  
6.25 committed by the child as demonstrated by any relevant information, including but not  
6.26 limited to:

6.27 (i) the actual behavior of the child;

6.28 (ii) the mental state of the child;

6.29 (iii) the child's degree of involvement in the crime;

6.30 (iv) the level of harm actually caused by the child; and

7.1 (v) the child's mental and emotional development.

7.2 ~~(6) the dispositional options available for the child.~~

7.3 ~~In considering these factors, the court shall give greater weight to the seriousness of the~~  
7.4 ~~alleged offense and the child's prior record of delinquency than to the other factors listed~~  
7.5 ~~in this subdivision.~~

7.6 Sec. 11. Minnesota Statutes 2022, section 260B.125, subdivision 5, is amended to read:

7.7 Subd. 5. **Prior certification; exception.** Notwithstanding the provisions of subdivisions  
7.8 2, ~~3~~, and 4, the court shall order a certification in any felony case if the prosecutor shows  
7.9 that the child has been previously prosecuted on a felony charge by an order of certification  
7.10 issued pursuant to either a hearing held under subdivision 2 or pursuant to the waiver of the  
7.11 right to such a hearing, other than a prior certification in the same case.

7.12 This subdivision only applies if the child is convicted of the offense or offenses for  
7.13 which the child was prosecuted pursuant to the order of certification or of a lesser-included  
7.14 offense which is a felony.

7.15 This subdivision does not apply to juvenile offenders who are subject to criminal court  
7.16 jurisdiction under section 609.055.

7.17 Sec. 12. Minnesota Statutes 2022, section 260B.125, subdivision 6, is amended to read:

7.18 Subd. 6. **Adult charged with juvenile offense.** The juvenile court has jurisdiction to  
7.19 hold a certification hearing on motion of the prosecuting authority to certify the matter if:

7.20 (1) an adult is alleged to have committed an offense before the adult's ~~18th~~ 21st birthday;  
7.21 and

7.22 (2) a petition is filed under section 260B.141 before expiration of the time for filing  
7.23 under section 628.26.

7.24 The court may not certify the matter under this subdivision if the adult demonstrates that  
7.25 the delay was purposefully caused by the state in order to gain an unfair advantage.

7.26 Sec. 13. Minnesota Statutes 2022, section 260B.125, subdivision 8, is amended to read:

7.27 Subd. 8. **Written findings; options.** (a) The court shall decide whether to order  
7.28 certification within 15 days after the certification hearing was completed, unless additional  
7.29 time is needed, in which case the court may extend the period up to another 15 days. If the  
7.30 juvenile court orders certification, and the presumption described in subdivision 3 does not

8.1 apply, the order shall contain in writing, findings of fact and conclusions of law as to why  
 8.2 public safety is not served by retaining the proceeding in the juvenile court. A child certified  
 8.3 under this paragraph may be detained pending the outcome of criminal proceedings in a  
 8.4 secure juvenile detention facility.

8.5 (b) If the juvenile court, after a hearing conducted pursuant to subdivision 2, decides  
 8.6 not to order certification, the decision shall contain, in writing, findings of fact and  
 8.7 conclusions of law as to why certification is not ordered. ~~If the juvenile court decides not~~  
 8.8 ~~to order certification in a case in which the presumption described in subdivision 3 applies,~~  
 8.9 ~~the court shall designate the proceeding an extended jurisdiction juvenile prosecution and~~  
 8.10 ~~include in its decision written findings of fact and conclusions of law as to why the retention~~  
 8.11 ~~of the proceeding in juvenile court serves public safety, with specific reference to the factors~~  
 8.12 ~~listed in subdivision 4. If the court decides not to order certification in a case in which the~~  
 8.13 ~~presumption described in subdivision 3 does not apply, the court may designate the~~  
 8.14 proceeding an extended jurisdiction juvenile prosecution, pursuant to the hearing process  
 8.15 described in section 260B.130, subdivision 2.

8.16 Sec. 14. Minnesota Statutes 2022, section 260B.130, subdivision 1, is amended to read:

8.17 Subdivision 1. **Designation.** A proceeding involving a child alleged to have committed  
 8.18 a felony offense is an extended jurisdiction juvenile prosecution if:

8.19 (1) the child was ~~14~~ 16 to ~~17~~ 20 years old at the time of the alleged offense, a certification  
 8.20 hearing was held, and the court designated the proceeding an extended jurisdiction juvenile  
 8.21 prosecution; or

8.22 ~~(2) the child was 16 or 17 years old at the time of the alleged offense; the child is alleged~~  
 8.23 ~~to have committed an offense for which the Sentencing Guidelines and applicable statutes~~  
 8.24 ~~presume a commitment to prison or to have committed any felony in which the child allegedly~~  
 8.25 ~~used a firearm; and the prosecutor designated in the delinquency petition that the proceeding~~  
 8.26 ~~is an extended jurisdiction juvenile prosecution; or~~

8.27 ~~(3)~~ (2) the child was ~~14~~ 16 to ~~17~~ 20 years old at the time of the alleged offense, the child  
 8.28 is alleged to have committed an offense for which the Sentencing Guidelines and applicable  
 8.29 statutes presume a commitment to prison or to have committed any felony in which the  
 8.30 child allegedly used a firearm, the prosecutor requested that the proceeding be designated  
 8.31 an extended jurisdiction juvenile prosecution, a hearing was held on the issue of designation,  
 8.32 and the court designated the proceeding an extended jurisdiction juvenile prosecution.

9.1 Sec. 15. Minnesota Statutes 2022, section 260B.130, subdivision 4, is amended to read:

9.2 Subd. 4. **Disposition.** ~~(a) If an extended jurisdiction juvenile prosecution results in a~~  
9.3 ~~guilty plea or finding of guilt, the court shall:~~

9.4 (1) shall impose one or more juvenile dispositions under section 260B.198; and

9.5 (2) may impose an adult criminal sentence, the execution of which shall be stayed on  
9.6 the condition that the offender not violate the provisions of the disposition order and not  
9.7 commit a new eligible offense as described in subdivision 1.

9.8 ~~(b) If a child prosecuted as an extended jurisdiction juvenile after designation by the~~  
9.9 ~~prosecutor in the delinquency petition is convicted of an offense after trial that is not an~~  
9.10 ~~offense described in subdivision 1, clause (2), the court shall adjudicate the child delinquent~~  
9.11 ~~and order a disposition under section 260B.198. If the extended jurisdiction juvenile~~  
9.12 ~~proceeding results in a guilty plea for an offense not described in subdivision 1, clause (2),~~  
9.13 ~~the court may impose a disposition under paragraph (a) if the child consents.~~

9.14 Sec. 16. Minnesota Statutes 2022, section 260B.130, subdivision 5, is amended to read:

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

9.23 (b) If a person described in paragraph (a) is taken into custody, the person may be  
9.24 detained in a secure juvenile detention facility. If there is no secure juvenile detention facility  
9.25 or existing acceptable detention alternative available for juveniles within the county, the  
9.26 child may be detained up to 24 hours, excluding Saturdays, Sundays, and holidays, or for  
9.27 up to six hours in a standard metropolitan statistical area, in a jail, lockup, or other facility  
9.28 used for the confinement of adults who have been charged with or convicted of a crime. In  
9.29 this instance, the person must be confined in quarters separate from any adult confined in  
9.30 the facility that allow for complete sight and sound separation for all activities during the  
9.31 period of the detention, and the adult facility must be approved for the detention of juveniles  
9.32 by the commissioner of corrections.

10.1 If the person is 18 years of age or older and is to be detained prior to the revocation  
10.2 hearing, the person may be detained in a local adult correctional facility without the need  
10.3 for sight and sound separation.

10.4 (c) After the hearing, if the court finds that reasons exist to revoke the stay of execution  
10.5 of sentence, the court shall treat the offender as an adult and order any of the adult sanctions  
10.6 authorized by section 609.14, subdivision 3, ~~except that no credit shall be given for time~~  
10.7 ~~served in juvenile facility custody prior to a summary hearing.~~ If the offender was convicted  
10.8 of an offense described in subdivision 1, clause (2), and the court finds that reasons exist  
10.9 to revoke the stay, the court must order execution of the previously imposed sentence unless  
10.10 the court makes written findings regarding the mitigating factors that justify continuing the  
10.11 stay.

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

10.15 Sec. 17. Minnesota Statutes 2022, section 260B.141, subdivision 4, is amended to read:

10.16 Subd. 4. **Delinquency petition; extended jurisdiction juvenile.** ~~When a prosecutor~~  
10.17 ~~files a delinquency petition alleging that a child committed a felony offense for which there~~  
10.18 ~~is a presumptive commitment to prison according to the Sentencing Guidelines and applicable~~  
10.19 ~~statutes or in which the child used a firearm, after reaching the age of 16 years, the prosecutor~~  
10.20 ~~shall indicate in the petition whether the prosecutor designates the proceeding an extended~~  
10.21 ~~jurisdiction juvenile prosecution.~~ When a prosecutor files a delinquency petition alleging  
10.22 that a child aged ~~14~~ 16 to ~~17~~ 20 years committed a felony offense for which the Sentencing  
10.23 Guidelines and applicable statutes presume a commitment to prison or to have committed  
10.24 any felony in which the child allegedly used a firearm, the prosecutor may request that the  
10.25 court designate the proceeding an extended jurisdiction juvenile prosecution.

10.26 Sec. 18. Minnesota Statutes 2023 Supplement, section 260B.157, subdivision 1, is amended  
10.27 to read:

10.28 Subdivision 1. **Investigation.** Upon request of the court the local social services agency  
10.29 or probation officer shall investigate the personal and family history and environment of  
10.30 any ~~minor~~ child coming within the jurisdiction of the court under section 260B.101 and  
10.31 shall report its findings to the court. The court may order any ~~minor~~ child coming within  
10.32 its jurisdiction to be examined by a duly qualified physician, psychiatrist, or psychologist  
10.33 appointed by the court.

11.1 The court shall order a chemical use assessment conducted when a child is (1) found to  
11.2 be delinquent for violating a provision of chapter 152, or for committing a felony-level  
11.3 violation of a provision of chapter 609 if the probation officer determines that alcohol or  
11.4 drug use was a contributing factor in the commission of the offense, or (2) alleged to be  
11.5 delinquent for violating a provision of chapter 152, if the child is being held in custody  
11.6 under a detention order. The assessor's qualifications must comply with section 245G.11,  
11.7 subdivisions 1 and 5, and the assessment criteria must comply with section 245G.05. If  
11.8 funds under chapter 254B are to be used to pay for the recommended treatment, the  
11.9 assessment must comply with all provisions of sections 245G.05 and 254B.04. The  
11.10 commissioner of human services shall reimburse the court for the cost of the chemical use  
11.11 assessment, up to a maximum of \$100.

11.12 The court shall order a children's mental health screening conducted when a child is  
11.13 found to be delinquent. The screening shall be conducted with a screening instrument  
11.14 approved by the commissioner of human services and shall be conducted by a mental health  
11.15 practitioner as defined in section 245.4871, subdivision 26, or a probation officer who is  
11.16 trained in the use of the screening instrument. If the screening indicates a need for assessment,  
11.17 the local social services agency, in consultation with the child's family, shall have a diagnostic  
11.18 assessment conducted, including a functional assessment, as defined in section 245.4871.

11.19 With the consent of the commissioner of corrections and agreement of the county to pay  
11.20 the costs thereof, the court may, by order, place a ~~minor~~ person coming within its jurisdiction  
11.21 in an institution maintained by the commissioner for the detention, diagnosis, custody and  
11.22 treatment of persons adjudicated to be delinquent, in order that the condition of the minor  
11.23 be given due consideration in the disposition of the case. Any funds received under the  
11.24 provisions of this subdivision shall not cancel until the end of the fiscal year immediately  
11.25 following the fiscal year in which the funds were received. The funds are available for use  
11.26 by the commissioner of corrections during that period and are hereby appropriated annually  
11.27 to the commissioner of corrections as reimbursement of the costs of providing these services  
11.28 to the juvenile courts.

11.29 Sec. 19. Minnesota Statutes 2022, section 260B.163, subdivision 1, is amended to read:

11.30 Subdivision 1. **General.** (a) Except for hearings arising under section 260B.425, hearings  
11.31 on any matter shall be without a jury and may be conducted in an informal manner, except  
11.32 that a child who is prosecuted as an extended jurisdiction juvenile has the right to a jury  
11.33 trial on the issue of guilt. The rules of evidence promulgated pursuant to section 480.0591  
11.34 and the law of evidence shall apply in adjudicatory proceedings involving a child alleged

12.1 to be delinquent, an extended jurisdiction juvenile, or a juvenile petty offender, and hearings  
12.2 conducted pursuant to section 260B.125 except to the extent that the rules themselves provide  
12.3 that they do not apply.

12.4 (b) When a continuance or adjournment is ordered in any proceeding, the court may  
12.5 make any interim orders as it deems in the best interests of the ~~minor~~ child in accordance  
12.6 with the provisions of sections 260B.001 to 260B.421.

12.7 (c) Except as otherwise provided in this paragraph, the court shall exclude the general  
12.8 public from hearings under this chapter and shall admit only those persons who, in the  
12.9 discretion of the court, have a direct interest in the case or in the work of the court. The  
12.10 court shall permit the victim of a child's delinquent act to attend any related delinquency  
12.11 proceeding, except that the court may exclude the victim:

12.12 (1) as a witness under the Rules of Criminal Procedure; and

12.13 (2) from portions of a certification hearing to discuss psychological material or other  
12.14 evidence that would not be accessible to the public.

12.15 The court shall open the hearings to the public in delinquency or extended jurisdiction  
12.16 juvenile proceedings where the child is alleged to have committed an offense or has been  
12.17 proven to have committed an offense that would be a felony if committed by an adult and  
12.18 the child was at least 16 years of age at the time of the offense, except that the court may  
12.19 exclude the public from portions of a certification hearing to discuss psychological material  
12.20 or other evidence that would not be accessible to the public in an adult proceeding.

12.21 (d) In all delinquency cases a person named in the charging clause of the petition as a  
12.22 person directly damaged in person or property shall be entitled, upon request, to be notified  
12.23 by the court administrator in writing, at the named person's last known address, of (1) the  
12.24 date of the certification or adjudicatory hearings, and (2) the disposition of the case.

12.25 Sec. 20. Minnesota Statutes 2022, section 260B.163, subdivision 6, is amended to read:

12.26 Subd. 6. **Guardian ad litem.** (a) The court shall appoint a guardian ad litem to protect  
12.27 the interests of the minor child when it appears, at any stage of the proceedings, that the  
12.28 minor is without a parent or guardian, or that the minor's parent is a minor or incompetent,  
12.29 or that the parent or guardian is indifferent or hostile to the minor's interests. In any other  
12.30 case the court may appoint a guardian ad litem to protect the interests of the minor when  
12.31 the court feels that such an appointment is desirable. The court shall appoint the guardian  
12.32 ad litem on its own motion or in the manner provided for the appointment of a guardian ad

13.1 litem in the district court. The court may appoint separate counsel for the guardian ad litem  
13.2 if necessary.

13.3 (b) A guardian ad litem shall carry out the following responsibilities:

13.4 (1) conduct an independent investigation to determine the facts relevant to the situation  
13.5 of the child and the family, which must include, unless specifically excluded by the court,  
13.6 reviewing relevant documents; meeting with and observing the child in the home setting  
13.7 and considering the child's wishes, as appropriate; and interviewing parents, caregivers, and  
13.8 others with knowledge relevant to the case;

13.9 (2) advocate for the child's best interests by participating in appropriate aspects of the  
13.10 case and advocating for appropriate community services when necessary;

13.11 (3) maintain the confidentiality of information related to a case, with the exception of  
13.12 sharing information as permitted by law to promote cooperative solutions that are in the  
13.13 best interests of the child;

13.14 (4) monitor the child's best interests throughout the judicial proceeding; and

13.15 (5) present written reports on the child's best interests that include conclusions and  
13.16 recommendations and the facts upon which they are based.

13.17 (c) The court may waive the appointment of a guardian ad litem pursuant to paragraph  
13.18 (a), whenever counsel has been appointed pursuant to subdivision 2 or is retained otherwise,  
13.19 and the court is satisfied that the interests of the minor are protected.

13.20 (d) In appointing a guardian ad litem pursuant to paragraph (a), the court shall not appoint  
13.21 the party filing a petition pursuant to sections 260B.141 and 260C.141.

13.22 (e) The following factors shall be considered when appointing a guardian ad litem in a  
13.23 case involving an Indian or minority child:

13.24 (1) whether a person is available who is the same racial or ethnic heritage as the child  
13.25 or, if that is not possible;

13.26 (2) whether a person is available who knows and appreciates the child's racial or ethnic  
13.27 heritage.

13.28 (f) The court shall require a background study for each guardian ad litem as provided  
13.29 under section 518.165. The court shall have access to data collected pursuant to section  
13.30 245C.32 for purposes of the background study.

14.1 Sec. 21. Minnesota Statutes 2022, section 260B.163, subdivision 7, is amended to read:

14.2 Subd. 7. **Parent or guardian must accompany child at hearing.** The custodial parent  
14.3 or guardian of a child who is a minor alleged or found to be delinquent, or is prosecuted as  
14.4 an extended jurisdiction juvenile, must accompany the minor child at each hearing held  
14.5 during the delinquency or extended jurisdiction juvenile proceedings, unless the court  
14.6 excuses the parent or guardian from attendance for good cause shown. The failure of a  
14.7 parent or guardian to comply with this duty may be punished as provided in section 260B.154.

14.8 Sec. 22. Minnesota Statutes 2022, section 260B.163, subdivision 8, is amended to read:

14.9 Subd. 8. **Waiving the presence of child, parent.** Except in delinquency proceedings,  
14.10 the court may waive the presence of the minor child in court at any stage of the proceedings  
14.11 when it is in the best interests of the minor to do so. In a delinquency proceeding, after the  
14.12 child is found to be delinquent, the court may excuse the presence of the child from the  
14.13 hearing when it is in the best interests of the child to do so. In any proceeding the court may  
14.14 temporarily excuse the presence of the parent or guardian of a minor child from the hearing  
14.15 when it is in the best interests of the minor to do so. The attorney or guardian ad litem, if  
14.16 any, has the right to continue to participate in proceedings during the absence of the minor,  
14.17 parent, or guardian.

14.18 Sec. 23. Minnesota Statutes 2022, section 260B.163, subdivision 9, is amended to read:

14.19 Subd. 9. **Rights of parties at hearing.** The ~~minor~~ child and ~~the minor's~~ a minor child's  
14.20 parent, guardian, or custodian are entitled to be heard, to present evidence material to the  
14.21 case, and to cross-examine witnesses appearing at the hearing.

14.22 Sec. 24. Minnesota Statutes 2023 Supplement, section 260B.171, subdivision 5, is amended  
14.23 to read:

14.24 Subd. 5. **Peace officer records of children.** (a) Except for records relating to an offense  
14.25 where proceedings are public under section 260B.163, subdivision 1, peace officers' records  
14.26 of children who are or may be delinquent or who may be engaged in criminal acts shall be  
14.27 kept separate from records of persons ~~18~~ 21 years of age or older and are private data but  
14.28 shall be disseminated: (1) by order of the juvenile court, (2) as required by section 121A.28,  
14.29 (3) as authorized under section 13.82, subdivision 2, (4) to the child or the child's parent or  
14.30 guardian unless disclosure of a record would interfere with an ongoing investigation, (5) to  
14.31 the Minnesota crime victims reimbursement board as required by section 611A.56,  
14.32 subdivision 2, clause (6), for the purpose of processing claims for crime victims

15.1 reimbursement, or (6) as otherwise provided in this subdivision. Except as provided in  
15.2 paragraph (c), no photographs of a child taken into custody may be taken without the consent  
15.3 of the juvenile court unless the child is alleged to have violated section 169A.20. Peace  
15.4 officers' records containing data about children who are victims of crimes or witnesses to  
15.5 crimes must be administered consistent with section 13.82, subdivisions 2, 3, 6, and 17.  
15.6 Any person violating any of the provisions of this subdivision shall be guilty of a  
15.7 misdemeanor.

15.8 In the case of computerized records maintained about juveniles by peace officers, the  
15.9 requirement of this subdivision that records about juveniles must be kept separate from  
15.10 adult records does not mean that a law enforcement agency must keep its records concerning  
15.11 juveniles on a separate computer system. Law enforcement agencies may keep juvenile  
15.12 records on the same computer as adult records and may use a common index to access both  
15.13 juvenile and adult records so long as the agency has in place procedures that keep juvenile  
15.14 records in a separate place in computer storage and that comply with the special data retention  
15.15 and other requirements associated with protecting data on juveniles.

15.16 (b) Nothing in this subdivision prohibits the exchange of information by law enforcement  
15.17 agencies if the exchanged information is pertinent and necessary for law enforcement  
15.18 purposes.

15.19 (c) A photograph may be taken of a child taken into custody pursuant to section 260B.175,  
15.20 subdivision 1, clause (b), provided that the photograph must be destroyed when the child  
15.21 reaches the age of 19 years. The commissioner of corrections may photograph juveniles  
15.22 whose legal custody is transferred to the commissioner. Photographs of juveniles authorized  
15.23 by this paragraph may be used only for institution management purposes, case supervision  
15.24 by parole agents, and to assist law enforcement agencies to apprehend juvenile offenders.  
15.25 The commissioner shall maintain photographs of juveniles in the same manner as juvenile  
15.26 court records and names under this section.

15.27 (d) Traffic investigation reports are open to inspection by a person who has sustained  
15.28 physical harm or economic loss as a result of the traffic accident. Identifying information  
15.29 on juveniles who are parties to traffic accidents may be disclosed as authorized under section  
15.30 13.82, subdivision 6, and accident reports required under section 169.09 may be released  
15.31 under section 169.09, subdivision 13, unless the information would identify a juvenile who  
15.32 was taken into custody or who is suspected of committing an offense that would be a crime  
15.33 if committed by an adult, or would associate a juvenile with the offense, and the offense is  
15.34 not an adult court traffic offense under section 260B.225.

16.1 (e) The head of a law enforcement agency or a person specifically given the duty by the  
16.2 head of the law enforcement agency shall notify the superintendent or chief administrative  
16.3 officer of a juvenile's school of an incident occurring within the agency's jurisdiction if:

16.4 (1) the agency has probable cause to believe that the juvenile has committed an offense  
16.5 that would be a crime if committed as an adult, that the victim of the offense is a student or  
16.6 staff member of the school, and that notice to the school is reasonably necessary for the  
16.7 protection of the victim; or

16.8 (2) the agency has probable cause to believe that the juvenile has committed an offense  
16.9 described in subdivision 3, paragraph (a), clauses (1) to (3), that would be a crime if  
16.10 committed by an adult, regardless of whether the victim is a student or staff member of the  
16.11 school.

16.12 A law enforcement agency is not required to notify the school under this paragraph if  
16.13 the agency determines that notice would jeopardize an ongoing investigation. For purposes  
16.14 of this paragraph, "school" means a public or private elementary, middle, secondary, or  
16.15 charter school.

16.16 (f) In any county in which the county attorney operates or authorizes the operation of a  
16.17 juvenile prepetition or pretrial diversion program, a law enforcement agency or county  
16.18 attorney's office may provide the juvenile diversion program with data concerning a juvenile  
16.19 who is a participant in or is being considered for participation in the program.

16.20 (g) Upon request of a local social services agency, peace officer records of children who  
16.21 are or may be delinquent or who may be engaged in criminal acts may be disseminated to  
16.22 the agency to promote the best interests of the subject of the data.

16.23 (h) Upon written request, the prosecuting authority shall release investigative data  
16.24 collected by a law enforcement agency to the victim of a criminal act or alleged criminal  
16.25 act or to the victim's legal representative, except as otherwise provided by this paragraph.  
16.26 Data shall not be released if:

16.27 (1) the release to the individual subject of the data would be prohibited under section  
16.28 13.821; or

16.29 (2) the prosecuting authority reasonably believes:

16.30 (i) that the release of that data will interfere with the investigation; or

16.31 (ii) that the request is prompted by a desire on the part of the requester to engage in  
16.32 unlawful activities.

17.1 Sec. 25. Minnesota Statutes 2022, section 260B.193, subdivision 1, is amended to read:

17.2 Subdivision 1. **Dismissal of petition.** Whenever the court finds that the ~~minor~~ person  
17.3 is not within the jurisdiction of the court or that the facts alleged in the petition have not  
17.4 been proved, it shall dismiss the petition.

17.5 Sec. 26. Minnesota Statutes 2022, section 260B.193, subdivision 5, is amended to read:

17.6 Subd. 5. **Termination of jurisdiction.** (a) The court may dismiss the petition or otherwise  
17.7 terminate its jurisdiction on its own motion or on the motion or petition of any interested  
17.8 party at any time. Unless terminated by the court, and except as otherwise provided in this  
17.9 subdivision, the jurisdiction of the court ~~shall~~ may continue until the individual becomes  
17.10 ~~19~~ 21 years of age if the court determines it is in the best interest of the individual to do so.

17.11 (b) The jurisdiction of the court over an extended jurisdiction juvenile, with respect to  
17.12 the offense for which the individual was convicted as an extended jurisdiction juvenile,  
17.13 ~~extends~~ may extend until the offender becomes ~~21~~ 24 years of age, unless the court terminates  
17.14 jurisdiction before that date.

17.15 (c) The juvenile court has jurisdiction to designate the proceeding an extended jurisdiction  
17.16 juvenile prosecution, to hold a certification hearing, or to conduct a trial, receive a plea, or  
17.17 impose a disposition under section 260B.130, subdivision 4, if:

17.18 (1) an adult is alleged to have committed an offense before the adult's ~~18th~~ 21st birthday;  
17.19 and

17.20 (2) a petition is filed under section 260B.141 before expiration of the time for filing  
17.21 under section 628.26 and before the adult's 21st birthday.

17.22 The juvenile court lacks jurisdiction under this paragraph if the adult demonstrates that the  
17.23 delay was purposefully caused by the state in order to gain an unfair advantage.

17.24 (d) The district court has original and exclusive jurisdiction over a proceeding:

17.25 (1) that involves an adult who is alleged to have committed an offense before the adult's  
17.26 ~~18th~~ 21st birthday; and

17.27 (2) in which a criminal complaint is filed before expiration of the time for filing under  
17.28 section 628.26 and after the adult's 21st birthday.

17.29 The juvenile court retains jurisdiction if the adult demonstrates that the delay in filing  
17.30 a criminal complaint was purposefully caused by the state in order to gain an unfair  
17.31 advantage.

18.1 ~~(e) The juvenile court has jurisdiction over a person who has been adjudicated delinquent,~~  
18.2 ~~has been found to have committed a delinquent act, or has been charged by juvenile petition~~  
18.3 ~~until the person's 21st birthday if the person fails to appear at any juvenile court hearing or~~  
18.4 ~~fails to appear at or absconds from any placement under a juvenile court order. The juvenile~~  
18.5 ~~court has jurisdiction over a convicted extended jurisdiction juvenile who fails to appear at~~  
18.6 ~~any juvenile court hearing or fails to appear at or absconds from any placement under section~~  
18.7 ~~260B.130, subdivision 4. The juvenile court lacks jurisdiction under this paragraph if the~~  
18.8 ~~adult demonstrates that the delay was purposefully caused by the state in order to gain an~~  
18.9 ~~unfair advantage.~~

18.10 Sec. 27. Minnesota Statutes 2022, section 260B.198, subdivision 7, is amended to read:

18.11 Subd. 7. **Continuance.** (a) When it is in the best interests of the child to do so and not  
18.12 inimical to public safety and when the child has admitted the allegations contained in the  
18.13 petition before the judge or referee, or when a hearing has been held as provided for in  
18.14 section 260B.163 and the allegations contained in the petition have been duly proven but,  
18.15 in either case, before a finding of delinquency has been entered, the court may continue the  
18.16 case for a period not to exceed 180 days on any one order. The continuance may be extended  
18.17 for one additional successive period not to exceed 180 days, but only with the consent of  
18.18 the prosecutor and only after the court has reviewed the case and entered its order for the  
18.19 additional continuance without a finding of delinquency. During a continuance the court  
18.20 may enter an order in accordance with the provisions of subdivision 1, except clause (4),  
18.21 or enter an order to hold the child in detention for a period not to exceed 15 days on any  
18.22 one order for the purpose of completing any consideration, or any investigation or  
18.23 examination ordered in accordance with the provisions of section 260B.157.

18.24 (b) A prosecutor may appeal a continuance ordered in contravention of this subdivision.  
18.25 ~~This subdivision does not extend the court's jurisdiction under section 260B.193 and does~~  
18.26 ~~not apply to an extended jurisdiction juvenile proceeding.~~

18.27 Sec. 28. Minnesota Statutes 2022, section 260B.198, subdivision 9, is amended to read:

18.28 Subd. 9. **Orders for supervision.** All orders for supervision under subdivision 1, clause  
18.29 (2), ~~shall be for an indeterminate period, unless otherwise specified by the court, and shall~~  
18.30 ~~be reviewed by the court at least annually. An order for supervision under subdivision 1,~~  
18.31 ~~clause (2), shall be no longer than one year for misdemeanor and gross misdemeanor offenses~~  
18.32 ~~and two years for felony offenses.~~ All orders under subdivision 1, clause (3), shall be for a  
18.33 specified length of time set by the court. However, before an order has expired and upon

19.1 the court's own motion or that of any interested party, the court has continuing jurisdiction  
19.2 to renew the order or, after notice to the parties and a hearing, make some other disposition  
19.3 of the case, until the individual becomes ~~19~~ 21 years of age. Any person to whom legal  
19.4 custody is transferred shall report to the court in writing at such periods as the court may  
19.5 direct.

19.6 Sec. 29. Minnesota Statutes 2022, section 260B.255, subdivision 1, is amended to read:

19.7 Subdivision 1. **Certain violations not crimes.** A violation of a state or local law or  
19.8 ordinance by a child before becoming ~~18~~ 21 years of age is not a crime unless the juvenile  
19.9 court:

19.10 (1) certifies the matter in accordance with the provisions of section 260B.125;

19.11 (2) transfers the matter to a court in accordance with the provisions of section 260B.225;

19.12 or

19.13 (3) convicts the child as an extended jurisdiction juvenile and subsequently executes the  
19.14 adult sentence under section 260B.130, subdivision 5.

19.15 Sec. 30. Minnesota Statutes 2022, section 260B.331, subdivision 4, is amended to read:

19.16 Subd. 4. **Legal settlement.** The county charged with the costs and expenses under  
19.17 subdivisions 1 and 2 may recover these costs and expenses from the county where the ~~minor~~  
19.18 child has legal settlement for general assistance purposes by filing verified claims which  
19.19 shall be payable as are other claims against the county. A detailed statement of the facts  
19.20 upon which the claim is based shall accompany the claim. If a dispute relating to general  
19.21 assistance settlement arises, the local social services agency of the county denying legal  
19.22 settlement shall send a detailed statement of the facts upon which the claim is denied together  
19.23 with a copy of the detailed statement of the facts upon which the claim is based to the  
19.24 commissioner of human services. The commissioner shall immediately investigate and  
19.25 determine the question of general assistance settlement and shall certify findings to the local  
19.26 social services agency of each county. The decision of the commissioner is final and shall  
19.27 be complied with unless, within 30 days thereafter, action is taken in district court as provided  
19.28 in section 256.045.

19.29 Sec. 31. Minnesota Statutes 2022, section 260B.415, subdivision 1, is amended to read:

19.30 Subdivision 1. **Persons entitled to appeal; procedure.** (a) An appeal may be taken by  
19.31 the aggrieved person from a final order of the juvenile court affecting a substantial right of  
19.32 the aggrieved person, including, but not limited to, an order adjudging a child to be delinquent

20.1 or a juvenile traffic offender. The appeal shall be taken within 30 days of the filing of the  
20.2 appealable order. The court administrator shall notify the person having legal custody of  
20.3 the ~~minor~~ child of the appeal. Failure to notify the person having legal custody of the ~~minor~~  
20.4 child shall not affect the jurisdiction of the appellate court. The order of the juvenile court  
20.5 shall stand, pending the determination of the appeal, but the reviewing court may in its  
20.6 discretion and upon application stay the order.

20.7 (b) An appeal may be taken by an aggrieved person from an order of the juvenile court  
20.8 on the issue of certification of a matter for prosecution under the laws and court procedures  
20.9 controlling adult criminal violations. Certification appeals shall be expedited as provided  
20.10 by applicable rules.

20.11 Sec. 32. Minnesota Statutes 2022, section 609.055, subdivision 2, is amended to read:

20.12 Subd. 2. **Adult prosecution.** ~~(a)~~ Except as otherwise provided in paragraph (b), children  
20.13 of the age of ~~14~~ 16 years or over but under ~~18~~ 21 years may be prosecuted for a felony  
20.14 offense if the alleged violation is duly certified for prosecution under the laws and court  
20.15 procedures controlling adult criminal violations or may be designated an extended jurisdiction  
20.16 juvenile in accordance with the provisions of chapter 260B. A child who is 16 years of age  
20.17 or older but under ~~18~~ 21 years of age is capable of committing a crime and may be prosecuted  
20.18 for a felony if:

20.19 (1) the child has been previously certified on a felony charge pursuant to a hearing under  
20.20 section 260B.125, subdivision 2, or pursuant to the waiver of the right to such a hearing, or  
20.21 prosecuted pursuant to this subdivision; and

20.22 (2) the child was convicted of the felony offense or offenses for which the child was  
20.23 prosecuted or of a lesser included felony offense.

20.24 ~~(b) A child who is alleged to have committed murder in the first degree after becoming~~  
20.25 ~~16 years of age is capable of committing a crime and may be prosecuted for the felony. This~~  
20.26 ~~paragraph does not apply to a child alleged to have committed attempted murder in the first~~  
20.27 ~~degree after becoming 16 years of age.~~

20.28 Sec. 33. **REPEALER.**

20.29 Minnesota Statutes 2022, sections 260B.101, subdivision 2; 260B.125, subdivisions 3  
20.30 and 10; and 260B.130, subdivision 6, are repealed.

**260B.101 JURISDICTION.**

Subd. 2. **No juvenile court jurisdiction over certain offenders.** Notwithstanding any other law to the contrary, the juvenile court lacks jurisdiction over proceedings concerning a child excluded from the definition of delinquent child under section 260B.007, subdivision 6, paragraph (b). The district court has original and exclusive jurisdiction in criminal proceedings concerning a child excluded from the definition of delinquent child under section 260B.007, subdivision 6, paragraph (b).

**260B.125 CERTIFICATION.**

Subd. 3. **Presumption of certification.** It is presumed that a proceeding involving an offense committed by a child will be certified if:

(1) the child was 16 or 17 years old at the time of the offense; and

(2) the delinquency petition alleges that the child committed an offense that would result in a presumptive commitment to prison under the Sentencing Guidelines and applicable statutes, or that the child committed any felony offense while using, whether by brandishing, displaying, threatening with, or otherwise employing, a firearm.

If the court determines that probable cause exists to believe the child committed the alleged offense, the burden is on the child to rebut this presumption by demonstrating by clear and convincing evidence that retaining the proceeding in the juvenile court serves public safety. If the court finds that the child has not rebutted the presumption by clear and convincing evidence, the court shall certify the proceeding.

Subd. 10. **Inapplicability to certain offenders.** This section does not apply to a child excluded from the definition of delinquent child under section 260B.007, subdivision 6, paragraph (b).

**260B.130 EXTENDED JURISDICTION JUVENILE PROSECUTIONS.**

Subd. 6. **Inapplicability to certain offenders.** This section does not apply to a child excluded from the definition of delinquent child under section 260B.007, subdivision 6, paragraph (b).