



RCAO JUVENILE DIVERSION GUIDELINES

April 2016

A case will be screened for diversion if the alleged offense is one listed in the attached document. In addition to the present offense, the diversion screener will consider the juvenile's prior history, the unique circumstances of the case and the availability of appropriate pre-charge diversion programming.

A juvenile is **ineligible** for diversion for the following reasons:

- 1) The present offense involves actual physical harm to another person.
- 2) The present offense involved the use or threatened use of a weapon.
- 3) The victim was threatened with substantial or great bodily harm.
- 4) The present offense involved predatory behavior.
- 5) The present offense involved fleeing in a motor vehicle.

Based upon the circumstances surrounding the present offense, a juvenile **may also be ineligible** for diversion for the following reasons:

- 1) The juvenile has a prior history of assaultive or threatening behavior.
- 2) The juvenile has previously been referred to court for a delinquent act (does not include petty offense(s)).
- 3) The juvenile has previously been referred to diversion and failed to successfully complete the diversion contract (exceptions may be made if the failure to complete was based on an inability to contact the juvenile or other extenuating circumstances).

Based upon the circumstances surrounding the present offense, a juvenile may be **eligible** for diversion, despite previous referral to diversion under the following circumstances:

- 1) The juvenile has previously successfully completed a diversion contract, the screener and diversion provider agree that the juvenile is appropriate for diversion and the present offense is one that would otherwise qualify for diversion.
- 2) The present offense is submitted while the juvenile is still in diversion for the previous offense (thus giving the diversion provider the opportunity to address the present offense as well as the prior offense).

STATUS OFFENSES

Consumption of Alcohol	340A.503, Subd. 1(a)(2)
Purchase of Alcoholic Beverage	340A.503, Subd. 2(2)
Possession of Alcoholic Beverage	340A.503, Subd. 3
Entering Licensed Premise	340A.503, Subd. 4(a)
Misrepresentation of Age to Purchase Alcohol	340A.503, Subd. 5
Curfew Violation	Ordinance
Unlawful Smoking—Smoking in Prohibited Areas	609.681
Tobacco: Possession, Purchase, and Ingestion—Under 18	609.685, Subd. 3
Nicotine Delivery Products (E-Cigarettes): Possession and Purchase	609.6855, Subd. 3
Possession or Sale of Small Amount of Marijuana	152.027, Subd. 4(a)
Possession of Drug Paraphernalia	152.092

PETTY MISDEMEANORS

Damage to Library Property	609.541, Subd. 1
Detention of Library Property	609.541, Subd. 3
Use of Ignition Device on School Property	609.5633
Unlawful Deposit of Garbage, Litter, or Like	609.68

MISDEMEANORS

Crimes Against Government

Use or Sale of Police Communication Equipment—First Offense	299C.37
Impersonating Officer	609.475
Fleeing Peace Officer—Other Than a Vehicle	609.487, Subd. 6
Release, Failure to Appear Misdemeanor & Gross Misdemeanor Offenders	609.49, Subd. 2
Obstruction of Legal Process	609.50, Subd. 1; 609.50, Subd. 2(3)
Falsely Reporting Information—Not Alleging a Criminal Act or 1 st Time	609.505, Subd. 1; 609.505, Subd. 2(a)(1)
Using Criminal Alert Network to Disseminate False/Misleading Information	609.5051
Giving Peace Officer False Name	609.506, Subd. 1

Falsely Reporting Child Abuse	609.507
Simulating Legal Process	609.51, Subd. 1

Theft, Forgery, and Related Crimes

Theft (Less than \$500)	609.52, Subd. (a)(1); Subd. 3(5)
Bringing Stolen Goods Into the State	609.525, Subd. 1; 609.52, Subd. 3(5)
Precious Metal Dealers; Receiving Stolen Property (Less than \$500)	609.526, Subd. 2(3)
Receiving Stolen Property	609.53; 609.52, Subd. 3(5)
Issuance of Dishonored Checks (Check less than \$250)	609.535, Subd. 2a(a)(3)
Removal of Library Property	609.541, Subd. 2
Misusing Credit Card to Secure Services	609.545
Motor Vehicle Tampering	609.546
Unauthorized Release of Animals (1 st Time)	609.552
False Certification by Notary Public	609.65(2)
False Fire Alarm/Tamper With or Injure Fire Alarm System	609.686, Subd. 1

Damage or Trespass to Property

Arson-5 th Degree	609.5632
Negligent Fire (Damage less than \$300)	609.576, Subd. 1(3)(i)
Dangerous Smoking—Presence of Explosives or Inflammable Materials	609.576, Subd. 2
Criminal Damage to Property—4 th Degree	609.595, Subd. 3
Trespass	609.605, Subd. 1
Trespass on School Property	609.605, Subd. 4(a); (b); (d)
Insurance Fraud	609.611, Subd. 1; 609.611, Subd. 3; 609.52, Subd. 3
Defeating Security on Realty (Damage less than \$300)	609.615 (1)

Alcohol, Tobacco, Prohibited Drugs and Other Substances

Careless Distribution of Drugs	151.33, Subd. 2
Possession or Distribution of Legend Drug	151.37; 151.29
Possession or Sale of Hypodermic Needles	151.40; 151. 29
Possession of Marijuana in a Motor Vehicle	152.027, Subd. 3
Possession of Salvia	152.027, Subd. 5(b)
Possession of Synthetic Cannabinoid	152.027, Subd. 6(d)
Manufacture or Delivery of Drug Paraphernalia	152.093
Advertisement of Drug Paraphernalia	152.095
Restrictions on Sale, Marketing, and Possession of Ephedrine	152.135, Subd. 6

Open Bottle-Drinking in Motor Vehicle— Passenger Only	169A.35, Subd. 2
Abuse of Toxic Substance for Intoxication	609.684, Subd. 3
Selling Tobacco to Minor	609.685, Subd. 1a(a)
Misrepresentation of Age to Purchase Tobacco	609.685, Subd. 2(b)
Alcohol in School Buildings or Grounds	624.701, Subd. 1
Alcohol in State Hospital or Grounds	624.701, Subd. 2
Intentional Release of Harmful Substance	624.732, Subd. 1

Public Nuisance or Misconduct

Interfering with Religious Observance	609.28, Subd. 1
Disruption of Funeral Service or Burial	609.501, Subd. 2(a)
Unlawful Assembly	609.705
Presence at Unlawful Assembly	609.715
Disorderly Conduct	609.72, Subd. 1
Concealing Identity	609.735
Public Nuisance	609.74
Permitting Public Nuisance	609.745
Gambling	609.755(1); St. Paul Ordinance 270.01

Crimes Relating to Communication and Commerce

False Information to News Media	609.77
Emergency Communications—Unauthorized Communication	609.774, Subd. 4
Divulging Telephone or Telegraph Message	609.775
Emergency Phone Calls and Communication	609.78, Subd. 1
Obscene and Harassing Phone Calls	609.79, Subd. 1
Letter, Telegraph, or Package Opening— Harassment	609.795, Subd. 1
Interfering with Cable Communication Systems	609.80, Subd. 1
Event Tickets	609.807 (d)
Misconduct by Junk or Second-Hand Dealer	609.815
Fraud in Obtaining Credit (If no money or property is obtained)	609.82(1)
Commercial Bribery (Less than \$500)	609.86, Subd. 2; 609.86, Subd. 3(2)
Computer Damage (Damage less than \$500)	609.88, Subd. 1; 609.88, Subd. 2(c)
Computer Theft (Less than \$500)	609.89, Subd. 1; 609.89, Subd. 2(c)
Unauthorized Computer Access	609.891, Subd. 4
Telecommunication and Information Services Fraud (Services less than \$500)	609.893, Subd 1; 609.893, Subd. 3(3)

Miscellaneous Crimes

Possession of Dangerous Articles in St. Paul; Public School	St. Paul Ordinance 225.01; 225.03
Placing Obstruction on Railroad Tracks	609.85, Subd. 5
Trespassing or Allowing Animals on Railroad Tracks	609.85, Subd. 6
False Traffic Signal	609.851, Subd. 1
Unlawfully Obtaining Transit Services (Fare Evasion)	609.855, Subd 1
Unlawful Interference with Transit Operator	609.855, Subd. 2(c)(2)
Prohibited Activities Involving Transit	609.855, Subd. 3
Unlawful Possession of Tear Gas/Stun Gun	624.731

GROSS MISDEMEANORS

Crimes Against Government

Interference with Property in Official Custody	609.47
Falsely Reporting an Alleged Crime or 2 nd Offense	609.505, Subd. 1; 609.505, Subd. 2(a)(2)
Giving Police Officer False Name	609.506, Subd. 2
Assaulting/Harming a Police Horse	609.597, Subd. 3(3); 609.597, Subd. 3(4)

Theft, Forgery, and Related Crimes

Theft (\$500-\$1000)	609.52, Subd. 3(4)
Bringing Stolen Goods Into the State	609.525, Subd. 1; 609.52, Subd. 3(4)
Possession or Sale of Stolen or Counterfeit Check (Loss of \$250-\$500)	609.528, Subd. 2; 609.528, Subd. 3(2)
Receiving Stolen Property	609.53, Subd. 1; 609.52, Subd. 3(4)
Issuance of Dishonored Checks (Value of check: \$250-\$500)	609.535, Subd. 2; 609.535, Subd. 2a(a)(2)
Unauthorized Release of Animals (2 nd Offense)	609.552
Check Forgery; Offering Forged Check (Value of check less than \$250)	609.631, Subd. 2; 609.631, Subd. 3; 609.631, Subd. 3(4)
Uttering or Possessing Counterfeit Currency	609.632, Subd. 3
Fraudulent Driver's License	609.652, Subd. 3
Financial Transaction Card Fraud (Value: \$250-\$2500)	609.821, Subd. 3(a)(1)(v); 609.821, Subd. 3(a)(3)(i)

Damage or Trespass to Property

Arson in 4 th Degree	609.5631, Subd. 2 (property damage only)
Negligent Fires (Property Damage Only: \$300-\$2500)	609.576, Subd 1(3)(ii)
Burglary—4 th Degree	609.582, Subd. 4

Damage to Timber or Wood Processing Equipment	609.591, Subd. 2; 609.591, Subd. 3(2)
Criminal Damage to Property—3 rd Degree (Damage less than \$500)	609.595, Subd. 2
Trespass	609.605, Subd. 2
Group Trespass on School Property	609.605, Subd. 4(c)
Trespass on Agricultural land	609.605, Subd. 5

Public Nuisance or Misconduct

Physically Interfering with Religious Observance	609.28, Subd. 2
Interference with Privacy	609.746, Subd. 1(a); (b); (c); (d)
Obstruction of Access to Healthcare Facility	609.7495, Subd. 2

Crimes Relating to Commerce and Communication

Unauthorized Computer Access	609.891, Subd. 3
Cellular Phone Counterfeiting—3 rd Degree	609.894, Subd. 2
Counterfeiting Intellectual Property	609.895, Subd. 2; 609.895, Subd. 3(c)

Miscellaneous Crimes

Causes Foreseeable Risk to Train	609.85, Subd. 2
Throwing Objects at Train	609.85, Subd. 4
Selling Liquor to Minor	340A.503, Subd. 2(1)

FELONIES

Note: The following offenses shall be screened for diversion but will not qualify for diversion if the offense involved assaultive or threatening behavior, or the offense involved physical injury to another person.

Theft, Forgery, and Related Crimes¹

Theft (\$1000 - \$2,500)	609.52, Subd. 3(3)(a) only & property not a MV
Receiving Stolen Property (max. value of \$2,500)	609.53, Subd. 1; 609.52, Subd. 3(3)(a) only
Issuance of Dishonored Checks (Value of check: more than \$500 & up to \$2,500)	609.535, Subd. 2; 609.535, Subd. 2a(a)(1) (loss maximum of \$1,000)
Check Forgery; Offering Forged Check (Value of check more than \$250 but less than \$2,500)	609.631, Subd. 2; 609.631, Subd. 3; 609.631, Subd. 4(3)(a) only

¹ If the conduct resulted in property loss of over \$2,500.00, the matter will not qualify for diversion unless the Division Director has given prior approval.

Damage or Trespass to Property²

Possession of Theft Tools (No Burglary or Tampering Tools)	609.59
Criminal Damage to Property—1 st Degree (Damage more than \$1000)	609.595, Subd. 1(3) only

² If the conduct resulted in property loss of over \$2,500.00, the matter will not qualify for diversion unless the Division Director has given prior approval.