

1.1 moves to amend H.F. No. 1050 as follows:

1.2 Page 3, line 20 after "(3)" insert "for licensed family child foster care"

1.3 Page 4, line 11, after the period, insert "\"Licensed family foster care\" does not include
1.4 foster residence settings that meet the licensing requirements of Minnesota Rules, parts
1.5 2960.3200 to 2960.3230."

1.6 Page 4, after line 12, insert

1.7 "Sec. Minnesota Statutes 2018, section 245C.05, subdivision 2c, is amended to read:

1.8 Subd. 2c. **Privacy notice to background study subject.** (a) Prior to initiating each
1.9 background study, the entity initiating the study must provide the commissioner's privacy
1.10 notice to the background study subject required under section 13.04, subdivision 2. The
1.11 notice must be available through the commissioner's electronic NETStudy and NETStudy
1.12 2.0 systems and shall include the information in paragraphs (b) and (c).

1.13 (b) The background study subject shall be informed that any previous background studies
1.14 that received a set-aside will be reviewed, and without further contact with the background
1.15 study subject, the commissioner may notify the agency that initiated the subsequent
1.16 background study:

1.17 (1) that the individual has a disqualification that has been set aside for the program or
1.18 agency that initiated the study;

1.19 (2) the reason for the disqualification; and

1.20 (3) that information about the decision to set aside the disqualification will be available
1.21 to the license holder upon request without the consent of the background study subject.

1.22 (c) The background study subject must also be informed that:

2.1 (1) the subject's fingerprints collected for purposes of completing the background study
2.2 under this chapter must not be retained by the Department of Public Safety, Bureau of
2.3 Criminal Apprehension, or by the commissioner. ~~The Federal Bureau of Investigation will~~
2.4 ~~only retain fingerprints of subjects with a criminal history;~~

2.5 (2) effective upon implementation of NETStudy 2.0, the subject's photographic image
2.6 will be retained by the commissioner, and if the subject has provided the subject's Social
2.7 Security number for purposes of the background study, the photographic image will be
2.8 available to prospective employers and agencies initiating background studies under this
2.9 chapter to verify the identity of the subject of the background study;

2.10 (3) the commissioner's authorized fingerprint collection vendor shall, for purposes of
2.11 verifying the identity of the background study subject, be able to view the identifying
2.12 information entered into NETStudy 2.0 by the entity that initiated the background study,
2.13 but shall not retain the subject's fingerprints, photograph, or information from NETStudy
2.14 2.0. The authorized fingerprint collection vendor shall retain no more than the subject's
2.15 name and the date and time the subject's fingerprints were recorded and sent, only as
2.16 necessary for auditing and billing activities;

2.17 (4) the commissioner shall provide the subject notice, as required in section 245C.17,
2.18 subdivision 1, paragraph (a), when an entity initiates a background study on the individual;

2.19 (5) the subject may request in writing a report listing the entities that initiated a
2.20 background study on the individual as provided in section 245C.17, subdivision 1, paragraph
2.21 (b);

2.22 (6) the subject may request in writing that information used to complete the individual's
2.23 background study in NETStudy 2.0 be destroyed if the requirements of section 245C.051,
2.24 paragraph (a), are met; and

2.25 (7) notwithstanding clause (6), the commissioner shall destroy:

2.26 (i) the subject's photograph after a period of two years when the requirements of section
2.27 245C.051, paragraph (c), are met; and

2.28 (ii) any data collected on a subject under this chapter after a period of two years following
2.29 the individual's death as provided in section 245C.051, paragraph (d).

2.30 Sec. Minnesota Statutes 2018, section 245C.05, subdivision 2d, is amended to read:

2.31 Subd. 2d. **Fingerprint data notification.** The commissioner of human services shall
2.32 notify all background study subjects under this chapter that the Department of Human

3.1 Services, Department of Public Safety, and the Bureau of Criminal Apprehension do not
3.2 retain fingerprint data after a background study is completed, ~~and that the Federal Bureau~~
3.3 ~~of Investigation only retains the fingerprints of subjects who have a criminal history.~~"

3.4 Page 4, line 19, after "results" insert "and relevant underlying investigative information"

3.5 Page 4, line 21, after "results" insert ", except as prohibited by law"

3.6 Page 5, after line 3, insert:

3.7 "(d) Section 245C.08, subdivision 3, paragraph (c) applies to results transmitted under
3.8 this subdivision."

3.9 Page 5, after line 4, insert:

3.10 "Sec. Minnesota Statutes 2018, section 245C.05, subdivision 5, is amended to read:

3.11 Subd. 5. **Fingerprints and photograph.** (a) Notwithstanding paragraph (b), for
3.12 background studies conducted by the commissioner for child foster care, adoptions, or a
3.13 transfer of permanent legal and physical custody of a child, the subject of the background
3.14 study, who is 18 years of age or older, shall provide the commissioner with a set of
3.15 classifiable fingerprints obtained from an authorized agency for a national criminal history
3.16 record check.

3.17 (b) For background studies initiated on or after the implementation of NETStudy 2.0,
3.18 except as provided under subdivision 5a, every subject of a background study must provide
3.19 the commissioner with a set of the background study subject's classifiable fingerprints and
3.20 photograph. The photograph and fingerprints must be recorded at the same time by the
3.21 commissioner's authorized fingerprint collection vendor and sent to the commissioner
3.22 through the commissioner's secure data system described in section 245C.32, subdivision
3.23 1a, paragraph (b).

3.24 (c) The fingerprints shall be submitted by the commissioner to the Bureau of Criminal
3.25 Apprehension and, when specifically required by law, submitted to the Federal Bureau of
3.26 Investigation for a national criminal history record check.

3.27 (d) The fingerprints must not be retained by the Department of Public Safety, Bureau
3.28 of Criminal Apprehension, or the commissioner. ~~The Federal Bureau of Investigation will~~
3.29 ~~only retain fingerprints of subjects with a criminal history.~~

3.30 (e) The commissioner's authorized fingerprint collection vendor shall, for purposes of
3.31 verifying the identity of the background study subject, be able to view the identifying
3.32 information entered into NETStudy 2.0 by the entity that initiated the background study,

4.1 but shall not retain the subject's fingerprints, photograph, or information from NETStudy
4.2 2.0. The authorized fingerprint collection vendor shall retain no more than the name and
4.3 date and time the subject's fingerprints were recorded and sent, only as necessary for auditing
4.4 and billing activities.

4.5 (f) For any background study conducted under this chapter, the subject shall provide the
4.6 commissioner with a set of classifiable fingerprints when the commissioner has reasonable
4.7 cause to require a national criminal history record check as defined in section 245C.02,
4.8 subdivision 15a.

4.9 Sec. Minnesota Statutes 2018, section 245C.08, subdivision 3, is amended to read:

4.10 Subd. 3. **Arrest and investigative information.** (a) For any background study completed
4.11 under this section, if the commissioner has reasonable cause to believe the information is
4.12 pertinent to the disqualification of an individual, the commissioner also may review arrest
4.13 and investigative information from:

4.14 (1) the Bureau of Criminal Apprehension;

4.15 (2) the ~~commissioner~~ commissioners of health and human services;

4.16 (3) a county attorney;

4.17 (4) a county sheriff;

4.18 (5) a county agency;

4.19 (6) a local chief of police;

4.20 (7) other states;

4.21 (8) the courts;

4.22 (9) the Federal Bureau of Investigation;

4.23 (10) the National Criminal Records Repository; and

4.24 (11) criminal records from other states.

4.25 (b) Except when specifically required by law, the commissioner is not required to
4.26 conduct more than one review of a subject's records from the Federal Bureau of Investigation
4.27 if a review of the subject's criminal history with the Federal Bureau of Investigation has
4.28 already been completed by the commissioner and there has been no break in the subject's
4.29 affiliation with the license holder who initiated the background study.

5.1 (c) If the commissioner conducts a national criminal history record check when required
5.2 by law and uses the information from the national criminal history record check to make a
5.3 disqualification determination, the data obtained is private data and cannot be shared with
5.4 county agencies, private agencies, or prospective employers of the background study subject.

5.5 (d) If the commissioner conducts a national criminal history record check when required
5.6 by law and uses the information from the national criminal history record check to make a
5.7 disqualification determination, the license holder or entity that submitted the study is not
5.8 required to obtain a copy of the background study subject's disqualification letter under
5.9 section 245C.17, subdivision 3.

5.10 **EFFECTIVE DATE.** This section is effective for background studies requested on or
5.11 after October 1, 2019."

5.12 Page 6, delete lines 11 and 12

5.13 Page 6, line 13, delete "(2)"

5.14 Page 6, after line 34, insert:

5.15 "(b) Notwithstanding subdivisions 1 through 5 of this section, for the purposes of a
5.16 background study affiliated with a licensed family foster care license, an individual is
5.17 disqualified under section 245C.14, regardless of how much time has passed, if the individual
5.18 committed an action under paragraph (d) of this subdivision that resulted in death or involved
5.19 sexual abuse."

5.20 Page 7, line 1, delete "(b)" and insert "(c)"

5.21 Page 7, line 4, delete "(a) or"

5.22 Page 7, line 26, delete "a determination"

5.23 Page 7, line 27, delete "or disposition of the individual's"

5.24 Page 7, line 28, after "(1)" insert "a determination or disposition of the individual's"

5.25 Page 7, line 30, delete "or"

5.26 Page 7, line 31, after "(2)" insert "a determination or disposition of the individual's"

5.27 Page 8, line 1, delete everything after "626.557" and insert "and meet the definition of
5.28 serious maltreatment or recurring maltreatment; or"

5.29 Page 8, delete line 2 and insert:

5.30 "(3) the termination of the individual's parental rights under section 260C.301, subdivision
5.31 1, paragraph (a)."

- 6.1 Page 9, line 5, after "age" insert "at the time the background study is submitted"
- 6.2 Page 10, line 31, delete "(b)" and insert "(c)" and after "age" insert "at the time the
- 6.3 background study is submitted"
- 6.4 Renumber the sections in sequence and correct the internal references
- 6.5 Amend the title accordingly