

1.1 ..... moves to amend H.F. No. 3573, the first engrossment, as follows:

1.2 Page 1, delete line 18 and insert:

1.3 **"EFFECTIVE DATE. This section is effective upon the implementation of enhanced**  
1.4 **child care background studies under NETStudy 2.0."**

1.5 Page 2, line 10, strike "The" and insert "A child care" and after "study" insert ", except  
1.6 for a study on a subject who is 17 years of age or younger residing in a licensed family child  
1.7 care home or legal nonlicensed child care program, who is not a child care staff person as  
1.8 defined in section 245C.02, subdivision 6a,"

1.9 Page 2, line 12, after the period, insert "The commissioner may require a subject who  
1.10 is 17 years of age or younger residing in a licensed family child care home or legal  
1.11 nonlicensed child care program to submit fingerprints and a photograph if the commissioner  
1.12 has reasonable cause to require a national criminal history record check."

1.13 Page 2, line 13, delete "For a"

1.14 Page 2, delete lines 14 to 19

1.15 Page 2, line 21, delete the new language and after "(1)" insert "Except as provided in  
1.16 paragraph (b)."

1.17 Page 2, line 22, delete the new language

1.18 Page 4, delete line 30 and insert:

1.19 **"EFFECTIVE DATE. This section is effective upon the implementation of enhanced**  
1.20 **child care background studies under NETStudy 2.0."**

1.21 Page 5, line 8, delete the new language

1.22 Page 5, line 9, delete the new language

2.1 Page 5, line 11, after the period, insert "For a background study on a subject who is 17  
2.2 years of age or younger residing in a licensed family child care home or legal nonlicensed  
2.3 child care program, who is not a child care staff person as defined in section 245C.02,  
2.4 subdivision 6a, the subject shall submit the information required under subdivision 1,  
2.5 paragraph (a), and shall not be required to be fingerprinted and photographed, unless the  
2.6 commissioner has reasonable cause to require a national criminal history record check."

2.7 Page 5, delete line 12 and insert:

2.8 "**EFFECTIVE DATE.** This section is effective upon the implementation of enhanced  
2.9 child care background studies under NETStudy 2.0."

2.10 Page 5, before line 13, insert:

2.11 "Sec. 4. Minnesota Statutes 2017 Supplement, section 245C.05, subdivision 5, is amended  
2.12 to read:

2.13 Subd. 5. **Fingerprints and photograph.** (a) Before the implementation of NETStudy  
2.14 2.0, except as provided in paragraph (c), for any background study completed under this  
2.15 chapter, when the commissioner has reasonable cause to believe that further pertinent  
2.16 information may exist on the subject of the background study, the subject shall provide the  
2.17 commissioner with a set of classifiable fingerprints obtained from an authorized agency.

2.18 (b) Before the implementation of NETStudy 2.0, for purposes of requiring fingerprints,  
2.19 the commissioner has reasonable cause when, but not limited to, the:

2.20 (1) information from the Bureau of Criminal Apprehension indicates that the subject is  
2.21 a multistate offender;

2.22 (2) information from the Bureau of Criminal Apprehension indicates that multistate  
2.23 offender status is undetermined; ~~or~~

2.24 (3) commissioner has received a report from the subject or a third party indicating that  
2.25 the subject has a criminal history in a jurisdiction other than Minnesota; or

2.26 (4) information from the Bureau of Criminal Apprehension indicates that the subject  
2.27 has a criminal history, for a state-based name and date of birth background study on a subject  
2.28 who is a minor.

2.29 (c) Notwithstanding paragraph (d), for background studies conducted by the commissioner  
2.30 for child foster care, adoptions, or a transfer of permanent legal and physical custody of a  
2.31 child, the subject of the background study, who is 18 years of age or older, shall provide  
2.32 the commissioner with a set of classifiable fingerprints obtained from an authorized agency  
2.33 for a national criminal history record check.

3.1 (d) For background studies initiated on or after the implementation of NETStudy 2.0,  
3.2 every subject of a background study must provide the commissioner with a set of the  
3.3 background study subject's classifiable fingerprints and photograph. The photograph and  
3.4 fingerprints must be recorded at the same time by the commissioner's authorized fingerprint  
3.5 collection vendor and sent to the commissioner through the commissioner's secure data  
3.6 system described in section 245C.32, subdivision 1a, paragraph (b). The fingerprints shall  
3.7 not be retained by the Department of Public Safety, Bureau of Criminal Apprehension, or  
3.8 the commissioner, but will be retained by the Federal Bureau of Investigation. The  
3.9 commissioner's authorized fingerprint collection vendor shall, for purposes of verifying the  
3.10 identity of the background study subject, be able to view the identifying information entered  
3.11 into NETStudy 2.0 by the entity that initiated the background study, but shall not retain the  
3.12 subject's fingerprints, photograph, or information from NETStudy 2.0. The authorized  
3.13 fingerprint collection vendor shall retain no more than the name and date and time the  
3.14 subject's fingerprints were recorded and sent, only as necessary for auditing and billing  
3.15 activities. A background study subject who is 17 years of age or younger residing in a  
3.16 licensed family child care home or legal nonlicensed child care program, who is not a child  
3.17 care staff person as defined in section 245C.02, subdivision 6a, shall not be required to  
3.18 submit fingerprints and a photograph, unless the commissioner has reasonable cause to  
3.19 require a national criminal history record check.

3.20 (e) When specifically required by law, fingerprints collected under this section must be  
3.21 submitted for a national criminal history record check."

3.22 Page 7, delete line 1 and insert:

3.23 "EFFECTIVE DATE. This section is effective upon the implementation of enhanced  
3.24 child care background studies under NETStudy 2.0."

3.25 Page 8, delete line 10 and insert:

3.26 "EFFECTIVE DATE. This section is effective upon the implementation of enhanced  
3.27 child care background studies under NETStudy 2.0."

3.28 Renumber the sections in sequence and correct the internal references

3.29 Amend the title accordingly