

1.1 moves to amend the amendment (H1083DE1) to H.F. No. 1083 as
1.2 follows:

1.3 Page 1, before line 3, insert:

1.4 "Sec. Minnesota Statutes 2022, section 245C.08, subdivision 1, is amended to read:

1.5 Subdivision 1. **Background studies conducted by Department of Human Services.** (a)

1.6 For a background study conducted by the Department of Human Services, the commissioner
1.7 shall review:

1.8 (1) information related to names of substantiated perpetrators of maltreatment of
1.9 vulnerable adults that has been received by the commissioner as required under section
1.10 626.557, subdivision 9c, paragraph (j);

1.11 (2) the commissioner's records relating to the maltreatment of minors in licensed
1.12 programs, and from findings of maltreatment of minors as indicated through the social
1.13 service information system;

1.14 (3) information from juvenile courts as required in subdivision 4 for individuals listed
1.15 in section 245C.03, subdivision 1, paragraph (a), when there is reasonable cause;

1.16 (4) information from the Bureau of Criminal Apprehension, including information
1.17 regarding a background study subject's registration in Minnesota as a predatory offender
1.18 under section 243.166;

1.19 (5) except as provided in clause (6), information received as a result of submission of
1.20 fingerprints for a national criminal history record check, as defined in section 245C.02,
1.21 subdivision 13c, when the commissioner has reasonable cause for a national criminal history
1.22 record check as defined under section 245C.02, subdivision 15a, or as required under section
1.23 144.057, subdivision 1, clause (2);

2.1 (6) for a background study related to a child foster family setting application for licensure,
2.2 foster residence settings, children's residential facilities, a transfer of permanent legal and
2.3 physical custody of a child under sections 260C.503 to 260C.515, or adoptions, and for a
2.4 background study required for family child care, certified license-exempt child care, child
2.5 care centers, and legal nonlicensed child care authorized under chapter 119B, the
2.6 commissioner shall also review:

2.7 (i) information from the child abuse and neglect registry for any state in which the
2.8 background study subject has resided for the past five years;

2.9 (ii) when the background study subject is 18 years of age or older, or a minor under
2.10 section 245C.05, subdivision 5a, paragraph (c), information received following submission
2.11 of fingerprints for a national criminal history record check; and

2.12 (iii) when the background study subject is 18 years of age or older or a minor under
2.13 section 245C.05, subdivision 5a, paragraph (d), for licensed family child care, certified
2.14 license-exempt child care, licensed child care centers, and legal nonlicensed child care
2.15 authorized under chapter 119B, information obtained using non-fingerprint-based data
2.16 including information from the criminal and sex offender registries for any state in which
2.17 the background study subject resided for the past five years and information from the national
2.18 crime information database and the national sex offender registry; and

2.19 (7) for a background study required for family child care, certified license-exempt child
2.20 care centers, licensed child care centers, and legal nonlicensed child care authorized under
2.21 chapter 119B, the background study shall also include, to the extent practicable, a name
2.22 and date-of-birth search of the National Sex Offender Public website.

2.23 (b) Notwithstanding expungement by a court, the commissioner may consider information
2.24 obtained under paragraph (a), clauses (3) and (4), unless:

2.25 (1) the commissioner received notice of the petition for expungement and the court order
2.26 for expungement is directed specifically to the commissioner; or

2.27 (2) the commissioner received notice of the expungement order issued pursuant to section
2.28 609A.025 or 609A.017, and the order for expungement is directed specifically to the
2.29 commissioner.

2.30 (c) The commissioner shall also review criminal case information received according
2.31 to section 245C.04, subdivision 4a, from the Minnesota court information system that relates
2.32 to individuals who have already been studied under this chapter and who remain affiliated
2.33 with the agency that initiated the background study.

3.1 (d) When the commissioner has reasonable cause to believe that the identity of a
3.2 background study subject is uncertain, the commissioner may require the subject to provide
3.3 a set of classifiable fingerprints for purposes of completing a fingerprint-based record check
3.4 with the Bureau of Criminal Apprehension. Fingerprints collected under this paragraph
3.5 shall not be saved by the commissioner after they have been used to verify the identity of
3.6 the background study subject against the particular criminal record in question.

3.7 (e) The commissioner may inform the entity that initiated a background study under
3.8 NETStudy 2.0 of the status of processing of the subject's fingerprints.

3.9 **EFFECTIVE DATE.** This section is effective August 1, 2023.

3.10 Sec. Minnesota Statutes 2022, section 245C.08, subdivision 2, is amended to read:

3.11 Subd. 2. **Background studies conducted by a county agency for family child care.** (a)
3.12 Before the implementation of NETStudy 2.0, for a background study conducted by a county
3.13 agency for family child care services, the commissioner shall review:

3.14 (1) information from the county agency's record of substantiated maltreatment of adults
3.15 and the maltreatment of minors;

3.16 (2) information from juvenile courts as required in subdivision 4 for:

3.17 (i) individuals listed in section 245C.03, subdivision 1, paragraph (a), who are ages 13
3.18 through 23 living in the household where the licensed services will be provided; and

3.19 (ii) any other individual listed under section 245C.03, subdivision 1, when there is
3.20 reasonable cause; and

3.21 (3) information from the Bureau of Criminal Apprehension.

3.22 (b) If the individual has resided in the county for less than five years, the study shall
3.23 include the records specified under paragraph (a) for the previous county or counties of
3.24 residence for the past five years.

3.25 (c) Notwithstanding expungement by a court, the county agency may consider information
3.26 obtained under paragraph (a), clause (3), unless:

3.27 (1) the commissioner received notice of the petition for expungement and the court order
3.28 for expungement is directed specifically to the commissioner; or

3.29 (2) the commissioner received notice of the expungement order issued pursuant to section
3.30 609A.025 or 609A.017, and the order for expungement is directed specifically to the
3.31 commissioner.

- 4.1 **EFFECTIVE DATE.** This section is effective August 1, 2023."
- 4.2 Page 4, line 9, after the period, insert "The order shall cite to this section as the basis for
- 4.3 the order."
- 4.4 Page 4, line 26, delete ", but shall not order the commissioner" and insert a period
- 4.5 Page 4, delete lines 27 to 34
- 4.6 Page 5, delete lines 1 and 2
- 4.7 Page 5, line 3, delete "(f)" and insert "(d)"
- 4.8 Page 5, delete lines 6 to 14
- 4.9 Renumber the sections in sequence and correct the internal references