



Human Services Background Study Eligibility Task Force

Summary of Proceedings from the Human Services Background Study Eligibility Task Force

Presentation to Human Services Policy Committee

March 1, 2023

Human Services Background Study Task Force

- Approx. 12-month process that analyzed Minnesota licensing laws.
- Diverse group from judges, prosecutors, legislators, law enforcement, impacted individuals, lawyers, and government.
- We brought in guest speakers with expertise on the juvenile brain, addiction, the law, and several individuals who were disqualified to tell their story.
- Resulted in Legislative Report that addressed the process, data and resulting recommendations.

Task Force Members

- Senator Bobby Joe Champion
- Lucas Dawson, Attorney
- Joshua Esmay Mid-MN Legal Aid/Southern MN

Legal Services/Legal Rights

- Gina Evans, Vice-Chair
- Jon Geffen, Chair
- Benjamin Hanson, Commissioner of Health

Designee

- Elizabeth Huntley (appointed 1/31/2022)
- Dave Irvin, Minnesota Adult and Teen Challenge
- Tiffany Kacir, Olmstead County
- Roy Kammer, Assistant Professor
- Andy Knotz, Law enforcement

- Honorable Gail Kulick
- Senator Andrew Mathews
- Nicole Mattson, Licensed Service Provider
- Representative Kelly Moller
- Inspector General Kulani Moti
- Max Page, County Attorney
- Jolene Rebertus, Department of Corrections
- Representative Kristin Robbins
- Leo Sandoval
- Melissa Sherlock, Hennepin County
- Dewon Tatum
- TaShonda Williamson
- Honorable Melissa Saterbak

Overview of Some Issues/Conclusions

- Protecting vulnerable individuals is paramount and important mission of State of Minnesota.
- The law's purpose is to protect vulnerable individual; not a punitive law.
- The current law is more restrictive than required to protect vulnerable individuals.
- Minnesota has a unique background study process. It disqualifies more individuals, for more reasons, for longer periods of time than any other state we reviewed.
- Disqualifications impact more individuals than just those providing direct care to vulnerable. The law includes those who work in nursing home kitchens, laundry, cleaning, etc.
- Minnesota's BGS law is vastly different from federal law. I.E., Adam Walsh Act – 5 year and permanent Disqualification.
- Racial Disparities. Not everyone is impacted the same by these laws. Professor Kammer will discuss this in more detail.
- Inconsistent with Minnesota's expungement laws. Waiting period for a misdemeanor is 2 years in expungement statute, but 7 years in BGS law.

Areas For Change

Drug Offenses: In MN, most drug offenses (even possession level) are felonies and have 15-year disqualification period.

- Under current law, a person is disqualified for 15 years from the date they were released from court supervision.
- So, if we have a person that commits a drug related felony in 2010, is convicted in 2011, receives 5-year probation until 2016, their disqualification ends in 2031. So, again, commits offense in 2010 – DQ expires in 2031.

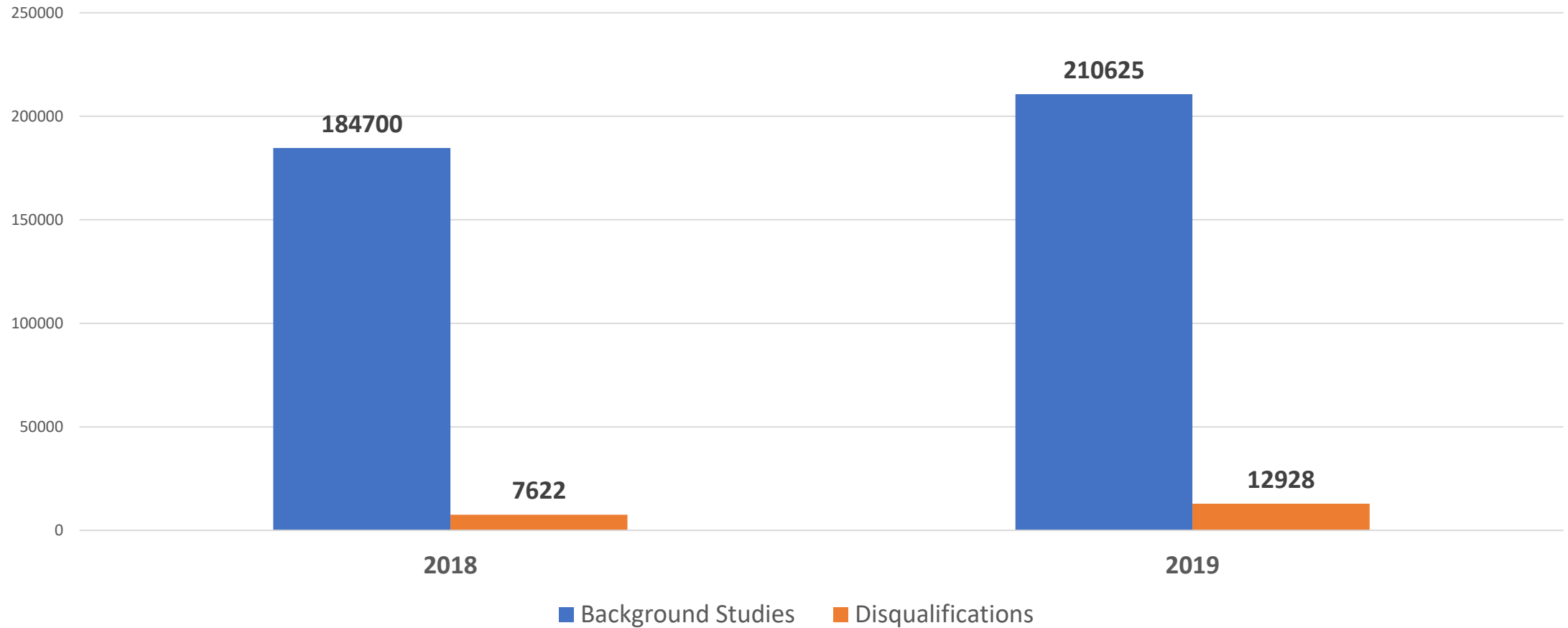
Juvenile Records: In Minnesota, juvenile records are not criminal records.

- (Not talking about those charged as adults).
- Although many of these cases are not “public data,” reviewing agency must use this data when making decisions about disqualification.
- Under current law, one applies the same disqualification period for a juvenile case as an adult case. So, sticking with the drug, a felony level drug cases that occurs when 15 years old, will continue to disqualify for 15 years.

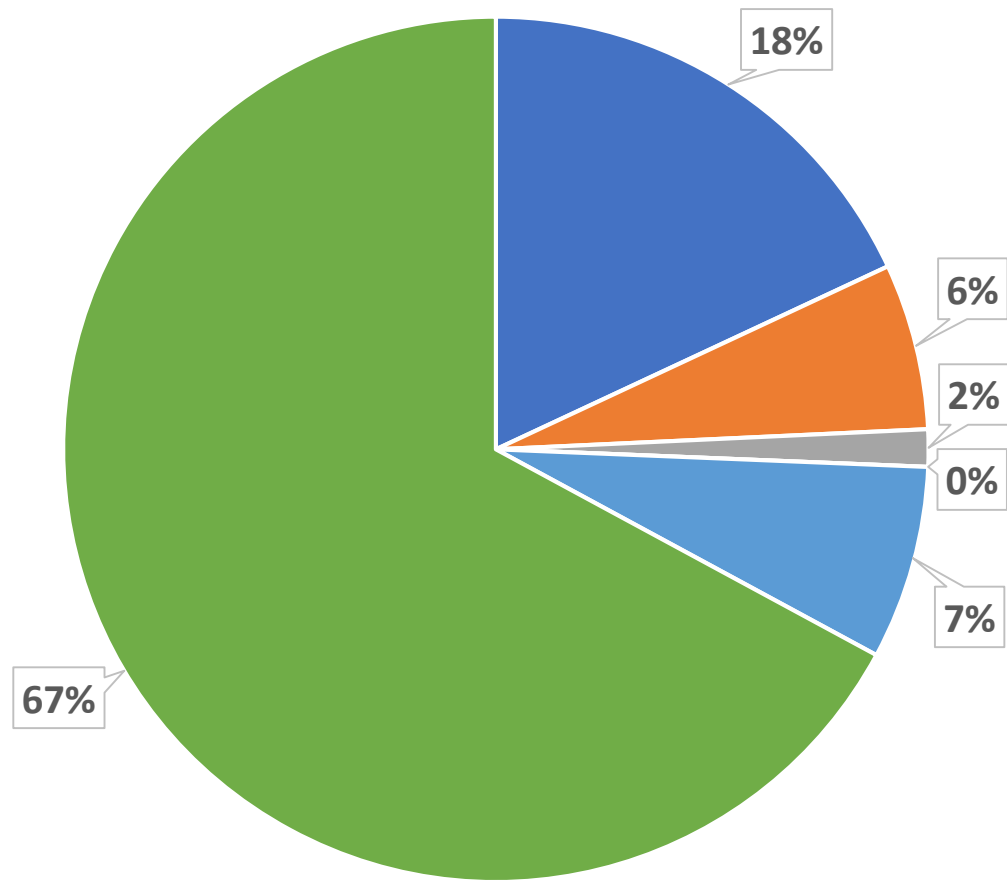
Two-Prong Approach

- The changes identified by the BGS Task Force may be best addressed in two or more changes.
- For example, the Task Force recommended removing non-conviction cases from BGS statute. Currently, can be disqualified based on non-conviction.
- Some cases are permanent disqualification without a chance for review.
- All findings and recommendations in Task Force Report
- [Human Services Background Study Eligibility Task Force Interim Report \(mn.gov\)](#)

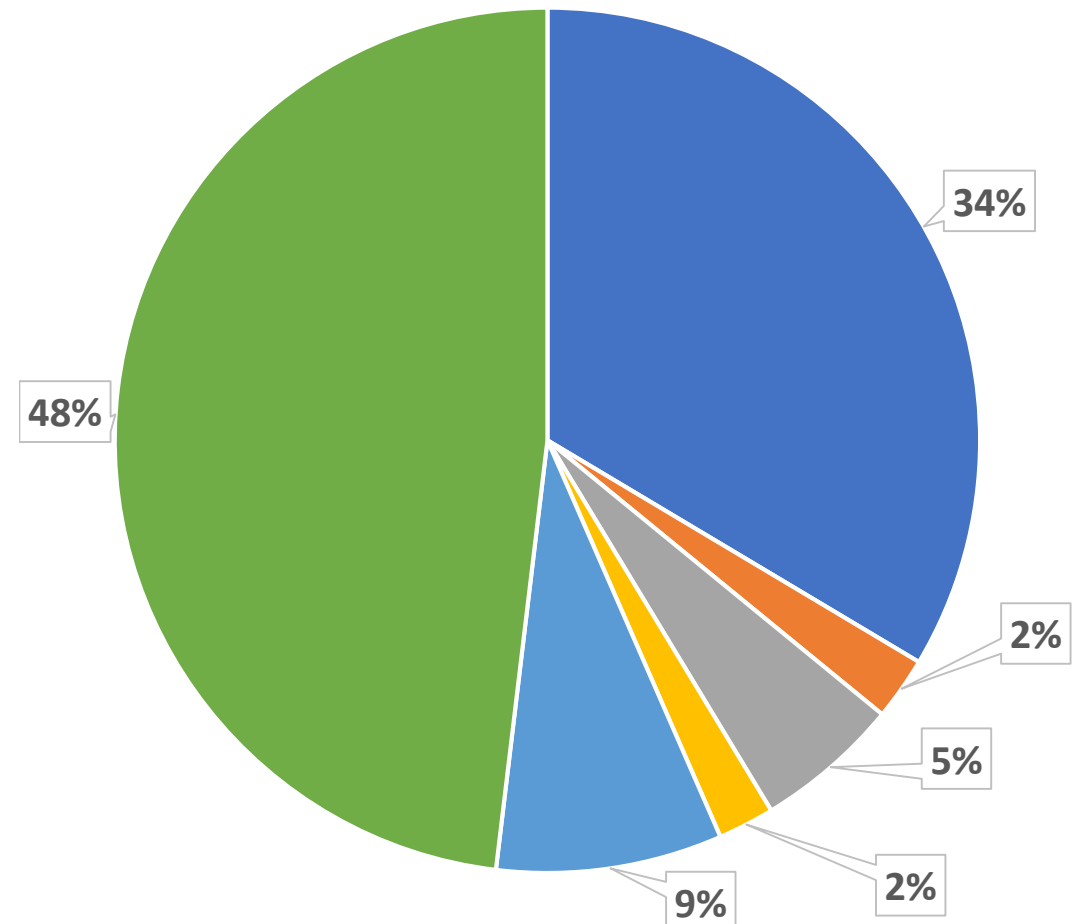
Total Background Studies and Disqualifications (2018 and 2019)



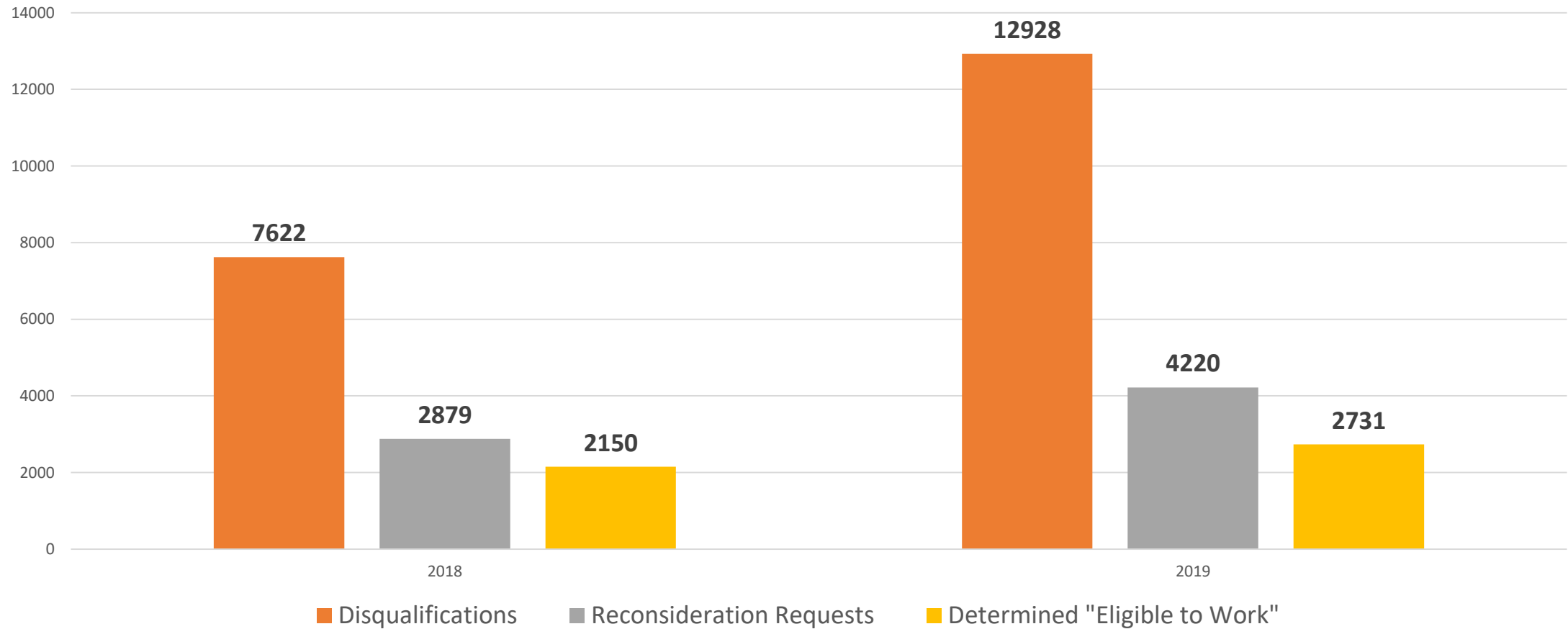
Distinct count of *persons* with at least one **eligible** determination by race/ethnicity (2018 and 2019 Grand Total)



Distinct count of *persons* with at least one **disqualifying** determination by race/ethnicity (2018 and 2019 Grand Total)



Disqualifications, Reconsideration Requests, and "Eligible to Work" Determinations (2018 and 2019)



7 Year Disqualification Analysis – 2018 & 2019

2018 Top 10 Reconsideration Requests by Type	# (Total: 1578)	Det. “Elig. to Work”	%
609.52 - THEFT	482	353	73%
609.2242 - DOMESTIC ASSAULT	348	281	81%
626.556 - SERIOUS MALTREATMENT - MINOR	119	101	85%
609.224 - ASSAULT IN THE 5TH DEGREE	81	51	63%
152.025 - CONTROLLED SUBSTANCE CRIME IN THE 5TH DEGREE	77	68	88%
626.557 - SERIOUS MALTREATMENT - VULNERABLE ADULT	60	49	82%
609.535 - ISSUANCE OF DISHONORED CHECKS	57	51	89%
626.556 - RECURRING MALTREATMENT - MINOR	51	33	65%
626.557 - RECURRING MALTREATMENT - VULNERABLE ADULT	37	<10	-----
518B.01 - DOMESTIC ABUSE ACT.	33	19	58%

2019 Top 10 Reconsideration Requests by Type	# (Total: 2279)	Det. “Elig. to Work”	%
609.52 - THEFT	821	519	63%
609.2242 - DOMESTIC ASSAULT	385	282	73%
609.224 - ASSAULT IN THE 5TH DEGREE	178	109	61%
626.556 - SERIOUS MALTREATMENT - MINOR	126	67	53%
609.535 - ISSUANCE OF DISHONORED CHECKS	115	110	96%
152.025 - CONTROLLED SUBSTANCE CRIME IN THE 5TH DEGREE	92	76	83%
518B.01 - DOMESTIC ABUSE ACT.	64	44	69%
626.557 - RECURRING MALTREATMENT - VULNERABLE ADULT	62	13	21%
626.556 - RECURRING MALTREATMENT - MINOR	49	30	61%
626.556 - SERIOUS AND RECURRING MALTREATMENT - MINOR	44	15	34%

7 Year Disqualification Analysis – 2018

2018 Crime	Total Disqualifications	Total Reconsideration Requests	Reconsideration Requests as % of Total DQs:
609.52 - THEFT	2938	482	16%
609.2242 - DOMESTIC ASSAULT	862	348	40%
626.556 - SERIOUS MALTREATMENT - MINOR	255	119	47%
609.224 - ASSAULT IN THE 5TH DEGREE	400	81	20%
152.025 - CONTROLLED SUBSTANCE CRIME IN THE 5TH DEGREE	185	77	42%
626.557 - SERIOUS MALTREATMENT - VULNERABLE ADULT	64	60	94%
609.535 - ISSUANCE OF DISHONORED CHECKS	200	57	29%
626.556 - RECURRING MALTREATMENT - MINOR	316	51	16%
626.557 - RECURRING MALTREATMENT - VULNERABLE ADULT	201	37	18%

Total Reconsideration Requests Determined Eligible to Work	Total Determined Eligible to Work as % of Reconsideration Requests	Total Determined Eligible to Work as % of Total DQs
353	73%	12%
281	81%	33%
101	85%	40%
51	63%	13%
68	88%	37%
49	82%	77%
51	89%	26%
33	65%	10%
<10	---	---

7 Year Disqualification Analysis – 2019

2019 Crime	Total Disqualifications	Total Reconsideration Requests	Reconsideration Requests as % of Total DQs:
609.52 - THEFT	4819	821	17%
609.2242 - DOMESTIC ASSAULT	1343	385	29%
609.224 - ASSAULT IN THE 5TH DEGREE	764	178	23%
626.556 - SERIOUS MALTREATMENT - MINOR	418	126	30%
609.535 - ISSUANCE OF DISHONORED CHECKS	359	115	32%
152.025 - CONTROLLED SUBSTANCE CRIME IN THE 5TH DEGREE	259	92	36%
518B.01 - DOMESTIC ABUSE ACT.	256	64	25%
626.557 - RECURRING MALTREATMENT - VULNERABLE ADULT	320	62	19%
626.556 - RECURRING MALTREATMENT - MINOR	658	49	7%
626.556 - SERIOUS AND RECURRING MALTREATMENT - MINOR	263	44	17%

Total Reconsideration Requests Determined Eligible to Work	Total Determined Eligible to Work as % of Reconsideration Requests	Total Determined Eligible to Work as % of Total DQs
519	63%	11%
282	73%	21%
109	61%	14%
67	53%	16%
110	96%	31%
76	83%	29%
44	69%	17%
13	21%	4%
30	61%	5%
15	34%	6%

10 Year Disqualification Analysis – 2018 & 2019

2018 Top 8 Reconsideration Requests by Type (Top 10 not available due to <10 responses in remaining categories)	# (Total: 249)	Det. “Elig. to Work”	%
609.52 - THEFT	78	61	78%
609.2231 - ASSAULT IN THE 4TH DEGREE (VULNERABLE ADULTS, PEACE OFFICERS, TRANSIT DRIVERS, ETC)	19	13	68%
609.2242 - DOMESTIC ASSAULT	14	<10	----
609.821 - FINANCIAL TRANSACTION CARD FRAUD	14	11	79%
152.025 - CONTROLLED SUBSTANCE CRIME IN THE 5TH DEGREE	13	10	77%
609.631 - CHECK FORGERY; OFFERING A FORGED CHECK	13	<10	----
609.535 - ISSUANCE OF DISHONORED CHECKS	12	<10	----
609.21 - CRIMINAL VEHICULAR HOMICIDE OR INJURY	12	11	92%

2019 Top 10 Reconsideration Requests by Type	# (Total: 422)	Det. “Elig. to Work”	%
609.52 - THEFT	113	81	72%
256.98 - WRONGFULLY OBTAINING ASSISTANCE (WOA)	43	38	88%
609.21 - CRIMINAL VEHICULAR HOMICIDE OR INJURY	33	29	88%
609.821 - FINANCIAL TRANSACTION CARD FRAUD	31	18	58%
609.535 - ISSUANCE OF DISHONORED CHECKS	27	25	93%
152.025 - CONTROLLED SUBSTANCE CRIME IN THE 5TH DEGREE	18	12	67%
609.2113 - CRIMINAL VEHICULAR OPERATION; BODILY HARM	16	11	69%
609.2242 - DOMESTIC ASSAULT	15	12	80%
609.378 - NEGLECT OR ENDANGERMENT OF A CHILD	15	10	67%
609.2231 – ASSUALT IN THE FOURTH DEGREE	13	<10	----

10 Year Disqualification Analysis – 2018

2018 Crime	Total Disqualifications	Total Reconsideration Requests	Reconsideration Requests as % of Total DQs:
609.52 - THEFT	315	78	25%
609.2231 - ASSAULT IN THE 4TH DEGREE (VULNERABLE ADULTS, PEACE OFFICERS, TRANSIT DRIVERS, ETC)	56	19	34%
609.2242 - DOMESTIC ASSAULT	62	14	23%
609.821 - FINANCIAL TRANSACTION CARD FRAUD	85	14	16%
152.025 - CONTROLLED SUBSTANCE CRIME IN THE 5TH DEGREE	29	13	45%
609.631 - CHECK FORGERY; OFFERING A FORGED CHECK	70	13	19%
609.535 - ISSUANCE OF DISHONORED CHECKS	44	12	27%
609.21 - CRIMINAL VEHICULAR HOMICIDE OR INJURY	30	12	40%

Total Reconsideration Requests Determined Eligible to Work	Total Determined Eligible to Work as % of Reconsideration Requests	Total Determined Eligible to Work as % of Total DQs
61	78%	19%
13	68%	23%
<10	-----	-----
11	79%	13%
10	77%	34%
<10	-----	-----
<10	-----	-----
11	92%	37%

10 Year Disqualification Analysis – 2019

2019 Crime	Total Disqualifications	Total Reconsideration Requests	Reconsideration Requests as % of Total DQs:
609.52 - THEFT	474	113	24%
256.98 - WRONGFULLY OBTAINING ASSISTANCE (WOA)	68	43	63%
609.21 - CRIMINAL VEHICULAR HOMICIDE OR INJURY	48	33	69%
609.821 - FINANCIAL TRANSACTION CARD FRAUD	115	31	27%
609.535 - ISSUANCE OF DISHONORED CHECKS	94	27	29%
152.025 - CONTROLLED SUBSTANCE CRIME IN THE 5TH DEGREE	61	18	30%
609.2113 - CRIMINAL VEHICULAR OPERATION; BODILY HARM	53	16	30%
609.2242 - DOMESTIC ASSAULT	75	15	20%
609.378 - NEGLIGENCE OR ENDANGERMENT OF A CHILD	55	15	27%
609.2231 - ASSAULT IN THE 4TH DEGREE (VULNERABLE ADULTS, PEACE OFFICERS, TRANSIT DRIVERS, ETC)	52	13	25%

Total Reconsideration Requests Determined Eligible to Work	Total Determined Eligible to Work as % of Reconsideration Requests	Total Determined Eligible to Work as % of Total DQs
81	72%	17%
38	88%	56%
29	88%	60%
18	58%	16%
25	93%	27%
12	67%	20%
11	69%	21%
12	80%	16%
10	67%	18%
<10	----	----

15 Year Disqualification Analysis – 2018 & 2019

2018 Top 9 Reconsideration Requests by Type (Top 10 not available due to <10 responses in remaining categories)	# (Total: 603)	Det. “Elig. to Work”	%
152.025 - CONTROLLED SUBSTANCE CRIME IN THE 5TH DEGREE	183	115	63%
609.52 - THEFT	72	42	58%
169A.20 - FELONY DRIVING WHILE IMPARED	68	58	85%
152.021 - CONTROLLED SUBSTANCE CRIME IN THE 1ST DEGREE	57	44	77%
152.023 - CONTROLLED SUBSTANCE CRIME IN THE 3RD DEGREE	53	40	75%
152.022 - CONTROLLED SUBSTANCE CRIME IN THE 2ND DEGREE	35	31	89%
609.582 - BURGLARY	22	17	77%
609.631 - CHECK FORGERY; OFFERING A FORGED CHECK	17	10	59%
609.713 - TERRORISTIC THREATS	10	<10	-----

2019 Top 10 Reconsideration Requests by Type	# (Total: 1170)	Det. “Elig. to Work”	%
152.025 - CONTROLLED SUBSTANCE CRIME IN THE 5TH DEGREE	369	213	58%
609.52 - THEFT	158	96	61%
152.021 - CONTROLLED SUBSTANCE CRIME IN THE 1ST DEGREE	94	67	71%
152.023 - CONTROLLED SUBSTANCE CRIME IN THE 3RD DEGREE	90	68	76%
169A.20 - FELONY DRIVING WHILE IMPARED	87	67	77%
152.022 - CONTROLLED SUBSTANCE CRIME IN THE 2ND DEGREE	61	42	69%
609.582 - BURGLARY	44	29	66%
256.98 - WRONGFULLY OBTAINING ASSISTANCE (WOA)	38	22	58%
609.631 - CHECK FORGERY; OFFERING A FORGED CHECK	31	27	87%
609.821 - FINANCIAL TRANSACTION CARD FRAUD	23	12	52%

15 Year Disqualification Analysis – 2018

2018 Crime	Total Disqualifications	Total Reconsideration Requests	Reconsideration Requests as % of Total DQs:
152.025 - CONTROLLED SUBSTANCE CRIME IN THE 5TH DEGREE	746	183	25%
609.52 - THEFT	482	72	15%
169A.20 - FELONY DRIVING WHILE IMPARED	205	68	33%
152.021 - CONTROLLED SUBSTANCE CRIME IN THE 1ST DEGREE	135	57	42%
152.023 - CONTROLLED SUBSTANCE CRIME IN THE 3RD DEGREE	162	53	33%
152.022 - CONTROLLED SUBSTANCE CRIME IN THE 2ND DEGREE	109	35	32%
609.582 - BURGLARY	202	22	11%
609.631 - CHECK FORGERY; OFFERING A FORGED CHECK	231	17	7%
609.713 - TERRORISTIC THREATS	74	10	14%

Total Reconsideration Requests Determined Eligible to Work	Total Determined Eligible to Work as % of Reconsideration Requests	Total Determined Eligible to Work as % of Total DQs
115	63%	15%
42	58%	9%
58	85%	28%
44	77%	33%
40	75%	25%
31	89%	28%
17	77%	8%
10	59%	4%
<10	-----	-----

15 Year Disqualification Analysis – 2019

2019 Crime	Total Disqualifications	Total Reconsideration Requests	Reconsideration Requests as % of Total DQs:
152.025 - CONTROLLED SUBSTANCE CRIME IN THE 5TH DEGREE	1599	369	23%
609.52 - THEFT	982	158	16%
152.021 - CONTROLLED SUBSTANCE CRIME IN THE 1ST DEGREE	211	94	45%
152.023 - CONTROLLED SUBSTANCE CRIME IN THE 3RD DEGREE	341	90	26%
169A.20 - FELONY DRIVING WHILE IMPAIRED	262	87	33%
152.022 - CONTROLLED SUBSTANCE CRIME IN THE 2ND DEGREE	204	61	30%
609.582 - BURGLARY	414	44	11%
256.98 - WRONGFULLY OBTAINING ASSISTANCE (WOA)	104	38	37%
609.631 - CHECK FORGERY; OFFERING A FORGED CHECK	295	31	11%
609.821 - FINANCIAL TRANSACTION CARD FRAUD	215	23	11%

Total Reconsideration Requests Determined Eligible to Work	Total Determined Eligible to Work as % of Reconsideration Requests	Total Determined Eligible to Work as % of Total DQs
213	58%	13%
96	61%	10%
67	71%	32%
68	76%	20%
67	77%	26%
42	69%	21%
29	66%	7%
22	58%	21%
27	87%	9%
12	52%	6%