

Minnesota: SF 3238 & HF 3174

Background Study Reform Supporting Government Transparency and Workforce Access

The Problem:

Minnesota's background study process—designed to protect the vulnerable—can permanently disqualify people from healthcare and social work jobs, even if they are rehabilitated. Because there is no way to seek reconsideration for these permanent disqualifications, many people are unfairly prevented from contributing to their communities.

The Bill

This legislation allows people who are permanently disqualified to seek reconsideration and a set-aside from the Commissioner of the Department of Human Services when:

- There has been no conviction for the alleged crime in the past five years or charges were dropped.
- A conviction was pardoned or expunged.
- Ten years have passed since release or sentence completion.

Reconsideration is not allowed if federal law requires the disqualification or if the offense was murder, manslaughter, criminal sexual conduct, or crimes involving children.

The Background

In 2022, Minnesota convened the Human Services Background Study Eligibility Task Force. The task force found that:

- Minnesota's process is stricter than other states'.
- People can be disqualified, even when they no longer pose a risk.
- Permanent disqualifications lack a reconsideration pathway, unlike 7, 10, or 15-year disqualifications.

The task force recommended that Minnesota allow people with permanent disqualifications to seek reconsideration just like those with time-limited disqualifications.

Benefits of the Bill

- **Supports Minnesota Businesses:** Many employers are open to hiring people with criminal records, but current laws limit their options. Research shows these hires perform as well or better than others on key job metrics.
- **Strengthens Families:** Opening up job opportunities, especially in healthcare and social work, helps people use their lived experience to support others and earn higher wages, improving family stability.
- **Promotes Successful Reentry:** Employment is one of the strongest factors in reducing recidivism. After three years post-release, re-offending is rare. This bill helps rehabilitated people reintegrate and contribute meaningfully.



For more information, contact Meagan Forbes at the Institute for Justice at mforbes@ij.org.



INSTITUTE FOR JUSTICE

**Testimony in Support of House File 3174
Minnesota House Human Services Finance and Policy Committee**

March 11, 2026

Dear Chair Noor, Chair Schomacker, and Members of the Committee:

Thank you for the opportunity to submit testimony in support of House File 3174, which will improve opportunities for justice-involved people who are rehabilitated and for employers who want to hire them. My name is Meagan Forbes, and I am an attorney at the Institute for Justice. We are a nonprofit, public interest law firm that works to protect civil liberties. For more than 35 years, we have worked to protect the right to earn a living and to reduce barriers to work.

We support this bill because it makes a pragmatic and much-needed reform to the background study process. Current law can impose lifetime job bans that ignore rehabilitation, prevent qualified people from working, and ultimately make our communities less safe.

These blanket restrictions deny people employment without any individualized consideration of their circumstances, their rehabilitation, or the relevance of an old offense to the job they are seeking. Laws that impose permanent disqualifications in this way also raise serious constitutional concerns. Recently, a federal court in Virginia ruled that a similar law was unconstitutional as applied to a plaintiff with a decades-old conviction who was barred from working despite her rehabilitation.¹

Often people with criminal records who have turned their lives around want to work in fields where they can use their lived experiences to help others. People who have paid their debt to society deserve a fair opportunity to work and rebuild their lives.

These reforms are both fair and practical. They help address workforce shortages and strengthen public safety. Research shows that stable employment is one of the most effective ways to reduce recidivism, and states that lower barriers to work often see better reentry outcomes.²

Allowing individuals with permanent disqualifications the opportunity to seek a set-aside creates a reasonable, case-by-case process that protects public safety while opening the door to employment for people who have demonstrated rehabilitation.



INSTITUTE FOR JUSTICE

For these reasons, I encourage the committee to support this important reform.
Thank you.

Sincerely,

Meagan Forbes
Legislative Director &
Senior Legislative Counsel
Institute for Justice
mforbes@ij.org

¹ See *Brown v. Smith*, No. 1:24-cv-477 (LMB/IDD), 2025 WL (E.D. Va. Sept. 30, 2025).

² Slivinski, S. (2016). *Turning shackles into bootstraps: Why occupational licensing reform is the missing piece of criminal justice reform*. Center for the Study of Economic Liberty at Arizona State University. <https://csel.asu.edu/sites/default/files/2019-09/csel-policy-report-2016-01-turning-shackles-into-bootstraps.pdf>

Co-Chair Mohamud Noor
Human Services Finance and Policy
Committee Minnesota House of
Representatives

Co-Chair Joe Schomacker
Human Services Finance and Policy
Committee Minnesota House of
Representatives

Re: HF HF3174(Frazier) Chief judge of the Office of Administrative Hearings allowed to set aside certain permanent disqualifications.

Dear Chair Noor, Chair Schomacker and Members of the House Human Services Finance and Policy Committee,

Through our work with justice impacted Minnesotans, we see how barriers to employment can prevent people from rebuilding their lives and supporting their families. Current law can permanently block individuals from working in healthcare or social service roles without any opportunity to demonstrate rehabilitation.

HF 3174 creates a fair process that allows individuals to seek reconsideration through the Court of Administrative Hearings. Creating this pathway supports successful reentry and strengthens Minnesota's workforce. Many justice impacted individuals bring valuable lived experience that can help support others navigating healthcare, recovery, and social services. Opening these opportunities helps strengthen families, expand the workforce, and allow rehabilitated individuals to contribute meaningfully to their communities.

The bill also maintains important safeguards to protect vulnerable populations. By allowing reconsideration in appropriate circumstances, Minnesota can support rehabilitation while maintaining strong protections in sensitive fields.

Minnesota Freedom Fund Action respectfully urges support for HF 3174.

Sincerely,

Danielle Matthias

Danielle Matthias
Director of Policy & Advocacy
Minnesota Freedom Fund

March 11, 2026



Human Services Finance and Policy: Support of H.F. 3174

Chair Noor, Chair Schomaker, and committee members, thank you for the opportunity to submit written testimony in support of H.F. 3174.

My name is Randy Anderson. I am a state-licensed alcohol and drug counselor, and a Minnesota Certification Board–approved trainer and supervisor for peer recovery specialists. Most importantly, I am a person living in long-term recovery. For me, that means I have not used drugs, alcohol, or any mood-altering substance since January 9, 2005.

I am also a formerly incarcerated person who was sentenced to 87 months in prison as a first-time, non-violent drug user. Because of my criminal history, I have been disqualified multiple times **by the Minnesota Department of Human Services**, despite years of sustained recovery and professional service. I have also been fortunate to receive several set-asides that allowed me to continue my recovery journey and pursue my personal and professional goals.

Too often, individuals like me—people who made harmful decisions while in active addiction—are excluded from a career path where our lived experience could help someone else heal. We cannot continue to punish people for life when they have turned their lives around and want to transform their struggle into purpose.

H.F. 3174 is an important step toward acknowledging that rehabilitation is real. It tells impacted individuals that they are no longer viewed as a threat to the very communities they now work to support.

Thank you, Representative Frazier, for bringing this bill forward. I am hopeful that all committee members will recognize the value of this legislation and offer their support.

Kind regards,

Randy Anderson, RCPF, LADC

Person in Long Term Recovery

Est. January 10, 2005

Recovery & Justice System Reform Advocate

BoldNorthRecoveryandConsulting.com

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"The two most important days in your life are the day you are born and the day you find out why." – Mark Twain.



March 11, 2026

Representative Mohamud Noor, Co-Chair
Human Services Finance and Policy Committee
Centennial Office Building
658 Cedar Street, Fifth Floor
St. Paul, MN 55155

Representative Joe Schomacker, Co-Chair
Human Services Finance and Policy Committee
Centennial Office Building
658 Cedar Street, Second Floor
St. Paul, MN 55155

Dear Chairs Noor and Schomacker:

On behalf of the Justice Action Network, a national bipartisan organization dedicated to advancing smarter justice policies that improve public safety outcomes and strengthen communities nationwide – which has advocated for evidence-based criminal justice reforms in Minnesota since 2016 – we write to express our support for HF 3174 (Frazier).

Under current Minnesota law, a permanent disqualification functions as a second sentence with no expiration and no possibility of review. As a result, individuals are unfairly prevented from contributing to their communities through professions such as healthcare and social service work. HF 3174 addresses this by establishing a structured, evidence-based pathway with rigorous criteria. The 2022 Human Services Background Study Eligibility Task Force recommended exactly this kind of measured reform. Available data suggest the volume of individuals seeking this review will be manageable and not create a crushing administrative burden. Yet, for each individual who obtains a set-aside, and for the clients and communities they will now be able to serve, the impact will be profound and lasting.

This bill does not ask for sweeping change – it asks only that individuals who have served their time, demonstrated genuine rehabilitation, and remained law-abiding citizens be given the opportunity to have their individual circumstances reconsidered.

People with lived experience of addiction, incarceration, or system involvement bring something irreplaceable to direct service work – credibility, empathy, and insight that cannot be taught. Many employers are ready and eager to hire qualified, rehabilitated individuals but are currently barred by law from doing so. Research indicates that these hires often perform as well or better than their peers on key job metrics. By creating a lawful path for such individuals to contribute, Minnesota can strengthen its workforce, improve outcomes for vulnerable populations, and honor the principle that once a debt to society is paid, a person has earned a genuine second chance. Employment is among the strongest predictors of successful reintegration – this bill removes a legal barrier to it.

There is also a message that ripples outward: when rehabilitation is seen to bear real fruit, it inspires others navigating the difficult work of reentry. HF 3174 is principled, carefully crafted, and long overdue. We urge you to support HF 3174 and work towards its passage to help create a more transparent, fair, and productive system for all Minnesotans.

Respectfully,

A handwritten signature in blue ink that reads "Estrella López". The signature is fluid and includes a large, stylized flourish at the end.

Estrella López, Senior State Policy Manager
Justice Action Network

C: Members of the House Human Services Finance and Policy Committee