

FILE NUMBER: H.F. 88
Version: First engrossment

DATE: March 13, 2013

Authors: Dettmer

Subject: Veterans; Rehabilitation presumed through honorable military service

Analyst: Jim Cleary

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: www.house.mn/hrd/.

Overview

This bill would help certain offenders show evidence of rehabilitation when, following commission of a youthful indiscretion (crime), they serve in the military and earn an honorable discharge.

Minnesota Statutes, chapter 364, applies to the rehabilitation of criminal offenders. Current Minnesota law establishes the following policy:

“The legislature declares that it is the policy of the state of Minnesota to encourage and contribute to the rehabilitation of criminal offenders and to assist them in the resumption of the responsibilities of citizenship. The opportunity to secure employment or to pursue, practice, or engage in a meaningful and profitable trade, occupation, vocation, profession or business is essential to rehabilitation and the resumption of the responsibilities of citizenship.”

Current law prohibits public employers, except for the Department of Corrections, from inquiring into or considering the criminal record or criminal history of an applicant for public employment until the applicant has been selected for an interview by the employer.

Furthermore, withstanding any other law to the contrary, current law states that:

... no person shall be disqualified from public employment, nor shall a person be disqualified from pursuing, practicing, or engaging in any occupation for which a license is required solely or in part because of a prior conviction of a crime or crimes, unless the crime or crimes for which convicted directly relate to the position of employment sought or the occupation for which the license is sought.

Current law further provides that when a person has been convicted of a crime that does relate to the public employment sought or to the occupation for which a license is being sought, then the person shall not be disqualified from the position or license if the person can show evidence of rehabilitation. Such evidence includes:

- (1) the state or federal release order pertaining to the crime;
- (2) the nature and seriousness of the crime as related to the position or license; and
- (3) the relationship to the crime of the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the employment or occupation.

Generally speaking, the employment and licensing protections in chapter 364 apply to all types of employment with, and licensing by, the state or any local unit of government, except that there are a number of stated exclusions, including:

peace officers, fire protection personnel, private detectives, school bus and special transit drivers, taxicab drivers, commercial driver training instructors, emergency medical services personnel, and certain human services personnel.

The bill would allow, as an alternative to the listed evidence of rehabilitation, the person's most recent honorable discharge from the military, provided that the discharge was obtained subsequent to the conviction.

However, the bill also states that a person's honorable discharge would cease to be regarded as sufficient evidence of rehabilitation upon any subsequent commission of and conviction for any new felony crime by the person.