

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 828

DATE: March 4, 2013

Version: First Data Practices Subcommittee Engrossment

Authors: Lesch

Subject: BCA data; background checks

Analyst: Matt Gehring, 651-296-5052

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 modifies access to certain databases and networks managed by the Bureau of Criminal Apprehension and amends background check procedures in certain cases.

Section

- 1 Identification data other than DNA.** Updates terminology related to fingerprint data. In many cases, fingerprints are stored electronically, rather than in paper form, and so these data may be “destroyed” rather than “returned” as provided in the law.
- 2 Establishment.** Provides technical modifications to and updated language related to secure access to the BCA’s various systems and services.
- 3 Criminal justice agency defined.** Incorporates agencies of the federal government that serve all or part of Minnesota, even if stationed outside of the state, within the definition of “criminal justice agency.” The change would permit these agencies to access BCA data in the same manner as provided for state or local criminal justice agencies.
- 4 Noncriminal justice agency defined.** Provides technical modifications to the definition of noncriminal justice agency.
- 5 Authorized use; fee.**

Paragraph (a) modifies the list of permitted uses of the criminal justice data communication network, by:

- Updating a reference to federal law;

Section

- Permitting other agencies to access only in the event of a “declared” emergency or disaster situation;
- Permitting access where otherwise specifically authorized by federal law or regulation, or state statute;
- Permitting access by a court where authorized by federal law or regulation or state statute and related to the disposition of a pending case.

Paragraph (c) contains updates to language related to access to data by other states and other countries.

Paragraphs (d), (e), and (f) establish certain standards that a criminal justice agency must meet before establishing a secure connection to the data communication network.

Paragraph (g) establishes standards for conducting a criminal background check on individuals who may be granted access to the data communication network.

- 6 Minnesota criminal history checks.** Permits county sheriffs and local police departments to use the Minnesota criminal repository to conduct background checks on applicants for employment with the county or city and on individuals seeking licensure by the county or city if a background check is not otherwise mandated by federal or state law.

Standards for conducting the check are provided.

- 7 Definitions.** Provides technical updates to definitions in the section of statute providing for background checks on applicants for employment with, or current employees of, a fire department.
- 8 Plan for access to data.** Modifies standards for conducting a background check on applicants for employment with, or current employees of, a fire department.
- 9 Issuance to certain persons prohibited.** Establishes procedures for conducting a background check on individuals applying for an explosives license. The check results are used to determine if the applicant is qualified to receive the license.
- 10 Persons eligible.** Establishes procedures for conducting a background check on individuals applying for a wholesale liquor license. The check results are used to determine if the applicant is qualified to receive the license.
- 11 Persons eligible.** Establishes procedures for conducting a background check on individuals applying for a retail liquor license. The check results are used to determine if the applicant is qualified to receive the license.
- 12 Repealer.** Repeals a section of statute related to background checks for McGruff Safe House program participants.