

HOUSE RESEARCH

Bill Summary

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Overview

This bill modifies disqualification and set-aside requirements when the disqualification was based on juvenile offenses. It allows the commissioner discretion to issue a set-aside for individuals who were disqualified for an offense other than specified murder, manslaughter, and criminal sexual conduct offenses.

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- 1 Licensing data.** Amends §13.46, subd. 4. Makes information on disqualifications and set-asides private data when the individual's disqualification is based solely on juvenile court records and there have been no offenses in the previous five or more years. Allows the information to be disclosed to the program that initiated the background study as provided in chapter 245C.
- 2 Initiation of background study by an individual.** Amends §245C.04, by adding subd. 7. Allows an individual who has juvenile court records only to request a background study to determine whether the individual is disqualified, so that if disqualified, the individual may request a set-aside of the disqualification before applying for employment. Requires the individual to pay a fee.
- 3 Disqualification notice sent to subject.** Amends §245C.17, subd. 2. Provides that for an individual who is disqualified solely on juvenile records, and who has no offenses within the previous five years, unless the commissioner determines the individual must be immediately removed or under continuous supervision, the program that initiated the background study will only be told more time is needed to complete the study. The individual must request reconsideration and if the disqualification is rescinded or set aside, the disqualification will not be made public or provided to the employer, and the program will receive a notification

Section

the individual has not been disqualified.

- 4** **Disqualification notification to the applicant, license holder, or other entity.** Amends §245C.17, subd. 3. Provides that when the commissioner conducts a background study and determines an individual has a disqualifying offense and needs continuous, direct supervision, if the disqualification is based only on juvenile records and there have been no offenses in the previous five years, the individual is not required to provide the program a copy of the individual's notice of disqualification.

Requires the commissioner's notice to the program to only state that the commissioner needs more time to complete the background study when the study reveals only juvenile court records, no offenses within the previous five years, and the subject does not need to be immediately removed from contact with clients.

- 5** **Scope of set-aside.** Amends §245C.22, subd. 5. Provides that if the commissioner has previously set aside an individual's disqualification and the individual is the subject of a subsequent background study, and the disqualification was based only on juvenile court records, the notice of background study results issued to the program shall be the same as the background study notice sent when an individual has no disqualifying characteristic.

- 6** **Permanent bar to set aside a disqualification.** Amends §245C.24, subd. 2. Changes the permanent disqualification offenses, in which the commissioner has no discretion to grant a set-aside, from those listed in section 245C.15, subd. 1, to specified murder, manslaughter, and criminal sexual conduct offenses.