

Subject Human services background studies of individuals with expunged records
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Overview

Under current law, a person required to undergo a background check before being employed or volunteering in certain fields may be disqualified from the position based on a conviction for an offense listed in section 245C.15, or a finding that the preponderance of the evidence establishes that the applicant committed one of the listed offenses. This bill would prohibit the commissioner of human services from disqualifying an individual if the conviction has been expunged under chapter 609A and the order of expungement was directed to the commissioner of human services.

Summary

Section	Description
1	Disqualification. Prohibits the commissioner of human services from disqualifying an individual following a background check if the disqualification is based on: (1) a conviction that was expunged under section 609A in which the order of expungement was directed specifically to the commissioner of human services; or (2) any underlying fact of an element of the expunged conviction.
2	Expunged criminal records. Reiterates the prohibition discussed in section 1 by placing it in the section identifying disqualifying crimes or conduct.
3	Determining immediate risk of harm. Prohibits the commissioner from considering expunged convictions and the underlying facts of an element of the expunged conviction when determining whether a background study subject poses an immediate risk of harm to persons served by the program where the subject would have contact with, or access to, persons receiving services.

Section	Description
4	Expunged criminal records. Reiterates the prohibition discussed in section 1 by placing it in the section addressing minimum disqualification periods.



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