

Subject Human services background studies

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Date February 28, 2023

Overview

This bill, as amended, modifies several provisions in chapter 245C relating to human services background studies, including provisions related to juvenile records, length of disqualification periods for certain offenses, content of disqualification notices, disqualification reconsideration request and response timelines, and permanent bars to set aside disqualifications. It also includes appropriations and directions to the commissioner of human services related to set-aside portability, electronic reconsideration requests and blind reviews, and data retrieval infrastructure improvements.

Summary

Section	Description
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1	Juvenile court records.
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Amends § 245C.08, subd. 4. Specifies that a finding that a delinquency petition is proven in juvenile court is considered a conviction in state district court only for an individual certified as an adult. Specifies that such a finding for an individual not certified as an adult shall disqualify the individual from direct contact services for five years from either the date of conviction or finding of proven delinquency, or date of discharge of the sentence imposed.

2	15-year disqualification.
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Amends § 245C.15, subd. 2. Strikes language that included all felony-level drug crimes under chapter 152 and felony-level convictions involving alcohol or drug use in the 15-year disqualification category. Inserts specific first- and second-degree drug crimes and felony first-degree driving while impaired.

Makes this section effective for background studies requested on or after August 1, 2024.

Section	Description
3	<p>Seven-year disqualification.</p> <p>Amends § 245C.15, subd. 4. Strikes misdemeanor-level theft, receiving stolen property, and issuance of dishonored checks offenses from seven-year disqualification category.</p> <p>Makes this section effective for background studies requested on or after August 1, 2024.</p>
4	<p>Five-year disqualification.</p> <p>Proposes coding for § 245C.15, subd. 4b. Creates new category of five-year background study disqualifications. Paragraph (a) lists felony-level drug offenses under chapter 152 that were previously included in the 15-year disqualification category, as follows:</p> <ul style="list-style-type: none">▪ 152.021, subdivision 2 or 2a (controlled substance possession crime in the first degree; methamphetamine manufacture crime);▪ 152.022, subdivision 2 (controlled substance possession crime in the second degree);▪ 152.023 (controlled substance crime in the third degree);▪ 152.024 (controlled substance crime in the fourth degree);▪ 152.025 (controlled substance crime in the fifth degree);▪ 152.0261 (importing controlled substances across state borders);▪ 152.0262 (possession of substances with intent to manufacture methamphetamine);▪ 152.027, subdivision 6, paragraph (c) (sale of synthetic cannabinoids);▪ 152.096 (conspiracy to commit controlled substance crime);▪ 152.097 (simulated controlled substances); and▪ 152.137 (methamphetamine-related crimes involving children and vulnerable adults). <p>Paragraph (b) lists misdemeanor-level theft, receiving stolen property, and issuance of dishonored checks offenses (from the seven-year disqualification category) as five-year disqualifying offenses.</p> <p>Paragraphs (c), (d), and (e) include language from other categories relating to aiding and abetting, attempt, or conspiracy, offenses in other jurisdictions, and disqualification period start dates when a disqualification is based on a judicial determination other than a conviction.</p> <p>Makes this section effective for background studies requested on or after August 1, 2024.</p>

Section	Description
5	<p>Disqualification notice sent to subject.</p> <p>Amends § 245C.17, subd. 2. Adds requirement for the commissioner to include a list of community resources for legal advice in the notice of disqualification sent to a background study subject.</p>
6	<p>Submission of reconsideration request.</p> <p>Amends § 245C.21, subd. 1a. Removes reference to time frames specified in subdivision 2 that are shorter than 30 days.</p>
7	<p>Time frame for requesting reconsideration.</p> <p>Amends § 245C.21, subd. 2. Extends reconsideration request time frames from 15 days to 30 days for certain disqualified individuals.</p>
8	<p>Time frame; response to disqualification reconsideration requests.</p> <p>Amends § 245C.22, subd. 1. Paragraph (d) requires the commissioner to give priority to reconsideration requests for five-year disqualifications and requires a response within 15 days. Paragraph (e) requires the commissioner to notify the individual requesting reconsideration and the individual's prospective employer if the commissioner's response is delayed, and to take all necessary steps to ensure that the individual can continue to work pending the response. States that a response may not be delayed under any circumstances beyond six months.</p>
9	<p>Permanent bar to set aside a disqualification.</p> <p>Amends § 245C.24, subd. 2. Allows the commissioner to set aside or grant a variance for any disqualification (including those otherwise under a permanent bar to set aside) that is based on conduct or a conviction in an individual's juvenile record.</p>
10	<p>Direction to the commissioner; set-aside portability.</p> <p>Directs the commissioner of human services to evaluate the process for background study disqualification set-asides to be portable and automatically apply to subsequent studies. Requires the commissioner to propose statutory changes to improve the process.</p>
11	<p>Direction to the commissioner; electronic reconsideration requests and blind review process.</p> <p>Directs the commissioner of human services to develop and implement a process to allow for reconsideration requests and related correspondence to be submitted and received electronically. Directs the commissioner to develop and use a blind review process for disqualification reconsideration requests.</p>

Section	Description
12	<p>Appropriation; background study data retrieval infrastructure improvements.</p> <p>Appropriates money in fiscal year 2024 to the commissioner of human services for updates to the Department of Human Services' information technology infrastructure, to improve background study data retrieval capabilities, create an online data dashboard, and publish an annual report with summary data.</p>



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