

Subject Background study disqualification set-asides

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Summary

For background studies conducted by the Department of Human Services under chapter 245, individuals disqualified from direct contact services may request reconsideration of the disqualification, and the commissioner may set aside the disqualification if the commissioner finds that the individual has submitted sufficient information to demonstrate that the individual does not pose a risk of harm.

However, under section 245C.24, subdivision 2, the commissioner may not set aside a disqualification for certain crimes or conduct listed in section 245C.15, subdivision 1, as permanently disqualifying.

This bill, as amended, would allow the commissioner to set aside a permanent disqualification that does not involve murder, manslaughter, or criminal sexual misconduct, or any crime against or involving children, if the individual has no subsequent convictions other than a petty misdemeanor, and:

- the disqualifying crime is an arrest not followed by a conviction within five years or an arrest after which charges were dropped;
- ten years have passed since the completion of the individual's sentence or release; or
- the disqualifying crime has been pardoned or expunged.