

This Document can be made available in alternative formats upon request

State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 50

01/10/2013 Authored by Mullery

The bill was read for the first time and referred to the Committee on Labor, Workplace and Regulated Industries

1.1 A bill for an act
1.2 relating to employment; modifying reliance on criminal history for employment
1.3 requirements; amending Minnesota Statutes 2012, sections 181.981, subdivision
1.4 1; 364.021.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2012, section 181.981, subdivision 1, is amended to read:

1.7 Subdivision 1. **Limitation on admissibility of criminal history.** Information
1.8 regarding a criminal history record of an employee or former employee may not be
1.9 introduced as evidence in a civil action against a private employer or its employees or
1.10 agents that is based on the conduct of the employee or former employee, if:

1.11 (1) the duties of the position of employment did not expose others to a greater degree
1.12 of risk than that created by the employee or former employee interacting with the public
1.13 outside of the duties of the position or that might be created by being employed in general;

1.14 (2) before the occurrence of the act giving rise to the civil action, a court order sealed
1.15 any record of the criminal case or the employee or former employee received a pardon; or

1.16 (3) the record is of an arrest or charge that did not result in a criminal conviction; or

1.17 (4) the action is based solely upon the employer's compliance with section 364.021.

1.18 **EFFECTIVE DATE.** This section is effective the day following final enactment.

1.19 Sec. 2. Minnesota Statutes 2012, section 364.021, is amended to read:

1.20 **364.021 PUBLIC AND PRIVATE EMPLOYMENT; CONSIDERATION OF**
1.21 **CRIMINAL RECORDS.**

2.1 (a) A public or private employer may not inquire into or consider the criminal record
2.2 or criminal history of an applicant for ~~public~~ employment until the applicant has been
2.3 selected for an interview by the employer.

2.4 (b) This section does not apply to the Department of Corrections or to ~~public~~
2.5 employers who have a statutory duty to conduct a criminal history background check
2.6 or otherwise take into consideration a potential employee's criminal history during the
2.7 hiring process.

2.8 (c) This section does not prohibit a ~~public~~ an employer from notifying applicants
2.9 that law or the employer's policy will disqualify an individual with a particular criminal
2.10 history background from employment in particular positions.

2.11 **EFFECTIVE DATE.** This section is effective the day following final enactment.