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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 1847

- 03/01/2017 Authored by Becker-Finn
- The bill was read for the first time and referred to the Committee on Public Safety and Security Policy and Finance
- 03/15/2017 Adoption of Report: Re-referred to the Committee on Civil Law and Data Practices Policy
- 03/20/2017 Adoption of Report: Placed on the General Register as Amended
- Read for the Second Time
- 05/22/2017 Pursuant to Rule 4.20, returned to the Committee on Civil Law and Data Practices Policy
- 02/26/2018 Adoption of Report: Placed on the General Register
- Read for the Second Time

1.1 A bill for an act

1.2 relating to public safety; providing for consistency in background checks; amending

1.3 Minnesota Statutes 2016, sections 299C.095, subdivision 1; 364.04.

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

1.5 Section 1. Minnesota Statutes 2016, section 299C.095, subdivision 1, is amended to read:

1.6 Subdivision 1. **Access to data on juveniles.** (a) The bureau shall administer and maintain

1.7 the computerized juvenile history record system based on sections 260B.171 and 260C.171

1.8 and other statutes requiring the reporting of data on juveniles. The data in the system are

1.9 private data as defined in section 13.02, subdivision 12, but are accessible to criminal justice

1.10 agencies as defined in section 13.02, subdivision 3a, to all trial courts and appellate courts,

1.11 to a person who has access to the juvenile court records as provided in sections 260B.171

1.12 and 260C.171 or under court rule, to public defenders as provided in section 611.272, and

1.13 to criminal justice agencies in other states in the conduct of their official duties.

1.14 (b) Except for access authorized under paragraph (a), the bureau shall only disseminate

1.15 a juvenile adjudication history record in connection with a background check ~~required~~

1.16 authorized by federal law or state statute or rule and performed on a licensee, license

1.17 applicant, or employment applicant or performed under section 299C.62 or 624.713. If the

1.18 background check is performed under section 299C.62, juvenile adjudication history

1.19 disseminated under this paragraph is limited to offenses that would constitute a background

1.20 check crime as defined in section 299C.61, subdivision 2. A consent for release of

1.21 information from an individual who is the subject of a juvenile adjudication history is not

1.22 effective and the bureau shall not release a juvenile adjudication history record and shall

1.23 not release information in a manner that reveals the existence of the record. Data maintained

2.1 under section 243.166, released in conjunction with a background check, regardless of the
2.2 age of the offender at the time of the offense, does not constitute releasing information in
2.3 a manner that reveals the existence of a juvenile adjudication history.

2.4 Sec. 2. Minnesota Statutes 2016, section 364.04, is amended to read:

2.5 **364.04 AVAILABILITY OF RECORDS.**

2.6 Unless expressly authorized by statute, the following criminal records shall not be used,
2.7 distributed, or disseminated by the state of Minnesota, its agents or political subdivisions
2.8 in connection with any application for public employment nor in connection with an
2.9 application for a license:

2.10 (1) Records of arrest not followed by a valid conviction.

2.11 (2) Convictions which have been, pursuant to law, annulled or expunged.

2.12 ~~(3) Misdemeanor convictions for which no jail sentence can be imposed.~~