

A bill for an act

relating to human services; allowing the Department of Human Services and a county agency direct access to Department of Corrections data for certain background studies conducted by a county agency; amending Minnesota Statutes 2008, sections 241.065, subdivision 2; 245C.08, subdivision 2.

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

Section 1. Minnesota Statutes 2008, section 241.065, subdivision 2, is amended to read:

Subd. 2. **Establishment.** The Department of Corrections shall administer and maintain a computerized data system for the purpose of assisting criminal justice agencies in monitoring and enforcing the conditions of conditional release imposed on criminal offenders by a sentencing court or the commissioner of corrections. The adult data and juvenile data as defined in section 260B.171 in the statewide supervision system are private data as defined in section 13.02, subdivision 12, but are accessible to criminal justice agencies as defined in section 13.02, subdivision 3a, to public defenders as provided in section 611.272, to all trial courts and appellate courts, to the Department of Human Services and a county agency for background studies under section 245C.08, subdivision 2, and to criminal justice agencies in other states in the conduct of their official duties.

Sec. 2. Minnesota Statutes 2008, section 245C.08, subdivision 2, is amended to read:

Subd. 2. **Background studies conducted by a county agency.** (a) For a background study conducted by a county agency for adult foster care, family adult day services, and family child care services, the commissioner shall review:

(1) information from the county agency's record of substantiated maltreatment of adults and the maltreatment of minors;

2.1 (2) information from juvenile courts as required in subdivision 4 for individuals
2.2 listed in section 245C.03, subdivision 1, clauses (2), (5), and (6); and

2.3 (3) information from the Bureau of Criminal Apprehension.

2.4 (b) If the individual has resided in the county for less than five years, the study shall
2.5 include the records specified under paragraph (a) for the previous county or counties of
2.6 residence for the past five years.

2.7 (c) Notwithstanding expungement by a court, the county agency may consider
2.8 information obtained under paragraph (a), clause (3), unless the commissioner received
2.9 notice of the petition for expungement and the court order for expungement is directed
2.10 specifically to the commissioner.

2.11 (d) The Department of Human Services and the county agency shall have direct
2.12 access to the Department of Correction's computerized data system under section 241.065,
2.13 subdivision 2, for background studies conducted under this subdivision.