SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION

S.F. No. 3214

1.1   A bill for an act

1.2   relating to data practices; modifying criminal history checks done by cities and
1.3   counties; amending Minnesota Statutes 2021 Supplement, section 299C.72,
1.4   subdivision 2.

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

1.6   Section 1. Minnesota Statutes 2021 Supplement, section 299C.72, subdivision 2, is amended

1.7   to read:

1.8   Subd. 2. **Criminal history check authorized.** (a) The criminal history check authorized

1.9   by this section shall not be used in place of a statutorily mandated or authorized background

1.10   check.

1.11   (b) An authorized law enforcement agency may conduct a criminal history check of an

1.12   individual who is an applicant for employment, current employee, applicant for licensure,

1.13   or current licensee. Prior to conducting the criminal history check, the authorized law

1.14   enforcement agency must receive the informed consent of the individual.

1.15   (c) The authorized law enforcement agency ~~shall not~~ may disseminate criminal history

1.16   data ~~and~~ to either the hiring or licensing authority of the city or county requesting checks

1.17   for applicants, licensees, or current employees. The authorized law enforcement agency

1.18   and the hiring or licensing authority of the city or county must maintain ~~it~~ criminal history

1.19   data securely ~~with the agency's office~~ and act consistently with section 364.05. ~~The authorized~~

1.20   ~~law enforcement agency can indicate whether the applicant for employment or applicant~~

1.21   ~~for licensure has a criminal history that would prevent hire, acceptance as a volunteer to a~~

1.22   ~~hiring authority, or would prevent the issuance of a license to the department that issues the~~

1.23   ~~license.~~