

**SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION**

S.F. No. 3635

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Introduction and first reading
Referred to Health and Human Services

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to human services; modifying licensed family foster setting background
1.3 study disqualification criteria; amending Minnesota Statutes 2023 Supplement,
1.4 section 245C.15, subdivision 4a.

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

1.6 Section 1. Minnesota Statutes 2023 Supplement, section 245C.15, subdivision 4a, is
1.7 amended to read:

1.8 Subd. 4a. **Licensed family foster setting disqualifications.** (a) Notwithstanding
1.9 subdivisions 1 to 4, for a background study affiliated with a licensed family foster setting,
1.10 regardless of how much time has passed, an individual is disqualified under section 245C.14
1.11 if the individual committed an act that resulted in a felony-level conviction for sections:
1.12 609.185 (murder in the first degree); 609.19 (murder in the second degree); 609.195 (murder
1.13 in the third degree); 609.20 (manslaughter in the first degree); 609.205 (manslaughter in
1.14 the second degree); 609.2112 (criminal vehicular homicide); 609.221 (assault in the first
1.15 degree); 609.223, subdivision 2 (assault in the third degree, past pattern of child abuse);
1.16 609.223, subdivision 3 (assault in the third degree, victim under four); a felony offense
1.17 under sections 609.2242 and 609.2243 (domestic assault, spousal abuse, child abuse or
1.18 neglect, or a crime against children); 609.2247 (domestic assault by strangulation); 609.2325
1.19 (criminal abuse of a vulnerable adult resulting in the death of a vulnerable adult); 609.245
1.20 (aggravated robbery); 609.247, subdivision 2 or 3 (carjacking in the first or second degree);
1.21 609.25 (kidnapping); 609.255 (false imprisonment); 609.2661 (murder of an unborn child
1.22 in the first degree); 609.2662 (murder of an unborn child in the second degree); 609.2663
1.23 (murder of an unborn child in the third degree); 609.2664 (manslaughter of an unborn child
1.24 in the first degree); 609.2665 (manslaughter of an unborn child in the second degree);

2.1 609.267 (assault of an unborn child in the first degree); 609.2671 (assault of an unborn child
 2.2 in the second degree); 609.268 (injury or death of an unborn child in the commission of a
 2.3 crime); 609.322, subdivision 1 (solicitation, inducement, and promotion of prostitution; sex
 2.4 trafficking in the first degree); 609.324, subdivision 1 (other prohibited acts; engaging in,
 2.5 hiring, or agreeing to hire minor to engage in prostitution); 609.342 (criminal sexual conduct
 2.6 in the first degree); 609.343 (criminal sexual conduct in the second degree); 609.344 (criminal
 2.7 sexual conduct in the third degree); 609.345 (criminal sexual conduct in the fourth degree);
 2.8 609.3451 (criminal sexual conduct in the fifth degree); 609.3453 (criminal sexual predatory
 2.9 conduct); 609.352 (solicitation of children to engage in sexual conduct); 609.377 (malicious
 2.10 punishment of a child); 609.378 (neglect or endangerment of a child); 609.561 (arson in
 2.11 the first degree); 609.582, subdivision 1 (burglary in the first degree); 609.746 (interference
 2.12 with privacy); 617.23 (indecent exposure); 617.246 (use of minors in sexual performance
 2.13 prohibited); or 617.247 (possession of pictorial representations of minors).

2.14 (b) Notwithstanding subdivisions 1 to 4, for the purposes of a background study affiliated
 2.15 with a licensed family foster setting, an individual is disqualified under section 245C.14,
 2.16 regardless of how much time has passed, if the individual:

2.17 (1) committed an action under paragraph (e) that resulted in death or involved sexual
 2.18 abuse, as defined in section 260E.03, subdivision 20;

2.19 (2) committed an act that resulted in a gross misdemeanor-level conviction for section
 2.20 609.3451 (criminal sexual conduct in the fifth degree);

2.21 (3) committed an act against or involving a minor that resulted in a felony-level conviction
 2.22 for: section 609.222 (assault in the second degree); 609.223, subdivision 1 (assault in the
 2.23 third degree); 609.2231 (assault in the fourth degree); or 609.224 (assault in the fifth degree);
 2.24 or

2.25 (4) committed an act that resulted in a misdemeanor or gross misdemeanor-level
 2.26 conviction for section 617.293 (dissemination and display of harmful materials to minors).

2.27 (c) Notwithstanding subdivisions 1 to 4, for a background study affiliated with a licensed
 2.28 family foster setting, an individual is disqualified under section 245C.14 if fewer than ~~20~~
 2.29 five years have passed since the termination of the individual's parental rights under section
 2.30 260C.301, subdivision 1, paragraph (b), or ~~if since the individual consented~~ individual's
 2.31 consent to a termination of parental rights under section 260C.301, subdivision 1, paragraph
 2.32 (a), to settle a petition to involuntarily terminate parental rights. An individual is disqualified
 2.33 under section 245C.14 if fewer than ~~20~~ five years have passed since the termination of the
 2.34 individual's parental rights in any other state or country, where the conditions for the

3.1 individual's termination of parental rights are substantially similar to the conditions in section
3.2 260C.301, subdivision 1, paragraph (b).

3.3 (d) Notwithstanding subdivisions 1 to 4, for a background study affiliated with a licensed
3.4 family foster setting, an individual is disqualified under section 245C.14 if fewer than five
3.5 years have passed since a felony-level violation for sections: 152.021 (controlled substance
3.6 crime in the first degree); 152.022 (controlled substance crime in the second degree); 152.023
3.7 (controlled substance crime in the third degree); 152.024 (controlled substance crime in the
3.8 fourth degree); 152.025 (controlled substance crime in the fifth degree); 152.0261 (importing
3.9 controlled substances across state borders); 152.0262, subdivision 1, paragraph (b)
3.10 (possession of substance with intent to manufacture methamphetamine); 152.027, subdivision
3.11 6, paragraph (c) (sale or possession of synthetic cannabinoids); 152.096 (conspiracies
3.12 prohibited); 152.097 (simulated controlled substances); 152.136 (anhydrous ammonia;
3.13 prohibited conduct; criminal penalties; civil liabilities); 152.137 (methamphetamine-related
3.14 crimes involving children or vulnerable adults); 169A.24 (felony first-degree driving while
3.15 impaired); 243.166 (violation of predatory offender registration requirements); 609.2113
3.16 (criminal vehicular operation; bodily harm); 609.2114 (criminal vehicular operation; unborn
3.17 child); 609.228 (great bodily harm caused by distribution of drugs); 609.2325 (criminal
3.18 abuse of a vulnerable adult not resulting in the death of a vulnerable adult); 609.233 (criminal
3.19 neglect); 609.235 (use of drugs to injure or facilitate a crime); 609.24 (simple robbery);
3.20 609.247, subdivision 4 (carjacking in the third degree); 609.322, subdivision 1a (solicitation,
3.21 inducement, and promotion of prostitution; sex trafficking in the second degree); 609.498,
3.22 subdivision 1 (tampering with a witness in the first degree); 609.498, subdivision 1b
3.23 (aggravated first-degree witness tampering); 609.562 (arson in the second degree); 609.563
3.24 (arson in the third degree); 609.582, subdivision 2 (burglary in the second degree); 609.66
3.25 (felony dangerous weapons); 609.687 (adulteration); 609.713 (terroristic threats); 609.749,
3.26 subdivision 3, 4, or 5 (felony-level harassment or stalking); 609.855, subdivision 5 (shooting
3.27 at or in a public transit vehicle or facility); or 624.713 (certain people not to possess firearms).

3.28 (e) Notwithstanding subdivisions 1 to 4, except as provided in paragraph (a), for a
3.29 background study affiliated with a licensed family child foster care license, an individual
3.30 is disqualified under section 245C.14 if fewer than five years have passed since:

3.31 (1) a felony-level violation for an act not against or involving a minor that constitutes:
3.32 section 609.222 (assault in the second degree); 609.223, subdivision 1 (assault in the third
3.33 degree); 609.2231 (assault in the fourth degree); or 609.224, subdivision 4 (assault in the
3.34 fifth degree);

3.35 (2) a violation of an order for protection under section 518B.01, subdivision 14;

4.1 (3) a determination or disposition of the individual's failure to make required reports
4.2 under section 260E.06 or 626.557, subdivision 3, for incidents in which the final disposition
4.3 under chapter 260E or section 626.557 was substantiated maltreatment and the maltreatment
4.4 was recurring or serious;

4.5 (4) a determination or disposition of the individual's substantiated serious or recurring
4.6 maltreatment of a minor under chapter 260E, a vulnerable adult under section 626.557, or
4.7 serious or recurring maltreatment in any other state, the elements of which are substantially
4.8 similar to the elements of maltreatment under chapter 260E or section 626.557 and meet
4.9 the definition of serious maltreatment or recurring maltreatment;

4.10 (5) a gross misdemeanor-level violation for sections: 609.224, subdivision 2 (assault in
4.11 the fifth degree); 609.2242 and 609.2243 (domestic assault); 609.233 (criminal neglect);
4.12 609.377 (malicious punishment of a child); 609.378 (neglect or endangerment of a child);
4.13 609.746 (interference with privacy); 609.749 (stalking); or 617.23 (indecent exposure); or

4.14 (6) committing an act against or involving a minor that resulted in a misdemeanor-level
4.15 violation of section 609.224, subdivision 1 (assault in the fifth degree).

4.16 (f) For purposes of this subdivision, the disqualification begins from:

4.17 (1) the date of the alleged violation, if the individual was not convicted;

4.18 (2) the date of conviction, if the individual was convicted of the violation but not
4.19 committed to the custody of the commissioner of corrections; or

4.20 (3) the date of release from prison, if the individual was convicted of the violation and
4.21 committed to the custody of the commissioner of corrections.

4.22 Notwithstanding clause (3), if the individual is subsequently reincarcerated for a violation
4.23 of the individual's supervised release, the disqualification begins from the date of release
4.24 from the subsequent incarceration.

4.25 (g) An individual's aiding and abetting, attempt, or conspiracy to commit any of the
4.26 offenses listed in paragraphs (a) and (b), as each of these offenses is defined in Minnesota
4.27 Statutes, permanently disqualifies the individual under section 245C.14. An individual is
4.28 disqualified under section 245C.14 if fewer than five years have passed since the individual's
4.29 aiding and abetting, attempt, or conspiracy to commit any of the offenses listed in paragraphs
4.30 (d) and (e).

4.31 (h) An individual's offense in any other state or country, where the elements of the
4.32 offense are substantially similar to any of the offenses listed in paragraphs (a) and (b),
4.33 permanently disqualifies the individual under section 245C.14. An individual is disqualified

- 5.1 under section 245C.14 if fewer than five years have passed since an offense in any other
- 5.2 state or country, the elements of which are substantially similar to the elements of any
- 5.3 offense listed in paragraphs (d) and (e).