

## CHAPTER 609B

## COLLATERAL SANCTIONS

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## GENERAL

### 609B.050 COLLATERAL SANCTIONS CROSS-REFERENCES; CREATION OF A NEW CHAPTER.

Subdivision 1. **Definitions.** For purposes of this chapter:

- (1) "automatically" means either by operation of law or by the mandated action of a designated official or agency; and
- (2) "collateral sanction" means a legal penalty, disability, or disadvantage, however denominated, that is imposed on a person automatically when that person is convicted of or

found to have committed a crime, even if the sanction is not included in the sentence. Collateral sanction does not include:

- (i) a direct consequence of the crime such as a criminal fine, restitution, or incarceration; or
- (ii) a requirement imposed by the sentencing court or other designated official or agency that the convicted person provide a biological specimen for DNA analysis, provide fingerprints, or submit to any form of assessment or testing.

Subd. 2. **Statement of purpose.** This chapter contains cross-references to Minnesota Statutes imposing collateral sanctions. This chapter provides quick access to the cross-referenced collateral sanctions by using the following categories:

- (1) collateral sanctions relating to employment and licensing;
- (2) collateral sanctions relating to teaching;
- (3) collateral sanctions relating to nursing and other health care licenses;
- (4) collateral sanctions relating to transportation;
- (5) collateral sanctions relating to elections;
- (6) collateral sanctions relating to carriers;
- (7) collateral sanctions relating to miscellaneous licensing provisions;
- (8) collateral sanctions relating to liquor;
- (9) collateral sanctions relating to gambling;
- (10) collateral sanctions relating to fiduciary service and public office vacancies;
- (11) collateral sanctions relating to local government;
- (12) collateral sanctions relating to metropolitan area officers and peace officers;
- (13) collateral sanctions relating to driving and motor vehicles;
- (14) collateral sanctions relating to prison program eligibility;
- (15) collateral sanctions relating to offender registration;
- (16) collateral sanctions relating to crimes against a person; crimes of violence;
- (17) collateral sanctions relating to possession of firearms, explosives, and similar devices;
- (18) collateral sanctions relating to services and benefits;
- (19) collateral sanctions relating to property rights;
- (20) collateral sanctions relating to civil rights and remedies;
- (21) collateral sanctions relating to recreational activities; and
- (22) collateral sanctions relating to game and fish laws.

Subd. 3. **Cautionary language.** The following cautionary language should be noted:

- (1) the list of collateral sanctions laws contained in this chapter is intended to be comprehensive but is not necessarily complete;
- (2) the inclusion or exclusion of a collateral sanction in this chapter is not intended to have any substantive legal effect;
- (3) the cross-references used in this chapter are intended solely to indicate the contents of the cross-referenced section or subdivision and are not part of the cross-referenced statute;
- (4) the cross-references are not substantive and may not be used to construe or limit the meaning of any statutory language; and
- (5) users must consult the language of each cross-referenced law to fully understand the scope and effect of the collateral sanction it imposes.

**History:** 2005 c 136 art 14 s 18

## EMPLOYMENT AND LICENSING

**609B.100 EMPLOYMENT AND OCCUPATIONAL LICENSING; GENERALLY.**

Sections 609B.101 to 609B.113 provide references to collateral sanctions related to employment and licensing.

**History:** 2005 c 136 art 14 s 18

**609B.101 FALSE OR FRAUDULENT CLAIM TO LEGISLATURE; FORFEITURE OF OFFICE.**

A state officer convicted of violating section 3.756 forfeits the state office.

**History:** 2005 c 136 art 14 s 18

**609B.102 SUBVERSIVE ACT; EMERGENCY MANAGEMENT EMPLOYMENT PROHIBITED.**

Section 12.43 prohibits a person from employment with an emergency management organization who has been convicted of a subversive act against the United States.

**History:** 2005 c 136 art 14 s 18

**609B.103 VIOLATION OF AQUATIC FARMS REGULATIONS; AQUATIC FARM OCCUPATIONAL LICENSE VOID.**

A conviction for a violation of an aquatic farm law or rule will result in an aquatic farm license of the violator being voided under certain circumstances provided in section 17.4998.

**History:** 2005 c 136 art 14 s 18

**609B.104 VIOLATION OF CERTIFIED SEED POTATO LAW; RIGHT TO HANDLE CERTIFIED SEED POTATOES REVOKED.**

Section 21.122 requires the commissioner of agriculture to refuse the privilege of handling certified seed potatoes in any way during the season in which a person is convicted for a second offense under sections 21.111 to 21.122.

**History:** 2005 c 136 art 14 s 18

**609B.105 VIOLATION OF CONTAINER LABEL INFORMATION LAWS; LICENSE REVOCATION.**

Section 32.645 requires the commissioner of agriculture to revoke or withhold issuing any license required under sections 28A.04, 28A.14, 32.56, and 32.59 to a person convicted of a subsequent offense under section 32.645.

**History:** 2005 c 136 art 14 s 18

**609B.106 UNLICENSED OR IMPROPER EXHIBIT; REMOVAL FROM STATE FAIRGROUNDS.**

(a) If a person is convicted under section 37.18, the person's license shall be suspended, and all money paid in connection with a performance or exhibit shall be forfeited to the Minnesota State Agricultural Society.

(b) A person engaging in a play, game, concert, or theatrical or other performance, or exhibiting a show of any kind on the State Fairgrounds without a license from the society must be removed from the State Fairgrounds.

**History:** 2005 c 136 art 14 s 18

**609B.107 NONCOMPLIANCE; STATE CIVIL SERVICE EMPLOYMENT PROHIBITED.**

Under section 43A.39, a person convicted of a crime based on violations of chapter 43A shall be ineligible for appointment in the civil service for three years following conviction.

**History:** 2005 c 136 art 14 s 18

**609B.108 CRIMINAL CONDUCT; MUNICIPAL SERVICE EMPLOYMENT PROHIBITED.**

Section 44.11 requires the municipal personnel board to reject candidates or eligible persons who have been found guilty of criminal conduct.

**History:** 2005 c 136 art 14 s 18

**609B.109 INSURANCE POLICY VIOLATIONS; INSURANCE BUSINESS DISQUALIFICATION.**

Section 72A.02 disqualifies a company, which has more than one conviction for making, issuing, delivering, or tendering any policy of insurance of any kind in violation of any provision of law, from conducting any insurance business until payment of all fines and for one year thereafter.

**History:** 2005 c 136 art 14 s 18

**609B.110 INSURANCE CONTRACTS; AGENT AND INSURANCE BUSINESS DISQUALIFICATION.**

Upon conviction for a violation under sections 60K.30 to 60K.56, the commissioner of commerce shall suspend the authority of a convicted agent to transact any insurance business within the state for a period of not less than three months under section 72A.07.

**History:** 2005 c 136 art 14 s 18

**609B.111 LIFE INSURANCE POLICY MISREPRESENTATION; LICENSE REVOCATION.**

The license of any company that authorizes or permits a violation of section 72A.12, subdivision 2, shall be revoked. Upon a conviction under section 72A.12, subdivision 3, the commissioner of commerce shall revoke the license of a company and its agents, and grant no new license within one year after the conviction.

**History:** 2005 c 136 art 14 s 18

**609B.112 VIOLATION OF AQUATIC VEGETATION IN PUBLIC WATERS LICENSE; LICENSE VOID.**

If a person is convicted of violating section 84.42 for the second time within three years, that person's license issued under section 84.091 shall become null and void, and no license of the same kind shall be issued for one year after the date of the conviction.

**History:** 2005 c 136 art 14 s 18

**609B.113 MISREPRESENTATION OF FISH SPECIES CONVICTION; FISH VENDOR LICENSE REVOCATION.**

If a licensed fish vendor or an employee of the fish vendor is convicted of misrepresenting a species of fish that is sold, the license shall be revoked and the licensee is not eligible to obtain a fish vendor's license for one year after revocation under section 97C.861.

**History:** 2005 c 136 art 14 s 18

**TEACHING****609B.120 TEACHING; COLLATERAL SANCTIONS.**

Sections 609B.121 to 609B.123 provide references to teaching related collateral sanctions.

**History:** 2005 c 136 art 14 s 18

**609B.121 CHILD ABUSE, SEXUAL ABUSE, OR SIMILAR CONVICTION; REVOCATION OR DENIAL OF TEACHER'S LICENSE.**

Under section 122A.20 or any similar law of another state or the United States, a person convicted of child abuse or sexual abuse shall have the person's teaching license revoked.

**History:** 2005 c 136 art 14 s 18

**609B.122 CHILD ABUSE, SEXUAL ABUSE, OR SIMILAR CONVICTION; CERTAIN TEACHERS DISCHARGED.**

Upon receipt of notice that the teacher's license has been revoked due to a conviction for child abuse or sexual abuse under section 122A.20, a teacher under contract either as a probationary teacher or a continuing-contract teacher under section 122A.40 or 122A.41 must be discharged.

**History:** 2005 c 136 art 14 s 18

**609B.123 SEX OFFENDER; INDEPENDENT DISTRICT SCHOOL BOARD INELIGIBILITY.**

Under section 123B.09, a sex offender who has been convicted of an offense for which registration is required under section 243.166 is ineligible to become a candidate for the office of school board member.

**History:** 2005 c 136 art 14 s 18

**NURSING AND OTHER HEALTH CARE LICENSES****609B.124 NURSING AND OTHER HEALTH CARE LICENSING; COLLATERAL SANCTIONS.**

Sections 609B.125 to 609B.130 provide references to nursing and other health care licensing-related collateral sanctions.

**History:** 2005 c 136 art 14 s 18

**609B.125 NURSING HOME EMPLOYMENT; DISQUALIFICATION.**

A person who was a controlling person of another nursing home during any period of time in the previous two-year period, as defined by law, and was convicted of a felony or gross misdemeanor that relates to operation of the nursing home or directly affects resident safety or care during that period is disqualified from becoming a controlling person of a nursing home under section 144A.04.

**History:** 2005 c 136 art 14 s 18

**609B.126 NURSING HOME LICENSE; REVOCATION.**

Under section 144A.11, subdivision 3a, a nursing home license shall be revoked if a controlling person is convicted of a felony or gross misdemeanor that relates to operation of the nursing home or directly affects resident safety or care.

**History:** 2005 c 136 art 14 s 18

**609B.127 HOME CARE EMPLOYMENT; DISQUALIFICATION.**

Under section 144A.46:

(1) no person may be involved in the management, operation, or control of a home care provider if the person has been disqualified under the provisions of chapter 245C; and

(2) employees, contractors, and volunteers of a home care provider or hospice with prior criminal convictions shall be disqualified under the provisions of chapter 245C.

**History:** 2005 c 136 art 14 s 18

**609B.128 HOSPICE CARE EMPLOYMENT; DISQUALIFICATION.**

Under section 144A.754:

(1) no person may be involved in the management, operation, or control of a hospice provider if the person has been disqualified under the provisions of chapter 245C; and

(2) employees, contractors, and volunteers of a hospice provider with prior criminal convictions shall be disqualified under the provisions of chapter 245C.

**History:** 2005 c 136 art 14 s 18

**609B.129 FELONY-LEVEL CRIMINAL SEXUAL CONDUCT CONVICTION; MEDICAL LICENSE DENIAL OR REVOCATION.**

Under section 147.091, subdivision 1a, the Board of Medical Practice may not grant a license to practice medicine to a person convicted of a felony-level criminal sexual conduct offense, and a license to practice medicine is automatically revoked if the licensee is convicted of a felony-level criminal sexual conduct offense.

**History:** 2005 c 136 art 14 s 18

**609B.130 PHARMACY LICENSE AND REGISTRATION; ELIGIBILITY.**

Under section 151.06, the Board of Pharmacy shall deny, suspend, revoke, or refuse to renew any registration or license required under chapter 151 to any applicant, registrant, or licensee upon any of the following grounds:

- (1) in the case of a pharmacist, conviction in any court of a felony;
- (2) in the case of a pharmacist, conviction in any court of an offense involving moral turpitude;
- (3) conviction of theft of drugs, or the unauthorized use, possession, or sale thereof; or
- (4) in the case of a pharmacist, aiding suicide or aiding attempted suicide, as established by a copy of the record of criminal conviction or plea of guilty for a felony in violation of section 609.215, subdivision 1 or 2.

**History:** 2005 c 136 art 14 s 18

**TRANSPORTATION****609B.132 TRANSPORTATION; COLLATERAL SANCTIONS.**

Sections 609B.133 to 609B.137 provide references to collateral sanctions related to transportation.

**History:** 2005 c 136 art 14 s 18

**609B.133 PUBLIC CONTRACTS; ELIGIBILITY FOR PUBLIC TRANSPORTATION CONTRACTS.**

Under section 161.315, a contractor and the contractor's affiliates convicted of a contract crime are disqualified from receiving the award of a state contract or from serving as a subcontractor or material supplier under a state contract.

**History:** 2005 c 136 art 14 s 18

**609B.134 MOTOR VEHICLE DEALER VIOLATION; SUSPENSION OR REVOCATION OF DEALER LICENSE.**

Under section 168.276, the registrar of motor vehicles shall suspend for a period of 30 days a person's license for the sale of new or used motor vehicles upon the receipt of a second record of conviction for a violation of section 168.27, and upon receipt of a third record of conviction, the person's license shall be permanently revoked.

**History:** 2005 c 136 art 14 s 18

**609B.135 FRAUD, MISREPRESENTATION, AND DELAY; REVOCATION OF INSURER'S LICENSE.**

Under section 176.195, the commissioner of commerce shall revoke the license of an insurer to write workers' compensation insurance, if the insurer, or an agent of the insurer, has been found guilty of fraud, misrepresentation, or culpable, persistent, and unreasonable delay in making payments or settlements under chapter 176.

**History:** 2005 c 136 art 14 s 18

**609B.136 VIOLATIONS BY BOILER INSPECTORS; REMOVAL FROM OFFICE.**

An inspector found guilty of a misdemeanor under section 183.59 shall be removed from office.

**History:** 2005 c 136 art 14 s 18



**609B.137 FRAUD OR FELONY CONVICTION; LICENSE REFUSAL, REVOCATION, OR SUSPENSION.**

Under section 184.33, no agency license shall be issued to any person, firm, corporation, or association that has, within the past three years, been convicted in any court of fraud or a felony.

**History:** 2005 c 136 art 14 s 18

**ELECTIONS****609B.139 ELECTIONS; COLLATERAL SANCTIONS.**

Sections 609B.140 to 609B.146 provide references to collateral sanctions related to elections.

**History:** 2005 c 136 art 14 s 18

**609B.140 CONVICTION FOR FAILURE TO PROSECUTE; FORFEITURE OF OFFICE.**

A county attorney convicted of a misdemeanor under section 201.275 shall forfeit office.

**History:** 2005 c 136 art 14 s 18

**609B.141 CONVICTION FOR TREASON OR FELONY; INELIGIBILITY FOR BALLOT CERTIFICATION.**

If a person is convicted of a felony or treason and has not had the person's civil rights restored, under section 204B.10 the person's name shall not be certified to be placed on a ballot.

**History:** 2005 c 136 art 14 s 18

**609B.142 CONVICTED SEX OFFENDER; INELIGIBLE FOR OFFICE OF SCHOOL BOARD MEMBER.**

Under section 205A.06, subdivision 1b, a person convicted of an offense for which registration is required under section 243.166 is ineligible to become a candidate for the office of school board member and may not file an affidavit of candidacy for that office. Ineligibility is determined by registration requirements in effect at the time the offender files for office.

**History:** 2005 c 136 art 14 s 18

**609B.143 VIOLATION OF CAMPAIGN FINANCIAL REPORTS; FORFEITURE OF NOMINATION OR OFFICE.**

If a candidate is convicted of a campaign violation under section 211A.09, the court shall declare that the candidate has forfeited nomination or office.

**History:** 2005 c 136 art 14 s 18

**609B.144 CONVICTION FOR VIOLATION OF CAMPAIGN FINANCIAL REPORTS; DISQUALIFICATION.**

A person convicted of violating chapter 211A or a person whose election to office has been set aside for violating chapter 211A may not be appointed to fill a vacancy in the office under section 211A.10.

**History:** 2005 c 136 art 14 s 18

**609B.146 CONVICTION FOR VIOLATION OF FAIR CAMPAIGN PRACTICES; DISQUALIFICATION.**

A person convicted of violating chapter 211B or a person whose election to office has been set aside for violating chapter 211B may not be appointed to fill a vacancy in the office under section 211B.18.

**History:** 2005 c 136 art 14 s 18

## CARRIERS

**609B.147 CARRIERS; COLLATERAL SANCTIONS.**

Sections 609B.148 and 609B.149 provide references to collateral sanctions related to carriers.

**History:** 2005 c 136 art 14 s 18

**609B.148 DRIVER'S LICENSE SUSPENSION OR CANCELLATION; DENIAL OF APPLICATION; INTERSTATE MOTOR CARRIER.**

Under section 221.0314, subdivision 3a, paragraph (e), the commissioner of transportation shall deny an application if, during the three years preceding the application, the applicant's driver's license has been suspended, canceled, or revoked or the applicant has been convicted of a disqualifying offense as defined in Code of Federal Regulations, title 49, section 383.51, paragraph (b)(2).

**History:** 2005 c 136 art 14 s 18

**609B.149 CONVICTION OF A BACKGROUND CHECK CRIME; PASSENGER CARRIER DISQUALIFICATION.**

If the background check response required under section 221.178 shows that the driver has been convicted of a background check crime defined in section 299C.67, subdivision 2, paragraph (a) or (b), the driver may not be employed by a motor carrier of passengers to operate a vehicle providing passenger transportation.

**History:** 2005 c 136 art 14 s 18

## MISCELLANEOUS LICENSING PROVISIONS

**609B.1495 MISCELLANEOUS LICENSING PROVISIONS; COLLATERAL SANCTIONS.**

Sections 609B.150 to 609B.164 provide references related to miscellaneous licensing provisions.

**History:** 2005 c 136 art 14 s 18

**609B.150 RACETRACK OCCUPATIONAL LICENSES; INELIGIBILITY.**

A person convicted of a felony; fraud or misrepresentation in connection with racing or breeding; or a violation of law or rule relating to horse racing, pari-mutuel betting, or any other form of gambling that is a serious violation as defined by the Minnesota Racing Commission's rules, is ineligible for a class C occupational license under section 240.08.

**History:** 2005 c 136 art 14 s 18

**609B.151 HUMAN SERVICES LICENSE; DISQUALIFICATION FOR CONVICTION.**

Under section 245A.04, the commissioner of human services shall not issue a license if the applicant, license holder, or controlling individual has been disqualified and the disqualification was not set aside. Disqualifications under section 245A.04 are governed according to sections 245C.14 and 245C.15. Convictions resulting in human services license disqualification are enumerated under section 245C.15.

**History:** 2005 c 136 art 14 s 18

**609B.152 CONVICTION FOR FAILURE TO COMPLY; TAX LEVY FOR SOCIAL SERVICES; REMOVAL FROM OFFICE.**

Any county commissioner convicted under section 261.063 shall be immediately removed from office by the governor.

**History:** 2005 c 136 art 14 s 18

**609B.153 CIGARETTE AND TOBACCO DISTRIBUTOR OR SUBJOBBER LICENSE; SUSPENSION OR REVOCATION.**

Under section 297F.04, the commissioner of revenue must not issue or renew a license issued under chapter 297F, and may revoke a license issued under chapter 297F, if the applicant has been convicted of a crime involving cigarettes.

**History:** 2005 c 136 art 14 s 18

**609B.155 RESIDENTIAL BUILDING MANAGER; BACKGROUND CHECK.**

Under section 299C.69, an owner of a residential building may not hire a person as a residential building manager or, if the person was hired pending completion of the background check, shall terminate the person's employment if a residential building manager or a person applying for a position as a residential building manager is convicted of a background check crime defined in section 299C.67, subdivision 2, paragraph (a). Except as provided under section 299C.69, paragraph (c), if the owner knows that a residential building manager has been convicted of a background check crime defined in section 299C.67, subdivision 2, paragraph (a), the owner shall terminate the manager's employment. For background check crimes defined in section 299C.67, subdivision 2, paragraph (a), the owner may not employ a manager unless more than ten years have elapsed since the date of discharge of the sentence, except as provided under section 299C.69, paragraph (c).

**History:** 2005 c 136 art 14 s 18

**609B.157 GAMBLING DEVICES LICENSE; INELIGIBILITY.**

Under section 299L.07, the commissioner of public safety may not issue or renew a license under chapter 299L, and shall revoke a license under chapter 299L, if the applicant or licensee, or a director, officer, partner, governor, person in a supervisory or management position of the applicant or licensee, an employee eligible to make sales on behalf of the applicant or licensee, or a direct or indirect holder of more than a five percent financial interest in the applicant or licensee has been convicted of:

- (1) a felony;
- (2) a crime involving gambling;
- (3) assault;
- (4) a criminal violation involving the use of a firearm; or
- (5) making terroristic threats.

**History:** 2005 c 136 art 14 s 18

**609B.158 PETROLEUM DISCRIMINATION; REVOCATION OF PERMIT.**

Under section 325D.67, if a person or firm is convicted of a petroleum discrimination violation, the attorney general shall see to it that the corporation's permit to do business is revoked.

**History:** 2005 c 136 art 14 s 18

**609B.159 PAWNBROKER LICENSE; INELIGIBILITY.**

A person convicted of a crime directly related to a pawnbroker licensed as prescribed by section 364.03, subdivision 2, is not eligible to maintain or receive a pawnbroker license under section 325J.03 unless the person has shown competent evidence of sufficient rehabilitation and present fitness to perform the duties of a licensee under chapter 325J as prescribed by section 364.03, subdivision 3.

**History:** 2005 c 136 art 14 s 18

**609B.160 PRIVATE DETECTIVE OR PROTECTIVE AGENT EMPLOYMENT; DISQUALIFICATION.**

Under section 326.336, a private detective or protective agent license holder shall immediately dismiss an employee who has been convicted of a felony or any offense listed in section 326.3381, subdivision 3, other than a misdemeanor or gross misdemeanor assault.

**History:** 2005 c 136 art 14 s 18

**609B.161 PRIVATE DETECTIVE OR PROTECTIVE AGENT BUSINESS LICENSE; DISQUALIFICATION.**

Under section 326.3381, a person is disqualified from holding a private detective or protective agent business license if that person has been convicted of:

(1) a felony by the courts of this or any other state or of the United States;

(2) acts which, if committed in Minnesota, would be criminal sexual conduct; assault; theft; larceny; burglary; robbery; unlawful entry; extortion; defamation; buying or receiving stolen property; using, possessing, manufacturing, or carrying weapons unlawfully; using, possessing, or carrying burglary tools unlawfully; escape; or possession, production, sale, or distribution of narcotics unlawfully; or

(3) acts in any other country which, if committed in Minnesota, would be a felony or considered as any of the other offenses listed in clause (2) and for which a full pardon or similar relief has not been granted.

**History:** 2005 c 136 art 14 s 18

**609B.162 ACTS PROHIBITED DURING LABOR DISPUTES, STRIKES, AND LOCKOUTS; SUSPENSION.**

The license of a person convicted of violating section 326.3384 shall be suspended for the periods described under section 326.3384, subdivision 2, paragraph (c).

**History:** 2005 c 136 art 14 s 18

**609B.163 LICENSE TO OPERATE A DEBT PRORATING SERVICE; DISQUALIFICATIONS.**

Under section 332.16, the commissioner of commerce shall not issue a license to operate a debt prorating service to an applicant who has been convicted of any crime or ordinance violation involving moral turpitude within the past ten years.

**History:** 2005 c 136 art 14 s 18

**609B.164 INDIVIDUAL COLLECTOR REGISTRATION; PRIOR CONVICTIONS AS DISQUALIFICATION.**

Under section 332.25, a license shall not be issued to, and registration shall not be accepted for, any person, firm, corporation, or association, or any officers, which, within the past five years, have been convicted in any court of fraud or any felony.

**History:** 2005 c 136 art 14 s 18

**LIQUOR****609B.1645 LIQUOR, GAMBLING, FIDUCIARY SERVICE AND PUBLIC OFFICE VACANCIES; COLLATERAL SANCTIONS.**

Sections 609B.165 to 609B.177 provide references to liquor, gambling, and fiduciary service and public office vacancies collateral sanctions.

**History:** 2005 c 136 art 14 s 18

**609B.165 CONVICTION; RETAIL LIQUOR LICENSE INELIGIBILITY.**

Under section 340A.402, no new retail license may be issued to a person who, within five years of the license application, has been convicted of a felony or a willful violation of a

federal or state law or local ordinance governing the manufacture, sale, distribution, or possession for sale or distribution of an alcoholic beverage.

**History:** 2005 c 136 art 14 s 18

#### **609B.168 FELONY CONVICTION AND VIOLATIONS OF CHAPTER 340A; CONSUMPTION AND DISPLAY PERMIT INELIGIBILITY.**

Under section 340A.414, the commissioner of public safety may not issue a permit to an applicant who has, within five years prior to the application, been convicted of a felony or of violating any provision of chapter 340A or rules adopted under chapter 340A.

**History:** 2005 c 136 art 14 s 18

### **GAMBLING**

#### **609B.170 LAWFUL GAMBLING AND GAMBLING DEVICES LICENSES; DISQUALIFICATIONS.**

(a) Under section 349.155, in the case of licenses for manufacturers, distributors, distributor salespersons, linked bingo game providers, and gambling managers, the Gambling Control Board may not issue or renew a license under chapter 349, and shall revoke a license under chapter 349, if the applicant or licensee, or a director, officer, partner, governor, or person in a supervisory or management position of the applicant or licensee has been convicted of:

- (1) a felony or a crime involving gambling;
- (2) assault;
- (3) a criminal violation involving the use of a firearm; or
- (4) making terroristic threats.

(b) Under section 349.155, in the case of licenses for organizations, the Gambling Control Board may not issue or renew a license under chapter 349, and shall revoke a license under chapter 349, if the organization or an officer or member of the governing body of the organization has been convicted of:

- (1) a felony or gross misdemeanor involving theft or fraud; or
- (2) a crime involving gambling.

**History:** 2005 c 136 art 14 s 18

#### **609B.171 GAMBLING MANAGER'S LICENSE; DISQUALIFICATION.**

Under section 349.167, the Gambling Control Board may not issue a gambling manager's license to a person applying for the license who has been convicted of a criminal violation involving fraud, theft, tax evasion, misrepresentation, or gambling.

**History:** 2005 c 136 art 14 s 18

#### **609B.172 STATE LOTTERY EMPLOYMENT; INELIGIBILITY.**

Under section 349A.02, no person may be employed by the State Lottery who has been convicted of a felony or a crime involving fraud or misrepresentation within five years of starting employment with the State Lottery, or has been convicted of a gambling-related offense.

**History:** 2005 c 136 art 14 s 18

#### **609B.173 STATE LOTTERY RETAILERS; DISQUALIFICATION.**

Under section 349A.06, subdivision 2, the director of the State Lottery may not contract with a retailer who has been convicted within the previous five years of a felony or gross misdemeanor, any crime involving fraud or misrepresentation, or a gambling-related offense.

**History:** 2005 c 136 art 14 s 18

**609B.174 STATE LOTTERY RETAILERS; LICENSE CANCELLATION, SUSPENSION, AND REFUSAL TO RENEW CONTRACTS OR LOCATIONS.**

Under section 349A.06, subdivision 11, the director of the State Lottery shall cancel the contract of any lottery retailer who has been convicted of a felony or gross misdemeanor or prohibit a lottery retailer who has been convicted of a felony or gross misdemeanor from selling lottery tickets at a business location.

**History:** 2005 c 136 art 14 s 18

**609B.175 STATE LOTTERY VENDOR CONTRACTS; INELIGIBILITY.**

Under section 349A.07, the director of the State Lottery may not enter into a lottery procurement contract with an applicant who has been convicted of a felony within the last ten years, has been convicted of a gross misdemeanor or gambling-related misdemeanor within the last five years, or has been found guilty of any crime involving fraud or misrepresentation within the last five years.

**History:** 2005 c 136 art 14 s 18

**FIDUCIARY SERVICE AND PUBLIC OFFICE VACANCIES****609B.176 INCUMBENT'S CONVICTION; VACATE OFFICE.**

Under section 351.02, a public office shall become vacant following the incumbent's conviction of a crime or an offense involving a violation of the official oath.

**History:** 2005 c 136 art 14 s 18

**609B.177 FELONY CONVICTION; VIOLATION OF FEDERAL LAW; PROHIBITION FROM FIDUCIARY STATUS.**

Under section 356A.03, a person, other than a constitutional officer of the state, who has been convicted of a violation under section 356A.03, subdivision 3, may not serve in a fiduciary capacity identified in section 356A.02.

**History:** 2005 c 136 art 14 s 18

**LOCAL GOVERNMENT****609B.179 LOCAL GOVERNMENT; COLLATERAL SANCTIONS.**

Sections 609B.180 to 609B.189 provide references to collateral sanctions related to local government.

**History:** 2005 c 136 art 14 s 18

**609B.180 REMOVAL FROM OFFICE.**

A person convicted of violating section 365.37, a provision regulating bid requirements of towns, must leave office.

**History:** 2005 c 136 art 14 s 18

**609B.181 TOWN TREASURER NEGLECT OF DUTY; FORFEITURE OF OFFICE.**

A town treasurer convicted under section 367.17 for refusing or neglecting to comply with section 367.16 shall forfeit office as treasurer.

**History:** 2005 c 136 art 14 s 18

**609B.183 CONVICTION; ST. LOUIS COUNTY CIVIL SERVICE INELIGIBILITY.**

A conviction under section 383C.055 shall render the public office or position held by the convicted person vacant.

**History:** 2005 c 136 art 14 s 18

**609B.184 COUNTY AUDITOR'S MALFEASANCE; VACATE OFFICE.**

Under section 384.03, if the county auditor is convicted on any neglect of duty or offense charge related to office, the office shall be deemed vacant.

**History:** 2005 c 136 art 14 s 18

**609B.185 SHERIFF'S DEPARTMENT EMPLOYMENT; DISQUALIFICATION.**

A person who has been found guilty of criminal conduct is ineligible for employment as a sheriff under section 387.36.

**History:** 2005 c 136 art 14 s 18

**609B.187 CONVICTION; POLICE DEPARTMENT SERVICE INELIGIBILITY.**

Under section 419.06, a candidate or eligible person who, after the entry of the eligible person's name, has been found guilty of criminal conduct shall be rejected from police department employment.

**History:** 2005 c 136 art 14 s 18

**609B.188 CONVICTION; FIRE DEPARTMENT SERVICE INELIGIBILITY.**

Under section 420.07, a candidate or eligible person who, after the entry of the eligible person's name, has been found guilty of criminal conduct shall be rejected from fire department employment.

**History:** 2005 c 136 art 14 s 18

**609B.189 CONVICTION FOR CONFLICT OF INTEREST; DISQUALIFICATION FROM LOCAL TRANSIT COMMISSION.**

A person convicted of violating section 458A.02 shall be automatically removed from a position with the St. Cloud Metropolitan Transit Commission and shall be disqualified from holding the position.

**History:** 2005 c 136 art 14 s 18

**METROPOLITAN AREA OFFICERS AND PEACE OFFICERS****609B.191 METROPOLITAN AREA OFFICERS AND PEACE OFFICERS.**

Sections 609B.192 to 609B.195 provide references to metropolitan area officers and peace officers related to collateral sanctions.

**History:** 2005 c 136 art 14 s 18

**609B.192 CONVICTION FOR ADVERSE INTEREST OF COMMISSIONER OF THE METROPOLITAN MOSQUITO CONTROL COMMISSION; DISQUALIFICATION FROM COMMISSION.**

A commissioner of the Metropolitan Mosquito Control Commission convicted of violating section 473.706 shall be automatically disqualified from further service on the commission.

**History:** 2005 c 136 art 14 s 18

**609B.193 BRIBERY CONVICTION; FORFEITURE OF OFFICE AND DISQUALIFICATION.**

Under section 609.42, subdivision 2, a public officer convicted of violating or attempting to violate section 609.42, subdivision 1, shall forfeit the office and be disqualified from holding public office.

**History:** 2005 c 136 art 14 s 18

**609B.194 FELONY CONVICTION; AUTOMATIC PEACE OFFICER LICENSE REVOCATION.**

Under section 626.8431, the license of a peace officer convicted of a felony is automatically revoked.

**History:** 2005 c 136 art 14 s 18

**609B.195 CONVICTION FOR LOCKUP VIOLATIONS; DISQUALIFICATION FROM POSITION.**

A person convicted of violating section 642.13 is disqualified from holding the office of sheriff, jailer, police officer, marshal, or keeper of any jail or lockup for a period of six years.

**History:** 2005 c 136 art 14 s 18

**DRIVING AND MOTOR VEHICLES****609B.200 DRIVING AND MOTOR VEHICLES; GENERALLY.**

Sections 609B.201 to 609B.277 provide references to collateral sanctions related to driving and motor vehicles.

**History:** 2005 c 136 art 14 s 18

**609B.201 CONTROLLED SUBSTANCE OFFENSE; REVOCATION.**

(a) If a court determines under section 152.0271 that a person convicted of a controlled substance offense under sections 152.021 to 152.027 committed the crime while driving a motor vehicle, the court must notify the commissioner of public safety and order the commissioner to revoke the license for 30 days.

(b) A person's driver's license is revoked under section 171.172 if that person is convicted or adjudicated for a controlled substance offense under chapter 152.

**History:** 2005 c 136 art 14 s 18

**609B.202 CRIMINAL NEGLIGENCE; REVOCATION.**

A person's driver's license is revoked under section 169.11 if that person is convicted of criminal operation of a motor vehicle resulting in the death of a human being.

**History:** 2005 c 136 art 14 s 18

**609B.203 FAILURE TO PRODUCE PROOF OF INSURANCE; REVOCATION.**

(a) A person's driver's license is revoked under section 169.792, subdivision 7, if that person, whether a driver or motor vehicle owner, fails to provide proof of insurance under the requirements of section 169.172.

(b) If a person whose driver's license has been revoked under the circumstances specified in paragraph (a) is also the owner of the motor vehicle, the motor vehicle registration is also revoked under section 169.172, subdivision 12.

(c) A person, an owner, or, in certain circumstances, a driver, who operates a motor vehicle upon a public highway, road, or street, fails to have vehicle insurance, and contributes to a vehicle accident resulting in death or substantial bodily harm, is subject to revocation under section 169.797, subdivision 4, paragraph (c), for not more than 12 months.

**History:** 2005 c 136 art 14 s 18

**609B.205 FLEEING PEACE OFFICER; REVOCATION.**

A person's driver's license is revoked under section 171.174 if that person is convicted of fleeing a peace officer under section 609.487, subdivision 3 or 4. The periods of revocation vary depending upon the offense of conviction and whether the offense of conviction is a second or subsequent offense.

**History:** 2005 c 136 art 14 s 18

**609B.206 DWI CONVICTIONS; LICENSE REVOCATIONS.**

Subdivision 1. **Scope.** The collateral sanctions discussed in this section are codified in section 169A.54.

Subd. 2. **Driving while impaired; revocation.** (a) A person's driver's license must be revoked for the following time periods if the person is convicted under section 169A.20:

(1) for an offense under section 169A.20, subdivision 1: not less than 30 days;



- (2) for an offense under section 169A.20, subdivision 2: not less than 90 days;
- (3) for an offense occurring within ten years of a qualified prior impaired driving incident:
- (i) if the current conviction is for a violation of section 169A.20, subdivision 1, not less than 180 days; or
  - (ii) if the current conviction is for a violation of section 169A.20, subdivision 2, not less than one year;
- (4) for an offense occurring within ten years of two qualified prior impaired driving incidents: not less than one year, together with denial; and
- (5) for an offense occurring within ten years of the first of three or more qualified prior impaired driving incidents: not less than two years, together with denial.
- (b) If a person is convicted of violating section 169A.20 while under the age of 21, the commissioner of public safety shall revoke the offender's driver's license for a period of six months, or for the appropriate period of time under paragraph (a), clauses (1) to (5), for the offense committed, whichever is the greatest period.

**History:** 2005 c 136 art 14 s 18

### 609B.216 REVOCATION OF DRIVER'S LICENSES; OFFENSES.

Under section 171.17, the Department of Public Safety is required to revoke a person's driver's license upon receiving a record of the driver's conviction of any offense specified in subdivision 1, paragraph (a), clauses (1) to (10).

**History:** 2005 c 136 art 14 s 18

### 609B.231 COMMERCIAL VEHICLE VIOLATIONS; REVOCATION.

Subdivision 1. **Scope.** The collateral sanctions discussed in this section are codified in section 168.013.

Subd. 2. **Revocation.** (a) In addition to criminal penalties, a person driving commercial vehicles with an excess of gross weight is subject under section 168.013, subdivision 3, paragraph (d), under certain circumstances, to cancellation of the certificate of registration and impoundment of registration plates.

(b) A person operating a commercial motor vehicle who commits a specified first or second driving offense, a defined serious traffic violation, a violation of an out-of-service order, or a railroad grade crossing violation is disqualified under section 171.17 from operating a commercial motor vehicle for varying periods depending upon the offense committed as set forth in section 171.17, subdivision 1.

**History:** 2005 c 136 art 14 s 18

### 609B.235 DRIVING AND LICENSE VIOLATIONS; PLATE IMPOUNDMENT.

Subdivision 1. **Scope.** The collateral sanctions found in this section are codified in section 169A.60.

Subd. 2. **Plate impoundment.** When a person is arrested for or charged with a plate impoundment violation, the commissioner of public safety may issue an impoundment order. Under section 169A.60, subdivision 1, paragraph (d), "plate impoundment violation" includes:

- (1) a violation of section 169A.20 or 169A.52 resulting in revocation of a person's driver's license within ten years of a qualified prior impaired driving incident;
- (2) a license disqualification under section 171.165 resulting from violation of section 169A.52 within ten years of a qualified prior impaired driving incident;
- (3) a violation of section 169A.20 or 169A.52 while having an alcohol concentration of 0.20 percent or more measured at the time or within two hours of the time of offense;
- (4) a violation of section 169A.20 or 169A.52 while having a child under the age of 16 in the vehicle if the child is more than 36 months younger than the offender; or

(5) a violation of section 171.241 by a person whose driver's license has been canceled under section 171.04, subdivision 1, clause (10), inimical to public safety.

**History:** 2005 c 136 art 14 s 18

#### **609B.237 IMPOUNDING REGISTRATION PLATES.**

Subdivision 1. **Scope.** The collateral sanctions discussed in this section are codified in section 168.041.

Subd. 2. **Driving after suspension, revocation, or cancellation.** A person convicted of driving a self-propelled motor vehicle after suspension, revocation, or cancellation of the person's driver's license shall have the registration plates impounded under section 168.041, subdivision 1.

Subd. 3. **Moving violations; previous convictions.** If a person is convicted of a moving violation and has a previous conviction, the court may order the commissioner of public safety to suspend the person's driver's license for a period not exceeding one year under section 168.041, subdivision 2.

**History:** 2005 c 136 art 14 s 18

#### **609B.241 FAILURE TO PRODUCE PROOF OF INSURANCE; REVOCATION.**

Subdivision 1. **Scope.** The collateral sanctions discussed in this section are codified in section 171.29.

Subd. 2. **Examination required.** A person whose license has been revoked under sections 169.791, 169.792, 169.797, 169A.52, and 171.17 must successfully pass an examination required by the commissioner of safety to be issued another license.

Subd. 3. **Reinstatement fees.** A person whose license has been revoked under sections 169A.52, 169A.54, and 609.21 must pay varying fees and surcharges for driver's license reinstatement.

Subd. 4. **Compliance with impoundment laws.** A person whose license was revoked under section 169A.52 or 169A.54 may not be issued another license at the end of the revocation period unless all applicable registration plate impoundment provisions have been complied with.

**History:** 2005 c 136 art 14 s 18

#### **609B.245 LIMITED LICENSE.**

Subdivision 1. **Scope.** The collateral sanctions discussed in this section are codified in section 171.30.

Subd. 2. **Conditions of issuance.** A person whose license has been suspended under section 171.173, 171.18, or 171.186, or revoked under section 169.792, 169.797, 169A.52, 169A.54, 171.17, or 171.172, must satisfy certain conditions set forth in section 171.30, subdivision 1, to acquire a limited license.

Subd. 3. **Waiting periods.** Section 171.30, subdivisions 2, 2a, 2b, and 2c, set forth varying waiting periods for revocations under specified statutes.

**History:** 2005 c 136 art 14 s 18

#### **609B.255 SCHOOL BUS ENDORSEMENT OR PRIVILEGE TO OPERATE; CANCELLATION.**

Subdivision 1. **Disqualifying offense; permanent cancellation.** If a school bus driver is convicted of a disqualifying offense, as defined under section 171.3215, subdivision 1, the commissioner of public safety shall permanently cancel the offender's endorsement to drive a school bus.

Subd. 2. **Certain other convictions; cancellation for five years.** (a) A school bus driver's endorsement shall be canceled for five years under section 171.3215, subdivision 2, for a

conviction under section 169A.20 or for a revocation of a school bus driver's license under section 169A.52.

(b) If a school bus driver has certain multiple convictions, under varying circumstances, that driver's endorsement shall be canceled for five years as set forth in section 171.3215, subdivision 2.

**Subd. 3. Crimes against a minor; permanent cancellation.** If a Head Start bus driver is convicted of certain crimes against a minor, that driver's passenger endorsement shall be permanently canceled under section 171.3215, subdivision 3. "Crimes against a minor" is defined in section 171.3215, subdivision 3. "Head Start bus driver" is defined in section 171.3215, subdivision 1.

**Subd. 4. Conviction for certain offenses; additional conditions for endorsements.** Applicants having been convicted of certain offenses are required to satisfy additional conditions in seeking renewal or issuance of a bus driver's endorsements under section 171.3215, subdivision 3.

**Subd. 5. Waiver of permanent cancellation.** Under section 171.3215, subdivision 4, the commissioner of public safety may waive the permanent cancellation requirement for specified crimes.

**History:** 2005 c 136 art 14 s 18

#### **609B.262 INSTRUCTIONAL PERMIT ELIGIBILITY.**

**Subdivision 1. Scope.** The collateral sanctions in this section are codified in section 171.05.

**Subd. 2. No instruction permit issuance.** A person who is under 18 years of age shall not be issued a permit under section 171.05, subdivision 1a, if the person has been convicted of a violation of section 169A.20, 169A.33, 169A.35, or sections 169A.50 to 169A.53, or a crash-related moving violation.

**Subd. 3. Permit use.** A permit holder must maintain a driving record free of convictions for moving violations, as defined in section 171.04, subdivision 1, and free of convictions of the offenses specified in section 171.05, subdivision 2b.

**History:** 2005 c 136 art 14 s 18

#### **609B.263 PERSONS NOT ELIGIBLE FOR DRIVER'S LICENSES.**

A person applying for a license must, under section 171.04, subdivision 1, for 12 months consecutive preceding application, while holding a provisional license, have incurred no convictions for a violation of section 169A.20, 169A.33, 169A.35, or sections 169A.50 to 169A.53, no convictions for a crash-related moving violation, or not more than one conviction for a moving violation that is not crash related. "Moving violation" means a violation of a traffic violation but does not include a parking violation or warning citation.

Section 171.04, subdivision 1, clauses (2) to (14), set forth further eligibility criteria, including categories of ineligible persons.

**History:** 2005 c 136 art 14 s 18

#### **609B.265 PROVISIONAL LICENSE ELIGIBILITY.**

**Subdivision 1. Scope.** The collateral sanctions in this section are codified in section 171.055.

**Subd. 2. Eligibility.** A person applying for a provisional license must, under section 171.055, subdivision 1, paragraph (a), clause (2), for six months immediately preceding application for the provisional license, have possessed an instruction permit and have incurred no convictions for a violation of section 169A.20, 169A.33, 169A.35, or sections 169A.50 to 169A.53, no convictions for a crash-related moving violation, and no convictions for a moving violation that is not crash related.

**Subd. 3. No issuance.** Under section 171.055, subdivision 2, paragraph (b), if a holder of a provisional license during the period of provisional licensing incurs a conviction of an

offense specified in that paragraph, then that person may not be issued a driver's license until 12 consecutive months have expired since the date of the conviction or until the person reaches the age of 18 years, whichever occurs first.

**History:** 2005 c 136 art 14 s 18

#### **609B.271 UNDERAGE DRINKING OFFENSE; REVOCATION.**

(a) A person's driver's license is revoked for 30 days if the person is under the age of 21 and convicted of driving, operating, or controlling a motor vehicle while consuming alcoholic beverages in violation of section 169A.33.

(b) A person's driver's license is revoked for 180 days if the person has previously been convicted of driving, operating, or controlling a motor vehicle while under the age of 21 while consuming alcoholic beverages as described in paragraph (a) and is convicted again.

**History:** 2005 c 136 art 14 s 18

#### **609B.273 UNDERAGE DRINKING OFFENSE; SUSPENSION.**

Under section 171.173, a person convicted of or a juvenile adjudicated for an underage drinking offense under section 340A.503, subdivision 1, paragraph (a), shall have the person's license suspended if the commissioner of public safety has been notified by the court of a 30-day or 180-day suspension under section 169A.33, subdivision 4.

**History:** 2005 c 136 art 14 s 18

#### **609B.275 COMMERCIAL DRIVER'S LICENSE; DISQUALIFICATION.**

Subdivision 1. **Disqualification.** A person is disqualified from operating a commercial motor vehicle in accordance with the driver disqualifications and penalties in Code of Federal Regulations, title 49, part 383, subpart D, and Code of Federal Regulations, title 49, section 384.219.

Subd. 2. **Implied consent revocation.** A person is disqualified from operating a commercial motor vehicle in accordance with the driver disqualifications and penalties in Code of Federal Regulations, title 49, part 383, subpart D.

**History:** 2005 c 136 art 14 s 18

#### **609B.277 ILLEGAL PURCHASE OF ALCOHOL OR TOBACCO; SUSPENSION.**

A person's driver's license is suspended for 90 days for various selling and purchasing alcohol or tobacco offenses as set forth in section 171.171.

**History:** 2005 c 136 art 14 s 18

### **PRISON PROGRAM ELIGIBILITY**

#### **609B.301 DEFINITION.**

For purposes of sections 609B.310 to 609B.312, with respect to persons convicted of a crime, "committed" means committed to the custody of the commissioner of corrections.

**History:** 2005 c 136 art 14 s 18

#### **609B.310 PRISON PROGRAM ELIGIBILITY; COLLATERAL SANCTIONS.**

Sections 609B.311 and 609B.312 provide references to collateral sanctions related to prison program eligibility.

**History:** 2005 c 136 art 14 s 18

#### **609B.311 MURDER CONVICTION; HIGHER EDUCATION PAYMENTS FOR PRISON INMATES LIMITED.**

Section 241.265 prohibits the commissioner of corrections from paying for certain higher education programs for an inmate convicted of first- or second-degree murder.

**History:** 2005 c 136 art 14 s 18

**609B.312 CHALLENGE INCARCERATION PROGRAM; ELIGIBILITY.**

Under section 244.17, offenders committed for a conviction listed in section 244.17, subdivision 3, clause (1), or persons convicted within the preceding ten years of an offense listed in that section and committed for some other offense, are not eligible to be placed in the challenge incarceration program.

**History:** 2005 c 136 art 14 s 18

**OFFENDER REGISTRATION****609B.320 OFFENDER REGISTRATION; COLLATERAL SANCTIONS.**

Section 609B.321 provides references to collateral sanctions related to offender registration.

**History:** 2005 c 136 art 14 s 18

**609B.321 CRIMINAL CONVICTION; PREDATORY OFFENDERS REGISTRATION REQUIRED.**

A person must register as a predatory offender under section 243.166 for convictions of crimes listed under section 243.166, subdivision 1b.

**History:** 2005 c 136 art 14 s 18

**CRIMES AGAINST A PERSON; CRIMES OF VIOLENCE****609B.330 CRIMES AGAINST A PERSON; CRIMES OF VIOLENCE; COLLATERAL SANCTIONS.**

Sections 609B.331 to 609B.333 provide references to collateral sanctions related to crimes against persons and crimes of violence.

**History:** 2005 c 136 art 14 s 18

**609B.331 CRIME AGAINST THE PERSON CONVICTION; PREDATORY OFFENDER REGISTRATION REQUIRED.**

A person convicted of a crime against the person as defined in section 243.167, subdivision 1, and meeting the conditions listed under section 243.167, subdivision 2, is required to register as a predatory offender under section 243.166.

**History:** 2005 c 136 art 14 s 18

**609B.332 CRIME OF VIOLENCE CONVICTION; USE OF POLICE COMMUNICATION EQUIPMENT PROHIBITED.**

A person convicted of a crime of violence, as defined in section 624.712, subdivision 5, is not entitled to exercise the privilege granted under section 299C.37, subdivision 1, unless ten years have elapsed since the person has been restored to civil rights or the sentence has expired, whichever occurs first, and during that time the person has not been convicted of any other crime of violence, as defined under section 299C.37, subdivision 1.

**History:** 2005 c 136 art 14 s 18

**609B.333 CRIME OF VIOLENCE CONVICTION; POSSESSION OF FIREARMS PROHIBITED.**

Under section 609.165, subdivision 1a, a person convicted of a crime of violence is not entitled to ship, transport, possess, or receive a firearm for the remainder of the person's lifetime, even after the person's civil rights have been restored.

**History:** 2005 c 136 art 14 s 18

**POSSESSION OF FIREARMS, EXPLOSIVES, AND SIMILAR DEVICES****609B.340 POSSESSION OF FIREARMS, EXPLOSIVES, AND SIMILAR DEVICES.**

Sections 609B.341 to 609B.345 provide references to collateral sanctions related to possession of firearms, explosives, and similar devices.

**History:** 2005 c 136 art 14 s 18

**609B.341 DOMESTIC ABUSE ACT; PISTOL POSSESSION PROHIBITION FOR REPEAT OFFENDERS.**

If convicted under section 518B.01, subdivision 14, paragraph (b) or (c), a person meeting the conditions set forth in section 518B.01, subdivision 14, paragraph (l), is not entitled to possess a pistol. Property rights may not be abated but access may be restricted by the courts.

**History:** 2005 c 136 art 14 s 18

**609B.342 CRIMINAL CONVICTION; POSSESSION OF FIREARMS; PROHIBITION.**

Section 624.713 determines the conditions and circumstances under which a person convicted of a crime is prohibited from the possession of a pistol or semiautomatic military-style weapon.

**History:** 2005 c 136 art 14 s 18

**609B.343 CRIME OF VIOLENCE OR CONTROLLED SUBSTANCE CONVICTION; EXPLOSIVES LICENSE OR PERMIT PROHIBITED.**

Under section 299F.77, the following are not entitled to receive an explosives license or permit:

(1) a person convicted of a crime of violence, as defined in section 299F.72, unless ten years have elapsed since the person's civil rights have been restored or the sentence has expired, whichever occurs first, and during that time the person has not been convicted of any other crime of violence; and

(2) a person convicted of use, possession, or sale of a controlled substance other than conviction for possession of a small amount of marijuana, as defined in sections 152.01 and 152.02.

**History:** 2005 c 136 art 14 s 18

**609B.344 RESTORATION OF CIVIL RIGHTS; POSSESSION OF EXPLOSIVE OR INCENDIARY DEVICES PROHIBITED.**

Section 609.668 prohibits a person from having possession of explosive or incendiary devices if the person was convicted of:

(1) a crime of violence and ten years have not elapsed since civil rights have been restored; and

(2) unlawful use, possession, or sale of a controlled substance, other than conviction for possession of a small amount of marijuana.

**History:** 2005 c 136 art 14 s 18

**609B.345 POSSESSION OF TEAR GAS, TEAR GAS COMPOUNDS, AND ELECTRONIC INCAPACITATION DEVICES; PROHIBITION.**

Section 624.731, subdivision 3, prohibits a person who is prohibited from possessing a pistol pursuant to section 624.713, subdivision 1, paragraphs (b) to (e), from possession of tear gas, tear gas compounds, and electronic incapacitation devices.

**History:** 2005 c 136 art 14 s 18

## SERVICES AND BENEFITS

**609B.400 SERVICES AND BENEFITS; GENERALLY.**

Sections 609B.405 to 609B.465 provide references to collateral sanctions related to services and benefits.

**History:** 2005 c 136 art 14 s 18

**609B.405 CONVICTED CURRENTLY SERVING SENTENCE, ON PROBATION, OR ON PAROLE; INTERSTATE COMPACT FOR MENTAL HEALTH SERVICES CONTRACTS PROHIBITED.**

Under section 245.50, a county board or the commissioner of human services may not contract under the Interstate Compact for Mental Health Services with a bordering state for mental health services for persons on probation or parole, or who are serving a sentence after conviction for a criminal offense.

**History:** 2005 c 136 art 14 s 18

**609B.410 WRONGFULLY OBTAINED ASSISTANCE.**

The amount of assistance determined to be obtained in violation of section 256.98, paragraph (a), clauses (1) to (3), is recoverable from specified persons who wrongfully obtained assistance.

**History:** 2005 c 136 art 14 s 18

**609B.415 PERSONAL CARE PROVIDER ORGANIZATIONS; BACKGROUND STUDIES; DISQUALIFICATION.**

A person who is an owner or a managerial official of a personal care provider organization is subject to a human services background study under chapter 245C and may be disqualified from providing home care services if that person is found to have been convicted of felonies specified in chapter 245C.

**History:** 2005 c 136 art 14 s 18

**609B.425 DRUG OFFENSE; FLEEING FELONS; GENERAL ASSISTANCE BENEFITS; ELIGIBILITY.**

Subdivision 1. **Scope.** The collateral sanctions discussed in this section are codified in section 256D.024.

Subd. 2. **Benefit eligibility.** (a) A person convicted of a drug offense after July 1, 1997, is ineligible for general assistance benefits, general assistance medical care, and supplemental security income under chapter 256D until:

(1) five years after completing the terms of a court-ordered sentence; or

(2) unless the person is participating in a drug treatment program, has successfully completed a program, or has been determined not to be in need of a drug treatment program.

(b) A person who becomes eligible for assistance under chapter 256D is subject to random drug testing and shall lose eligibility for benefits for five years beginning the month following:

(1) any positive test for an illegal controlled substance; or

(2) discharge of sentence for conviction of another drug felony.

(c) Parole violators and fleeing felons are ineligible for benefits and persons fraudulently misrepresenting eligibility are also ineligible to receive benefits for ten years.

**History:** 2005 c 136 art 14 s 18

**609B.435 DRUG AND OTHER OFFENDERS; MINNESOTA FAMILY INVESTMENT PROGRAM; SANCTIONS.**

Subdivision 1. **Scope.** The collateral sanctions discussed in this section are codified in section 256J.26.

Subd. 2. **Drug offenders; random testing; sanctions.** A person who is an applicant for benefits from the Minnesota family investment program or MFIP, the vehicle for temporary assistance for needy families or TANF, and who has been convicted of a drug offense shall be subject to certain conditions, including random drug testing, in order to receive MFIP benefits. Following any positive test for a controlled substance, the convicted applicant or participant is subject to the following sanctions:

(1) a first time drug test failure results in a reduction of benefits in an amount equal to 30 percent of the MFIP standard of need; and

(2) a second time drug test failure results in permanent disqualification from receiving MFIP assistance.

A similar disqualification sequence occurs if the applicant is receiving food stamps.

Subd. 3. **Parole violators; fleeing felons; sanctions.** (a) An individual violating a condition of probation, parole, or supervised release is disqualified from receiving MFIP.

(b) An individual who is fleeing to avoid prosecution, custody, or confinement after conviction of a felony crime is disqualified from receiving MFIP.

(c) An individual who fraudulently misrepresents the individual's place of residence in order to receive assistance simultaneously from two or more states is disqualified from receiving MFIP for ten years.

**History:** 2005 c 136 art 14 s 18

#### **609B.445 CERTAIN CONVICTIONS; PROSPECTIVE ADOPTIVE PARENTS; DISQUALIFICATION.**

Under section 259.67, subdivision 1, paragraph (b), a disqualifying condition for adoption exists if a criminal background check reveals a felony conviction for child or spousal abuse; for a crime against children; for a crime involving violence, including rape, sexual assault, or homicide; or for a felony conviction within the past five years for physical assault, battery, or a drug-related offense.

**History:** 2005 c 136 art 14 s 18

#### **609B.450 GASOLINE AND SPECIAL FUEL TAX REFUND SANCTIONS.**

Under sections 296A.16 and 296A.23, a person who makes a false claim for a fuel tax refund is guilty of a felony and, if convicted, shall be prohibited from filing for a refund upon gasoline purchased within six months after the conviction.

**History:** 2005 c 136 art 14 s 18

#### **609B.455 MINNEAPOLIS POLICE PUBLIC PENSION; HOMICIDE; BENEFIT LOSS.**

Subdivision 1. **Scope.** The collateral sanctions discussed in this section are codified in section 356.406.

Subd. 2. **Homicide; loss of death benefits.** A person charged with a felony causing the death of a public pension plan member has the entitlement to the pension suspended.

Subd. 3. **Forfeiture of survivor benefits upon felony conviction.** A person who is a survivor and convicted of a felony that caused the death of a public pension member forfeits the survivor pension benefit.

Subd. 4. **Benefit recovery.** If pension benefits have already been paid, the chief administrative officer of the pension plan must attempt to recover amounts paid.

**History:** 2005 c 136 art 14 s 18

#### **609B.460 MINNEAPOLIS POLICE RELIEF ASSOCIATION PENSION; FELONS NOT ENTITLED TO PENSION DURING INCARCERATION.**

Under section 423B.09, a person who is a member of the Minneapolis Police Relief Association and convicted of a felony is not entitled to a pension during the person's period of incarceration in a penal institution.

**History:** 2005 c 136 art 14 s 18



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## **609B.465 EFFECT OF HOMICIDE ON INTESTATE SUCCESSION, WILLS, JOINT TENANTS, AND LIFE INSURANCE.**

Subdivision 1. **Scope.** The collateral sanctions discussed in this section are codified in section 524.2–803.

Subd. 2. **Surviving spouse, heir, or devisee.** A surviving spouse, heir, or devisee who feloniously and intentionally kills the decedent is treated as if that person predeceased the decedent.

Subd. 3. **Joint tenant.** A joint tenant who feloniously and intentionally kills another joint tenant, thereby effects a severance of the interest so the property passes as the decedent's and the killer has no rights of survivorship.

Subd. 4. **Bond.** A named beneficiary of a bond who feloniously and intentionally kills the principal obligee is not entitled to any benefit.

Subd. 5. **Life insurance.** A named beneficiary of a life insurance policy who feloniously and intentionally kills the person upon whose life the policy is issued is not entitled to any benefit under the policy.

Subd. 6. **Other interests.** Any other acquisition of property or interest by the killer shall be treated as provided in section 524.2–803.

**History:** 2005 c 136 art 14 s 18

## **PROPERTY RIGHTS**

### **609B.500 PROPERTY RIGHTS; GENERALLY.**

Sections 609B.505 to 609B.545 provide references to collateral sanctions related to property rights.

**History:** 2005 c 136 art 14 s 18

### **609B.505 BURGLARY; CONFISCATION OF SNOWMOBILE.**

Under section 84.89, if a person is convicted of burglary, as defined in section 609.582, and uses a snowmobile for committing the crime, the snowmobile shall be seized. The snowmobile's seizure and use of the proceeds from a sale are governed by section 97A.225.

**History:** 2005 c 136 art 14 s 18

### **609B.510 SEIZURE OF FIREARMS AND OTHER PROPERTY.**

Under section 97A.223, a Department of Natural Resources enforcement officer must seize firearms possessed in violation of state or federal law and property described in section 97A.221, subdivision 1.

**History:** 2005 c 136 art 14 s 18

### **609B.515 DWI; VEHICLE FORFEITURE.**

Under section 169A.63, a motor vehicle is subject to forfeiture if a driver is convicted of a "designated offense," as defined in 169A.65, subdivision 1.

Section 169A.63, subdivision 7, specifies limitations on vehicle forfeiture. Section 169A.63, subdivisions 8 and 9, provide for administrative forfeiture procedure and judicial forfeiture procedure. Section 169A.63, subdivisions 10 and 11, provide for disposition of a forfeited vehicle.

**History:** 2005 c 136 art 14 s 18

### **609B.518 GAME AND FISH VIOLATIONS; SEIZURE OF MOTOR VEHICLES AND BOATS.**

Subdivision 1. **Scope.** The collateral sanctions discussed in this section are codified in section 97A.225.

Subd. 2. **Vehicle forfeiture.** A motor vehicle is subject to forfeiture if it is used to:

- (1) shine wild animals (using artificial lights to hunt animals);
- (2) transport big game animals illegally taken or fur-bearing animals illegally purchased; or
- (3) transport minnows in violation of law.

Subd. 3. **Boat or motor forfeiture.** Boats and motors are subject to forfeiture when they are used to:

- (1) net fish on specified lakes;
- (2) violate certain licensing or operating requirements; and
- (3) take, possess, or transport wild animals.

**History:** 2005 c 136 art 14 s 18

#### **609B.520 GAMBLING VIOLATIONS; ACTIVITIES RESTRICTED.**

Under section 299L.05, a person convicted of violating section 609.76, subdivision 1, clause (7), or 609.76, subdivision 2, is prohibited from having lawful gambling under chapter 349 conducted on the person's premises, or selling any lottery tickets under chapter 349A.

**History:** 2005 c 136 art 14 s 18

#### **609B.525 CRUELTY TO ANIMALS; FORFEITURE OF ANIMALS.**

Under section 343.21, a person convicted of overworking or mistreating an animal is required to turn over other animals in control of the person unless the court determines the person is able and fit to provide adequately for the animals.

**History:** 2005 c 136 art 14 s 18

#### **609B.530 CRUELTY TO ANIMALS; JUDGMENT FOR EXPENSES OF INVESTIGATIONS.**

Under section 343.23, if a person is found guilty of cruelty to animals under chapter 343, the costs of investigation, disposing of animals, and any other expenses shall result in a judgment against the guilty person for all expenses.

**History:** 2005 c 136 art 14 s 18

#### **609B.535 DANGEROUS ANIMALS VIOLATION; ANIMALS SEIZED AND DESTROYED.**

Under section 609.227, if a person is convicted of a dangerous animal violation under section 609.205, clause (4); or 609.226, subdivision 1, 2, or 3, the animal shall be seized and killed, and the convicted owner shall pay the cost of confining and killing the animal.

**History:** 2005 c 136 art 14 s 18

#### **609B.540 POSSESSION OR CONTROL OF OBSCENE MATERIAL; DESTRUCTION OF PROPERTY.**

A person convicted of possessing obscene books or other matter under sections 617.241 to 617.26 shall have the material seized and destroyed by court order under section 617.27.

**History:** 2005 c 136 art 14 s 18

#### **609B.545 OWNERSHIP RESTRICTION ON ADULT BUSINESS ESTABLISHMENTS.**

Under section 617.242, a person convicted of a specified sex or other related crime may not operate or manage an adult entertainment establishment for three years after discharge of the sentence for the offense.

**History:** 2005 c 136 art 14 s 18

## CIVIL RIGHTS AND REMEDIES

**609B.600 CIVIL RIGHTS AND REMEDIES; GENERALLY.**

Sections 609B.610 to 609B.615 provide references to collateral sanctions related to civil rights and remedies.

**History:** 2005 c 136 art 14 s 18

**609B.610 FELONY OR TREASON; INELIGIBLE TO VOTE.**

An individual convicted of treason or any felony whose civil rights have not been restored is not eligible to vote under section 201.014.

**History:** 2005 c 136 art 14 s 18

**609B.611 CRIME OF VIOLENCE; INELIGIBILITY TO POSSESS FIREARMS; RESTORATION OF CIVIL RIGHTS.**

(a) Under section 242.31, a person convicted of a crime of violence is not entitled to ship, transport, possess, or receive a firearm for the remainder of the person's lifetime, even after the person's civil rights have been restored, unless the exception under United States Code, title 18, section 925, or section 609.165, subdivision 1d, applies.

(b) Under section 609.165, subdivision 1a, a person convicted of a crime of violence is not entitled to ship, transport, possess, or receive a firearm for the remainder of the person's lifetime, even after the person's civil rights have been restored.

**History:** 2005 c 136 art 14 s 18

**609B.612 FELONY CONVICTION; NAME CHANGES.**

Under section 259.13, a person with a felony conviction is required to serve notice of application for a name change to the prosecuting authority that obtained the conviction, or if the conviction was from another state or federal jurisdiction, notice of application must also be served on the attorney general.

**History:** 2005 c 136 art 14 s 18

**609B.613 FELONY CONVICTION; APPLICATION FOR MARRIAGE LICENSE; CHANGE OF NAME UPON MARRIAGE.**

Section 517.08 states that: (1) a person with a felony conviction applying for a marriage license must provide to the county proof of service upon the prosecuting authority and, if applicable, the attorney general, as required by section 259.13; and (2) that a person with a felony conviction may not use a different surname after marriage except as authorized by section 259.13.

**History:** 2005 c 136 art 14 s 18

**609B.614 CIVIL REMEDY FORFEITED; CONVICTED PROHIBITED FROM RECOVERING FOR INJURIES SUSTAINED DURING CRIMINAL ACT.**

Under section 611A.08, a person convicted of a crime is barred from recovering for injuries sustained during the course of criminal conduct, as defined under section 611A.08, subdivision 1.

**History:** 2005 c 136 art 14 s 18

**609B.615 COMMERCIAL PROFITING FROM CRIME PROHIBITED.**

Section 611A.68 prohibits the commercial profiting from crime for ten years following conviction of a felony. If an offender is imprisoned following the conviction, the ten-year period begins on the date of the offender's release from prison.

**History:** 2005 c 136 art 14 s 18

## RECREATIONAL ACTIVITIES

**609B.700 RECREATIONAL ACTIVITIES; GENERALLY.**

Section 609B.710 provides references to collateral sanctions related to recreational activities.

**History:** 2005 c 136 art 14 s 18

**609B.710 YOUTH OPERATOR VIOLATIONS; WATERCRAFT OPERATOR'S PERMIT REVOCATION.**

Subdivision 1. **Operator's permit revocation.** An operator age 13 years of age or older but younger than 18 years of age adjudicated by a juvenile court as having violated section 86B.311, subdivision 1, 86B.341, or 169A.20, shall have the operator's permit revoked by the commissioner of natural resources.

Subd. 2. **Surrender of permit.** A juvenile adjudicated of the offense listed in subdivision 1 shall be required to surrender the watercraft operator's permit, which shall be forwarded by the court to the commissioner of natural resources with a record of the adjudication.

**History:** 2005 c 136 art 14 s 18

## GAME AND FISH LAWS

**609B.720 GAME AND FISH LAW; COLLATERAL SANCTIONS.**

Sections 609B.721 to 609B.725 provide references to collateral sanctions related to game and fish laws.

**History:** 2005 c 136 art 14 s 18

**609B.721 CRIMINAL CONVICTIONS; VALIDITY AND ISSUANCE OF LICENSES UPON CONVICTION.**

Subdivision 1. **Scope.** The collateral sanctions discussed in this section are codified in section 97A.421. That section governs the validity and issuance of game and fish licenses after a conviction.

Subd. 2. **Annual license void.** (a) The annual license of a person convicted of a violation of the game and fish laws relating to the license or wild animals covered by the license is void under conditions set forth in section 97A.421, subdivision 1.

(b) Except for big game licenses and as otherwise provided for in section 97A.421, for one year after a conviction, the person may not obtain the kind of license or take wild animals under a lifetime license issued under section 97A.473 or 97A.474, relating to the game and fish law violation.

Subd. 3. **Issuance of license after buying and selling wild animals.** After being convicted of buying or selling game fish, big game, or small game and the total amount of the sale is \$300 or more, a person may not obtain a license to take any wild animal or take wild animals under a lifetime license issued under section 97A.473 or 97A.474, for a period of three years.

Subd. 4. **License revocation after conviction.** (a) A person may not obtain a license to take a wild animal and is prohibited from taking wild animals for a period of five years after the date of conviction of a violation when:

(1) the restitution value of the wild animals is \$5,000 or more; or

(2) the restitution value of the wild animals exceeds \$500 and the violation occurs within ten years of one or more previous license revocations under section 97A.421, subdivision 2a. Multiple revocations shall be consecutive and no wild animals of any kind may be taken during the entire period.

(b) A person may not obtain a license to take the type of wild animals involved in a violation where the restitution value of the wild animals exceeds \$500 and is prohibited from

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taking the type of wild animals involved in the violation for a period of three years after the date of conviction of a violation.

Subd. 5. **Issuance of big game license after conviction.** A person may not obtain any big game license or take big game under a lifetime license for three years after the person is convicted of:

- (1) a gross misdemeanor violation under the game and fish laws relating to big game;
- (2) doing an act without a required big game license; or
- (3) the second violation within three years under the game and fish laws relating to big game.

Subd. 6. **Issuance after intoxication or narcotics conviction.** A person convicted of a violation under section 97B.065, relating to hunting while intoxicated or using narcotics, may not obtain a license to hunt with a firearm or by archery, or hunt with a firearm or by archery under a lifetime license, for five years after a conviction.

Subd. 7. **Suspension for failure to appear in court or pay a fine or surcharge.** If a person:

- (1) fails to appear for court under a summons issued for a violation of the game and fish laws; or
- (2) has been convicted of violating a provision of the game and fish laws, has been sentenced to the payment of a fine or had a surcharge levied against them, and refused or failed to comply with that sentence the person's game and fish license and permit privileges shall be suspended until the person complies.

**History:** 2005 c 136 art 14 s 18

## **609B.722 LICENSE AGENT VIOLATIONS; FORFEITURE OF RIGHT TO SELL AND HANDLE LICENSES.**

License agents that violate Department of Natural Resources laws or rules relating to license sales, handling, or accounting forfeit the right to sell and handle licenses under section 97A.311.

**History:** 2005 c 136 art 14 s 18

## **609B.723 HUNTING WHILE UNDER THE INFLUENCE OF ALCOHOL OR A CONTROLLED SUBSTANCE; HUNTING LIMITATIONS.**

Upon conviction for hunting while under the influence of alcohol or a controlled substance under section 97B.065, a person is subject to the limitations on hunting privileges provided in section 97A.421.

**History:** 2005 c 136 art 14 s 18

## **609B.724 TRESPASSING; LICENSE AND REGISTRATION RESTRICTIONS.**

(a) Under section 97A.315, if a person is convicted of trespassing while exercising or attempting to exercise an activity licensed under game and fish laws, or requiring snowmobile registration under section 84.82, the applicable license and registration are null and void.

(b) A person convicted of a gross misdemeanor under section 97A.315 may not be issued a license to take game for two years after the conviction.

**History:** 2005 c 136 art 14 s 18

## **609B.725 UNLAWFULLY BUYING OR SELLING WILD ANIMALS; LICENSE VOID.**

Licenses possessed by a person convicted under section 97A.325, subdivision 1, are null and void and the person may not take wild animals for three years after the conviction.

**History:** 2005 c 136 art 14 s 18