

S.F. No. 1704 – Minnesota Child, Elder, and Individuals with Disabilities Protection Background Check Act

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Overview

S.F. 1704 makes changes to conform to federal law governing national criminal history background checks. This bill expands the current law governing backgrounds checks for child service providers to those who provide care for the elderly and individuals with disabilities. This bill also authorizes law enforcement agencies to perform criminal history checks for current employees and licensees.

Summary

Section 1. Citation. Renames **section 299C.60** to **299C.64** as the “Minnesota Child, Elder, and Individuals with Disabilities Protection Background Check Act.”

Section 2. Authorized agency. Provides a definition for “authorized agency” which means a licensing agency or the Bureau of Criminal Apprehension.

Section 3. Background check crime. Adds a reference to “vulnerable adult” to the definition of a “background check crime.”

Section 4. Care. Provides a definition of “care.”

Section 5. Child abuse crime. Adds to the definition of “child abuse crime,” a reference to dissemination or possession of pornographic work involving a minor.

Section 6. Covered individual. Provides a definition for “covered individual” which includes an individual with access to children, the elderly, or individuals with disabilities.

Section 7. Individual with disabilities. Provides a definition for “individuals with disabilities.”

Section 8. National criminal history background check system. Provides a definition for “national criminal history background check system.”

Section 9. Qualified entity. Provides a definition for “qualified entity.”

Section 10. Generally. Requires the superintendent to develop procedures in accordance with federal law and make reasonable efforts to respond to background check inquiries within 15 business days. Makes technical and conforming changes.

Section 11. Background check; requirements. Provides that the superintendent must not perform a background check on a covered individual, unless that individual signs a statement that contains their identifying information; information about whether they have been convicted of a crime; a notification that the qualified entity may request a background check; a notification of the covered person’s rights; and a notification that before the background check is complete, the qualified entity may deny the covered individual access to a person to whom the qualified entity provides care.

Section 12. Covered individuals’ rights. Requires a qualified entity to provide the covered individual who is subject to a background check a notice of the right to obtain a copy of any background check report and challenge the accuracy or completeness of the report. The qualified entity must also provide information about the opportunity to appeal.

Section 13. Response of bureau. Makes conforming changes.

Section 14. Admissibility of evidence. Makes conforming changes.

Section 15. Exception; other laws. Makes conforming changes.

Section 16. Minnesota criminal history checks. Authorizes law enforcement agencies to conduct criminal history checks for current employees and licensees. Provides a definition for “current employee” and “current licensee.”