

A bill for an act
relating to veterans; establishing a presumption of rehabilitation through
a person's honorable military service following a prior offense; amending
Minnesota Statutes 2008, section 364.03, subdivision 3.

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

Section 1. Minnesota Statutes 2008, section 364.03, subdivision 3, is amended to read:

Subd. 3. **Evidence of rehabilitation.** (a) A person who has been convicted of a
crime or crimes which directly relate to the public employment sought or to the occupation
for which a license is sought shall not be disqualified from the employment or occupation
if the person can show competent evidence of sufficient rehabilitation and present fitness
to perform the duties of the public employment sought or the occupation for which the
license is sought. ~~Sufficient~~ Competent evidence of sufficient rehabilitation may be
established by the production of a certified copy of a United States Department of Defense
form DD-214 showing the person's honorable discharge, or separation under honorable
conditions, from the United States armed forces for military service rendered following
conviction for any crime that would otherwise disqualify the person from the public
employment sought or the occupation for which the license is sought, or:

(1) a copy of the local, state, or federal release order; and

(2) evidence showing that at least one year has elapsed since release from any local,
state, or federal correctional institution without subsequent conviction of a crime; and
evidence showing compliance with all terms and conditions of probation or parole; or

(3) a copy of the relevant Department of Corrections discharge order or other
documents showing completion of probation or parole supervision.

(b) In addition to the documentary evidence presented, the licensing or hiring authority shall consider any evidence presented by the applicant regarding:

- (1) the nature and seriousness of the crime or crimes for which convicted;
- (2) all circumstances relative to the crime or crimes, including mitigating circumstances or social conditions surrounding the commission of the crime or crimes;
- (3) the age of the person at the time the crime or crimes were committed;
- (4) the length of time elapsed since the crime or crimes were committed; and
- (5) all other competent evidence of rehabilitation and present fitness presented, including, but not limited to, letters of reference by persons who have been in contact with the applicant since the applicant's release from any local, state, or federal correctional institution.

(c) The certified copy of a person's United States Department of Defense form DD-214 showing the person's honorable discharge or separation under honorable conditions from the United States armed forces ceases to qualify as competent evidence of sufficient rehabilitation for purposes of this section upon the person's conviction for any felony crime committed by the person subsequent to the effective date of that honorable discharge or separation from military service.

EFFECTIVE DATE. This section is effective August 1, 2010, and applies to the showing on or after that date of competent evidence of sufficient rehabilitation.