

SENATE

STATE OF MINNESOTA

EIGHTY-SEVENTH LEGISLATURE

S.F. No. 878

(SENATE AUTHORS: HIGGINS, Wiger and Harrington)

DATE	D-PG	OFFICIAL STATUS
03/17/2011	543	Introduction and first reading Referred to State Government Innovation and Veterans
05/03/2011	1667a	Comm report: To pass as amended and re-refer to Judiciary and Public Safety

A bill for an act

relating to veterans; requiring the commissioner of human services to rescind the disqualification of an individual from direct contact with persons receiving services from the holder of a license issued by the commissioner if the offenses requiring disqualification preceded the individual's honorable discharge from military service; establishing a presumption of rehabilitation through a person's honorable military service following a prior offense; amending Minnesota Statutes 2010, sections 245C.22, subdivision 2; 364.03, subdivision 3.

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

Section 1. Minnesota Statutes 2010, section 245C.22, subdivision 2, is amended to read:

Subd. 2. **Incorrect information; rescission.** (a) The commissioner shall rescind the disqualification if the commissioner finds that the information relied upon to disqualify the subject is incorrect.

(b) Upon receipt of a certified copy of a United States Department of Defense form DD-214 from a disqualified individual, the commissioner shall rescind the disqualification if the disqualification is based solely on one or more offenses that preceded the subject's honorable discharge or separation under honorable conditions from the United States armed forces for miliary services.

Sec. 2. Minnesota Statutes 2010, 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 gross misdemeanor or felony crime committed by the person subsequent to the effective date of that honorable discharge or separation from military service.