

State of Minnesota

H. F. No. 62

1.1 A bill for an act

1.2 relating to public safety; reducing drive-by shooting felony conviction from

1.3 permanent disqualification for an individual who has direct contact with persons

1.4 receiving services to 15-year disqualification; amending Minnesota Statutes 2019

1.5 Supplement, section 245C.15, subdivision 1.

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

1.7 Section 1. Minnesota Statutes 2019 Supplement, section 245C.15, subdivision 1, is amended

1.8 to read:

1.9 Subdivision 1. **Permanent disqualification.** (a) An individual is disqualified under

1.10 section 245C.14 if: (1) regardless of how much time has passed since the discharge of the

1.11 sentence imposed, if any, for the offense; and (2) unless otherwise specified, regardless of

1.12 the level of the offense, the individual has committed any of the following offenses: sections

1.13 243.166 (violation of predatory offender registration law); 609.185 (murder in the first

1.14 degree); 609.19 (murder in the second degree); 609.195 (murder in the third degree); 609.20

1.15 (manslaughter in the first degree); 609.205 (manslaughter in the second degree); a felony

1.16 offense under 609.221 or 609.222 (assault in the first or second degree); 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); 609.228

1.19 (great bodily harm caused by distribution of drugs); 609.245 (aggravated robbery); 609.25

1.20 (kidnapping); 609.2661 (murder of an unborn child in the first degree); 609.2662 (murder

1.21 of an unborn child in the second degree); 609.2663 (murder of an unborn child in the third

1.22 degree); 609.322 (solicitation, inducement, and promotion of prostitution); 609.324,

1.23 subdivision 1 (other prohibited acts); 609.342 (criminal sexual conduct in the first degree);

1.24 609.343 (criminal sexual conduct in the second degree); 609.344 (criminal sexual conduct

in the third degree); 609.345 (criminal sexual conduct in the fourth degree); 609.3451 (criminal sexual conduct in the fifth degree); 609.3453 (criminal sexual predatory conduct); 609.352 (solicitation of children to engage in sexual conduct); 609.365 (incest); a felony offense under 609.377 (malicious punishment of a child); a felony offense under 609.378 (neglect or endangerment of a child); 609.561 (arson in the first degree); ~~609.66, subdivision 1e (drive-by shooting)~~; 609.749, subdivision 3, 4, or 5 (felony-level harassment or stalking); 609.855, subdivision 5 (shooting at or in a public transit vehicle or facility); 617.23, subdivision 2, clause (1), or subdivision 3, clause (1) (indecent exposure involving a minor); 617.246 (use of minors in sexual performance prohibited); 617.247 (possession of pictorial representations of minors); or, for a child care background study subject, conviction of a crime that would make the individual ineligible for employment under United States Code, title 42, section 9858f, except for a felony drug conviction, regardless of whether a period of disqualification under subdivisions 2 to 4, would apply if the individual were not a child care background study subject.

(b) An individual's aiding and abetting, attempt, or conspiracy to commit any of the offenses listed in paragraph (a), as each of these offenses is defined in Minnesota Statutes, permanently disqualifies the individual under section 245C.14.

(c) An individual's offense in any other state or country, where the elements of the offense are substantially similar to any of the offenses listed in paragraph (a), permanently disqualifies the individual under section 245C.14.

(d) When a disqualification is based on a judicial determination other than a conviction, the disqualification period begins from the date of the court order. When a disqualification is based on an admission, the disqualification period begins from the date of an admission in court. When a disqualification is based on an Alford Plea, the disqualification period begins from the date the Alford Plea is entered in court. When a disqualification is based on a preponderance of evidence of a disqualifying act, the disqualification date begins from the date of the dismissal, the date of discharge of the sentence imposed for a conviction for a disqualifying crime of similar elements, or the date of the incident, whichever occurs last.

(e) If the individual studied commits one of the offenses listed in paragraph (a) that is specified as a felony-level only offense, but the sentence or level of offense is a gross misdemeanor or misdemeanor, the individual is disqualified, but the disqualification look-back period for the offense is the period applicable to gross misdemeanor or misdemeanor offenses.

- 3.1 (f) A child care background study subject shall be disqualified if the individual is
- 3.2 registered, or required to be registered, on a state sex offender registry or repository or the
- 3.3 National Sex Offender Registry.