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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FOURTH SESSION

H. F. No. 3990

03/05/2026

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The bill was read for the first time and referred to the Committee on Public Safety Finance and Policy

1.1 A bill for an act
1.2 relating to state government; changing provisions for employment or occupation
1.3 due to conviction of a crime; amending Minnesota Statutes 2024, sections 364.03,
1.4 subdivision 3; 364.05.

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

1.6 Section 1. Minnesota Statutes 2024, section 364.03, subdivision 3, is amended to read:

1.7 Subd. 3. Evidence of rehabilitation. (a) A person who has been convicted of a crime
1.8 or crimes which directly relate to the public employment sought or to the occupation for
1.9 which a license is sought shall not be disqualified from the employment or occupation if
1.10 the person can show both competent evidence of sufficient rehabilitation and present fitness
1.11 to perform the duties of the public employment sought or the occupation for which the
1.12 license is sought.

1.13 (b) In determining whether the person has demonstrated competent evidence of sufficient
1.14 rehabilitation and present fitness, the licensing or hiring authority may be established by
1.15 the production of consider the following when making a determination:

1.16 (1) the person's most recent certified copy of a United States Department of Defense
1.17 form DD-214 showing the person's honorable discharge, or separation under honorable
1.18 conditions, from the United States armed forces for military service rendered following
1.19 conviction for any crime that would otherwise disqualify the person from the public
1.20 employment sought or the occupation for which the license is sought; or;

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

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

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

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

2.8 (4) evidence regarding:

2.9 ~~(1)~~ (i) the nature and seriousness of the crime or crimes for which convicted;

2.10 ~~(2)~~ (ii) all circumstances relative to the crime or crimes, including mitigating
 2.11 circumstances or social conditions surrounding the commission of the crime or crimes;

2.12 ~~(3)~~ (iii) the age of the person at the time the crime or crimes were committed; and

2.13 ~~(4)~~ (iv) the length of time elapsed since the crime or crimes were committed; and

2.14 (5) all other competent evidence of rehabilitation and present fitness presented, including,
 2.15 but not limited to, letters of reference by persons who have been in contact with the applicant
 2.16 since the applicant's release from any local, state, or federal correctional institution.

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

2.23 Sec. 2. Minnesota Statutes 2024, section 364.05, is amended to read:

2.24 **364.05 NOTIFICATION UPON DENIAL OF EMPLOYMENT OR**
 2.25 **DISQUALIFICATION FROM OCCUPATION.**

2.26 If a hiring or licensing authority denies an individual a position of public employment
 2.27 or disqualifies the individual from pursuing, practicing, or engaging in any occupation for
 2.28 which a license is required, solely or in part because of the individual's prior conviction of
 2.29 a crime, the hiring or licensing authority shall notify the individual in writing of the following:

2.30 (1) the grounds and reasons for the denial or disqualification;

2.31 (2) the applicable complaint and grievance procedure as set forth in section 364.06;

- 3.1 (3) the earliest date the person may reapply for a position of public employment or a
3.2 license with a hiring or licensing authority; and
- 3.3 (4) that all competent evidence of rehabilitation presented upon reapplication will be
3.4 considered ~~upon reapplication~~.