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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 2041

03/09/2021

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

1.1 A bill for an act  
1.2 relating to public safety; authorizing local units of government to conduct criminal  
1.3 background checks under certain circumstances; proposing coding for new law in  
1.4 Minnesota Statutes, chapter 299C.

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

1.6 Section 1. [299C.77] FEDERAL BACKGROUND CHECKS BY POLITICAL  
1.7 SUBDIVISIONS.

1.8 Subdivision 1. Definitions. (a) For purposes of this section, the following terms have  
1.9 the meanings given them.

1.10 (b) "Applicant for employment" means an individual who seeks either county, city, or  
1.11 township employment where the job duties include access to residential property or business  
1.12 property.

1.13 (c) "Applicant for licensure" means an individual who seeks a license issued by a county,  
1.14 city, or township to:

1.15 (1) operate an adult entertainment establishment as defined in section 617.242, subdivision  
1.16 1, clause (1);

1.17 (2) provide massage services;

1.18 (3) operate a business providing massage services;

1.19 (4) operate as a solicitor or peddler;

1.20 (5) operate a lawful gambling business other than charitable gambling;

1.21 (6) obtain a premise permit for lawful gambling;

2.1 (7) operate a taxi service; or

2.2 (8) operate as a pawnbroker or precious metal or secondhand goods dealer.

2.3 Subd. 2. **Background check authorized.** (a) A county, city, or township may investigate  
2.4 the criminal history background of any applicant for employment or applicant for licensure.

2.5 (b) The investigation must consist of a criminal history check of the state criminal records  
2.6 repository and a national criminal history check. The county, city, or township shall accept  
2.7 the applicant's signed informed consent form for the state and national criminal history  
2.8 check request, fingerprints, and required fees. The county, city, or township shall submit  
2.9 the applicant's signed informed consent form, fingerprints, and fees to the superintendent  
2.10 of the Bureau of Criminal Apprehension, who is authorized to exchange the fingerprints  
2.11 with the Federal Bureau of Investigation to obtain the applicant's national criminal history  
2.12 record information. The superintendent shall also retrieve Minnesota criminal history data  
2.13 and provide the results of both checks to the county, city, or township. Using the criminal  
2.14 history data provided by the superintendent, the county, city, or township shall determine  
2.15 whether the applicant is disqualified from employment or licensure. The applicant's failure  
2.16 to cooperate with the county, city, or township in conducting the records check is reasonable  
2.17 cause to deny an application.