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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 4928

03/14/2024 Authored by Quam, Scott and Knudsen 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 public safety; ensuring safety of children with no lawful immigration
1.3 status living in and moving into the state; proposing coding for new law in
1.4 Minnesota Statutes, chapter 609.

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

1.6 Section 1. 609.289 UNACCOMPANIED CHILD.

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

1.9 (b) "Care provider" means a federal Office of Refugee Resettlement funded care provider
1.10 of unaccompanied children that is licensed, certified, or accredited by an appropriate state
1.11 agency to provide residential care for children, including shelter, group, foster care,
1.12 staff-secure, secure, therapeutic, or residential treatment care.

1.13 (c) "Crime of violence" has the meaning given in section 624.712, subdivision 5.

1.14 (d) "Entity" means any individual, program, or organization that operates a shelter, group
1.15 home, foster care, or other residential care setting or facility that is not part of the federal
1.16 program funded by the Office of Refugee Resettlement."

1.17 (e) "Sponsor" means an individual or entity that takes custody of an unaccompanied
1.18 child.

1.19 (f) "Unaccompanied child" means a child who:

1.20 (1) has no lawful immigration status in the United States;

1.21 (2) has not attained 18 years of age; and

2.1 (3) with respect to the child:

2.2 (i) there is no parent or legal guardian in the United States; or

2.3 (ii) no parent or legal guardian in the United States is available to provide care and
2.4 physical custody.

2.5 Subd. 2. **Care provider; sponsor screening.** In addition to complying with the safe
2.6 screening methods required by the federal Office of Refugee Resettlement, the care provider
2.7 must request that the superintendent of the Bureau of Criminal Apprehension conduct a
2.8 background check of the sponsor. A completed background check is required before the
2.9 child is placed with the sponsor. The placement must not be approved if the background
2.10 check reveals any conviction for committing or attempting to commit child abuse or neglect,
2.11 labor or sexual human trafficking, or a crime of violence.

2.12 Subd. 3. **Transportation organization; sponsor, individual, or entity screening.** A
2.13 nonprofit organization or nongovernmental organization that is used to transport an
2.14 unaccompanied child to a sponsor, individual, or entity in the state must verify with the
2.15 Bureau of Criminal Apprehension or local law enforcement agency that the unaccompanied
2.16 child is not being transported to a sponsor, individual, or entity that is involved in child
2.17 abuse or neglect, labor or sexual human trafficking, or a crime of violence. Before the child
2.18 is placed with the sponsor, individual, or entity the nonprofit organization or nongovernmental
2.19 organization transporting the child must receive verification of the criminal status of the
2.20 sponsor, individual, or entity. The nonprofit organization or nongovernmental organization
2.21 transporting the child must not leave the child with the sponsor, individual, or entity if the
2.22 Bureau of Criminal Apprehension or local law enforcement agency verifies through a
2.23 background check that the sponsor, individual, or entity has committed or attempted to
2.24 commit child abuse or neglect, labor or sexual human trafficking, or a crime of violence.

2.25 Subd. 4. **Background check.** (a) For a background check under subdivision 2, the
2.26 superintendent of the Bureau of Criminal Apprehension shall develop procedures and
2.27 standardized forms to enable a care provider to request a background check of a potential
2.28 sponsor to determine whether the sponsor is the subject of a reported conviction for
2.29 committing or attempting to commit child abuse or neglect, labor or sex trafficking, a crime
2.30 of violence, or any other crime. The superintendent shall perform the background check by
2.31 retrieving and reviewing criminal record data on the potential sponsor. The superintendent
2.32 shall notify the care provider in writing of the results of the background check. If the potential
2.33 sponsor has resided in Minnesota for less than ten years or upon request of the care provider,
2.34 the superintendent shall: (1) conduct a search of the national criminal records repository,

3.1 including the criminal justice data communications network; or (2) conduct a search of the
3.2 criminal justice data communications network records in the state or states where the sponsor
3.3 has resided for the preceding ten years. The superintendent is authorized to exchange
3.4 fingerprints with the Federal Bureau of Investigation for purposes of the background check.

3.5 (b) For a verification under subdivision 3 to determine whether a sponsor, individual,
3.6 or entity is the subject of a reported conviction for committing or attempting to commit
3.7 child abuse or neglect, labor or sex trafficking, a crime of violence, or any other crime:

3.8 (1) the superintendent shall use the same procedure and standardized forms used to
3.9 request and perform a background check under paragraph (a); and

3.10 (2) a local law enforcement agency must consult with the superintendent to develop a
3.11 procedure and standardized forms for a nonprofit organization or nongovernmental
3.12 organization to use to request a background check under subdivision 3.

3.13 (c) The superintendent or local law enforcement agency shall recover the cost of a
3.14 background check through a fee charged to the care provider under subdivision 2 or
3.15 transporting organization under subdivision 3.

3.16 Subd. 5. **Violation.** (a) A care provider is in violation of this section if the care provider
3.17 does not take reasonable measures to comply with subdivision 2.

3.18 (b) A nonprofit organization or nongovernmental organization is in violation of this
3.19 section if the organization does not take reasonable measures to comply with subdivision
3.20 3.