

(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

1.1A bill for an act

1.2relating to veterans; establishing a presumption of rehabilitation through

1.3a person's honorable military service following a prior offense; amending

1.4Minnesota Statutes 2010, section 364.03, subdivision 3.

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

1.6Section 1. Minnesota Statutes 2010, section 364.03, subdivision 3, is amended to read:

1.7Subd. 3. **Evidence of rehabilitation.** (a) A person who has been convicted of a

1.8crime or crimes which directly relate to the public employment sought or to the occupation

1.9for which a license is sought shall not be disqualified from the employment or occupation

1.10if the person can show competent evidence of sufficient rehabilitation and present fitness

1.11to perform the duties of the public employment sought or the occupation for which the

1.12license is sought. ~~Sufficient~~ Competent evidence of sufficient rehabilitation may be

1.13established by the production of a certified copy of a United States Department of Defense

1.14form DD-214 showing the person's honorable discharge, or separation under honorable

1.15conditions, from the United States armed forces for military service rendered following

1.16conviction for any crime that would otherwise disqualify the person from the public

1.17employment sought or the occupation for which the license is sought, or:

1.18(1) a copy of the local, state, or federal release order; and

1.19(2) evidence showing that at least one year has elapsed since release from any local,

1.20state, or federal correctional institution without subsequent conviction of a crime; and

1.21evidence showing compliance with all terms and conditions of probation or parole; or

1.22(3) a copy of the relevant Department of Corrections discharge order or other

1.23documents 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 felony crime committed by the person subsequent to the effective date of that honorable discharge or separation from military service.