

SENATE

STATE OF MINNESOTA

EIGHTY-EIGHTH SESSION

S.F. No. 1676

(SENATE AUTHORS: LATZ, Champion, Senjem, Ingebrigtsen and Dziedzic)

DATE	D-PG	OFFICIAL STATUS
05/19/2013	4972	Introduction and first reading Referred to Judiciary
03/17/2014		Comm report: To pass as amended and re-refer to Health, Human Services and Housing

1.1

A bill for an act

1.2

relating to crime; enacting the Uniform Collateral Consequences of Conviction

1.3

Act proposed for adoption by the National Conference of Commissioners on

1.4

Uniform State Laws; conforming other law regarding collateral consequences

1.5

and the rehabilitation of criminal offenders with the uniform act; amending

1.6

Minnesota Statutes 2012, section 364.07; proposing coding for new law in

1.7

Minnesota Statutes, chapter 638; repealing Minnesota Statutes 2012, sections

1.8

609B.050; 609B.100; 609B.101; 609B.102; 609B.103; 609B.104; 609B.105;

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609B.106; 609B.107; 609B.108; 609B.109; 609B.110; 609B.111; 609B.112;

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609B.113; 609B.120; 609B.121; 609B.122; 609B.123; 609B.124; 609B.125;

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609B.126; 609B.127; 609B.128; 609B.129; 609B.130; 609B.132; 609B.133;

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609B.134; 609B.135; 609B.136; 609B.137; 609B.139; 609B.140; 609B.141;

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609B.142; 609B.143; 609B.144; 609B.146; 609B.147; 609B.148; 609B.149;

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609B.1495; 609B.150; 609B.151; 609B.152; 609B.153; 609B.155; 609B.157;

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609B.158; 609B.159; 609B.160; 609B.161; 609B.162; 609B.164; 609B.1645;

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609B.165; 609B.168; 609B.170; 609B.171; 609B.172; 609B.173; 609B.174;

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609B.175; 609B.176; 609B.177; 609B.179; 609B.180; 609B.181; 609B.183;

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609B.184; 609B.185; 609B.187; 609B.188; 609B.189; 609B.191; 609B.192;

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609B.520; 609B.525; 609B.530; 609B.535; 609B.540; 609B.545; 609B.600;

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609B.610; 609B.611; 609B.612; 609B.613; 609B.614; 609B.615; 609B.700;

1.29

609B.710; 609B.720; 609B.721; 609B.722; 609B.723; 609B.724; 609B.725.

1.30

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

1.31

ARTICLE 1

1.32

UNIFORM COLLATERAL CONSEQUENCES OF CONVICTION ACT

1.33

Section 1. [638.10] SHORT TITLE.

Sections 638.10 to 638.26 may be cited as the "Uniform Collateral Consequences of Conviction Act."

Sec. 2. **[638.11] DEFINITIONS.**

(a) For the purposes of sections 638.10 to 638.26, the terms defined in this section have the meanings given them.

(b) "Collateral consequence" means a collateral sanction or a disqualification.

(c) "Collateral sanction" means a penalty, disability, or disadvantage, however denominated, imposed on an individual as a result of the individual's conviction of an offense which applies by operation of law whether or not the penalty, disability, or disadvantage is included in the judgment or sentence. The term does not include imprisonment, probation, parole, supervised release, forfeiture, restitution, fine, assessment, or costs of prosecution.

(d) "Conviction" or "Convicted" includes a child adjudicated delinquent.

(e) "Decision maker" means the state acting through a department, agency, officer, or instrumentality, including a political subdivision, educational institution, board, or commission, or its employees, or a government contractor, including a subcontractor, made subject to sections 638.10 to 638.26 by contract, other law, or ordinance.

(f) "Disqualification" means a penalty, disability, or disadvantage, however denominated, that an administrative agency, governmental official, or court in a civil proceeding is authorized, but not required, to impose on an individual on grounds relating to the individual's conviction of an offense.

(g) "Offense" means a felony, gross misdemeanor, misdemeanor, or adjudication as a delinquent under the laws of this state, another state, or the United States.

(h) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

(i) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

Sec. 3. **[638.12] LIMITATION ON SCOPE.**

(a) Sections 638.10 to 638.26 do not provide a basis for:

(1) invalidating a plea, conviction, or sentence;

(2) a cause of action for money damages; or

3.1 (3) a claim for relief from or defense to the application of a collateral consequence  
3.2 based on a failure to comply with section 638.13, 638.14, or 638.15.

3.3 (b) Sections 638.10 to 638.26 do not affect:

3.4 (1) the duty an individual's attorney owes to the individual;

3.5 (2) a claim or right of a victim of an offense; or

3.6 (3) a right or remedy under law other than sections 638.10 to 638.26 available  
3.7 to an individual convicted of an offense.

3.8 **Sec. 4. [638.13] IDENTIFICATION, COLLECTION, AND PUBLICATION OF**  
3.9 **LAWS REGARDING COLLATERAL CONSEQUENCES.**

3.10 (a) The revisor of statutes shall:

3.11 (1) identify or cause to be identified any provision in this state's constitution,  
3.12 statutes, and administrative rules which imposes a collateral sanction or authorizes the  
3.13 imposition of a disqualification, and any provision of law that may afford relief from a  
3.14 collateral consequence;

3.15 (2) in a timely manner after the effective date of sections 638.10 to 638.26, prepare a  
3.16 collection of citations to, and the text or short descriptions of, the provisions identified  
3.17 under clause (1); and

3.18 (3) annually update the collection in a timely manner after the regular or last special  
3.19 session of the legislature in a calendar year.

3.20 In complying with clauses (1) and (2), the revisor may rely on the study of this state's  
3.21 collateral sanctions, disqualifications, and relief provisions prepared by the National  
3.22 Institute of Justice described in section 510 of the Court Security Improvement Act of  
3.23 2007, Public Law 110-177.

3.24 (b) The revisor of statutes shall include the following statements or substantially  
3.25 similar language in a prominent manner at the beginning of the collection required under  
3.26 paragraph (a):

3.27 (1) This collection has not been enacted into law and does not have the force of law.

3.28 (2) An error or omission in this collection or in any reference work cited in this  
3.29 collection is not a reason for invalidating a plea, conviction, or sentence or for not  
3.30 imposing a collateral sanction or authorizing a disqualification.

3.31 (3) The laws of other jurisdictions and local governments which impose additional  
3.32 collateral sanctions and authorize additional disqualifications are not included in this  
3.33 collection.

(4) This collection does not include any law or other provision regarding the imposition of or relief from a collateral sanction or a disqualification enacted or adopted after (date the collection was prepared or last updated.)

(c) The Office of the Revisor of Statutes shall publish the collection prepared and updated as required under paragraph (a). If available, it shall publish as part of the collection, the title and Internet address of the most recent collection of:

(1) the collateral consequences imposed by federal law; and

(2) any provision of federal law that may afford relief from a collateral consequence.

(d) The collection described under paragraph (c) must be available to the public on the Internet without charge in a reasonable time after it is created or updated.

**Sec. 5. [638.14] NOTICE OF COLLATERAL CONSEQUENCES IN PRETRIAL PROCEEDING AND AT GUILTY PLEA.**

(a) When an individual receives formal notice that the individual is charged with an offense, the prosecuting attorney of the county or city in which the individual is charged shall cause information substantially similar to the following to be communicated to the individual:

**NOTICE OF ADDITIONAL LEGAL CONSEQUENCES**

If you plead guilty or are convicted of an offense you may suffer additional legal consequences beyond jail or prison, probation, periods of parole or supervised release, and fines. These consequences may include:

(1) being unable to get or keep some licenses, permits, or jobs;

(2) being unable to get or keep benefits such as public housing or education;

(3) receiving a harsher sentence if you are convicted of another offense in the future;

(4) having the government take your property; and

(5) being unable to vote or possess a firearm.

If you are not a United States citizen, a guilty plea or conviction may also result in your deportation, removal, exclusion from admission to the United States, or denial of citizenship.

The law may provide ways to obtain some relief from these consequences.

Further information about the consequences of conviction is available on the Internet at (Internet address of the collection of laws published under section 638.13, paragraphs (c) and (d).)

(b) Before the court accepts a plea of guilty or nolo contendere from an individual, the court shall confirm that the individual received and understands the notice required by paragraph (a) and had an opportunity to discuss the notice with counsel.

5.1       Sec. 6. **[638.15] NOTICE OF COLLATERAL CONSEQUENCES AT**  
5.2 **SENTENCING AND UPON RELEASE.**

5.3       (a) As provided in paragraphs (b) and (c), an individual convicted of an offense  
5.4 shall be given the following notice:

5.5       (1) that collateral consequences may apply because of this conviction;

5.6       (2) the Internet address of the collection of laws published under section 638.13,  
5.7 paragraph (c);

5.8       (3) that there may be ways to obtain relief from collateral consequences;

5.9       (4) contact information for government or nonprofit agencies, groups, or  
5.10 organizations, if any, offering assistance to individuals seeking relief from collateral  
5.11 consequences; and

5.12       (5) when an individual convicted of an offense may vote under state law.

5.13       (b) The court shall provide the notice in paragraph (a) as a part of sentencing.

5.14       (c) If an individual is sentenced to imprisonment or other incarceration, the officer or  
5.15 agency releasing the individual shall provide the notice in paragraph (a) not more than 30,  
5.16 and, if practicable, at least ten days before release.

5.17       Sec. 7. **[638.16] AUTHORIZATION REQUIRED FOR COLLATERAL**  
5.18 **SANCTION; AMBIGUITY.**

5.19       (a) A collateral sanction may be imposed only by statute or ordinance, or by rule  
5.20 authorized by law and adopted under chapter 14.

5.21       (b) A law creating a collateral consequence that is ambiguous as to whether it  
5.22 imposes a collateral sanction or authorizes a disqualification must be construed as  
5.23 authorizing a disqualification.

5.24       Sec. 8. **[638.17] DECISION TO DISQUALIFY.**

5.25       In deciding whether to impose a disqualification, a decision maker shall undertake  
5.26 an individualized assessment to determine whether the benefit or opportunity at issue shall  
5.27 be denied the individual. In making that decision, the decision maker may consider,  
5.28 if substantially related to the benefit or opportunity at issue, the particular facts and  
5.29 circumstances involved in the offense, and the essential elements of the offense. A  
5.30 conviction itself may not be considered except as having established the elements of the  
5.31 offense. The decision maker shall also consider other relevant information including, at a  
5.32 minimum, the effect on third parties of granting the benefit or opportunity and whether  
5.33 the individual has been granted relief such as an order of limited relief or a certificate  
5.34 of restoration of rights.

6.1       Sec. 9. **[638.18] EFFECT OF CONVICTION BY ANOTHER STATE OR THE**  
6.2 **UNITED STATES; RELIEVED OR PARDONED CONVICTION.**

6.3           (a) For purposes of authorizing or imposing a collateral consequence in this state,  
6.4 a conviction of an offense in a court of another state or the United States is deemed a  
6.5 conviction of the offense in this state with the same elements. If there is no offense in  
6.6 this state with the same elements, the conviction is deemed a conviction of the most  
6.7 serious offense in this state which is established by the elements of the offense. A  
6.8 misdemeanor in the jurisdiction of conviction may not be deemed a felony in this state,  
6.9 and an offense lesser than a misdemeanor in the jurisdiction of conviction may not be  
6.10 deemed a conviction of a felony, gross misdemeanor, or misdemeanor in this state.

6.11           (b) For purposes of authorizing or imposing a collateral consequence in this state, a  
6.12 juvenile adjudication in another state or the United States may not be deemed a conviction  
6.13 of a felony, gross misdemeanor, misdemeanor, or offense lesser than a misdemeanor in  
6.14 this state, but may be deemed a juvenile adjudication for the delinquent act in this state  
6.15 with the same elements. If there is no delinquent act in this state with the same elements,  
6.16 the juvenile adjudication is deemed an adjudication of the most serious delinquent act in  
6.17 this state which is established by the elements of the offense.

6.18           (c) A conviction that is reversed, overturned, or otherwise vacated by a court of  
6.19 competent jurisdiction of this state, another state, or the United States on grounds other  
6.20 than rehabilitation or good behavior may not serve as the basis for authorizing or imposing  
6.21 a collateral consequence in this state.

6.22           (d) A pardon issued by another state or the United States has the same effect for  
6.23 purposes of authorizing, imposing, and relieving a collateral consequence in this state as  
6.24 it has in the issuing jurisdiction.

6.25           (e) A conviction that has been relieved by expungement, sealing, annulment,  
6.26 set-aside, or vacation by a court of competent jurisdiction of another state or the United  
6.27 States on grounds of rehabilitation or good behavior, or for which civil rights are restored  
6.28 pursuant to statute, has the same effect for purposes of authorizing or imposing collateral  
6.29 consequences in this state as it has in the jurisdiction of conviction. However, this relief or  
6.30 restoration of civil rights does not relieve collateral consequences applicable under the law  
6.31 of this state for which relief could not be granted under section 638.21 or for which relief  
6.32 was expressly withheld by the court order or by the law of the jurisdiction that relieved the  
6.33 conviction. An individual convicted in another jurisdiction may seek relief under section  
6.34 638.19 or 638.20 from any collateral consequence for which relief was not granted in the  
6.35 issuing jurisdiction, other than those listed in section 638.21, and the Department of  
6.36 Corrections, Policy and Legal Services Unit, Hearings and Release, shall consider that the

conviction was relieved or civil rights restored in deciding whether to issue an order of limited relief or certificate of restoration of rights.

(f) A charge or prosecution in any jurisdiction which has been finally terminated without a conviction and imposition of sentence based on participation in a deferred adjudication or diversion program may not serve as the basis for authorizing or imposing a collateral consequence in this state. This paragraph does not affect the validity of any restriction or condition imposed by law as part of participation in the deferred adjudication or diversion program, before or after the termination of the charge or prosecution.

Sec. 10. **[638.19] ORDER OF LIMITED RELIEF.**

(a) An individual convicted of an offense may petition for an order of limited relief from one or more collateral sanctions related to employment, education, housing, public benefits, or occupational licensing. The petition may be presented to the:

(1) sentencing court at or before sentencing; or

(2) Department of Corrections, Policy and Legal Services Unit, Hearings and Release, at any time after sentencing.

(b) Except as otherwise provided in section 638.21, the court or the Department of Corrections, Policy and Legal Services Unit, Hearings and Release, may issue an order of limited relief relieving one or more of the collateral sanctions described in paragraph (a) if, after reviewing the petition, the individual's criminal history, any filing by a victim under section 638.24 or a prosecutor, and any other relevant evidence, it finds the individual has established by a preponderance of the evidence that:

(1) granting the petition will materially assist the individual in obtaining or maintaining employment, education, housing, public benefits, or occupational licensing;

(2) the individual has substantial need for the relief requested in order to live a law-abiding life; and

(3) granting the petition would not pose an unreasonable risk to the safety or welfare of the public or any individual.

(c) The order of limited relief must specify:

(1) the collateral sanction from which relief is granted; and

(2) any restriction imposed pursuant to section 638.22, paragraph (a).

(d) An order of limited relief relieves a collateral sanction to the extent provided in the order.

(e) If a collateral sanction has been relieved pursuant to this section, a decision maker may consider the conduct underlying a conviction as provided in section 638.17.

8.1       Sec. 11. **[638.20] CERTIFICATE OF RESTORATION OF RIGHTS.**

8.2           (a) An individual convicted of an offense may petition the Department of  
8.3 Corrections, Policy and Legal Services Unit, Hearings and Release, for a certificate of  
8.4 restoration of rights relieving collateral sanctions not sooner than five years after the  
8.5 individual's most recent conviction of a felony, gross misdemeanor, or misdemeanor in any  
8.6 jurisdiction, or not sooner than five years after the individual's release from confinement  
8.7 pursuant to a criminal sentence in any jurisdiction, whichever is later.

8.8           (b) Except as otherwise provided in section 638.21, the Department of Corrections,  
8.9 Policy and Legal Services Unit, Hearings and Release, may issue a certificate of  
8.10 restoration of rights if, after reviewing the petition, the individual's criminal history, any  
8.11 filing by a victim under section 638.24 or a prosecutor, and any other relevant evidence, it  
8.12 finds the individual has established by a preponderance of the evidence that:

8.13           (1) the individual is engaged in, or seeking to engage in, a lawful occupation or  
8.14 activity, including employment, training, education, or rehabilitative programs, or the  
8.15 individual otherwise has a lawful source of support;

8.16           (2) the individual is not in violation of the terms of any criminal sentence, or that  
8.17 any failure to comply is justified, excused, involuntary, or insubstantial;

8.18           (3) a criminal charge is not pending against the individual; and

8.19           (4) granting the petition would not pose an unreasonable risk to the safety or welfare  
8.20 of the public or any individual.

8.21           (c) A certificate of restoration of rights must specify any restriction imposed and  
8.22 collateral sanction from which relief has not been granted under section 638.22, paragraph  
8.23 (a).

8.24           (d) A certificate of restoration of rights relieves all collateral sanctions, except those  
8.25 listed in section 638.21 and any others specifically excluded in the certificate.

8.26           (e) If a collateral sanction has been relieved pursuant to this section, a decision  
8.27 maker may consider the conduct underlying a conviction as provided in section 638.17.

8.28       Sec. 12. **[638.21] COLLATERAL SANCTIONS NOT SUBJECT TO ORDER OF**  
8.29 **LIMITED RELIEF OR CERTIFICATE OF RESTORATION OF RIGHTS.**

8.30           An order of limited relief or certificate of restoration of rights may not be issued to  
8.31 relieve the following collateral sanctions:

8.32           (1) requirements imposed by sections 243.166 and 243.167;

8.33           (2) a motor vehicle license suspension, revocation, limitation, or ineligibility for  
8.34 driving while intoxicated pursuant to section 169A.20, or sections 169.792, 169.797,



169A.52, 169A.54, 171.17, 171.172, 171.173, 171.18, and 171.186, for which restoration or relief is available pursuant to sections 171.30 and 171.306; or

(3) ineligibility for employment pursuant to sections 387.36, 419.06, or other law restricting employment of convicted individuals by law enforcement agencies, such as the Department of Corrections, Department of Public Safety, Office of the Attorney General, sheriff's offices, police departments, and judicial offices.

**Sec. 13. [638.22] ISSUANCE, MODIFICATION, AND REVOCATION OF ORDER OF LIMITED RELIEF AND CERTIFICATE OF RESTORATION OF RIGHTS.**

(a) When a petition is filed under section 638.19 or 638.20, including a petition for enlargement of an existing order of limited relief or certificate of restoration of rights, the Department of Corrections, Policy and Legal Services Unit, Hearings and Release, shall notify the office that prosecuted the offense giving rise to the collateral consequence from which relief is sought and, if the conviction was not obtained in a court of this state, the attorney general. The court may issue an order and the Department of Corrections, Policy and Legal Services Unit, Hearings and Release, may issue an order or certificate subject to restriction, condition, or additional requirement. When issuing, denying, modifying, or revoking an order or certificate, the Department of Corrections hearing officer may impose conditions for reapplication.

(b) The hearing officer may restrict or revoke an order of limited relief or certificate of restoration of rights it issued or an order of limited relief issued by a court in this state if it finds just cause by a preponderance of the evidence. Just cause includes subsequent conviction of a felony in this state or of an offense in another jurisdiction that is deemed a felony in this state under section 638.18, paragraph (a). An order of restriction or revocation may be issued:

(1) on motion of the hearing officer, the office of the prosecutor that obtained the conviction, or a government agency designated by that prosecutor;

(2) after notice to the individual and any prosecutor that has appeared in the matter; and

(3) after a hearing under chapter 14 if requested by the individual or the prosecutor that made the motion or any prosecutor that has appeared in the matter.

(c) The court or hearing officer shall order any test, report, investigation, or disclosure by the individual it reasonably believes necessary to its decision to issue, modify, or revoke an order of limited relief or certificate of restoration of rights. If there are material disputed issues of fact or law, the individual and any prosecutor notified under

paragraph (a) or another prosecutorial agency designated by a prosecutor notified under paragraph (a) may submit evidence and be heard on those issues.

(d) The Department of Corrections, Policy and Legal Services Unit, Hearings and Release, shall maintain a public record of the issuance, modification, and revocation of orders of limited relief and certificates of restoration of rights. The criminal history record system of the Bureau of Criminal Apprehension must include issuance, modification, and revocation of orders and certificates.

(e) The Department of Corrections may adopt rules for application, determination, modification, and revocation of orders of limited relief and certificates of restoration of rights, in accordance with chapter 14.

**Sec. 14. [638.23] RELIANCE ON ORDER OR CERTIFICATE AS EVIDENCE OF DUE CARE.**

In a judicial or administrative proceeding alleging negligence or other fault, an order of limited relief or a certificate of restoration of rights may be introduced as evidence of a person's due care in hiring, retaining, licensing, leasing to, admitting to a school or program, or otherwise transacting business or engaging in activity with the individual to whom the order was issued, if the person knew of the order or certificate at the time of the alleged negligence or other fault.

**Sec. 15. [638.24] VICTIM'S RIGHTS.**

A victim of an offense may participate in a proceeding for issuance, modification, or revocation of an order of limited relief or a certificate of restoration of rights in the same manner as at a sentencing proceeding pursuant to chapter 611A.

**Sec. 16. [638.25] UNIFORMITY OF APPLICATION AND CONSTRUCTION.**

In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

**Sec. 17. [638.26] SAVINGS AND TRANSITIONAL PROVISIONS.**

(a) Sections 638.10 to 638.26 apply to collateral consequences whenever enacted or imposed, unless the law creating the collateral consequence expressly states that sections 638.10 to 638.26 do not apply.

(b) Sections 638.10 to 638.26 do not invalidate the imposition of a collateral sanction on an individual before the effective date of sections 638.10 to 638.26, but a collateral

11.1 sanction validly imposed before the effective date of sections 638.10 to 638.26 may be  
11.2 the subject of relief under these sections.

11.3 Sec. 18. **EFFECTIVE DATE.**

11.4 Sections 1 to 17 are effective January 1, 2014.

11.5 **ARTICLE 2**

11.6 **CONFORMING AMENDMENTS**

11.7 Section 1. Minnesota Statutes 2012, section 364.07, is amended to read:

11.8 **364.07 APPLICATION.**

11.9 The provisions of sections 364.01 to 364.10 shall prevail over any other laws and  
11.10 rules, except for sections 638.10 to 638.26 and any rules adopted under section 638.22,  
11.11 which purport to govern the granting, denial, renewal, suspension, or revocation of a  
11.12 license or the initiation, suspension, or termination of public employment on the grounds  
11.13 of conviction of a crime or crimes. In deciding to grant, deny, revoke, suspend, or renew a  
11.14 license, or to deny, suspend, or terminate public employment for a lack of good moral  
11.15 character or the like, the hiring or licensing authority may consider evidence of conviction  
11.16 of a crime or crimes but only in the same manner and to the same effect as provided for  
11.17 in sections 364.01 to 364.10. Nothing in sections 364.01 to 364.10 shall be construed to  
11.18 otherwise affect relevant proceedings involving the granting, denial, renewal, suspension,  
11.19 or revocation of a license or the initiation, suspension, or termination of public employment.

11.20 Sec. 2. **REPEALER.**

11.21 Minnesota Statutes 2012, sections 609B.050; 609B.100; 609B.101; 609B.102;  
11.22 609B.103; 609B.104; 609B.105; 609B.106; 609B.107; 609B.108; 609B.109; 609B.110;  
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12.5 609B.450; 609B.455; 609B.460; 609B.465; 609B.500; 609B.505; 609B.510; 609B.515;  
12.6 609B.518; 609B.520; 609B.525; 609B.530; 609B.535; 609B.540; 609B.545; 609B.600;  
12.7 609B.610; 609B.611; 609B.612; 609B.613; 609B.614; 609B.615; 609B.700; 609B.710;  
12.8 609B.720; 609B.721; 609B.722; 609B.723; 609B.724; and 609B.725, are repealed.

12.9 Sec. 3. **EFFECTIVE DATE.**

12.10 Sections 1 and 2 are effective January 1, 2014.

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Article locations in 13-0835

	UNIFORM COLLATERAL CONSEQUENCES OF CONVICTION	
ARTICLE 1	ACT .....	Page.Ln 1.31
ARTICLE 2	CONFORMING AMENDMENTS .....	Page.Ln 11.5

**609B.050 DEFINITIONS; PURPOSE; CROSS-REFERENCES.**

Subdivision 1. **Definitions.** For purposes of this chapter:

(1) "automatically" means either by operation of law or by the mandated action of a designated official or agency; and

(2) "collateral sanction" means a legal penalty, disability, or disadvantage, however denominated, that is imposed on a person automatically when that person is convicted of or found to have committed a crime, even if the sanction is not included in the sentence. Collateral sanction does not include:

(i) a direct consequence of the crime such as a criminal fine, restitution, or incarceration; or

(ii) a requirement imposed by the sentencing court or other designated official or agency that the convicted person provide a biological specimen for DNA analysis, provide fingerprints, or submit to any form of assessment or testing.

Subd. 2. **Statement of purpose.** This chapter contains cross-references to Minnesota Statutes imposing collateral sanctions. This chapter provides quick access to the cross-referenced collateral sanctions by using the following categories:

(1) collateral sanctions relating to employment and licensing;

(2) collateral sanctions relating to teaching;

(3) collateral sanctions relating to nursing and other health care licenses;

(4) collateral sanctions relating to transportation;

(5) collateral sanctions relating to elections;

(6) collateral sanctions relating to carriers;

(7) collateral sanctions relating to miscellaneous licensing provisions;

(8) collateral sanctions relating to liquor;

(9) collateral sanctions relating to gambling;

(10) collateral sanctions relating to fiduciary service and public office vacancies;

(11) collateral sanctions relating to local government;

(12) collateral sanctions relating to metropolitan area officers and peace officers;

(13) collateral sanctions relating to driving and motor vehicles;

(14) collateral sanctions relating to prison program eligibility;

(15) collateral sanctions relating to offender registration;

(16) collateral sanctions relating to crimes against a person; crimes of violence;

(17) collateral sanctions relating to possession of firearms, explosives, and similar devices;

(18) collateral sanctions relating to services and benefits;

(19) collateral sanctions relating to property rights;

(20) collateral sanctions relating to civil rights and remedies;

(21) collateral sanctions relating to recreational activities; and

(22) collateral sanctions relating to game and fish laws.

Subd. 3. **Cautionary language.** The following cautionary language should be noted:

(1) the list of collateral sanctions laws contained in this chapter is intended to be comprehensive but is not necessarily complete;

(2) the inclusion or exclusion of a collateral sanction in this chapter is not intended to have any substantive legal effect;

(3) the cross-references used in this chapter are intended solely to indicate the contents of the cross-referenced section or subdivision and are not part of the cross-referenced statute;

(4) the cross-references are not substantive and may not be used to construe or limit the meaning of any statutory language; and

(5) users must consult the language of each cross-referenced law to fully understand the scope and effect of the collateral sanction it imposes.

**609B.100 EMPLOYMENT AND OCCUPATIONAL LICENSING; GENERALLY.**

Sections 609B.101 to 609B.113 provide references to collateral sanctions related to employment and licensing.

**609B.101 FALSE OR FRAUDULENT CLAIM TO LEGISLATURE; FORFEITURE OF OFFICE.**

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A state officer convicted of violating section 3.756 forfeits the state office.

### **609B.102 SUBVERSIVE ACT; EMERGENCY MANAGEMENT EMPLOYMENT PROHIBITED.**

Section 12.43 prohibits a person from employment with an emergency management organization who has been convicted of a subversive act against the United States.

### **609B.103 VIOLATION OF AQUATIC FARMS REGULATIONS; AQUATIC FARM OCCUPATIONAL LICENSE VOID.**

A conviction for a violation of an aquatic farm law or rule will result in an aquatic farm license of the violator being voided under certain circumstances provided in section 17.4998.

### **609B.104 VIOLATION OF CERTIFIED SEED POTATO LAW; RIGHT TO HANDLE CERTIFIED SEED POTATOES REVOKED.**

Section 21.122 requires the commissioner of agriculture to refuse the privilege of handling certified seed potatoes in any way during the season in which a person is convicted for a second offense under sections 21.111 to 21.122.

### **609B.105 VIOLATION OF CONTAINER LABEL INFORMATION LAWS; LICENSE REVOCATION.**

Section 32.645 requires the commissioner of agriculture to revoke or withhold issuing any license required under sections 28A.04, 28A.14, 32.56, and 32.59 to a person convicted of a subsequent offense under section 32.645.

### **609B.106 UNLICENSED OR IMPROPER EXHIBIT; REMOVAL FROM STATE FAIRGROUNDS.**

(a) If a person is convicted under section 37.18, the person's license shall be suspended, and all money paid in connection with a performance or exhibit shall be forfeited to the Minnesota State Agricultural Society.

(b) A person engaging in a play, game, concert, or theatrical or other performance, or exhibiting a show of any kind on the State Fairgrounds without a license from the society must be removed from the State Fairgrounds.

### **609B.107 NONCOMPLIANCE; STATE CIVIL SERVICE EMPLOYMENT PROHIBITED.**

Under section 43A.39, a person convicted of a crime based on violations of chapter 43A shall be ineligible for appointment in the civil service for three years following conviction.

### **609B.108 CRIMINAL CONDUCT; MUNICIPAL SERVICE EMPLOYMENT PROHIBITED.**

Section 44.11 requires the municipal personnel board to reject candidates or eligible persons who have been found guilty of criminal conduct.

### **609B.109 INSURANCE POLICY VIOLATIONS; INSURANCE BUSINESS DISQUALIFICATION.**

Section 72A.02 disqualifies a company, which has more than one conviction for making, issuing, delivering, or tendering any policy of insurance of any kind in violation of any provision of law, from conducting any insurance business until payment of all fines and for one year thereafter.

### **609B.110 INSURANCE CONTRACTS; AGENT AND INSURANCE BUSINESS DISQUALIFICATION.**

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Upon conviction for a violation under sections 60K.30 to 60K.56, the commissioner of commerce shall suspend the authority of a convicted agent to transact any insurance business within the state for a period of not less than three months under section 72A.07.

### **609B.111 LIFE INSURANCE POLICY MISREPRESENTATION; LICENSE REVOCATION.**

The license of any company that authorizes or permits a violation of section 72A.12, subdivision 2, shall be revoked. Upon a conviction under section 72A.12, subdivision 3, the commissioner of commerce shall revoke the license of a company and its agents, and grant no new license within one year after the conviction.

### **609B.112 VIOLATION OF AQUATIC VEGETATION IN PUBLIC WATERS LICENSE; LICENSE VOID.**

If a person is convicted of violating section 84.42 for the second time within three years, that person's license issued under section 84.091 shall become null and void, and no license of the same kind shall be issued for one year after the date of the conviction.

### **609B.113 MISREPRESENTATION OF FISH SPECIES CONVICTION; FISH VENDOR LICENSE REVOCATION.**

If a licensed fish vendor or an employee of the fish vendor is convicted of misrepresenting a species of fish that is sold, the license shall be revoked and the licensee is not eligible to obtain a fish vendor's license for one year after revocation under section 97C.861.

### **609B.120 TEACHING; COLLATERAL SANCTIONS.**

Sections 609B.121 to 609B.123 provide references to teaching related collateral sanctions.

### **609B.121 CHILD ABUSE, SEXUAL ABUSE, OR SIMILAR CONVICTION; REVOCATION OR DENIAL OF TEACHER'S LICENSE.**

Under section 122A.20 or any similar law of another state or the United States, a person convicted of child abuse or sexual abuse, using minors in a sexual performance, or possessing pornographic works involving a minor shall have the person's teaching license revoked.

### **609B.122 CHILD ABUSE, SEXUAL ABUSE, OR SIMILAR CONVICTION; CERTAIN TEACHERS DISCHARGED.**

Upon receipt of notice that the teacher's license has been revoked due to a conviction for child abuse or sexual abuse under section 122A.20, a teacher under contract either as a probationary teacher or a continuing-contract teacher under section 122A.40 or 122A.41 must be discharged.

### **609B.123 SEX OFFENDER; INDEPENDENT DISTRICT SCHOOL BOARD INELIGIBILITY.**

Under section 123B.09, a sex offender who has been convicted of an offense for which registration is required under section 243.166 is ineligible to become a candidate for the office of school board member.

### **609B.124 NURSING AND OTHER HEALTH CARE LICENSING; COLLATERAL SANCTIONS.**

Sections 609B.125 to 609B.130 provide references to nursing and other health care licensing-related collateral sanctions.

### **609B.125 NURSING HOME EMPLOYMENT; DISQUALIFICATION.**

A person who was a controlling person of another nursing home during any period of time in the previous two-year period, as defined by law, and was convicted of a felony or gross misdemeanor that relates to operation of the nursing home or directly affects resident safety or



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care during that period is disqualified from becoming a controlling person of a nursing home under section 144A.04.

### **609B.126 NURSING HOME LICENSE; REVOCATION.**

Under section 144A.11, subdivision 3a, a nursing home license shall be revoked if a controlling person is convicted of a felony or gross misdemeanor that relates to operation of the nursing home or directly affects resident safety or care.

### **609B.127 HOME CARE EMPLOYMENT; DISQUALIFICATION.**

Under section 144A.46:

- (1) no person may be involved in the management, operation, or control of a home care provider if the person has been disqualified under the provisions of chapter 245C; and
- (2) employees, contractors, and volunteers of a home care provider or hospice with prior criminal convictions shall be disqualified under the provisions of chapter 245C.

### **609B.128 HOSPICE CARE EMPLOYMENT; DISQUALIFICATION.**

Under section 144A.754:

- (1) no person may be involved in the management, operation, or control of a hospice provider if the person has been disqualified under the provisions of chapter 245C; and
- (2) employees, contractors, and volunteers of a hospice provider with prior criminal convictions shall be disqualified under the provisions of chapter 245C.

### **609B.129 FELONY-LEVEL CRIMINAL SEXUAL CONDUCT CONVICTION; MEDICAL LICENSE DENIAL OR REVOCATION.**

Under section 147.091, subdivision 1a, the Board of Medical Practice may not grant a license to practice medicine to a person convicted of a felony-level criminal sexual conduct offense, and a license to practice medicine is automatically revoked if the licensee is convicted of a felony-level criminal sexual conduct offense.

### **609B.130 PHARMACY LICENSE AND REGISTRATION; ELIGIBILITY.**

Under section 151.06, the Board of Pharmacy shall deny, suspend, revoke, or refuse to renew any registration or license required under chapter 151 to any applicant, registrant, or licensee upon any of the following grounds:

- (1) in the case of a pharmacist, conviction in any court of a felony;
- (2) in the case of a pharmacist, conviction in any court of an offense involving moral turpitude;
- (3) conviction of theft of drugs, or the unauthorized use, possession, or sale thereof; or
- (4) in the case of a pharmacist, aiding suicide or aiding attempted suicide, as established by a copy of the record of criminal conviction or plea of guilty for a felony in violation of section 609.215, subdivision 1 or 2.

### **609B.132 TRANSPORTATION; COLLATERAL SANCTIONS.**

Sections 609B.133 to 609B.137 provide references to collateral sanctions related to transportation.

### **609B.133 PUBLIC CONTRACTS; ELIGIBILITY FOR PUBLIC TRANSPORTATION CONTRACTS.**

Under section 161.315, a contractor and the contractor's affiliates convicted of a contract crime are disqualified from receiving the award of a state contract or from serving as a subcontractor or material supplier under a state contract.

### **609B.134 MOTOR VEHICLE DEALER VIOLATION; SUSPENSION OR REVOCATION OF DEALER LICENSE.**

Under section 168.276, the registrar of motor vehicles shall suspend for a period of 30 days a person's license for the sale of new or used motor vehicles upon the receipt of a second

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record of conviction for a violation of section 168.27, and upon receipt of a third record of conviction, the person's license shall be permanently revoked.

**609B.135 FRAUD, MISREPRESENTATION, AND DELAY; REVOCATION OF INSURER'S LICENSE.**

Under section 176.195, the commissioner of commerce shall revoke the license of an insurer to write workers' compensation insurance, if the insurer, or an agent of the insurer, has been found guilty of fraud, misrepresentation, or culpable, persistent, and unreasonable delay in making payments or settlements under chapter 176.

**609B.136 VIOLATIONS BY BOILER INSPECTORS; REMOVAL FROM OFFICE.**

An inspector found guilty of a misdemeanor under section 326B.992 shall be removed from office.

**609B.137 FRAUD OR FELONY CONVICTION; LICENSE REFUSAL, REVOCATION, OR SUSPENSION.**

Under section 184.33, no agency license shall be issued to any person, firm, corporation, or association that has, within the past three years, been convicted in any court of fraud or a felony.

**609B.139 ELECTIONS; COLLATERAL SANCTIONS.**

Sections 609B.140 to 609B.146 provide references to collateral sanctions related to elections.

**609B.140 CONVICTION FOR FAILURE TO PROSECUTE; FORFEITURE OF OFFICE.**

A county attorney convicted of a misdemeanor under section 201.275 shall forfeit office.

**609B.141 CONVICTION FOR TREASON OR FELONY; INELIGIBILITY FOR BALLOT CERTIFICATION.**

If a person is convicted of a felony or treason and has not had the person's civil rights restored, under section 204B.10 the person's name shall not be certified to be placed on a ballot.

**609B.142 CONVICTED SEX OFFENDER; SCHOOL BOARD MEMBER INELIGIBILITY.**

Under section 205A.06, subdivision 1b, a person convicted of an offense for which registration is required under section 243.166 is ineligible to become a candidate for the office of school board member and may not file an affidavit of candidacy for that office. Ineligibility is determined by registration requirements in effect at the time the offender files for office.

**609B.143 VIOLATION OF CAMPAIGN FINANCIAL REPORTS; FORFEITURE OF NOMINATION OR OFFICE.**

If a candidate is convicted of a campaign violation under section 211A.09, the court shall declare that the candidate has forfeited nomination or office.

**609B.144 CONVICTION FOR VIOLATION OF CAMPAIGN FINANCIAL REPORTS; DISQUALIFICATION.**

A person convicted of violating chapter 211A or a person whose election to office has been set aside for violating chapter 211A may not be appointed to fill a vacancy in the office under section 211A.10.

**609B.146 CONVICTION FOR VIOLATION OF FAIR CAMPAIGN PRACTICES; DISQUALIFICATION.**

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A person convicted of violating chapter 211B or a person whose election to office has been set aside for violating chapter 211B may not be appointed to fill a vacancy in the office under section 211B.18.

### **609B.147 CARRIERS; COLLATERAL SANCTIONS.**

Sections 609B.148 and 609B.149 provide references to collateral sanctions related to carriers.

### **609B.148 DRIVER'S LICENSE SUSPENSION OR CANCELLATION; DENIAL OF APPLICATION; INTERSTATE MOTOR CARRIER.**

Under section 221.0314, subdivision 3a, paragraph (e), the commissioner of transportation shall deny an application if, during the three years preceding the application, the applicant's driver's license has been suspended, canceled, or revoked or the applicant has been convicted of a disqualifying offense as defined in Code of Federal Regulations, title 49, section 383.51, paragraph (b)(2).

### **609B.149 CONVICTION OF BACKGROUND CHECK CRIME; PASSENGER CARRIER DISQUALIFICATION.**

If the background check response required under section 221.178 shows that the driver has been convicted of a background check crime defined in section 299C.67, subdivision 2, paragraph (a) or (b), the driver may not be employed by a motor carrier of passengers to operate a vehicle providing passenger transportation.

### **609B.1495 MISCELLANEOUS LICENSING PROVISIONS; COLLATERAL SANCTIONS.**

Sections 609B.150 to 609B.164 provide references related to miscellaneous licensing provisions.

### **609B.150 RACETRACK OCCUPATIONAL LICENSES; INELIGIBILITY.**

A person convicted of a felony; fraud or misrepresentation in connection with racing or breeding; or a violation of law or rule relating to horse racing, pari-mutuel betting, or any other form of gambling that is a serious violation as defined by the Minnesota Racing Commission's rules, is ineligible for a class C occupational license under section 240.08.

### **609B.151 HUMAN SERVICES LICENSE; DISQUALIFICATION FOR CONVICTION.**

Under section 245A.04, the commissioner of human services shall not issue a license if the applicant, license holder, or controlling individual has been disqualified and the disqualification was not set aside. Disqualifications under section 245A.04 are governed according to sections 245C.14 and 245C.15. Convictions resulting in human services license disqualification are enumerated under section 245C.15.

### **609B.152 CONVICTION FOR FAILURE TO COMPLY; TAX LEVY FOR SOCIAL SERVICES; REMOVAL FROM OFFICE.**

Any county commissioner convicted under section 261.063 shall be immediately removed from office by the governor.

### **609B.153 CIGARETTE AND TOBACCO DISTRIBUTOR OR SUBJOBBER LICENSE; SUSPENSION OR REVOCATION.**

Under section 297F.04, the commissioner of revenue must not issue or renew a license issued under chapter 297F, and may revoke a license issued under chapter 297F, if the applicant has been convicted of a crime involving cigarettes.

### **609B.155 RESIDENTIAL BUILDING MANAGER; BACKGROUND CHECK.**

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Under section 299C.69, an owner of a residential building may not hire a person as a residential building manager or, if the person was hired pending completion of the background check, shall terminate the person's employment if a residential building manager or a person applying for a position as a residential building manager is convicted of a background check crime defined in section 299C.67, subdivision 2, paragraph (a). Except as provided under section 299C.69, paragraph (c), if the owner knows that a residential building manager has been convicted of a background check crime defined in section 299C.67, subdivision 2, paragraph (a), the owner shall terminate the manager's employment. For background check crimes defined in section 299C.67, subdivision 2, paragraph (a), the owner may not employ a manager unless more than ten years have elapsed since the date of discharge of the sentence, except as provided under section 299C.69, paragraph (c).

#### **609B.157 GAMBLING DEVICES LICENSE; INELIGIBILITY.**

Under section 299L.07, the commissioner of public safety may not issue or renew a license under chapter 299L, and shall revoke a license under chapter 299L, if the applicant or licensee, or a director, officer, partner, governor, person in a supervisory or management position of the applicant or licensee, an employee eligible to make sales on behalf of the applicant or licensee, or a direct or indirect holder of more than a five percent financial interest in the applicant or licensee has been convicted of:

- (1) a felony;
- (2) a crime involving gambling;
- (3) assault;
- (4) a criminal violation involving the use of a firearm; or
- (5) making terroristic threats.

#### **609B.158 PETROLEUM DISCRIMINATION; REVOCATION OF PERMIT.**

Under section 325D.67, if a person or firm is convicted of a petroleum discrimination violation, the attorney general shall see to it that the corporation's permit to do business is revoked.

#### **609B.159 PAWNBROKER LICENSE; INELIGIBILITY.**

A person convicted of a crime directly related to a pawnbroker licensed as prescribed by section 364.03, subdivision 2, is not eligible to maintain or receive a pawnbroker license under section 325J.03 unless the person has shown competent evidence of sufficient rehabilitation and present fitness to perform the duties of a licensee under chapter 325J as prescribed by section 364.03, subdivision 3.

#### **609B.160 PRIVATE DETECTIVE OR PROTECTIVE AGENT EMPLOYMENT; DISQUALIFICATION.**

Under section 326.336, a private detective or protective agent license holder shall immediately dismiss an employee who has been convicted of a felony or any offense listed in section 326.3381, subdivision 3, other than a misdemeanor or gross misdemeanor assault.

#### **609B.161 PRIVATE DETECTIVE OR PROTECTIVE AGENT BUSINESS LICENSE; DISQUALIFICATION.**

Under section 326.3381, a person is disqualified from holding a private detective or protective agent business license if that person has been convicted of:

- (1) a felony by the courts of this or any other state or of the United States;
- (2) acts which, if committed in Minnesota, would be criminal sexual conduct; assault; theft; larceny; burglary; robbery; unlawful entry; extortion; defamation; buying or receiving stolen property; using, possessing, manufacturing, or carrying weapons unlawfully; using, possessing, or carrying burglary tools unlawfully; escape; or possession, production, sale, or distribution of narcotics unlawfully; or

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(3) acts in any other country which, if committed in Minnesota, would be a felony or considered as any of the other offenses listed in clause (2) and for which a full pardon or similar relief has not been granted.

### **609B.162 ACTS PROHIBITED DURING LABOR DISPUTES, STRIKES, AND LOCKOUTS; SUSPENSION.**

The license of a person convicted of violating section 326.3384 shall be suspended for the periods described under section 326.3384, subdivision 2, paragraph (c).

### **609B.164 INDIVIDUAL COLLECTOR REGISTRATION; PRIOR CONVICTIONS AS DISQUALIFICATION.**

Under section 332.35, a license shall not be issued to, and registration shall not be accepted for, any person, firm, corporation, or association, or any officers, which, within the past five years, have been convicted in any court of fraud or any felony.

### **609B.165 LIQUOR, GAMBLING, FIDUCIARY SERVICE AND PUBLIC OFFICE VACANCIES; COLLATERAL SANCTIONS.**

Sections 609B.165 to 609B.177 provide references to liquor, gambling, and fiduciary service and public office vacancies collateral sanctions.

### **609B.165 CONVICTION; RETAIL LIQUOR LICENSE INELIGIBILITY.**

Under section 340A.402, no new retail license may be issued to a person who, within five years of the license application, has been convicted of a felony or a willful violation of a federal or state law or local ordinance governing the manufacture, sale, distribution, or possession for sale or distribution of an alcoholic beverage.

### **609B.168 FELONY CONVICTION AND VIOLATIONS OF CHAPTER 340A; CONSUMPTION AND DISPLAY PERMIT INELIGIBILITY.**

Under section 340A.414, the commissioner of public safety may not issue a permit to an applicant who has, within five years prior to the application, been convicted of a felony or of violating any provision of chapter 340A or rules adopted under chapter 340A.

### **609B.170 LAWFUL GAMBLING AND GAMBLING DEVICES LICENSES; DISQUALIFICATIONS.**

(a) Under section 349.155, in the case of licenses for manufacturers, distributors, distributor salespersons, linked bingo game providers, and gambling managers, the Gambling Control Board may not issue or renew a license under chapter 349, and shall revoke a license under chapter 349, if the applicant or licensee, or a director, officer, partner, governor, or person in a supervisory or management position of the applicant or licensee has been convicted of:

- (1) a felony or a crime involving gambling;
- (2) assault;
- (3) a criminal violation involving the use of a firearm; or
- (4) making terroristic threats.

(b) Under section 349.155, in the case of licenses for organizations, the Gambling Control Board may not issue or renew a license under chapter 349, and shall revoke a license under chapter 349, if the organization or an officer or member of the governing body of the organization has been convicted of:

- (1) a felony or gross misdemeanor involving theft or fraud; or
- (2) a crime involving gambling.

### **609B.171 GAMBLING MANAGER'S LICENSE; DISQUALIFICATION.**

Under section 349.167, the Gambling Control Board may not issue a gambling manager's license to a person applying for the license who has been convicted of a criminal violation involving fraud, theft, tax evasion, misrepresentation, or gambling.

### **609B.172 STATE LOTTERY EMPLOYMENT; INELIGIBILITY.**

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Under section 349A.02, no person may be employed by the State Lottery who has been convicted of a felony or a crime involving fraud or misrepresentation within five years of starting employment with the State Lottery, or has been convicted of a gambling-related offense.

### **609B.173 STATE LOTTERY RETAILERS; DISQUALIFICATION.**

Under section 349A.06, subdivision 2, the director of the State Lottery may not contract with a retailer who has been convicted within the previous five years of a felony or gross misdemeanor, any crime involving fraud or misrepresentation, or a gambling-related offense.

### **609B.174 STATE LOTTERY RETAILERS; LICENSE CANCELLATION, SUSPENSION, AND REFUSAL TO RENEW CONTRACTS OR LOCATIONS.**

Under section 349A.06, subdivision 11, the director of the State Lottery shall cancel the contract of any lottery retailer who has been convicted of a felony or gross misdemeanor or prohibit a lottery retailer who has been convicted of a felony or gross misdemeanor from selling lottery tickets at a business location.

### **609B.175 STATE LOTTERY VENDOR CONTRACTS; INELIGIBILITY.**

Under section 349A.07, the director of the State Lottery may not enter into a lottery procurement contract with an applicant who has been convicted of a felony within the last ten years, has been convicted of a gross misdemeanor or gambling-related misdemeanor within the last five years, or has been found guilty of any crime involving fraud or misrepresentation within the last five years.

### **609B.176 INCUMBENT'S CONVICTION; VACATE OFFICE.**

Under section 351.02, a public office shall become vacant following the incumbent's conviction of a crime or an offense involving a violation of the official oath.

### **609B.177 FELONY CONVICTION; VIOLATION OF FEDERAL LAW; PROHIBITION FROM FIDUCIARY STATUS.**

Under section 356A.03, a person, other than a constitutional officer of the state, who has been convicted of a violation under section 356A.03, subdivision 3, may not serve in a fiduciary capacity identified in section 356A.02.

### **609B.179 LOCAL GOVERNMENT; COLLATERAL SANCTIONS.**

Sections 609B.180 to 609B.189 provide references to collateral sanctions related to local government.

### **609B.180 REMOVAL FROM OFFICE.**

A person convicted of violating section 365.37, a provision regulating bid requirements of towns, must leave office.

### **609B.181 TOWN TREASURER NEGLECT OF DUTY; FORFEITURE OF OFFICE.**

A town treasurer convicted under section 367.17 for refusing or neglecting to comply with section 367.16 shall forfeit office as treasurer.

### **609B.183 CONVICTION; ST. LOUIS COUNTY CIVIL SERVICE INELIGIBILITY.**

A conviction under section 383C.055 shall render the public office or position held by the convicted person vacant.

### **609B.184 COUNTY AUDITOR'S MALFEASANCE; VACATE OFFICE.**

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Under section 384.03, if the county auditor is convicted on any neglect of duty or offense charge related to office, the office shall be deemed vacant.

### **609B.185 SHERIFF'S DEPARTMENT EMPLOYMENT; DISQUALIFICATION.**

A person who has been found guilty of criminal conduct is ineligible for employment as a sheriff under section 387.36.

### **609B.187 CONVICTION; POLICE DEPARTMENT SERVICE INELIGIBILITY.**

Under section 419.06, a candidate or eligible person who, after the entry of the eligible person's name, has been found guilty of criminal conduct shall be rejected from police department employment.

### **609B.188 CONVICTION; FIRE DEPARTMENT SERVICE INELIGIBILITY.**

Under section 420.07, a candidate or eligible person who, after the entry of the eligible person's name, has been found guilty of criminal conduct shall be rejected from fire department employment.

### **609B.189 CONVICTION FOR CONFLICT OF INTEREST; DISQUALIFICATION FROM LOCAL TRANSIT COMMISSION.**

A person convicted of violating section 458A.02 shall be automatically removed from a position with the St. Cloud Metropolitan Transit Commission and shall be disqualified from holding the position.

### **609B.191 METROPOLITAN AREA OFFICERS AND PEACE OFFICERS.**

Sections 609B.192 to 609B.195 provide references to metropolitan area officers and peace officers related to collateral sanctions.

### **609B.192 CONVICTION FOR ADVERSE INTEREST OF COMMISSIONER OF METROPOLITAN MOSQUITO CONTROL COMMISSION; DISQUALIFICATION FROM COMMISSION.**

A commissioner of the Metropolitan Mosquito Control Commission convicted of violating section 473.706 shall be automatically disqualified from further service on the commission.

### **609B.193 BRIBERY CONVICTION; FORFEITURE OF OFFICE AND DISQUALIFICATION.**

Under section 609.42, subdivision 2, a public officer convicted of violating or attempting to violate section 609.42, subdivision 1, shall forfeit the office and be disqualified from holding public office.

### **609B.194 FELONY CONVICTION; AUTOMATIC PEACE OFFICER LICENSE REVOCATION.**

Under section 626.8431, the license of a peace officer convicted of a felony is automatically revoked.

### **609B.195 CONVICTION FOR LOCKUP VIOLATIONS; DISQUALIFICATION FROM POSITION.**

A person convicted of violating section 642.13 is disqualified from holding the office of sheriff, jailer, police officer, marshal, or keeper of any jail or lockup for a period of six years.

### **609B.200 DRIVING AND MOTOR VEHICLES; GENERALLY.**

Sections 609B.201 to 609B.277 provide references to collateral sanctions related to driving and motor vehicles.

### **609B.201 CONTROLLED SUBSTANCE OFFENSE; REVOCATION.**

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(a) If a court determines under section 152.0271 that a person convicted of a controlled substance offense under sections 152.021 to 152.027 committed the crime while driving a motor vehicle, the court must notify the commissioner of public safety and order the commissioner to revoke the license for 30 days.

(b) A person's driver's license is revoked under section 171.172 if that person is convicted or adjudicated for a controlled substance offense under chapter 152.

#### **609B.202 CRIMINAL NEGLIGENCE; REVOCATION.**

A person's driver's license is revoked under section 169.11 if that person is convicted of criminal operation of a motor vehicle resulting in the death of a human being.

#### **609B.203 FAILURE TO PRODUCE PROOF OF INSURANCE; REVOCATION.**

(a) A person's driver's license is revoked under section 169.792, subdivision 7, if that person, whether a driver or motor vehicle owner, fails to provide proof of insurance under the requirements of section 169.172.

(b) If a person whose driver's license has been revoked under the circumstances specified in paragraph (a) is also the owner of the motor vehicle, the motor vehicle registration is also revoked under section 169.172, subdivision 12.

(c) A person, an owner, or, in certain circumstances, a driver, who operates a motor vehicle upon a public highway, road, or street, fails to have vehicle insurance, and contributes to a vehicle accident resulting in death or substantial bodily harm, is subject to revocation under section 169.797, subdivision 4, paragraph (c), for not more than 12 months.

#### **609B.205 FLEEING PEACE OFFICER; REVOCATION.**

A person's driver's license is revoked under section 171.174 if that person is convicted of fleeing a peace officer under section 609.487, subdivision 3 or 4. The periods of revocation vary depending upon the offense of conviction and whether the offense of conviction is a second or subsequent offense.

#### **609B.206 DWI CONVICTIONS; LICENSE REVOCATIONS.**

Subdivision 1. **Scope.** The collateral sanctions discussed in this section are codified in section 169A.54.

Subd. 2. **Driving while impaired; revocation.** (a) A person's driver's license must be revoked for the following time periods if the person is convicted under section 169A.20:

(1) for an offense under section 169A.20, subdivision 1: not less than 30 days;

(2) for an offense under section 169A.20, subdivision 2: not less than 90 days;

(3) for an offense occurring within ten years of a qualified prior impaired driving incident:

(i) if the current conviction is for a violation of section 169A.20, subdivision 1, not less than 180 days; or

(ii) if the current conviction is for a violation of section 169A.20, subdivision 2, not less than one year;

(4) for an offense occurring within ten years of two qualified prior impaired driving incidents: not less than one year, together with denial; and

(5) for an offense occurring within ten years of the first of three or more qualified prior impaired driving incidents: not less than two years, together with denial.

(b) If a person is convicted of violating section 169A.20 while under the age of 21, the commissioner of public safety shall revoke the offender's driver's license for a period of six months, or for the appropriate period of time under paragraph (a), clauses (1) to (5), for the offense committed, whichever is the greatest period.

#### **609B.216 REVOCATION OF DRIVER'S LICENSES; OFFENSES.**

Under section 171.17, the Department of Public Safety is required to revoke a person's driver's license upon receiving a record of the driver's conviction of any offense specified in subdivision 1, paragraph (a), clauses (1) to (10).

#### **609B.231 COMMERCIAL VEHICLE VIOLATIONS; REVOCATION.**



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Subdivision 1. **Scope.** The collateral sanctions discussed in this section are codified in section 168.013.

Subd. 2. **Revocation.** (a) In addition to criminal penalties, a person driving commercial vehicles with an excess of gross weight is subject under section 168.013, subdivision 3, paragraph (d), under certain circumstances, to cancellation of the certificate of registration and impoundment of registration plates.

(b) A person operating a commercial motor vehicle who commits a specified first or second driving offense, a defined serious traffic violation, a violation of an out-of-service order, or a railroad grade crossing violation is disqualified under section 171.17 from operating a commercial motor vehicle for varying periods depending upon the offense committed as set forth in section 171.17, subdivision 1.

### **609B.235 DRIVING AND LICENSE VIOLATIONS; PLATE IMPOUNDMENT.**

Subdivision 1. **Scope.** The collateral sanctions found in this section are codified in section 169A.60.

Subd. 2. **Plate impoundment.** When a person is arrested for or charged with a plate impoundment violation, the commissioner of public safety may issue an impoundment order. Under section 169A.60, subdivision 1, paragraph (d), "plate impoundment violation" includes:

- (1) a violation of section 169A.20 or 169A.52 resulting in revocation of a person's driver's license within ten years of a qualified prior impaired driving incident;
- (2) a license disqualification under section 171.165 resulting from violation of section 169A.52 within ten years of a qualified prior impaired driving incident;
- (3) a violation of section 169A.20 or 169A.52 while having an alcohol concentration of 0.20 percent or more measured at the time or within two hours of the time of offense;
- (4) a violation of section 169A.20 or 169A.52 while having a child under the age of 16 in the vehicle if the child is more than 36 months younger than the offender; or
- (5) a violation of section 171.241 by a person whose driver's license has been canceled under section 171.04, subdivision 1, clause (10), inimical to public safety.

### **609B.237 IMPOUNDING REGISTRATION PLATES.**

Subdivision 1. **Scope.** The collateral sanctions discussed in this section are codified in section 168.041.

Subd. 2. **Driving after suspension, revocation, or cancellation.** A person convicted of driving a self-propelled motor vehicle after suspension, revocation, or cancellation of the person's driver's license shall have the registration plates impounded under section 168.041, subdivision 1.

Subd. 3. **Moving violations; previous convictions.** If a person is convicted of a moving violation and has a previous conviction, the court may order the commissioner of public safety to suspend the person's driver's license for a period not exceeding one year under section 168.041, subdivision 2.

### **609B.241 FAILURE TO PRODUCE PROOF OF INSURANCE; REVOCATION; REINSTATEMENT.**

Subdivision 1. **Scope.** The collateral sanctions discussed in this section are codified in section 171.29.

Subd. 2. **Examination required.** A person whose license has been revoked under sections 169.791, 169.792, 169.797, 169A.52, and 171.17 must successfully pass an examination required by the commissioner of safety to be issued another license.

Subd. 3. **Reinstatement fees.** A person whose license has been revoked under sections 169A.52, 169A.54, and 609.21 must pay varying fees and surcharges for driver's license reinstatement.

Subd. 4. **Compliance with impoundment laws.** A person whose license was revoked under section 169A.52 or 169A.54 may not be issued another license at the end of the revocation period unless all applicable registration plate impoundment provisions have been complied with.

### **609B.245 LIMITED LICENSE.**

Subdivision 1. **Scope.** The collateral sanctions discussed in this section are codified in section 171.30.

Subd. 2. **Conditions of issuance.** A person whose license has been suspended under section 171.173, 171.18, or 171.186, or revoked under section 169.792, 169.797, 169A.52, 169A.54,

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171.17, or 171.172, must satisfy certain conditions set forth in section 171.30, subdivision 1, to acquire a limited license.

Subd. 3. **Waiting periods.** Section 171.30, subdivisions 2, 2a, 2b, and 2c, set forth varying waiting periods for revocations under specified statutes.

### **609B.255 SCHOOL BUS ENDORSEMENT OR PRIVILEGE TO OPERATE; CANCELLATION.**

Subdivision 1. **Disqualifying offense; permanent cancellation.** If a school bus driver is convicted of a disqualifying offense, as defined under section 171.3215, subdivision 1, the commissioner of public safety shall permanently cancel the offender's endorsement to drive a school bus.

Subd. 2. **Certain other convictions; cancellation for five years.** (a) A school bus driver's endorsement shall be canceled for five years under section 171.3215, subdivision 2, for a conviction under section 169A.20 or for a revocation of a school bus driver's license under section 169A.52.

(b) If a school bus driver has certain multiple convictions, under varying circumstances, that driver's endorsement shall be canceled for five years as set forth in section 171.3215, subdivision 2.

Subd. 3. **Crimes against minor; permanent cancellation.** If a Head Start bus driver is convicted of certain crimes against a minor, that driver's passenger endorsement shall be permanently canceled under section 171.3215, subdivision 3. "Crimes against a minor" is defined in section 171.3215, subdivision 3. "Head Start bus driver" is defined in section 171.3215, subdivision 1.

Subd. 4. **Conviction for certain offenses; additional conditions for endorsements.** Applicants having been convicted of certain offenses are required to satisfy additional conditions in seeking renewal or issuance of a bus driver's endorsements under section 171.3215, subdivision 3.

Subd. 5. **Waiver of permanent cancellation.** Under section 171.3215, subdivision 4, the commissioner of public safety may waive the permanent cancellation requirement for specified crimes.

### **609B.262 INSTRUCTIONAL PERMIT ELIGIBILITY.**

Subdivision 1. **Scope.** The collateral sanctions in this section are codified in section 171.05.

Subd. 2. **No instruction permit issuance.** A person who is under 18 years of age shall not be issued a permit under section 171.05, subdivision 1a, if the person has been convicted of a violation of section 169A.20, 169A.33, 169A.35, or sections 169A.50 to 169A.53, or a crash-related moving violation.

Subd. 3. **Permit use.** A permit holder must maintain a driving record free of convictions for moving violations, as defined in section 171.04, subdivision 1, and free of convictions of the offenses specified in section 171.05, subdivision 2b.

### **609B.263 PERSONS NOT ELIGIBLE FOR DRIVER'S LICENSES.**

A person applying for a license must, under section 171.04, subdivision 1, for 12 months consecutive preceding application, while holding a provisional license, have incurred no convictions for a violation of section 169A.20, 169A.33, 169A.35, or sections 169A.50 to 169A.53, no convictions for a crash-related moving violation, or not more than one conviction for a moving violation that is not crash related. "Moving violation" means a violation of a traffic violation but does not include a parking violation or warning citation.

Section 171.04, subdivision 1, clauses (2) to (14), set forth further eligibility criteria, including categories of ineligible persons.

### **609B.265 PROVISIONAL LICENSE ELIGIBILITY.**

Subdivision 1. **Scope.** The collateral sanctions in this section are codified in section 171.055.

Subd. 2. **Eligibility.** A person applying for a provisional license must, under section 171.055, subdivision 1, paragraph (a), clause (2), for six months immediately preceding application for the provisional license, have possessed an instruction permit and have incurred no convictions for a violation of section 169A.20, 169A.33, 169A.35, or sections 169A.50 to 169A.53, no convictions for a crash-related moving violation, and no convictions for a moving violation that is not crash related.

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Subd. 3. **No issuance.** Under section 171.055, subdivision 2, paragraph (b), if a holder of a provisional license during the period of provisional licensing incurs a conviction of an offense specified in that paragraph, then that person may not be issued a driver's license until 12 consecutive months have expired since the date of the conviction or until the person reaches the age of 18 years, whichever occurs first.

### **609B.271 UNDERAGE DRINKING OFFENSE; REVOCATION.**

(a) A person's driver's license is revoked for 30 days if the person is under the age of 21 and convicted of driving, operating, or controlling a motor vehicle while consuming alcoholic beverages in violation of section 169A.33.

(b) A person's driver's license is revoked for 180 days if the person has previously been convicted of driving, operating, or controlling a motor vehicle while under the age of 21 while consuming alcoholic beverages as described in paragraph (a) and is convicted again.

### **609B.273 UNDERAGE DRINKING OFFENSE; SUSPENSION.**

Under section 171.173, a person convicted of or a juvenile adjudicated for an underage drinking offense under section 340A.503, subdivision 1, paragraph (a), shall have the person's license suspended if the commissioner of public safety has been notified by the court of a 30-day or 180-day suspension under section 169A.33, subdivision 4.

### **609B.275 COMMERCIAL DRIVER'S LICENSE; DISQUALIFICATION.**

Subdivision 1. **Disqualification.** A person is disqualified from operating a commercial motor vehicle in accordance with the driver disqualifications and penalties in Code of Federal Regulations, title 49, part 383, subpart D, and Code of Federal Regulations, title 49, section 384.219.

Subd. 2. **Implied consent revocation.** A person is disqualified from operating a commercial motor vehicle in accordance with the driver disqualifications and penalties in Code of Federal Regulations, title 49, part 383, subpart D.

### **609B.277 ILLEGAL PURCHASE OF ALCOHOL OR TOBACCO; SUSPENSION.**

A person's driver's license is suspended for 90 days for various selling and purchasing alcohol or tobacco offenses as set forth in section 171.171.

### **609B.301 DEFINITION.**

For purposes of sections 609B.310 to 609B.312, with respect to persons convicted of a crime, "committed" means committed to the custody of the commissioner of corrections.

### **609B.310 PRISON PROGRAM ELIGIBILITY; COLLATERAL SANCTIONS.**

Sections 609B.311 and 609B.312 provide references to collateral sanctions related to prison program eligibility.

### **609B.311 MURDER CONVICTION; HIGHER EDUCATION PAYMENTS FOR PRISON INMATES LIMITED.**

Section 241.265 prohibits the commissioner of corrections from paying for certain higher education programs for an inmate convicted of first- or second-degree murder.

### **609B.312 CHALLENGE INCARCERATION PROGRAM; ELIGIBILITY.**

Under section 244.17, offenders committed for a conviction listed in section 244.17, subdivision 3, clause (1), or persons convicted within the preceding ten years of an offense listed in that section and committed for some other offense, are not eligible to be placed in the challenge incarceration program.

### **609B.320 OFFENDER REGISTRATION; COLLATERAL SANCTIONS.**

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Section 609B.321 provides references to collateral sanctions related to offender registration.

### **609B.321 CRIMINAL CONVICTION; PREDATORY OFFENDERS REGISTRATION REQUIRED.**

A person must register as a predatory offender under section 243.166 for convictions of crimes listed under section 243.166, subdivision 1b.

### **609B.330 CRIMES AGAINST A PERSON; CRIMES OF VIOLENCE; COLLATERAL SANCTIONS.**

Sections 609B.331 to 609B.333 provide references to collateral sanctions related to crimes against persons and crimes of violence.

### **609B.331 CRIME AGAINST THE PERSON CONVICTION; PREDATORY OFFENDER REGISTRATION REQUIRED.**

A person convicted of a crime against the person as defined in section 243.167, subdivision 1, and meeting the conditions listed under section 243.167, subdivision 2, is required to register as a predatory offender under section 243.166.

### **609B.332 CRIME OF VIOLENCE CONVICTION; USE OF POLICE COMMUNICATION EQUIPMENT PROHIBITED.**

A person convicted of a crime of violence, as defined in section 624.712, subdivision 5, is not entitled to exercise the privilege granted under section 299C.37, subdivision 1, unless ten years have elapsed since the person has been restored to civil rights or the sentence has expired, whichever occurs first, and during that time the person has not been convicted of any other crime of violence, as defined under section 299C.37, subdivision 1.

### **609B.333 CRIME OF VIOLENCE CONVICTION; POSSESSION OF FIREARMS PROHIBITED.**

Under section 609.165, subdivision 1a, a person convicted of a crime of violence is not entitled to ship, transport, possess, or receive a firearm for the remainder of the person's lifetime, even after the person's civil rights have been restored.

### **609B.340 POSSESSION OF FIREARMS, EXPLOSIVES, SIMILAR DEVICES.**

Sections 609B.341 to 609B.345 provide references to collateral sanctions related to possession of firearms, explosives, and similar devices.

### **609B.341 DOMESTIC ABUSE ACT; PISTOL POSSESSION PROHIBITION FOR REPEAT OFFENDERS.**

If convicted under section 518B.01, subdivision 14, paragraph (b) or (c), a person meeting the conditions set forth in section 518B.01, subdivision 14, paragraph (l), is not entitled to possess a pistol. Property rights may not be abated but access may be restricted by the courts.

### **609B.342 CRIMINAL CONVICTION; POSSESSION OF FIREARMS; PROHIBITION.**

Section 624.713 determines the conditions and circumstances under which a person convicted of a crime is prohibited from the possession of a pistol or semiautomatic military-style weapon.

### **609B.343 CRIME OF VIOLENCE OR CONTROLLED SUBSTANCE CONVICTION; EXPLOSIVES LICENSE OR PERMIT PROHIBITED.**

Under section 299F.77, the following are not entitled to receive an explosives license or permit:

(1) a person convicted of a crime of violence, as defined in section 299F.72, unless ten years have elapsed since the person's civil rights have been restored or the sentence has expired,

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whichever occurs first, and during that time the person has not been convicted of any other crime of violence; and

(2) a person convicted of use, possession, or sale of a controlled substance other than conviction for possession of a small amount of marijuana, as defined in sections 152.01 and 152.02.

### **609B.344 RESTORATION OF CIVIL RIGHTS; POSSESSION OF EXPLOSIVE OR INCENDIARY DEVICES PROHIBITED.**

Section 609.668 prohibits a person from having possession of explosive or incendiary devices if the person was convicted of:

(1) a crime of violence and ten years have not elapsed since civil rights have been restored; and

(2) unlawful use, possession, or sale of a controlled substance, other than conviction for possession of a small amount of marijuana.

### **609B.345 POSSESSION OF TEAR GAS, TEAR GAS COMPOUNDS, ELECTRONIC INCAPACITATION DEVICES; PROHIBITION.**

Section 624.731, subdivision 3, prohibits a person who is prohibited from possessing a pistol pursuant to section 624.713, subdivision 1, clauses (2) to (5), from possession of tear gas, tear gas compounds, and electronic incapacitation devices.

### **609B.400 SERVICES AND BENEFITS; GENERALLY.**

Sections 609B.405 to 609B.465 provide references to collateral sanctions related to services and benefits.

### **609B.405 CONVICTED CURRENTLY SERVING SENTENCE, ON PROBATION, OR ON PAROLE; INTERSTATE COMPACT FOR MENTAL HEALTH SERVICES CONTRACTS PROHIBITED.**

Under section 245.50, a county board or the commissioner of human services may not contract under the Interstate Compact for Mental Health Services with a bordering state for mental health services for persons on probation or parole, or who are serving a sentence after conviction for a criminal offense.

### **609B.410 WRONGFULLY OBTAINED ASSISTANCE.**

The amount of assistance determined to be obtained in violation of section 256.98, paragraph (a), clauses (1) to (3), is recoverable from specified persons who wrongfully obtained assistance.

### **609B.415 PERSONAL CARE PROVIDER ORGANIZATIONS; BACKGROUND STUDIES; DISQUALIFICATION.**

A person who is an owner or a managerial official of a personal care provider organization is subject to a human services background study under chapter 245C and may be disqualified from providing home care services if that person is found to have been convicted of felonies specified in chapter 245C.

### **609B.425 DRUG OFFENSE; FLEEING FELONS; GENERAL ASSISTANCE BENEFITS; ELIGIBILITY.**

Subdivision 1. **Scope.** The collateral sanctions discussed in this section are codified in section 256D.024.

Subd. 2. **Benefit eligibility.** (a) A person convicted of a drug offense after July 1, 1997, is ineligible for general assistance benefits, general assistance medical care, and supplemental security income under chapter 256D until:

(1) five years after completing the terms of a court-ordered sentence; or

(2) unless the person is participating in a drug treatment program, has successfully completed a program, or has been determined not to be in need of a drug treatment program.

(b) A person who becomes eligible for assistance under chapter 256D is subject to random drug testing and shall lose eligibility for benefits for five years beginning the month following:

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- (1) any positive test for an illegal controlled substance; or
- (2) discharge of sentence for conviction of another drug felony.
- (c) Parole violators and fleeing felons are ineligible for benefits and persons fraudulently misrepresenting eligibility are also ineligible to receive benefits for ten years.

### **609B.430 MEDICAL ASSISTANCE; INCARCERATION; ELIGIBILITY.**

A person who is enrolled in medical assistance and incarcerated for less than 12 months is suspended from the program under section 256B.055, subdivision 14, paragraph (b), from the time of incarceration until release.

### **609B.435 DRUG AND OTHER OFFENDERS; MINNESOTA FAMILY INVESTMENT PROGRAM; SANCTIONS.**

Subdivision 1. **Scope.** The collateral sanctions discussed in this section are codified in section 256J.26.

Subd. 2. **Drug offenders; random testing; sanctions.** A person who is an applicant for benefits from the Minnesota family investment program or MFIP, the vehicle for temporary assistance for needy families or TANF, and who has been convicted of a drug offense shall be subject to certain conditions, including random drug testing, in order to receive MFIP benefits. Following any positive test for a controlled substance, the convicted applicant or participant is subject to the following sanctions:

(1) a first time drug test failure results in a reduction of benefits in an amount equal to 30 percent of the MFIP standard of need; and

(2) a second time drug test failure results in permanent disqualification from receiving MFIP assistance.

A similar disqualification sequence occurs if the applicant is receiving food stamps.

Subd. 3. **Parole violators; fleeing felons; sanctions.** (a) An individual violating a condition of probation, parole, or supervised release is disqualified from receiving MFIP.

(b) An individual who is fleeing to avoid prosecution, custody, or confinement after conviction of a felony crime is disqualified from receiving MFIP.

(c) An individual who fraudulently misrepresents the individual's place of residence in order to receive assistance simultaneously from two or more states is disqualified from receiving MFIP for ten years.

### **609B.445 CERTAIN CONVICTIONS; PROSPECTIVE ADOPTIVE PARENTS; DISQUALIFICATION.**

Under section 259A.10, subdivision 4, a disqualifying condition for adoption exists if a criminal background check reveals a felony conviction for child or spousal abuse; for a crime against children; for a crime involving violence, including rape, sexual assault, or homicide; or for a felony conviction within the past five years for physical assault, battery, or a drug-related offense.

### **609B.450 GASOLINE AND SPECIAL FUEL TAX REFUND SANCTIONS.**

Under sections 296A.16 and 296A.23, a person who makes a false claim for a fuel tax refund is guilty of a felony and, if convicted, shall be prohibited from filing for a refund upon gasoline purchased within six months after the conviction.

### **609B.455 PUBLIC PENSION; HOMICIDE; BENEFIT LOSS.**

Subdivision 1. **Scope.** The collateral sanctions discussed in this section are codified in section 356.406.

Subd. 2. **Homicide; loss of death benefits.** A person charged with a felony causing the death of a public pension plan member has the entitlement to the pension suspended.

Subd. 3. **Forfeiture of survivor benefits upon felony conviction.** A person who is a survivor and convicted of a felony that caused the death of a public pension member forfeits the survivor pension benefit.

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Subd. 4. **Benefit recovery.** If pension benefits have already been paid, the chief administrative officer of the pension plan must attempt to recover amounts paid.

### **609B.460 FORMER MINNEAPOLIS POLICE RELIEF ASSOCIATION SERVICE PENSIONER; FELONS NOT ENTITLED TO PENSION DURING INCARCERATION.**

A person who is a member of the public employees police and fire retirement plan, who was a member of the former Minneapolis Police Relief Association, and who was convicted of a felony, is not entitled to a pension or an annuity from the public employee police and fire retirement plan during the person's period of incarceration in a penal institution.

### **609B.465 EFFECT OF HOMICIDE ON INTESTATE SUCCESSION, WILLS, JOINT TENANTS, LIFE INSURANCE.**

Subdivision 1. **Scope.** The collateral sanctions discussed in this section are codified in section 524.2-803.

Subd. 2. **Surviving spouse, heir, or devisee.** A surviving spouse, heir, or devisee who feloniously and intentionally kills the decedent is treated as if that person predeceased the decedent.

Subd. 3. **Joint tenant.** A joint tenant who feloniously and intentionally kills another joint tenant, thereby effects a severance of the interest so the property passes as the decedent's and the killer has no rights of survivorship.

Subd. 4. **Bond.** A named beneficiary of a bond who feloniously and intentionally kills the principal obligee is not entitled to any benefit.

Subd. 5. **Life insurance.** A named beneficiary of a life insurance policy who feloniously and intentionally kills the person upon whose life the policy is issued is not entitled to any benefit under the policy.

Subd. 6. **Other interests.** Any other acquisition of property or interest by the killer shall be treated as provided in section 524.2-803.

### **609B.500 PROPERTY RIGHTS; GENERALLY.**

Sections 609B.505 to 609B.545 provide references to collateral sanctions related to property rights.

### **609B.505 BURGLARY; CONFISCATION OF SNOWMOBILE.**

Under section 84.89, if a person is convicted of burglary, as defined in section 609.582, and uses a snowmobile for committing the crime, the snowmobile shall be seized. The snowmobile's seizure and use of the proceeds from a sale are governed by section 97A.225.

### **609B.510 SEIZURE OF FIREARMS AND OTHER PROPERTY.**

Under section 97A.223, a Department of Natural Resources enforcement officer must seize firearms possessed in violation of state or federal law and property described in section 97A.221, subdivision 1.

### **609B.515 DWI; VEHICLE FORFEITURE.**

Under section 169A.63, a motor vehicle is subject to forfeiture if a driver is convicted of a "designated offense," as defined in section 169A.63, subdivision 1.

Section 169A.63, subdivision 7, specifies limitations on vehicle forfeiture. Section 169A.63, subdivisions 8 and 9, provide for administrative forfeiture procedure and judicial forfeiture procedure. Section 169A.63, subdivisions 10 and 11, provide for disposition of a forfeited vehicle.

### **609B.518 GAME AND FISH VIOLATIONS; SEIZURE OF MOTOR VEHICLES AND BOATS.**

Subdivision 1. **Scope.** The collateral sanctions discussed in this section are codified in section 97A.225.

Subd. 2. **Vehicle forfeiture.** A motor vehicle is subject to forfeiture if it is used to:

- (1) shine wild animals (using artificial lights to hunt animals);
- (2) transport big game animals illegally taken or fur-bearing animals illegally purchased; or

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(3) transport minnows in violation of law.

Subd. 3. **Boat or motor forfeiture.** Boats and motors are subject to forfeiture when they are used to:

- (1) net fish on specified lakes;
- (2) violate certain licensing or operating requirements; and
- (3) take, possess, or transport wild animals.

### **609B.520 GAMBLING VIOLATIONS; ACTIVITIES RESTRICTED.**

Under section 299L.05, a person convicted of violating section 609.76, subdivision 1, clause (7), or 609.76, subdivision 2, is prohibited from having lawful gambling under chapter 349 conducted on the person's premises, or selling any lottery tickets under chapter 349A.

### **609B.525 CRUELTY TO ANIMALS; FORFEITURE OF ANIMALS.**

Under section 343.21, a person convicted of overworking or mistreating an animal is required to turn over other animals in control of the person unless the court determines the person is able and fit to provide adequately for the animals.

### **609B.530 CRUELTY TO ANIMALS; JUDGMENT FOR EXPENSES OF INVESTIGATIONS.**

Under section 343.23, if a person is found guilty of cruelty to animals under chapter 343, the costs of investigation, disposing of animals, and any other expenses shall result in a judgment against the guilty person for all expenses.

### **609B.535 DANGEROUS ANIMALS VIOLATION; ANIMALS SEIZED AND DESTROYED.**

Under section 609.227, if a person is convicted of a dangerous animal violation under section 609.205, clause (4); or 609.226, subdivision 1, 2, or 3, the animal shall be seized and killed, and the convicted owner shall pay the cost of confining and killing the animal.

### **609B.540 POSSESSION OR CONTROL OF OBSCENE MATERIAL; DESTRUCTION OF PROPERTY.**

A person convicted of possessing obscene books or other matter under sections 617.241 to 617.26 shall have the material seized and destroyed by court order under section 617.27.

### **609B.545 OWNERSHIP RESTRICTION ON ADULT BUSINESS ESTABLISHMENTS.**

Under section 617.242, a person convicted of a specified sex or other related crime may not operate or manage an adult entertainment establishment for three years after discharge of the sentence for the offense.

### **609B.600 CIVIL RIGHTS AND REMEDIES; GENERALLY.**

Sections 609B.610 to 609B.615 provide references to collateral sanctions related to civil rights and remedies.

### **609B.610 FELONY OR TREASON; INELIGIBLE TO VOTE.**

An individual convicted of treason or any felony whose civil rights have not been restored is not eligible to vote under section 201.014.

### **609B.611 CRIME OF VIOLENCE; INELIGIBILITY TO POSSESS FIREARMS; RESTORATION OF CIVIL RIGHTS.**

(a) Under section 242.31, a person convicted of a crime of violence is not entitled to ship, transport, possess, or receive a firearm for the remainder of the person's lifetime, even after the person's civil rights have been restored, unless the exception under United States Code, title 18, section 925, or section 609.165, subdivision 1d, applies.



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(b) Under section 609.165, subdivision 1a, a person convicted of a crime of violence is not entitled to ship, transport, possess, or receive a firearm for the remainder of the person's lifetime, even after the person's civil rights have been restored.

### **609B.612 FELONY CONVICTION; NAME CHANGES.**

Under section 259.13, a person with a felony conviction is required to serve notice of application for a name change to the prosecuting authority that obtained the conviction, or if the conviction was from another state or federal jurisdiction, notice of application must also be served on the attorney general.

### **609B.613 FELONY CONVICTION; APPLICATION FOR MARRIAGE LICENSE; CHANGE OF NAME UPON MARRIAGE.**

Section 517.08 states that: (1) a person with a felony conviction applying for a marriage license must provide to the county proof of service upon the prosecuting authority and, if applicable, the attorney general, as required by section 259.13; and (2) that a person with a felony conviction may not use a different surname after marriage except as authorized by section 259.13.

### **609B.614 CIVIL REMEDY FORFEITED; CONVICTED PROHIBITED FROM RECOVERING FOR INJURIES SUSTAINED DURING CRIMINAL ACT.**

Under section 611A.08, a person convicted of a crime is barred from recovering for injuries sustained during the course of criminal conduct, as defined under section 611A.08, subdivision 1.

### **609B.615 COMMERCIAL PROFITING FROM CRIME PROHIBITED.**

Section 611A.68 prohibits the commercial profiting from crime for ten years following conviction of a felony. If an offender is imprisoned following the conviction, the ten-year period begins on the date of the offender's release from prison.

### **609B.700 RECREATIONAL ACTIVITIES; GENERALLY.**

Section 609B.710 provides references to collateral sanctions related to recreational activities.

### **609B.710 YOUTH OPERATOR VIOLATIONS; WATERCRAFT OPERATOR'S PERMIT REVOCATION.**

Subdivision 1. **Operator's permit revocation.** An operator age 13 years of age or older but younger than 18 years of age adjudicated by a juvenile court as having violated section 86B.311, subdivision 1, 86B.341, or 169A.20, shall have the operator's permit revoked by the commissioner of natural resources.

Subd. 2. **Surrender of permit.** A juvenile adjudicated of the offense listed in subdivision 1 shall be required to surrender the watercraft operator's permit, which shall be forwarded by the court to the commissioner of natural resources with a record of the adjudication.

### **609B.720 GAME AND FISH LAW; COLLATERAL SANCTIONS.**

Sections 609B.721 to 609B.725 provide references to collateral sanctions related to game and fish laws.

### **609B.721 CRIMINAL CONVICTIONS; VALIDITY AND ISSUANCE OF LICENSES UPON CONVICTION.**

Subdivision 1. **Scope.** The collateral sanctions discussed in this section are codified in section 97A.421. That section governs the validity and issuance of game and fish licenses after a conviction.

Subd. 2. **Annual license void.** (a) The annual license of a person convicted of a violation of the game and fish laws relating to the license or wild animals covered by the license is void under conditions set forth in section 97A.421, subdivision 1.

(b) Except for big game licenses and as otherwise provided for in section 97A.421, for one year after a conviction, the person may not obtain the kind of license or take wild animals under a lifetime license issued under section 97A.473 or 97A.474, relating to the game and fish law violation.

## APPENDIX

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Subd. 3. **Issuance of license after buying and selling wild animals.** After being convicted of buying or selling game fish, big game, or small game and the total amount of the sale is \$300 or more, a person may not obtain a license to take any wild animal or take wild animals under a lifetime license issued under section 97A.473 or 97A.474, for a period of three years.

Subd. 4. **License revocation after conviction.** (a) A person may not obtain a license to take a wild animal and is prohibited from taking wild animals for a period of five years after the date of conviction of a violation when:

(1) the restitution value of the wild animals is \$5,000 or more; or

(2) the restitution value of the wild animals exceeds \$500 and the violation occurs within ten years of one or more previous license revocations under section 97A.421, subdivision 2a. Multiple revocations shall be consecutive and no wild animals of any kind may be taken during the entire period.

(b) A person may not obtain a license to take the type of wild animals involved in a violation where the restitution value of the wild animals exceeds \$500 and is prohibited from taking the type of wild animals involved in the violation for a period of three years after the date of conviction of a violation.

Subd. 5. **Issuance of big game license after conviction.** A person may not obtain any big game license or take big game under a lifetime license for three years after the person is convicted of:

(1) a gross misdemeanor violation under the game and fish laws relating to big game;

(2) doing an act without a required big game license; or

(3) the second violation within three years under the game and fish laws relating to big game.

Subd. 6. **Issuance after intoxication or narcotics conviction.** A person convicted of a violation under section 97B.065, relating to hunting while intoxicated or using narcotics, may not obtain a license to hunt with a firearm or by archery, or hunt with a firearm or by archery under a lifetime license, for five years after a conviction.

Subd. 7. **Suspension for failure to appear in court or pay fine or surcharge.** If a person:

(1) fails to appear for court under a summons issued for a violation of the game and fish laws; or

(2) has been convicted of violating a provision of the game and fish laws, has been sentenced to the payment of a fine or had a surcharge levied against them, and refused or failed to comply with that sentence the person's game and fish license and permit privileges shall be suspended until the person complies.

### **609B.722 LICENSE AGENT VIOLATIONS; FORFEITURE OF RIGHT TO SELL AND HANDLE LICENSES.**

License agents that violate Department of Natural Resources laws or rules relating to license sales, handling, or accounting forfeit the right to sell and handle licenses under section 97A.311.

### **609B.723 HUNTING WHILE UNDER THE INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCE; HUNTING LIMITATIONS.**

Upon conviction for hunting while under the influence of alcohol or a controlled substance under section 97B.065, a person is subject to the limitations on hunting privileges provided in section 97A.421.

### **609B.724 TRESPASSING; LICENSE AND REGISTRATION RESTRICTIONS.**

(a) Under section 97A.315, if a person is convicted of trespassing while exercising or attempting to exercise an activity licensed under game and fish laws, or requiring snowmobile registration under section 84.82, the applicable license and registration are null and void.

(b) A person convicted of a gross misdemeanor under section 97A.315 may not be issued a license to take game for two years after the conviction.

### **609B.725 UNLAWFULLY BUYING OR SELLING WILD ANIMALS; LICENSE VOID.**

Licenses possessed by a person convicted under section 97A.325, subdivision 1, are null and void and the person may not take wild animals for three years after the conviction.