

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 426

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DATE	D-PG	OFFICIAL STATUS
01/19/2023	299	Introduction and first reading Referred to Judiciary and Public Safety
02/13/2023	775a	Comm report: To pass as amended
	791	Second reading
04/20/2023	5714	Author added Marty
	11498	Rule 47, returned to Judiciary and Public Safety See SF2909

1.1 A bill for an act

1.2 relating to public safety; authorizing law enforcement agencies to share criminal

1.3 history background check data with Minnesota Board of Peace Officer Standards

1.4 and Training; expanding access to information for law enforcement hiring;

1.5 amending Minnesota Statutes 2022, section 626.87, subdivisions 2, 3, 5, by adding

1.6 a subdivision.

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

1.8 Section 1. Minnesota Statutes 2022, section 626.87, is amended by adding a subdivision

1.9 to read:

1.10 Subd. 1a. **Background records checks.** (a) The law enforcement agency must request

1.11 a criminal history background check from the superintendent of the Bureau of Criminal

1.12 Apprehension on an applicant for employment as a licensed peace officer or an applicant

1.13 for a position leading to employment as a licensed peace officer within the state of Minnesota

1.14 to determine eligibility for licensing. Applicants must provide, for submission to the

1.15 superintendent of the Bureau of Criminal Apprehension:

1.16 (1) an executed criminal history consent form, authorizing the dissemination of state

1.17 and federal records to the law enforcement agency and the Minnesota Board of Peace Officer

1.18 Standards and Training and fingerprints; and

1.19 (2) a money order or cashier's check payable to the Bureau of Criminal Apprehension

1.20 for the fee for conducting the criminal history background check.

1.21 (b) The superintendent of the Bureau of Criminal Apprehension shall perform the

1.22 background check required under paragraph (a) by retrieving criminal history data as defined

1.23 in section 13.87 and shall also conduct a search of the national criminal records repository.

2.1 The superintendent is authorized to exchange the applicant's fingerprints with the Federal
 2.2 Bureau of Investigation to obtain their national criminal history record information. The
 2.3 superintendent must return the results of the Minnesota and federal criminal history records
 2.4 checks to the law enforcement agency who is authorized to share with the Minnesota Board
 2.5 of Peace Officer Standards and Training to determine if the individual is eligible for licensing
 2.6 under Minnesota Rules, chapter 6700.

2.7 Sec. 2. Minnesota Statutes 2022, section 626.87, subdivision 2, is amended to read:

2.8 Subd. 2. **Disclosure of employment information.** Upon request of a law enforcement
 2.9 agency, an employer shall disclose or otherwise make available for inspection employment
 2.10 information of an employee or former employee who is the subject of an investigation under
 2.11 subdivision 1 or who is a candidate for employment with a law enforcement agency in any
 2.12 other capacity. The request for disclosure of employment information must be in writing,
 2.13 must be accompanied by an ~~original~~ authorization and release signed by the employee or
 2.14 former employee, and must be signed by a ~~sworn peace officer or other~~ an authorized
 2.15 representative of the law enforcement agency conducting the background investigation.

2.16 Sec. 3. Minnesota Statutes 2022, section 626.87, subdivision 3, is amended to read:

2.17 Subd. 3. **Refusal to disclose a personnel record.** If an employer refuses to disclose
 2.18 employment information in accordance with this section, upon request the district court
 2.19 may issue an ex parte order directing the disclosure of the employment information. The
 2.20 request must be made by a ~~sworn peace officer~~ an authorized representative from the law
 2.21 enforcement agency conducting the background investigation and must include a copy of
 2.22 the ~~original~~ request for disclosure made upon the employer or former employer and the
 2.23 authorization and release signed by the employee or former employee. The request must be
 2.24 signed by the ~~peace officer~~ person requesting the order and an attorney representing the
 2.25 state or the political subdivision on whose behalf the background investigation is being
 2.26 conducted. It is not necessary for the request or the order to be filed with the court
 2.27 administrator. Failure to comply with the court order subjects the person or entity who fails
 2.28 to comply to civil or criminal contempt of court.

2.29 Sec. 4. Minnesota Statutes 2022, section 626.87, subdivision 5, is amended to read:

2.30 Subd. 5. **Notice of investigation.** Upon initiation of a background investigation ~~under~~
 2.31 ~~this section~~ for a person described in subdivision 1, the law enforcement agency shall give
 2.32 written notice to the Peace Officer Standards and Training Board of:

3.1 (1) the candidate's full name and date of birth; and

3.2 (2) the candidate's peace officer license number, if known.

3.3 The initiation of a background investigation does not include the submission of an
3.4 application for employment. Initiation of a background investigation occurs when the law
3.5 enforcement agency begins its determination of whether an applicant meets the agency's
3.6 standards for employment as a law enforcement employee.