

Sec. 3. REPEALER.

Minnesota Rules, parts 5900.0100; 5900.0200; 5900.0300; 5900.0400; 5900.0500; 5900.0600; 5900.0700; 5900.0800; 5900.0900; 5900.1000; 5900.1100; 5900.1200; 5900.1300; 5900.1400; 5900.1500; 5900.1600; 5900.1700; 5900.1800; 5900.1900; 5900.2000; 5900.2100; 5900.2200; 5900.2300; 5900.2400; 5900.2500; 5900.2600; 5900.2700; 5900.2800; 5900.2900; 5900.3000; 5900.3100; 5900.3200; 5900.3300; 5900.3400; 5900.3500; 5900.3600; 5900.3700; 5900.3800; 5900.3900; 5900.4000; 5900.4100; 5900.4200; 5900.4300; 5900.4400; 5900.4500; 5900.4600; 5900.4700; 5900.4800; 5900.4900; 5900.5000; 5900.5100; 5900.5200; 5900.5300; 5900.5400; 5900.5500; 5900.5600; 5900.5700; 5900.5800; 5900.5900; 5900.6000; 5900.6100; 5900.6200; 5900.6300; 5900.6400; 5900.6500; 5900.6800; 5900.6900; 5900.7000; 5900.7100; 5900.7200; 5900.7300; 5900.7400; and 5900.7500, are re-
pealed.

Sec. 4. APPLICATION.

Sections 1 and 2 apply in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Sec. 5. EFFECTIVE DATE.

Section 1 is effective July 1, 2002. Section 2 is effective on the day following final enactment and applies to facilities of which the council assumes ownership on or after the effective date. Section 3 is effective on the day following final enactment.

Presented to the governor April 4, 2002

Signed by the governor April 8, 2002, 2:31 p.m.

CHAPTER 321—S.F.No. 2949

An act relating to government data; background checks; expanding what is considered to be public criminal history data; modifying procedures for certain background checks; authorizing criminal history checks for certain liquor license applicants; clarifying use of data collected on employees of certain license holders; amending Minnesota Statutes 2000, sections 13.87, subdivision 1; 171.321, subdivision 3; 299C.68, subdivision 5; 326.336, subdivision 1; 340A.301, subdivision 2; 340A.402.

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

Section 1. Minnesota Statutes 2000, section 13.87, subdivision 1, is amended to read:

Subdivision 1. **CRIMINAL HISTORY DATA.** (a) **DEFINITION.** For purposes of this subdivision, "criminal history data" means all data maintained in criminal history records compiled by the bureau of criminal apprehension and disseminated through the criminal justice information system, including, but not limited to

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fingerprints, photographs, identification data, arrest data, prosecution data, criminal court data, custody and supervision data.

(b) **CLASSIFICATION.** Criminal history data maintained by agencies, political subdivisions and statewide systems are classified as private, pursuant to section 13.02, subdivision 12, except that data created, collected, or maintained by the bureau of criminal apprehension that identify an individual who was convicted of a crime and, the offense of which the individual was convicted, associated court disposition and sentence information, controlling agency, and confinement information are public data for 15 years following the discharge of the sentence imposed for the offense.

The bureau of criminal apprehension shall provide to the public at the central office of the bureau the ability to inspect in person, at no charge, through a computer monitor the criminal conviction data classified as public under this subdivision.

(c) **LIMITATION.** Nothing in paragraph (a) or (b) shall limit public access to data made public by section 13.82.

Sec. 2. Minnesota Statutes 2000, section 171.321, subdivision 3, is amended to read:

Subd. 3. **RECORDS CHECK OF APPLICANT.** (a) Before issuing or renewing a school bus endorsement, the commissioner shall conduct a criminal history and driver's license records check of the applicant. The commissioner may also conduct the check at any time while a person is so licensed. The check must consist of a criminal records history check of the state criminal records repository and a check of the driver's license records system. If the applicant has resided in Minnesota for less than five years, the check must also include a national criminal records history check of information from the state law enforcement agencies in the states where the person resided during the five years before moving to Minnesota, and of the national criminal records repository including the criminal justice data communications network. The commissioner shall accept the national criminal history check request and the fingerprints of the applicant and is authorized to exchange fingerprints with the Federal Bureau of Investigation and request the Federal Bureau of Investigation to conduct a criminal history check. The applicant's failure to cooperate with the commissioner in conducting the records check is reasonable cause to deny an application or cancel a school bus endorsement. The commissioner may not release the results of the records check to any person except the applicant or the applicant's designee in writing.

(b) The commissioner may issue to an otherwise qualified applicant a temporary school bus endorsement, effective for no more than 180 days, upon presentation of (1) an affidavit by the applicant that the applicant has not been convicted of a disqualifying offense and (2) a criminal history check from each state of residence for the previous five years. The criminal history check may be conducted and prepared by any public or private source acceptable to the commissioner. The commissioner may reissue the temporary endorsement if the National Criminal Records Repository check is timely submitted but not completed within the 180-day period.

Sec. 3. Minnesota Statutes 2000, section 299C.68, subdivision 5, is amended to read:

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Subd. 5. **RESPONSE OF BUREAU.** The superintendent shall respond in writing to a background check request within a reasonable time not to exceed ten working days after receiving the signed form under subdivision 3. If a search is being done of the national criminal records repository and that portion of the background check is not completed, the superintendent shall notify the owner that the background check is not complete and shall provide that portion of the background check to the owner as soon as it is available. If a search is being done of the national criminal records repository, the superintendent shall determine eligibility based upon national records received. The superintendent shall reply to the owner in writing, indicating whether the manager is or is not eligible for employment. The superintendent's response must clearly indicate whether the manager has ever been convicted of a background check crime and, if so, a description of the crime, date and jurisdiction of conviction, and date of discharge of the sentence.

Sec. 4. Minnesota Statutes 2000, section 326.336, subdivision 1, is amended to read:

Subdivision 1. **BACKGROUND CHECK.** A license holder may employ, in connection with the business of private detective or protective agent, as many unlicensed persons as may be necessary; provided that every license holder is at all times accountable for the good conduct of every person employed. When a license holder hires a person to perform services as a private detective or protective agent, the employer shall submit to the bureau of criminal apprehension a full set of fingerprints of each employee and the written consent of the employee to enable the bureau to determine whether that person has a criminal record. The employee is a conditional employee until the employer receives a report from the bureau that, based on a check of the criminal records maintained by the bureau, the prospective employee has not been convicted in Minnesota of a felony or any offense listed in section 326.3381, subdivision 3, other than a misdemeanor or gross misdemeanor assault. During the period of conditional employment, the person may not serve as a private detective or protective agent, but may be trained by the employer. The bureau shall immediately forward the fingerprints to the Federal Bureau of Investigation and request the Federal Bureau of Investigation to conduct a criminal history check of each conditional employee's criminal record, and the bureau of criminal apprehension shall immediately forward the results to the employer when they are received employee. The bureau shall determine if the bureau report or Federal Bureau of Investigation report indicates that the employee was convicted of a disqualifying offense, and shall notify the employer accordingly. The employer shall immediately dismiss the an employee who has been convicted of a disqualifying offense.

Sec. 5. Minnesota Statutes 2000, section 340A.301, subdivision 2, is amended to read:

Subd. 2. **PERSONS ELIGIBLE.** Licenses under this section may be issued only to a person who:

- (1) is of good moral character and repute;
- (2) is 21 years of age or older;

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(3) has not had a license issued under this chapter revoked within five years of the date of license application, or to any person who at the time of the violation owns any interest, whether as a holder of more than five percent of the capital stock of a corporation licensee, as a partner or otherwise, in the premises or in the business conducted thereon, or to a corporation, partnership, association, enterprise, business, or firm in which any such person is in any manner interested; and

(4) has not been convicted within five years of the date of license application of a felony, or of a willful violation of a federal or state law, or local ordinance governing the manufacture, sale, distribution, or possession for sale or distribution of alcoholic beverages. The alcohol and gambling enforcement division may require that fingerprints be taken and may forward the fingerprints to the Federal Bureau of Investigation for purposes of a criminal history check.

Sec. 6. Minnesota Statutes 2000, section 340A.402, is amended to read:

340A.402 PERSONS ELIGIBLE.

No retail license may be issued to:

- (1) a person under 21 years of age;
- (2) a person who has had an intoxicating liquor or 3.2 percent malt liquor license revoked within five years of the license application, or to any person who at the time of the violation owns any interest, whether as a holder of more than five percent of the capital stock of a corporation licensee, as a partner or otherwise, in the premises or in the business conducted thereon, or to a corporation, partnership, association, enterprise, business, or firm in which any such person is in any manner interested;
- (3) a person not of good moral character and repute; or
- (4) a person who has a direct or indirect interest in a manufacturer, brewer, or wholesaler.

In addition, no new retail license may be issued to, and the governing body of a municipality may refuse to renew the license of, 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. The alcohol and gambling enforcement division or licensing authority may require that fingerprints be taken and forwarded to the Federal Bureau of Investigation for purposes of a criminal history check.

Presented to the governor April 4, 2002

Signed by the governor April 8, 2002, 2:30 p.m.

CHAPTER 322—S.F.No. 2533

An act relating to corrections; authorizing counties to collect room, board, and other related correctional expenses for offenders who have been convicted of a crime and confined in a county

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