

State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 2016

02/25/2014 Authored by Johnson, B.,  
The bill was read for the first time and referred to the Committee on Labor, Workplace and Regulated Industries

1.1 A bill for an act  
1.2 relating to employment; modifying the consideration of criminal records;  
1.3 amending Minnesota Statutes 2013 Supplement, section 364.021.  
1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2013 Supplement, section 364.021, is amended to read:

1.6 **364.021 PUBLIC AND PRIVATE EMPLOYMENT; CONSIDERATION OF**  
1.7 **CRIMINAL RECORDS.**

1.8 (a) A public or private employer may not inquire into or consider or require  
1.9 disclosure of the criminal record or criminal history of an applicant for employment until  
1.10 the applicant has been selected for an interview by the employer or, if there is not an  
1.11 interview, before a conditional offer of employment is made to the applicant.

1.12 (b) This section does not apply to: ~~the Department of Corrections or to employers~~  
1.13 ~~who have a statutory duty to conduct a criminal history background check or otherwise~~  
1.14 ~~take into consideration a potential employee's criminal history during the hiring process.~~

1.15 (1) the Department of Corrections;

1.16 (2) positions of employment that allow access to confidential financial information  
1.17 or financial transactions;

1.18 (3) positions of employment that allow access to or interaction with minor children; or

1.19 (4) employers who have a statutory duty to conduct a criminal history background  
1.20 check or otherwise take into consideration a potential employee's criminal history during  
1.21 the hiring process.

1.22 (c) This section does not prohibit an employer from notifying applicants that law  
1.23 or the employer's policy will disqualify an individual with a particular criminal history  
1.24 background from employment in particular positions.

2.1            **EFFECTIVE DATE.** This section is effective the day following final enactment.