## S.F. No. 1375, as introduced - 87th Legislative Session (2011-2012) [11-3159]

## SENATE STATE OF MINNESOTA EIGHTY-SEVENTH LEGISLATURE

S.F. No. 1375

## (SENATE AUTHORS: LATZ)

D-PG

**DATE** 05/04/2011

OFFICIAL STATUS

1747 Introduction and first reading Referred to Judiciary and Public Safety

| 1.1  | A bill for an act  |
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| 1.2  | relating to civil justice; establishing a presumption of rehabilitation for persons        |
| 1.3  | with expunged offenses; amending Minnesota Statutes 2010, sections 364.03,                 |
| 1.4  | subdivision 3; 364.10; proposing coding for new law in Minnesota Statutes,                 |
| 1.5  | chapter 364.   |
| 1.6  | BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:                                |
| 1.7  | Section 1. Minnesota Statutes 2010, section 364.03, subdivision 3, is amended to read:     |
| 1.8  | Subd. 3. Evidence of rehabilitation. (a) A person who has been convicted of a              |
| 1.9  | crime or crimes which directly relate to the public employment sought or to the occupation |
| 1.10 | for which a license is sought shall not be disqualified from the employment or occupation  |
| 1.11 | if the person can show competent evidence of sufficient rehabilitation and present fitness |
| 1.12 | to perform the duties of the public employment sought or the occupation for which the      |
| 1.13 | license is sought. A copy of a judicial expungement order, whether granted pursuant        |
| 1.14 | to chapter 609A or inherent judicial authority, is conclusive evidence of rehabilitation.  |
| 1.15 | Sufficient evidence of rehabilitation may be established by the production of:             |
| 1.16 | (1) a copy of the local, state, or federal release order; and                              |
| 1.17 | (2) evidence showing that at least one year has elapsed since release from any local,      |
| 1.18 | state, or federal correctional institution without subsequent conviction of a crime; and   |
| 1.19 | evidence showing compliance with all terms and conditions of probation or parole; or       |
| 1.20 | (3) a copy of the relevant Department of Corrections discharge order or other              |
| 1.21 | documents showing completion of probation or parole supervision.                           |
| 1.22 | (b) In addition to the documentary evidence presented, the licensing or hiring             |
| 1.23 | authority shall consider any evidence presented by the applicant regarding:                |
| 1.24 | (1) the nature and seriousness of the crime or crimes for which convicted;                 |
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| 2.1  | (2) all circumstances relative to the crime or crimes, including mitigating                   |
|------|---|
| 2.2  | circumstances or social conditions surrounding the commission of the crime or crimes;         |
| 2.3  | (3) the age of the person at the time the crime or crimes were committed;                     |
| 2.4  | (4) the length of time elapsed since the crime or crimes were committed; and                  |
| 2.5  | (5) all other competent evidence of rehabilitation and present fitness presented,             |
| 2.6  | including, but not limited to, letters of reference by persons who have been in contact with  |
| 2.7  | the applicant since the applicant's release from any local, state, or federal correctional    |
| 2.8  | institution.  |
|      |   |
| 2.9  | Sec. 2. Minnesota Statutes 2010, section 364.10, is amended to read:                          |
| 2.10 | 364.10 VIOLATION OF CIVIL RIGHTS.   |
| 2.11 | Violation of the rights established in sections 364.01 to 364.10 this chapter shall           |
| 2.12 | constitute a violation of a person's civil rights.  |
|      |   |
| 2.13 | Sec. 3. [364.20] PRIVATE EMPLOYERS; EXPUNGED CONVICTIONS.                                     |
| 2.14 | A private employer may not dismiss an employee or refuse to hire an applicant                 |
| 2.15 | based solely upon a criminal offense that has been expunged pursuant to chapter 609A or       |
| 2.16 | inherent judicial authority. Prior to dismissing an employee or refusing to hire an applicant |
| 2.17 | solely because of a past conviction, the employer must inform the person of the reason        |

2.18 for the action and allow the person not less than 72 hours to provide the employer with a

2.19 <u>copy of an expungement order for the disqualifying offense.</u>