

188.22

ARTICLE 12

188.23

UNIFORM COLLATERAL CONSEQUENCES OF CONVICTION ACT

188.24 Section 1. Minnesota Statutes 2018, section 245C.22, is amended by adding a subdivision
188.25 to read:

188.26 Subd. 4a. **Disqualification decisions related to chapter 638.** The requirements regarding
188.27 a decision to disqualify an individual under section 638.17 are met by the commissioner
188.28 when implementing the requirements of this section and the exclusion under section 245C.24,
188.29 subdivision 4a.

189.1 Sec. 2. Minnesota Statutes 2018, section 245C.24, is amended by adding a subdivision to
189.2 read:

189.3 Subd. 4a. **Disqualification decisions related to chapter 638.** (a) Notwithstanding
189.4 statutory limits on the commissioner's authority to set aside an individual's disqualification
189.5 under this section, the commissioner may consider issuing a set-aside according to section
189.6 245C.22 if the disqualified individual has been issued an order of limited relief under section
189.7 638.19 that provides this specific relief.

189.8 (b) An individual who received a set-aside of a disqualification as a result of paragraph
189.9 (a) must immediately inform the commissioner upon restriction or revocation of an order
189.10 of limited relief under section 638.22.

189.11 (c) Upon receipt of information regarding a restriction or revocation of an order of limited
189.12 relief according to section 638.22, the commissioner shall rescind a set-aside of a
189.13 disqualification and the individual shall have the appeal rights stated in section 245C.22,
189.14 subdivision 6.

189.15 Sec. 3. Minnesota Statutes 2018, section 364.07, is amended to read:

189.16 **364.07 APPLICATION.**

189.17 The provisions of sections 364.01 to 364.10 shall prevail over any other laws and rules,
189.18 except for sections 638.10 to 638.25, which purport to govern the granting, denial, renewal,
189.19 suspension, or revocation of a license or the initiation, suspension, or termination of public
189.20 employment on the grounds of conviction of a crime or crimes. In deciding to grant, deny,
189.21 revoke, suspend, or renew a license, or to deny, suspend, or terminate public employment
189.22 for a lack of good moral character or the like, the hiring or licensing authority may consider
189.23 evidence of conviction of a crime or crimes but only in the same manner and to the same
189.24 effect as provided for in sections 364.01 to 364.10. Nothing in sections 364.01 to 364.10
189.25 shall be construed to otherwise affect relevant proceedings involving the granting, denial,
189.26 renewal, suspension, or revocation of a license or the initiation, suspension, or termination
189.27 of public employment.

189.28 Sec. 4. [638.10] SHORT TITLE.

189.29 Sections 638.10 to 638.25 may be cited as the "Uniform Collateral Consequences of
189.30 Conviction Act."

190.1 Sec. 5. [638.11] DEFINITIONS.

190.2 (a) For the purposes of sections 638.10 to 638.25, the terms defined in this section have
190.3 the meanings given them.

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

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

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

190.11 (e) "Decision maker" means the state acting through a department, agency, officer, or
190.12 instrumentality, including a political subdivision, educational institution, board, or
190.13 commission, or its employees, or a government contractor, including a subcontractor, made
190.14 subject to sections 638.10 to 638.25 by contract, other law, or ordinance.

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

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

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

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

190.28 Sec. 6. [638.12] LIMITATION ON SCOPE.

190.29 (a) Sections 638.10 to 638.25 do not provide a basis for:

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

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

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

191.3 (b) Sections 638.10 to 638.25 do not affect:

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

191.5 (2) a right or remedy under law other than sections 638.10 to 638.25 available to an
191.6 individual convicted of an offense.

191.7 Sec. 7. **[638.13] IDENTIFICATION, COLLECTION, AND PUBLICATION OF**
191.8 **LAWS REGARDING COLLATERAL CONSEQUENCES.**

191.9 (a) The revisor of statutes shall:

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

191.14 (2) in a timely manner after the effective date of sections 638.10 to 638.25, prepare a
191.15 collection of citations to, and the text or short descriptions of, the provisions identified under
191.16 clause (1); and

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

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

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

191.25 (a):

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

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

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

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

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

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

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

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

192.14 **Sec. 8. [638.14] NOTICE OF COLLATERAL CONSEQUENCES IN CITATION,**
192.15 **PRETRIAL PROCEEDING, AND AT GUILTY PLEA.**

192.16 (a) When a peace officer issues a citation to a person for an offense, the officer shall
192.17 ensure that the person receives a notice of additional legal consequences substantially similar
192.18 to that described in paragraph (b). This requirement may be satisfied by using the uniform
192.19 traffic ticket described in section 169.99 or the statewide standard citation if that document
192.20 addresses collateral consequences of a criminal conviction.

192.21 (b) When an individual receives formal notice that the individual is charged with an
192.22 offense, the prosecuting attorney of the county or city in which the individual is charged
192.23 shall provide information substantially similar to the following to the individual:

192.24 **NOTICE OF ADDITIONAL LEGAL CONSEQUENCES**

192.25 If you pled guilty or are convicted of an offense you may suffer additional legal
192.26 consequences beyond the sentence imposed by the court. These consequences may include,
192.27 among many others, ineligibility to keep or obtain some licenses, permits or jobs, public
192.28 housing or education benefits, and to vote or possess a firearm. You may be denied
192.29 citizenship and be deported. **It is your responsibility to learn what consequences may**
192.30 **apply to you. Ask your attorney.** Most consequences can be found at
192.31 <https://niccc.csjusticecenter.org/about/>.

193.1 (c) Before the court accepts a plea of guilty from an individual, the court shall confirm
193.2 that the individual received and understands the notice required by paragraphs (a) and (b),
193.3 and had an opportunity to discuss the notice with counsel.

193.4 **Sec. 9. [638.15] NOTICE OF COLLATERAL CONSEQUENCES AT SENTENCING**
193.5 **AND UPON RELEASE.**

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

- 193.8 (1) that collateral consequences may apply because of this conviction;
193.9 (2) the website address of the collection of laws published under section 638.13, paragraph
193.10 (c);
193.11 (3) that there may be ways to obtain relief from collateral consequences;
193.12 (4) contact information for government or nonprofit agencies, groups, or organizations,
193.13 if any, offering assistance to individuals seeking relief from collateral consequences; and
193.14 (5) when an individual convicted of an offense may vote under state law.
193.15 (b) The court shall provide the notice in paragraph (a) as a part of sentencing.
193.16 (c) If an individual is sentenced to imprisonment or other incarceration, the officer or
193.17 agency releasing the individual shall provide the notice in paragraph (a) not more than 30
193.18 days and, if practicable, at least ten days before release.
193.19 **Sec. 10. [638.16] AUTHORIZATION REQUIRED FOR COLLATERAL SANCTION;**
193.20 **AMBIGUITY.**
193.21 (a) A collateral sanction may be imposed only by statute or ordinance, or by rule
193.22 authorized by law and adopted under chapter 14.
193.23 (b) A law creating a collateral consequence that is ambiguous as to whether it imposes
193.24 a collateral sanction or authorizes a disqualification must be construed as authorizing a
193.25 disqualification.
193.26 **Sec. 11. [638.17] DECISION TO DISQUALIFY.**
193.27 In deciding whether to impose a disqualification, a decision maker shall undertake an
193.28 individualized assessment to determine whether the benefit or opportunity at issue shall be
193.29 denied the individual. In making that decision, the decision maker may consider, if
193.30 substantially related to the benefit or opportunity at issue, the particular facts and
194.1 circumstances involved in the offense and the essential elements of the offense. A conviction
194.2 itself may not be considered except as having established the elements of the offense. The
194.3 decision maker shall also consider other relevant information including, at a minimum, the
194.4 effect on third parties of granting the benefit or opportunity and whether the individual has
194.5 been granted relief such as an order of limited relief.
194.6 **Sec. 12. [638.18] EFFECT OF CONVICTION BY ANOTHER STATE OR THE**
194.7 **UNITED STATES; RELIEVED OR PARDONED CONVICTION.**
194.8 (a) For purposes of authorizing or imposing a collateral consequence in this state, a
194.9 conviction of an offense in a court of another state or the United States is deemed a conviction
194.10 of the offense in this state with the same elements. If there is no offense in this state with
194.11 the same elements, the conviction is deemed a conviction of the most serious offense in this
194.12 state which is established by the elements of the offense. A misdemeanor in the jurisdiction
194.13 of conviction may not be deemed a felony in this state, and an offense lesser than a

194.14 misdemeanor in the jurisdiction of conviction may not be deemed a conviction of a felony,
194.15 gross misdemeanor, or misdemeanor in this state.

194.16 (b) For purposes of authorizing or imposing a collateral consequence in this state, a
194.17 juvenile adjudication in another state or the United States may not be deemed a conviction
194.18 of a felony, gross misdemeanor, misdemeanor, or offense lesser than a misdemeanor in this
194.19 state, but may be deemed a juvenile adjudication for the delinquent act in this state with the
194.20 same elements. If there is no delinquent act in this state with the same elements, the juvenile
194.21 adjudication is deemed an adjudication of the most serious delinquent act in this state which
194.22 is established by the elements of the offense.

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

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

194.30 (e) A conviction that has been relieved by expungement, sealing, annulment, set-aside,
194.31 or vacation by a court of competent jurisdiction of another state or the United States on
194.32 grounds of rehabilitation or good behavior, or for which civil rights are restored pursuant
194.33 to statute, has the same effect for purposes of authorizing or imposing collateral consequences
194.34 in this state as it has in the jurisdiction of conviction. However, this relief or restoration of
195.1 civil rights does not relieve collateral consequences applicable under the law of this state
195.2 for which relief could not be granted under section 638.21 or for which relief was expressly
195.3 withheld by the court order or by the law of the jurisdiction that relieved the conviction. An
195.4 individual convicted in another jurisdiction may seek relief under section 638.19 from any
195.5 collateral consequence for which relief was not granted in the issuing jurisdiction, other
195.6 than those listed in section 638.21, and the judge shall consider that the conviction was
195.7 relieved or civil rights restored in deciding whether to issue an order of limited relief.

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

195.14 Sec. 13. [638.19] ORDER OF LIMITED RELIEF.

195.15 (a) The court shall conduct proceedings, make determinations, and issue orders on
195.16 petitions for orders of limited relief filed under this section.

195.17 (b) An individual convicted of an offense may petition for an order of limited relief from
195.18 one or more collateral sanctions related to employment, education, housing, public benefits,

- 195.19 or occupational licensing. The petition may be brought before the court at any time after
195.20 sentencing.
- 195.21 (c) Except as otherwise provided in section 638.21, the judge may issue an order of
195.22 limited relief relieving one or more of the collateral sanctions described in paragraph (b) if,
195.23 after reviewing the petition, the individual's criminal history, and any other relevant evidence,
195.24 the judge finds the individual has established by a preponderance of the evidence that:
- 195.25 (1) granting the petition will materially assist the individual in obtaining or maintaining
195.26 employment, education, housing, public benefits, or occupational licensing;
- 195.27 (2) the individual has substantial need for the relief requested in order to live a
195.28 law-abiding life; and
- 195.29 (3) granting the petition would not pose an unreasonable risk to the safety or welfare of
195.30 the public.
- 195.31 (d) The order of limited relief must specify:
- 195.32 (1) the collateral sanction from which relief is granted; and
- 196.1 (2) any restriction imposed pursuant to section 638.22, paragraph (a).
- 196.2 (e) An order of limited relief relieves a collateral sanction to the extent provided in the
196.3 order.
- 196.4 (f) If a collateral sanction has been relieved pursuant to this section, a decision maker
196.5 may consider the conduct underlying a conviction as provided in section 638.17.
- 196.6 **Sec. 14. [638.21] COLLATERAL SANCTIONS NOT SUBJECT TO ORDER OF**
196.7 **LIMITED RELIEF.**
- 196.8 An order of limited relief may not be issued to relieve the following collateral sanctions:
- 196.9 (1) requirements imposed by sections 243.166 and 243.167;
- 196.10 (2) a motor vehicle license suspension, revocation, limitation, or ineligibility for driving
196.11 while intoxicated pursuant to section 169A.20, or sections 169.792, 169.797, 169A.52,
196.12 169A.54, 171.17, 171.172, 171.173, 171.18, and 171.186, for which restoration or relief is
196.13 available pursuant to sections 171.30 and 171.306;
- 196.14 (3) ineligibility for employment pursuant to sections 387.36 and 419.06 or other law
196.15 restricting employment of convicted individuals by law enforcement agencies, such as the
196.16 Department of Corrections, Department of Public Safety, Office of the Attorney General,
196.17 sheriff's offices, police departments, and judicial offices; or
- 196.18 (4) eligibility to purchase, possess, use, transfer, or own a firearm.

196.19 Sec. 15. **[638.22] ISSUANCE, MODIFICATION, AND REVOCATION OF ORDER**
196.20 **OF LIMITED RELIEF.**

196.21 (a) When a petition is filed under section 638.19, including a petition for enlargement
196.22 of an existing order of limited relief, the judge may issue an order subject to restriction,
196.23 condition, or additional requirement. When issuing, denying, modifying, or revoking an
196.24 order, the judge may impose conditions for reapplication.

196.25 (b) The judge may restrict or revoke an order of limited relief issued by a court in this
196.26 state if it finds just cause by a preponderance of the evidence. An order of restriction or
196.27 revocation may be issued:

196.28 (1) on motion of the judge;

196.29 (2) after notice to the individual; and

196.30 (3) after a hearing if requested by the individual.

197.1 (c) The judge shall order any test, report, investigation, or disclosure by the individual
197.2 it reasonably believes necessary to its decision to issue, modify, or revoke an order of limited
197.3 relief.

197.4 (d) The court shall maintain a public record of the issuance, modification, and revocation
197.5 of orders of limited relief and certificates of restoration of rights. The criminal history record
197.6 system of the Bureau of Criminal Apprehension must include issuance, modification, and
197.7 revocation of orders and certificates.

197.8 Sec. 16. **[638.23] RELIANCE ON ORDER AS EVIDENCE OF DUE CARE.**

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

197.14 Sec. 17. **[638.24] UNIFORMITY OF APPLICATION AND CONSTRUCTION.**

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

197.17 Sec. 18. **[638.25] SAVINGS AND TRANSITIONAL PROVISIONS.**

197.18 (a) Sections 638.10 to 638.25 apply to collateral consequences whenever enacted or
197.19 imposed, unless the law creating the collateral consequence expressly states that sections
197.20 638.10 to 638.25 do not apply.

197.21 (b) Sections 638.10 to 638.25 do not invalidate the imposition of a collateral sanction
197.22 on an individual before the effective date of sections 638.10 to 638.25, but a collateral

197.23 sanction validly imposed before the effective date of sections 638.10 to 638.25 may be the
197.24 subject of relief under these sections.

197.25 Sec. 19. **CHANGE TO UNIFORM TRAFFIC TICKET AND STATEWIDE**
197.26 **STANDARD CITATION.**

197.27 By January 1, 2021, the uniform traffic ticket described in Minnesota Statutes, section
197.28 169.99, and the statewide standard citation must include a notice of additional legal
197.29 consequences substantially similar to that described in Minnesota Statutes, section 638.14,
197.30 paragraph (b). If this is determined not to be feasible, the ticket and citation must, at a
198.1 minimum, inform the offender generally of the issue of potential collateral consequences
198.2 and provide the following website address: <https://niccc.csgjusticecenter.org/about/>.

198.3 Sec. 20. **REPEALER.**

198.4 Minnesota Statutes 2018, sections 609B.050; 609B.100; 609B.101; 609B.102; 609B.103;
198.5 609B.104; 609B.105; 609B.106; 609B.107; 609B.108; 609B.109; 609B.110; 609B.111;
198.6 609B.112; 609B.113; 609B.120; 609B.121; 609B.122; 609B.123; 609B.124; 609B.125;
198.7 609B.126; 609B.127; 609B.128; 609B.129; 609B.130; 609B.132; 609B.133; 609B.134;
198.8 609B.135; 609B.136; 609B.139; 609B.140; 609B.141; 609B.142; 609B.143; 609B.144;
198.9 609B.146; 609B.147; 609B.148; 609B.149; 609B.1495; 609B.150; 609B.151; 609B.152;
198.10 609B.153; 609B.155; 609B.157; 609B.158; 609B.159; 609B.160; 609B.161; 609B.162;
198.11 609B.164; 609B.1641; 609B.1645; 609B.165; 609B.168; 609B.170; 609B.171; 609B.172;
198.12 609B.173; 609B.174; 609B.175; 609B.176; 609B.177; 609B.179; 609B.180; 609B.181;
198.13 609B.183; 609B.184; 609B.185; 609B.187; 609B.188; 609B.189; 609B.191; 609B.192;
198.14 609B.193; 609B.194; 609B.195; 609B.200; 609B.201; 609B.203; 609B.205; 609B.206;
198.15 609B.216; 609B.231; 609B.235; 609B.237; 609B.241; 609B.245; 609B.255; 609B.262;
198.16 609B.263; 609B.265; 609B.271; 609B.273; 609B.275; 609B.277; 609B.301; 609B.310;
198.17 609B.311; 609B.312; 609B.320; 609B.321; 609B.330; 609B.331; 609B.332; 609B.333;
198.18 609B.340; 609B.341; 609B.342; 609B.343; 609B.344; 609B.345; 609B.400; 609B.405;
198.19 609B.410; 609B.415; 609B.425; 609B.430; 609B.435; 609B.445; 609B.450; 609B.455;
198.20 609B.460; 609B.465; 609B.500; 609B.505; 609B.510; 609B.515; 609B.518; 609B.520;
198.21 609B.525; 609B.530; 609B.535; 609B.540; 609B.545; 609B.600; 609B.610; 609B.611;
198.22 609B.612; 609B.613; 609B.614; 609B.615; 609B.700; 609B.710; 609B.720; 609B.721;
198.23 609B.722; 609B.723; 609B.724; and 609B.725, are repealed.

198.24 Sec. 21. **EFFECTIVE DATE.**

198.25 (a) Except as provided in paragraph (b), sections 1 to 20 are effective January 1, 2020.

198.26 (b) Section 8, paragraph (a), is effective July 1, 2024.