

159.12

ARTICLE 5

159.13

BACKGROUND STUDIES

159.14

Section 1. Minnesota Statutes 2024, section 142A.02, subdivision 1, is amended to read:

159.15

Subdivision 1. **Department.** (a) The Department of Children, Youth, and Families is

159.16

established. The commissioner of children, youth, and families is hereby constituted the

159.17

"state agency" for the purposes of Title IV of the Social Security Act of the United States

159.18

and the laws of this state.

159.19

(b) The commissioners of human services and children, youth, and families are hereby

159.20

constituted the "state agency" and the "joint interagency office" for purposes of background

159.21

studies under chapter 245C.

159.22

(c) The commissioner of children, youth, and families is hereby constituted the "state

159.23

agency" for the purposes of administering the child care and development fund.

159.24

Sec. 2. Minnesota Statutes 2024, section 142A.09, subdivision 1, is amended to read:

159.25

Subdivision 1. **Background studies required.** The commissioner of children, youth,

159.26

and families shall contract with the commissioner of human services to shall conduct

159.27

background studies of individuals specified in section 245C.03, subdivision 1, affiliated

159.28

with:

159.29

(1) a facility or program licensed or seeking a license under chapter 142B;

160.1

(2) a license-exempt child care center certified under chapter 142C; or

160.2

(3) a legal nonlicensed child care provider authorized under chapter 142E.

160.3

Sec. 3. Minnesota Statutes 2024, section 245C.02, subdivision 7, is amended to read:

160.4

Subd. 7. **Commissioner.** "Commissioner" has the meaning given in section 245A.02,

160.5

subdivision 5 means the commissioner of human services.

160.6

Sec. 4. Minnesota Statutes 2024, section 245C.03, subdivision 6, is amended to read:

160.7

Subd. 6. **Unlicensed home and community-based waiver providers of service to**

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**seniors and individuals with disabilities.** (a) The commissioner shall conduct background

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studies of on any individual who is an owner who has at least a five percent ownership

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stake, an operator, or an employee or volunteer who provides direct contact, as defined in

160.11

section 245C.02, subdivision 11, for services specified in the federally approved home and

160.12

community-based waiver plans under section 256B.4912. The individual studied must meet

160.13

the requirements of this chapter prior to providing waiver services and as part of ongoing

160.14

enrollment.

160.15

(b) The requirements in paragraph (a) apply to consumer-directed community supports

160.16

under section 256B.4911.

409.18

ARTICLE 13

409.19

BACKGROUND STUDIES

160.17 (c) For purposes of this section, "operator" includes but is not limited to a managerial  
160.18 officer who oversees the billing, management, or policies of the services provided.

160.19 Sec. 5. Minnesota Statutes 2024, section 245C.03, subdivision 13, is amended to read:

160.20 Subd. 13. **Providers of housing stabilization services.** The commissioner shall conduct  
160.21 background studies of on any provider of individual who is an owner who has at least a five  
160.22 percent ownership stake in, an operator of, or an employee or volunteer who provides direct  
160.23 contact housing stabilization services required by section 256B.051 to have a background  
160.24 study completed under this chapter.

160.25 Sec. 6. Minnesota Statutes 2024, section 245C.03, subdivision 15, is amended to read:

160.26 Subd. 15. **Early intensive developmental and behavioral intervention providers.** The  
160.27 commissioner shall conduct background studies according to this chapter when initiated by  
160.28 an on any individual who is an owner who has at least a five percent ownership stake in,  
160.29 an operator of, or an employee or volunteer who provides direct contact early intensive  
160.30 developmental and behavioral intervention provider services under section 256B.0949.

161.1 Sec. 7. Minnesota Statutes 2024, section 245C.04, subdivision 6, is amended to read:

161.2 Subd. 6. **Unlicensed home and community-based waiver providers of service to**  
161.3 **seniors and individuals with disabilities and providers of housing stabilization**  
161.4 **services.** (a) Providers required to initiate background studies under section 256B.4912  
161.5 245C.03, subdivisions 6 and 13 must initiate a study using the electronic system known as  
161.6 NETStudy 2.0 before the individual begins in a position allowing direct contact with persons  
161.7 served by the provider. New providers must initiate a study under this subdivision before  
161.8 initial enrollment if the provider has not already initiated background studies as part of the  
161.9 service licensure requirements.

161.10 (b) Except as provided in paragraphs (c) and (d), the providers must initiate a background  
161.11 study annually of an individual required to be studied under section 245C.03, subdivision  
161.12 6.

161.13 (c) After an initial background study under this subdivision is initiated on an individual  
161.14 by a provider of both services licensed by the commissioner and the unlicensed services  
161.15 under this subdivision, a repeat annual background study is not required if:

161.16 (1) the provider maintains compliance with the requirements of section 245C.07,  
161.17 paragraph (a), regarding one individual with one address and telephone number as the person  
161.18 to receive sensitive background study information for the multiple programs that depend  
161.19 on the same background study, and that the individual who is designated to receive the  
161.20 sensitive background information is capable of determining, upon the request of the  
161.21 commissioner, whether a background study subject is providing direct contact services in  
161.22 one or more of the provider's programs or services and, if so, at which location or locations;  
161.23 and

161.24 (2) the individual who is the subject of the background study provides direct contact  
161.25 services under the provider's licensed program for at least 40 hours per year so the individual  
161.26 will be recognized by a probation officer or corrections agent to prompt a report to the  
161.27 commissioner regarding criminal convictions as required under section 245C.05, subdivision  
161.28 7.

161.29 ~~(d) A provider who initiates background studies through NETStudy 2.0 is exempt from~~  
161.30 ~~the requirement to initiate annual background studies under paragraph (b) for individuals~~  
161.31 ~~who are on the provider's active roster.~~

162.1 Sec. 8. Minnesota Statutes 2024, section 245C.04, is amended by adding a subdivision to  
162.2 read:

162.3 Subd. 12. **Early intensive developmental and behavioral intervention**  
162.4 **providers.** Providers required to initiate background studies under section 245C.03,  
162.5 subdivision 15, must initiate a study using the electronic system known as NETStudy 2.0  
162.6 before the individual begins in a position operating or allowing direct contact with persons  
162.7 served by the provider or before the individual becomes an operator or acquires five percent  
162.8 or more ownership.

162.9 Sec. 9. Minnesota Statutes 2024, section 245C.08, subdivision 5, is amended to read:

162.10 Subd. 5. **Authorization.** The commissioner ~~of human services~~ shall be authorized to  
162.11 receive information under this chapter.

162.12 Sec. 10. Minnesota Statutes 2024, section 245C.10, is amended by adding a subdivision  
162.13 to read:

162.14 Subd. 9b. **Child foster care and adoption programs.** The commissioner shall recover  
162.15 the cost of a background study required for child foster care and adoption studies through  
162.16 a fee of no more than \$44 per study. The fees collected under this subdivision are  
162.17 appropriated to the commissioner for the purpose of conducting background studies.

162.18 Sec. 11. Minnesota Statutes 2024, section 245C.13, subdivision 2, is amended to read:

162.19 Subd. 2. **Activities pending completion of background study.** The subject of a  
162.20 background study may not perform any activity requiring a background study under  
162.21 paragraph (c) until the commissioner has issued one of the notices under paragraph (a).

162.22 (a) Notices from the commissioner required prior to activity under paragraph (c) include:

162.23 (1) a notice of the study results under section 245C.17 stating that:

162.24 (i) the individual is not disqualified; or

162.25 (ii) more time is needed to complete the study but the individual is not required to be  
162.26 removed from direct contact or access to people receiving services prior to completion of  
162.27 the study as provided under section 245C.17, subdivision 1, paragraph (b) or (c). The notice  
162.28 that more time is needed to complete the study must also indicate whether the individual is

409.20 Section 1. Minnesota Statutes 2024, section 245C.13, subdivision 2, is amended to read:

409.21 Subd. 2. **Activities pending completion of background study.** The subject of a  
409.22 background study may not perform any activity requiring a background study under  
409.23 paragraph (c) until the commissioner has issued one of the notices under paragraph (a).

409.24 (a) Notices from the commissioner required prior to activity under paragraph (c) include:

409.25 (1) a notice of the study results under section 245C.17 stating that:

409.26 (i) the individual is not disqualified; or

409.27 (ii) more time is needed to complete the study but the individual is not required to be  
409.28 removed from direct contact or access to people receiving services prior to completion of  
409.29 the study as provided under section 245C.17, subdivision 1, paragraph (b) or (c). The notice  
409.30 that more time is needed to complete the study must also indicate whether the individual is

162.29 required to be under continuous direct supervision prior to completion of the background  
162.30 study. When more time is necessary to complete a background study of an individual  
162.31 affiliated with a Title IV-E eligible children's residential facility or foster residence setting,  
163.1 the individual may not work in the facility or setting regardless of whether or not the  
163.2 individual is supervised;

163.3 (2) a notice that a disqualification has been set aside under section 245C.23; or

163.4 (3) a notice that a variance has been granted related to the individual under section  
163.5 245C.30.

163.6 (b) For a background study affiliated with a licensed child care center or certified  
163.7 license-exempt child care center, the notice sent under paragraph (a), clause (1), item (ii),  
163.8 must not be issued until the commissioner receives a qualifying result for the individual for  
163.9 the fingerprint-based national criminal history record check or the fingerprint-based criminal  
163.10 history information from the Bureau of Criminal Apprehension. The notice must require  
163.11 the individual to be under continuous direct supervision prior to completion of the remainder  
163.12 of the background study except as permitted in subdivision 3.

163.13 (c) Activities prohibited prior to receipt of notice under paragraph (a) include:

163.14 (1) being issued a license;

163.15 (2) living in the household where the licensed program will be provided;

163.16 (3) providing direct contact services to persons served by a program unless the subject  
163.17 is under continuous direct supervision;

163.18 (4) having access to persons receiving services if the background study was completed  
163.19 under section 144.057, subdivision 1, or 245C.03, subdivision 1, paragraph (a), clause (2),  
163.20 (5), or (6), unless the subject is under continuous direct supervision;

163.21 (5) for licensed child care centers and certified license-exempt child care centers,  
163.22 providing direct contact services to persons served by the program;

163.23 (6) for children's residential facilities or foster residence settings, working in the facility  
163.24 or setting; ~~or~~

163.25 (7) for background studies affiliated with a personal care provider organization, except  
163.26 as provided in section 245C.03, subdivision 3b, before a personal care assistant provides  
163.27 services, the personal care assistance provider agency must initiate a background study of  
163.28 the personal care assistant under this chapter and the personal care assistance provider  
163.29 agency must have received a notice from the commissioner that the personal care assistant  
163.30 is:

163.31 (i) not disqualified under section 245C.14; or

409.31 required to be under continuous direct supervision prior to completion of the background  
409.32 study. When more time is necessary to complete a background study of an individual  
410.1 affiliated with a Title IV-E eligible children's residential facility or foster residence setting,  
410.2 the individual may not work in the facility or setting regardless of whether or not the  
410.3 individual is supervised;

410.4 (2) a notice that a disqualification has been set aside under section 245C.23; or

410.5 (3) a notice that a variance has been granted related to the individual under section  
410.6 245C.30.

410.7 (b) For a background study affiliated with a licensed child care center or certified  
410.8 license-exempt child care center, the notice sent under paragraph (a), clause (1), item (ii),  
410.9 must not be issued until the commissioner receives a qualifying result for the individual for  
410.10 the fingerprint-based national criminal history record check or the fingerprint-based criminal  
410.11 history information from the Bureau of Criminal Apprehension. The notice must require  
410.12 the individual to be under continuous direct supervision prior to completion of the remainder  
410.13 of the background study except as permitted in subdivision 3.

410.14 (c) Activities prohibited prior to receipt of notice under paragraph (a) include:

410.15 (1) being issued a license;

410.16 (2) living in the household where the licensed program will be provided;

410.17 (3) providing direct contact services to persons served by a program unless the subject  
410.18 is under continuous direct supervision;

410.19 (4) having access to persons receiving services if the background study was completed  
410.20 under section 144.057, subdivision 1, or 245C.03, subdivision 1, paragraph (a), clause (2),  
410.21 (5), or (6), unless the subject is under continuous direct supervision;

410.22 (5) for licensed child care centers and certified license-exempt child care centers,  
410.23 providing direct contact services to persons served by the program;

410.24 (6) for children's residential facilities or foster residence settings, working in the facility  
410.25 or setting; ~~or~~

410.26 (7) for background studies affiliated with a personal care provider organization, except  
410.27 as provided in section 245C.03, subdivision 3b, before a personal care assistant provides  
410.28 services, the personal care assistance provider agency must initiate a background study of  
410.29 the personal care assistant under this chapter and the personal care assistance provider  
410.30 agency must have received a notice from the commissioner that the personal care assistant  
410.31 is:

410.32 (i) not disqualified under section 245C.14; or

164.1 (ii) disqualified, but the personal care assistant has received a set aside of the  
164.2 disqualification under section 245C.22.; or

164.3 (8) for background studies affiliated with an early intensive developmental and behavioral  
164.4 intervention provider, before an individual provides services, the early intensive  
164.5 developmental and behavioral intervention provider must initiate a background study for  
164.6 the individual under this chapter and the early intensive developmental and behavioral  
164.7 intervention provider must have received a notice from the commissioner that the individual  
164.8 is:

164.9 (i) not disqualified under section 245C.14; or

164.10 (ii) disqualified, but the individual has received a set-aside of the disqualification under  
164.11 section 245C.22.

164.12 EFFECTIVE DATE. The amendment to paragraph (b) is effective January 15, 2026.  
164.13 The amendment to paragraph (c) is effective August 5, 2025.

164.14 Sec. 12. Minnesota Statutes 2024, section 245C.14, is amended by adding a subdivision  
164.15 to read:

164.16 Subd. 4c. **Two-year disqualification.** An individual is disqualified under section  
164.17 245C.14, subdivision 6, if less than two years have passed since a determination that the  
164.18 individual violated section 142A.12, 245.095, or 256B.064.

164.19 EFFECTIVE DATE. This section is effective July 1, 2025.

164.20 Sec. 13. Minnesota Statutes 2024, section 245C.14, is amended by adding a subdivision  
164.21 to read:

164.22 Subd. 6. **Disqualification from owning, operating, or billing.** The commissioner shall  
164.23 disqualify an individual who is the subject of a background study from any position involving  
164.24 ownership, management, or control of a program or billing activities if a background study  
164.25 completed under this chapter shows a violation of section 142A.12, 245.095, or 256B.064.

164.26 EFFECTIVE DATE. This section is effective July 1, 2025.

164.27 Sec. 14. Minnesota Statutes 2024, section 245C.15, subdivision 1, is amended to read:

164.28 Subdivision 1. **Permanent disqualification.** (a) An individual is disqualified under  
164.29 section 245C.14 if: (1) regardless of how much time has passed since the discharge of the  
164.30 sentence imposed, if any, for the offense; and (2) unless otherwise specified, regardless of  
164.31 the level of the offense, the individual has committed any of the following offenses: sections  
165.1 243.166 (violation of predatory offender registration law); 609.185 (murder in the first  
165.2 degree); 609.19 (murder in the second degree); 609.195 (murder in the third degree); 609.20  
165.3 (manslaughter in the first degree); 609.205 (manslaughter in the second degree); a felony  
165.4 offense under 609.221 or 609.222 (assault in the first or second degree); a felony offense  
165.5 under sections 609.2242 and 609.2243 (domestic assault), spousal abuse, child abuse or

411.1 (ii) disqualified, but the personal care assistant has received a set aside of the  
411.2 disqualification under section 245C.22.

411.3 EFFECTIVE DATE. This section is effective January 15, 2026.

411.11 Sec. 3. Minnesota Statutes 2024, section 245C.15, is amended by adding a subdivision to  
411.12 read:

411.13 Subd. 4c. **Two-year disqualification.** An individual is disqualified under section  
411.14 245C.14, subdivision 6, if less than two years has passed since a determination that the  
411.15 individual violated section 142A.12, 245.095, or 256B.064.

411.16 EFFECTIVE DATE. This section is effective July 1, 2025.

411.4 Sec. 2. Minnesota Statutes 2024, section 245C.14, is amended by adding a subdivision to  
411.5 read:

411.6 Subd. 6. **Disqualification from owning, operating, or billing.** The commissioner shall  
411.7 disqualify an individual who is the subject of a background study from any position involving  
411.8 ownership, management, or control of a program or billing activities if a background study  
411.9 completed under this chapter shows a violation of section 142A.12, 245.095, or 256B.064.

411.10 EFFECTIVE DATE. This section is effective July 1, 2025.

165.6 neglect, or a crime against children; 609.2247 (domestic assault by strangulation); 609.228  
165.7 (great bodily harm caused by distribution of drugs); 609.245 (aggravated robbery); 609.247,  
165.8 subdivision 2 or 3 (carjacking in the first or second degree); 609.25 (kidnapping); 609.2661  
165.9 (murder of an unborn child in the first degree); 609.2662 (murder of an unborn child in the  
165.10 second degree); 609.2663 (murder of an unborn child in the third degree); 609.322  
165.11 (solicitation, inducement, and promotion of prostitution); 609.324, subdivision 1 (other  
165.12 prohibited acts); 609.342 (criminal sexual conduct in the first degree); 609.343 (criminal  
165.13 sexual conduct in the second degree); 609.344 (criminal sexual conduct in the third degree);  
165.14 609.345 (criminal sexual conduct in the fourth degree); 609.3451 (criminal sexual conduct  
165.15 in the fifth degree); 609.3453 (criminal sexual predatory conduct); 609.3458 (sexual  
165.16 extortion); 609.352 (solicitation of children to engage in sexual conduct); 609.365 (incest);  
165.17 a felony offense under 609.377 (malicious punishment of a child); 609.3775 (child torture);  
165.18 a felony offense under 609.378 (neglect or endangerment of a child); 609.561 (arson in the  
165.19 first degree); 609.66, subdivision 1e (drive-by shooting); 609.749, subdivision 3, 4, or 5  
165.20 (felony-level harassment or stalking); 609.855, subdivision 5 (shooting at or in a public  
165.21 transit vehicle or facility); 617.23, subdivision 2, clause (1), or subdivision 3, clause (1)  
165.22 (indecent exposure involving a minor); 617.246 (use of minors in sexual performance  
165.23 prohibited); 617.247 (possession of pictorial representations of minors); or, for a child care  
165.24 background study subject, conviction of a crime that would make the individual ineligible  
165.25 for employment under United States Code, title 42, section 9858f, except for a felony drug  
165.26 conviction, regardless of whether a period of disqualification under subdivisions 2 to 4,  
165.27 would apply if the individual were not a child care background study subject.

165.28 (b) An individual's aiding and abetting, attempt, or conspiracy to commit any of the  
165.29 offenses listed in paragraph (a), as each of these offenses is defined in Minnesota Statutes,  
165.30 permanently disqualifies the individual under section 245C.14.

165.31 (c) An individual's offense in any other state or country, where the elements of the offense  
165.32 are substantially similar to any of the offenses listed in paragraph (a), permanently disqualifies  
165.33 the individual under section 245C.14.

165.34 (d) When a disqualification is based on a judicial determination other than a conviction,  
165.35 the disqualification period begins from the date of the court order. When a disqualification  
166.1 is based on an admission, the disqualification period begins from the date of an admission  
166.2 in court. When a disqualification is based on an Alford Plea, the disqualification period  
166.3 begins from the date the Alford Plea is entered in court. When a disqualification is based  
166.4 on a preponderance of evidence of a disqualifying act, the disqualification date begins from  
166.5 the date of the dismissal, the date of discharge of the sentence imposed for a conviction for  
166.6 a disqualifying crime of similar elements, or the date of the incident, whichever occurs last.

166.7 (e) If the individual studied commits one of the offenses listed in paragraph (a) that is  
166.8 specified as a felony-level only offense, but the sentence or level of offense is a gross  
166.9 misdemeanor or misdemeanor, the individual is disqualified, but the disqualification  
166.10 look-back period for the offense is the period applicable to gross misdemeanor or  
166.11 misdemeanor offenses.

166.12 (f) A child care background study subject shall be disqualified if the individual is  
166.13 registered, or required to be registered, on a state sex offender registry or repository or the  
166.14 National Sex Offender Registry.

166.15 **EFFECTIVE DATE.** This section is effective July 1, 2025.

166.16 Sec. 15. Minnesota Statutes 2024, section 245C.15, subdivision 4a, is amended to read:

166.17 Subd. 4a. **Licensed family foster setting disqualifications.** (a) Notwithstanding  
166.18 subdivisions 1 to 4, for a background study affiliated with a licensed family foster setting,  
166.19 regardless of how much time has passed, an individual is disqualified under section 245C.14  
166.20 if the individual committed an act that resulted in a felony-level conviction for sections:  
166.21 609.185 (murder in the first degree); 609.19 (murder in the second degree); 609.195 (murder  
166.22 in the third degree); 609.20 (manslaughter in the first degree); 609.205 (manslaughter in  
166.23 the second degree); 609.2112 (criminal vehicular homicide); 609.221 (assault in the first  
166.24 degree); 609.223, subdivision 2 (assault in the third degree, past pattern of child abuse);  
166.25 609.223, subdivision 3 (assault in the third degree, victim under four); a felony offense  
166.26 under sections 609.2242 and 609.2243 (domestic assault, spousal abuse, child abuse or  
166.27 neglect, or a crime against children); 609.2247 (domestic assault by strangulation); 609.2325  
166.28 (criminal abuse of a vulnerable adult resulting in the death of a vulnerable adult); 609.245  
166.29 (aggravated robbery); 609.247, subdivision 2 or 3 (carjacking in the first or second degree);  
166.30 609.25 (kidnapping); 609.255 (false imprisonment); 609.2661 (murder of an unborn child  
166.31 in the first degree); 609.2662 (murder of an unborn child in the second degree); 609.2663  
166.32 (murder of an unborn child in the third degree); 609.2664 (manslaughter of an unborn child  
166.33 in the first degree); 609.2665 (manslaughter of an unborn child in the second degree);  
166.34 609.267 (assault of an unborn child in the first degree); 609.2671 (assault of an unborn child  
167.1 in the second degree); 609.268 (injury or death of an unborn child in the commission of a  
167.2 crime); 609.322, subdivision 1 (solicitation, inducement, and promotion of prostitution; sex  
167.3 trafficking in the first degree); 609.324, subdivision 1 (other prohibited acts; engaging in,  
167.4 hiring, or agreeing to hire minor to engage in prostitution); 609.342 (criminal sexual conduct  
167.5 in the first degree); 609.343 (criminal sexual conduct in the second degree); 609.344 (criminal  
167.6 sexual conduct in the third degree); 609.345 (criminal sexual conduct in the fourth degree);  
167.7 609.3451 (criminal sexual conduct in the fifth degree); 609.3453 (criminal sexual predatory  
167.8 conduct); 609.3458 (sexual extortion); 609.352 (solicitation of children to engage in sexual  
167.9 conduct); 609.377 (malicious punishment of a child); 609.3775 (child torture); 609.378  
167.10 (neglect or endangerment of a child); 609.561 (arson in the first degree); 609.582, subdivision  
167.11 1 (burglary in the first degree); 609.746 (interference with privacy); 617.23 (indecent  
167.12 exposure); 617.246 (use of minors in sexual performance prohibited); or 617.247 (possession  
167.13 of pictorial representations of minors).

167.14 (b) Notwithstanding subdivisions 1 to 4, for the purposes of a background study affiliated  
167.15 with a licensed family foster setting, an individual is disqualified under section 245C.14,  
167.16 regardless of how much time has passed, if the individual:

167.17 (1) committed an action under paragraph (c) that resulted in death or involved sexual  
167.18 abuse, as defined in section 260E.03, subdivision 20;



167.19 (2) committed an act that resulted in a gross misdemeanor-level conviction for section  
167.20 609.3451 (criminal sexual conduct in the fifth degree);

167.21 (3) committed an act against or involving a minor that resulted in a felony-level conviction  
167.22 for: section 609.222 (assault in the second degree); 609.223, subdivision 1 (assault in the  
167.23 third degree); 609.2231 (assault in the fourth degree); or 609.224 (assault in the fifth degree);  
167.24 or

167.25 (4) committed an act that resulted in a misdemeanor or gross misdemeanor-level  
167.26 conviction for section 617.293 (dissemination and display of harmful materials to minors).

167.27 (c) Notwithstanding subdivisions 1 to 4, for a background study affiliated with a licensed  
167.28 family foster setting, an individual is disqualified under section 245C.14 if fewer than 20  
167.29 years have passed since the termination of the individual's parental rights under section  
167.30 260C.301, subdivision 1, paragraph (b), or if the individual consented to a termination of  
167.31 parental rights under section 260C.301, subdivision 1, paragraph (a), to settle a petition to  
167.32 involuntarily terminate parental rights. An individual is disqualified under section 245C.14  
167.33 if fewer than 20 years have passed since the termination of the individual's parental rights  
167.34 in any other state or country, where the conditions for the individual's termination of parental  
168.1 rights are substantially similar to the conditions in section 260C.301, subdivision 1, paragraph  
168.2 (b).

168.3 (d) Notwithstanding subdivisions 1 to 4, for a background study affiliated with a licensed  
168.4 family foster setting, an individual is disqualified under section 245C.14 if fewer than five  
168.5 years have passed since a felony-level violation for sections: 152.021 (controlled substance  
168.6 crime in the first degree); 152.022 (controlled substance crime in the second degree); 152.023  
168.7 (controlled substance crime in the third degree); 152.024 (controlled substance crime in the  
168.8 fourth degree); 152.025 (controlled substance crime in the fifth degree); 152.0261 (importing  
168.9 controlled substances across state borders); 152.0262, subdivision 1, paragraph (b)  
168.10 (possession of substance with intent to manufacture methamphetamine); 152.027, subdivision  
168.11 6, paragraph (c) (sale or possession of synthetic cannabinoids); 152.096 (conspiracies  
168.12 prohibited); 152.097 (simulated controlled substances); 152.136 (anhydrous ammonia;  
168.13 prohibited conduct; criminal penalties; civil liabilities); 152.137 (methamphetamine-related  
168.14 crimes involving children or vulnerable adults); 169A.24 (felony first-degree driving while  
168.15 impaired); 243.166 (violation of predatory offender registration requirements); 609.2113  
168.16 (criminal vehicular operation; bodily harm); 609.2114 (criminal vehicular operation; unborn  
168.17 child); 609.228 (great bodily harm caused by distribution of drugs); 609.2325 (criminal  
168.18 abuse of a vulnerable adult not resulting in the death of a vulnerable adult); 609.233 (criminal  
168.19 neglect); 609.235 (use of drugs to injure or facilitate a crime); 609.24 (simple robbery);  
168.20 609.247, subdivision 4 (carjacking in the third degree); 609.322, subdivision 1a (solicitation,  
168.21 inducement, and promotion of prostitution; sex trafficking in the second degree); 609.498,  
168.22 subdivision 1 (tampering with a witness in the first degree); 609.498, subdivision 1b  
168.23 (aggravated first-degree witness tampering); 609.562 (arson in the second degree); 609.563  
168.24 (arson in the third degree); 609.582, subdivision 2 (burglary in the second degree); 609.66  
168.25 (felony dangerous weapons); 609.687 (adulteration); 609.713 (terroristic threats); 609.749,



168.26 subdivision 3, 4, or 5 (felony-level harassment or stalking); 609.855, subdivision 5 (shooting  
168.27 at or in a public transit vehicle or facility); or 624.713 (certain people not to possess firearms).

168.28 (e) Notwithstanding subdivisions 1 to 4, except as provided in paragraph (a), for a  
168.29 background study affiliated with a licensed family child foster care license, an individual  
168.30 is disqualified under section 245C.14 if fewer than five years have passed since:

168.31 (1) a felony-level violation for an act not against or involving a minor that constitutes:  
168.32 section 609.222 (assault in the second degree); 609.223, subdivision 1 (assault in the third  
168.33 degree); 609.2231 (assault in the fourth degree); or 609.224, subdivision 4 (assault in the  
168.34 fifth degree);

168.35 (2) a violation of an order for protection under section 518B.01, subdivision 14;

169.1 (3) a determination or disposition of the individual's failure to make required reports  
169.2 under section 260E.06 or 626.557, subdivision 3, for incidents in which the final disposition  
169.3 under chapter 260E or section 626.557 was substantiated maltreatment and the maltreatment  
169.4 was recurring or serious;

169.5 (4) a determination or disposition of the individual's substantiated serious or recurring  
169.6 maltreatment of a minor under chapter 260E, a vulnerable adult under section 626.557, or  
169.7 serious or recurring maltreatment in any other state, the elements of which are substantially  
169.8 similar to the elements of maltreatment under chapter 260E or section 626.557 and meet  
169.9 the definition of serious maltreatment or recurring maltreatment;

169.10 (5) a gross misdemeanor-level violation for sections: 609.224, subdivision 2 (assault in  
169.11 the fifth degree); 609.2242 and 609.2243 (domestic assault); 609.233 (criminal neglect);  
169.12 609.377 (malicious punishment of a child); 609.378 (neglect or endangerment of a child);  
169.13 609.746 (interference with privacy); 609.749 (stalking); or 617.23 (indecent exposure); or

169.14 (6) committing an act against or involving a minor that resulted in a misdemeanor-level  
169.15 violation of section 609.224, subdivision 1 (assault in the fifth degree).

169.16 (f) For purposes of this subdivision, the disqualification begins from:

169.17 (1) the date of the alleged violation, if the individual was not convicted;

169.18 (2) the date of conviction, if the individual was convicted of the violation but not  
169.19 committed to the custody of the commissioner of corrections; or

169.20 (3) the date of release from prison, if the individual was convicted of the violation and  
169.21 committed to the custody of the commissioner of corrections.

169.22 Notwithstanding clause (3), if the individual is subsequently reincarcerated for a violation  
169.23 of the individual's supervised release, the disqualification begins from the date of release  
169.24 from the subsequent incarceration.

169.25 (g) An individual's aiding and abetting, attempt, or conspiracy to commit any of the  
169.26 offenses listed in paragraphs (a) and (b), as each of these offenses is defined in Minnesota

169.27 Statutes, permanently disqualifies the individual under section 245C.14. An individual is  
169.28 disqualified under section 245C.14 if fewer than five years have passed since the individual's  
169.29 aiding and abetting, attempt, or conspiracy to commit any of the offenses listed in paragraphs  
169.30 (d) and (e).

169.31 (h) An individual's offense in any other state or country, where the elements of the  
169.32 offense are substantially similar to any of the offenses listed in paragraphs (a) and (b),  
169.33 permanently disqualifies the individual under section 245C.14. An individual is disqualified  
170.1 under section 245C.14 if fewer than five years have passed since an offense in any other  
170.2 state or country, the elements of which are substantially similar to the elements of any  
170.3 offense listed in paragraphs (d) and (e).

170.4 **EFFECTIVE DATE.** This section is effective July 1, 2025.

170.5 Sec. 16. Minnesota Statutes 2024, section 245C.22, subdivision 3, is amended to read:

170.6 Subd. 3. **Preeminent weight given to safety of persons being served and program**  
170.7 **integrity.** In reviewing a request for reconsideration of a disqualification, the commissioner  
170.8 shall give preeminent weight to the safety of each person served by the license holder,  
170.9 applicant, or other entities as provided in this chapter and to program integrity through  
170.10 protection of state and federal money supporting the program over the interests of the  
170.11 disqualified individual, license holder, applicant, or other entity as provided in this chapter,  
170.12 and any single factor under subdivision 4, paragraph (b), may be determinative of the  
170.13 commissioner's decision whether to set aside the individual's disqualification.

170.14 Sec. 17. Minnesota Statutes 2024, section 245C.22, subdivision 8, is amended to read:

170.15 Subd. 8. **Sharing of certain data for reconsiderations and appeals.** (a) The following  
170.16 commissioners shall be responsible for ~~conducting~~ making final agency decisions on  
170.17 background study reconsiderations and defending appeals of background studies for programs  
170.18 ~~under their jurisdictions~~ study determinations:

170.19 (1) the commissioner of human services for all programs under ~~section 245C.03;~~  
170.20 ~~subdivision 1~~ this chapter, unless otherwise specified in this subdivision;

170.21 (2) the commissioner of health for programs under section 245C.03, subdivision 5a;

170.22 (3) the commissioner of corrections for programs under section 245C.03, subdivision  
170.23 5b; and

170.24 (4) the commissioner of the children, youth, and families for programs under section  
170.25 245C.03, subdivision 5c.

170.26 (b) The commissioner of human services shall share all relevant background study data  
170.27 to allow the commissioners specified in paragraph (a) to complete reconsiderations and  
170.28 appeals for programs licensed or regulated by their agencies.

170.29 Sec. 18. Minnesota Statutes 2024, section 609A.015, subdivision 4, is amended to read:

170.30 Subd. 4. **Notice.** (a) The court shall notify a person who may become eligible for an  
170.31 automatic expungement under this section of that eligibility at any hearing where the court  
171.1 dismisses and discharges proceedings against a person under section 152.18, subdivision  
171.2 1, for violation of section 152.024, 152.025, or 152.027 for possession of a controlled  
171.3 substance; concludes that all pending actions or proceedings were resolved in favor of the  
171.4 person; grants a person's placement into a diversion program; or sentences a person or  
171.5 otherwise imposes a consequence for a qualifying offense.

171.6 (b) To the extent possible, prosecutors, defense counsel, supervising agents, and  
171.7 coordinators or supervisors of a diversion program shall notify a person who may become  
171.8 eligible for an automatic expungement under this section of that eligibility.

171.9 (c) If any party gives notification under this subdivision, the notification shall inform  
171.10 the person that:

171.11 (1) a record expunged under this section may be opened for purposes of a background  
171.12 study by the Department of Human Services; the Department of Children, Youth, and  
171.13 Families; or the Department of Health under section 245C.08 and for purposes of a  
171.14 background check by the Professional Educator Licensing and Standards Board as required  
171.15 under section 122A.18, subdivision 8; and

171.16 (2) the person can file a petition under section 609A.03, subject to the process in section  
171.17 609A.03 and the limitations in section 609A.02, to expunge the records held by the  
171.18 commissioner of human services; the commissioner of children, youth, and families; the  
171.19 commissioner of health; and the Professional Educator Licensing and Standards Board.

171.20 Sec. 19. Minnesota Statutes 2024, section 609A.055, subdivision 3, is amended to read:

171.21 Subd. 3. **Expungement relief; notification requirements.** (a) The Bureau of Criminal  
171.22 Apprehension shall grant expungement relief to each qualifying person whose records the  
171.23 bureau possesses and seal the bureau's records without requiring an application, petition,  
171.24 or motion. The bureau shall seal records related to an expungement within 60 days after the  
171.25 bureau sent notice of the expungement to the judicial branch pursuant to subdivision 2,  
171.26 paragraph (b), unless an order of the judicial branch prohibits sealing the records or additional  
171.27 information establishes that the records are not eligible for expungement.

171.28 (b) Nonpublic criminal records maintained by the bureau and subject to a grant of  
171.29 expungement relief must display a notation stating "expungement relief granted pursuant  
171.30 to section 609A.055."

171.31 (c) The bureau shall inform the judicial branch of all cases that are granted expungement  
171.32 relief pursuant to this section. The bureau may notify the judicial branch using electronic  
171.33 means and may notify the judicial branch immediately or in a monthly report. Upon receiving  
172.1 notice of an expungement, the judicial branch shall seal all related records, including records  
172.2 of the person's arrest, indictment, trial, verdict, and dismissal or discharge of the case. Upon

- 172.3 receiving notice of an expungement, the judicial branch shall issue any order necessary to  
172.4 seal related records. The judicial branch shall not order the Department of Health; the  
172.5 Department of Children, Youth, and Families; or the Department of Human Services to seal  
172.6 records under this section.
- 172.7 (d) The bureau shall inform each arresting or citing law enforcement agency or  
172.8 prosecutorial office with records affected by the grant of expungement relief issued pursuant  
172.9 to paragraph (a) that expungement has been granted. The bureau shall notify each agency  
172.10 or office of an expungement within 60 days after the bureau sent notice of the expungement  
172.11 to the judicial branch. The bureau may notify each agency or office using electronic means.  
172.12 Upon receiving notification of an expungement, an agency or office shall seal all records  
172.13 related to the expungement, including the records of the person's arrest, indictment, trial,  
172.14 verdict, and dismissal or discharge of the case.
- 172.15 (e) The bureau shall provide information on its publicly facing website clearly stating  
172.16 that persons who are noncitizens may need copies of records affected by a grant of  
172.17 expungement relief for immigration purposes, explaining how they can obtain these copies  
172.18 after expungement or other granted relief, and stating that a noncitizen should consult with  
172.19 an immigration attorney.
- 172.20 (f) Data on a person whose offense has been expunged under this subdivision, including  
172.21 any notice sent pursuant to paragraph (d), are private data on individuals as defined in section  
172.22 13.02, subdivision 12.
- 172.23 (g) Section 609A.03, subdivision 6, applies to an order issued under this section sealing  
172.24 the record of proceedings under section 152.18.
- 172.25 (h) The limitations under section 609A.03, subdivision 7a, paragraph (b), do not apply  
172.26 to an order issued under this section.
- 172.27 (i) The subject whose record qualifies for expungement shall be given access to copies  
172.28 of the records of arrest, conviction, or incarceration for any purposes, including immigration  
172.29 purposes.
- 172.30 (j) Relief granted under this subdivision shall not impact the ability of a petitioner to  
172.31 file for relief under section 590.01.