

1.1 moves to amend H.F. No. 1539, the first engrossment, as follows:

1.2 Page 8, after line 15, insert:

1.3 "Sec. 9. Minnesota Statutes 2014, section 245C.08, subdivision 1, is amended to read:

1.4 Subdivision 1. **Background studies conducted by Department of Human**

1.5 **Services.** (a) For a background study conducted by the Department of Human Services,
1.6 the commissioner shall review:

1.7 (1) information related to names of substantiated perpetrators of maltreatment of
1.8 vulnerable adults that has been received by the commissioner as required under section
1.9 626.557, subdivision 9c, paragraph (j);

1.10 (2) the commissioner's records relating to the maltreatment of minors in licensed
1.11 programs, and from findings of maltreatment of minors as indicated through the social
1.12 service information system;

1.13 (3) information from juvenile courts as required in subdivision 4 for individuals
1.14 listed in section 245C.03, subdivision 1, paragraph (a), when there is reasonable cause;

1.15 (4) information from the Bureau of Criminal Apprehension, including information
1.16 regarding a background study subject's registration in Minnesota as a predatory offender
1.17 under section 243.166;

1.18 (5) except as provided in clause (6), information from the national crime information
1.19 system when the commissioner has reasonable cause as defined under section 245C.05,
1.20 subdivision 5; and

1.21 (6) for a background study related to a child foster care application for licensure, a
1.22 transfer of permanent legal and physical custody of a child under sections 260C.503 to
1.23 260C.515, or adoptions, the commissioner shall also review:

1.24 (i) information from the child abuse and neglect registry for any state in which the
1.25 background study subject has resided for the past five years; and

1.26 (ii) information from national crime information databases, when the background
1.27 study subject is 18 years of age or older.

2.1 (b) Notwithstanding expungement by a court, the commissioner may consider
2.2 information obtained under paragraph (a), clauses (3) and (4), unless the commissioner
2.3 received notice of the petition for expungement and the court order for expungement is
2.4 directed specifically to the commissioner.

2.5 (c) The commissioner shall also review criminal case information received according
2.6 to section 245C.04, subdivision 4a, from the Minnesota court information system that
2.7 relates to individuals who have already been studied under this chapter and who remain
2.8 affiliated with the agency that initiated the background study.

2.9 (d) When the commissioner receives information as described in paragraph (c),
2.10 the commissioner shall also request updated information from the Bureau of Criminal
2.11 Apprehension in order to determine whether there has been a change in the subject's
2.12 multi-state offender status.

2.13 ~~(d)~~ (e) When the commissioner has reasonable cause to believe that the identity of
2.14 a background study subject is uncertain, the commissioner may require the subject to
2.15 provide a set of classifiable fingerprints for purposes of completing a fingerprint-based
2.16 record check with the Bureau of Criminal Apprehension. Fingerprints collected under this
2.17 paragraph shall not be saved by the commissioner after they have been used to verify the
2.18 identity of the background study subject against the particular criminal record in question."

2.19 Renumber the sections in sequence and correct the internal references

2.20 Amend the title accordingly