

1.1 moves to amend H.F. No. 1845 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 **"ARTICLE 1**

1.4 **UNIFORM COLLATERAL CONSEQUENCES OF CONVICTION ACT**

1.5 Section 1. **[638.10] SHORT TITLE.**

1.6 Sections 638.10 to 638.26 may be cited as the "Uniform Collateral Consequences
1.7 of Conviction Act."

1.8 Sec. 2. **[638.11] DEFINITIONS.**

1.9 (a) For the purposes of sections 638.10 to 638.26, the terms defined in this section
1.10 have the meanings given them.

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

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

1.18 (d) "Conviction" or "Convicted" includes a child adjudicated delinquent.

1.19 (e) "Decision maker" means the state acting through a department, agency, officer,
1.20 or instrumentality, including a political subdivision, educational institution, board, or
1.21 commission, or its employees, or a government contractor, including a subcontractor,
1.22 made subject to sections 638.10 to 638.26 by contract, other law, or ordinance.

1.23 (f) "Disqualification" means a penalty, disability, or disadvantage, however
1.24 denominated, that an administrative agency, governmental official, or court in a civil

2.1 proceeding is authorized, but not required, to impose on an individual on grounds relating
 2.2 to the individual's conviction of an offense.

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

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

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

2.12 **Sec. 3. [638.12] LIMITATION ON SCOPE.**

2.13 (a) Sections 638.10 to 638.26 do not provide a basis for:

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

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

2.16 (3) a claim for relief from or defense to the application of a collateral consequence

2.17 based on a failure to comply with section 638.13, 638.14, or 638.15.

2.18 (b) Sections 638.10 to 638.26 do not affect:

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

2.20 (2) a claim or right of a victim of an offense; or

2.21 (3) a right or remedy under law other than sections 638.10 to 638.26 available

2.22 to an individual convicted of an offense.

2.23 **Sec. 4. [638.13] IDENTIFICATION, COLLECTION, AND PUBLICATION OF**
 2.24 **LAWS REGARDING COLLATERAL CONSEQUENCES.**

2.25 (a) The revisor of statutes shall:

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

2.30 (2) in a timely manner after the effective date of sections 638.10 to 638.26, prepare a
 2.31 collection of citations to, and the text or short descriptions of, the provisions identified
 2.32 under clause (1); and

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

3.1 In complying with clauses (1) and (2), the revisor may rely on the study of this state's
 3.2 collateral sanctions, disqualifications, and relief provisions prepared by the National
 3.3 Institute of Justice described in section 510 of the Court Security Improvement Act of
 3.4 2007, Public Law 110-177.

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

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

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

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

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

3.18 (c) The Office of the Revisor of Statutes shall publish the collection prepared and
 3.19 updated as required under paragraph (a). If available, it shall publish as part of the
 3.20 collection, the title and Internet address of the most recent collection of:

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

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

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

3.25 **Sec. 5. [638.14] NOTICE OF COLLATERAL CONSEQUENCES IN CITATION,**
 3.26 **PRETRIAL PROCEEDING, AND AT GUILTY PLEA.**

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

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

3.35 **NOTICE OF ADDITIONAL LEGAL CONSEQUENCES**

4.1 If you plead guilty or are convicted of an offense you may suffer additional legal
 4.2 consequences beyond jail or prison, probation, periods of parole or supervised release, and
 4.3 fines. These consequences may include:

- 4.4 (1) being unable to get or keep some licenses, permits, or jobs;
 4.5 (2) being unable to get or keep benefits such as public housing or education;
 4.6 (3) receiving a harsher sentence if you are convicted of another offense in the future;
 4.7 (4) having the government take your property; and
 4.8 (5) being unable to vote or possess a firearm.

4.9 If you are not a United States citizen, a guilty plea or conviction may also result
 4.10 in your deportation, removal, exclusion from admission to the United States, or denial
 4.11 of citizenship.

4.12 The law may provide ways to obtain some relief from these consequences.

4.13 Further information about the consequences of conviction is available on the
 4.14 Internet at (Internet address of the collection of laws published under section 638.13,
 4.15 paragraphs (c) and (d).)

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

4.19 **Sec. 6. [638.15] NOTICE OF COLLATERAL CONSEQUENCES AT**
 4.20 **SENTENCING AND UPON RELEASE.**

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

- 4.23 (1) that collateral consequences may apply because of this conviction;
 4.24 (2) the Internet address of the collection of laws published under section 638.13,
 4.25 paragraph (c);
 4.26 (3) that there may be ways to obtain relief from collateral consequences;
 4.27 (4) contact information for government or nonprofit agencies, groups, or
 4.28 organizations, if any, offering assistance to individuals seeking relief from collateral
 4.29 consequences; and
 4.30 (5) when an individual convicted of an offense may vote under state law.

4.31 (b) The court shall provide the notice in paragraph (a) as a part of sentencing.

4.32 (c) If an individual is sentenced to imprisonment or other incarceration, the officer or
 4.33 agency releasing the individual shall provide the notice in paragraph (a) not more than 30,
 4.34 and, if practicable, at least ten days before release.

5.1 Sec. 7. **[638.16] AUTHORIZATION REQUIRED FOR COLLATERAL**
5.2 **SANCTION; AMBIGUITY.**

5.3 (a) A collateral sanction may be imposed only by statute or ordinance, or by rule
5.4 authorized by law and adopted under chapter 14.

5.5 (b) A law creating a collateral consequence that is ambiguous as to whether it
5.6 imposes a collateral sanction or authorizes a disqualification must be construed as
5.7 authorizing a disqualification.

5.8 Sec. 8. **[638.17] DECISION TO DISQUALIFY.**

5.9 In deciding whether to impose a disqualification, a decision maker shall undertake
5.10 an individualized assessment to determine whether the benefit or opportunity at issue shall
5.11 be denied the individual. In making that decision, the decision maker may consider,
5.12 if substantially related to the benefit or opportunity at issue, the particular facts and
5.13 circumstances involved in the offense, and the essential elements of the offense. A
5.14 conviction itself may not be considered except as having established the elements of the
5.15 offense. The decision maker shall also consider other relevant information including, at a
5.16 minimum, the effect on third parties of granting the benefit or opportunity and whether
5.17 the individual has been granted relief such as an order of limited relief or a certificate
5.18 of restoration of rights.

5.19 Sec. 9. **[638.18] EFFECT OF CONVICTION BY ANOTHER STATE OR THE**
5.20 **UNITED STATES; RELIEVED OR PARDONED CONVICTION.**

5.21 (a) For purposes of authorizing or imposing a collateral consequence in this state,
5.22 a conviction of an offense in a court of another state or the United States is deemed a
5.23 conviction of the offense in this state with the same elements. If there is no offense in
5.24 this state with the same elements, the conviction is deemed a conviction of the most
5.25 serious offense in this state which is established by the elements of the offense. A
5.26 misdemeanor in the jurisdiction of conviction may not be deemed a felony in this state,
5.27 and an offense lesser than a misdemeanor in the jurisdiction of conviction may not be
5.28 deemed a conviction of a felony, gross misdemeanor, or misdemeanor in this state.

5.29 (b) For purposes of authorizing or imposing a collateral consequence in this state, a
5.30 juvenile adjudication in another state or the United States may not be deemed a conviction
5.31 of a felony, gross misdemeanor, misdemeanor, or offense lesser than a misdemeanor in
5.32 this state, but may be deemed a juvenile adjudication for the delinquent act in this state
5.33 with the same elements. If there is no delinquent act in this state with the same elements,

6.1 the juvenile adjudication is deemed an adjudication of the most serious delinquent act in
6.2 this state which is established by the elements of the offense.

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

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

6.10 (e) A conviction that has been relieved by expungement, sealing, annulment,
6.11 set-aside, or vacation by a court of competent jurisdiction of another state or the United
6.12 States on grounds of rehabilitation or good behavior, or for which civil rights are restored
6.13 pursuant to statute, has the same effect for purposes of authorizing or imposing collateral
6.14 consequences in this state as it has in the jurisdiction of conviction. However, this relief or
6.15 restoration of civil rights does not relieve collateral consequences applicable under the law
6.16 of this state for which relief could not be granted under section 638.21 or for which relief
6.17 was expressly withheld by the court order or by the law of the jurisdiction that relieved the
6.18 conviction. An individual convicted in another jurisdiction may seek relief under section
6.19 638.19 or 638.20 from any collateral consequence for which relief was not granted in the
6.20 issuing jurisdiction, other than those listed in section 638.21, and the administrative law
6.21 judge shall consider that the conviction was relieved or civil rights restored in deciding
6.22 whether to issue an order of limited relief or certificate of restoration of rights.

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

6.29 **Sec. 10. [638.19] ORDER OF LIMITED RELIEF.**

6.30 (a) The chief administrative law judge shall conduct proceedings, make
6.31 determinations, and issue orders on petitions for orders of limited relief filed under this
6.32 section.

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

7.1 benefits, or occupational licensing. The petition may be brought before the Office of
7.2 Administrative Hearings at any time after sentencing.

7.3 (c) Except as otherwise provided in section 638.21, the administrative law judge may
7.4 issue an order of limited relief relieving one or more of the collateral sanctions described
7.5 in paragraph (b) if, after reviewing the petition, the individual's criminal history, any
7.6 filing by a victim under section 638.24 or a prosecutor, and any other relevant evidence,
7.7 the administrative law judge finds the individual has established by a preponderance of
7.8 the evidence that:

7.9 (1) granting the petition will materially assist the individual in obtaining or
7.10 maintaining employment, education, housing, public benefits, or occupational licensing;

7.11 (2) the individual has substantial need for the relief requested in order to live a
7.12 law-abiding life; and

7.13 (3) granting the petition would not pose an unreasonable risk to the safety or welfare
7.14 of the public or any individual.

7.15 (d) Upon the request of an individual convicted of an offense and if the prosecutor
7.16 agrees, the sentencing court, at or before sentencing, shall issue an order of limited
7.17 relief under this section. The court is not required to issue the order if it determines
7.18 that the interests of the public and public safety in not issuing the order outweigh the
7.19 disadvantages to the convicted individual in issuing it. When determining whether to
7.20 agree to the request of a convicted individual, the prosecutor shall consider the criteria
7.21 listed in paragraph (c), clauses (1) to (3).

7.22 (e) The order of limited relief must specify:

7.23 (1) the collateral sanction from which relief is granted; and

7.24 (2) any restriction imposed pursuant to section 638.22, paragraph (a).

7.25 (f) An order of limited relief relieves a collateral sanction to the extent provided in
7.26 the order.

7.27 (g) If a collateral sanction has been relieved pursuant to this section, a decision
7.28 maker may consider the conduct underlying a conviction as provided in section 638.17.

7.29 (h) An individual bringing a petition under paragraph (b) shall pay a fee as
7.30 determined by the Office of Administrative Hearings. This fee may be retained by the
7.31 office and used to administer this section.

7.32 (i) The limitations described in section 14.03 do not apply to this section.

7.33 (j) The filing of a petition under paragraph (b) initiates a contested case under
7.34 sections 14.57 to 14.69.

7.35 **Sec. 11. [638.20] CERTIFICATE OF RESTORATION OF RIGHTS.**

8.1 (a) The chief administrative law judge shall conduct proceedings, make
8.2 determinations, and issue orders on petitions for certificates of restoration of rights filed
8.3 under this section.

8.4 (b) An individual convicted of an offense may petition the Office of Administrative
8.5 Hearings for a certificate of restoration of rights relieving collateral sanctions not
8.6 sooner than five years after the individual's most recent conviction of a felony, gross
8.7 misdemeanor, or misdemeanor in any jurisdiction, or not sooner than five years after the
8.8 individual's release from confinement pursuant to a criminal sentence in any jurisdiction,
8.9 whichever is later.

8.10 (c) Except as otherwise provided in section 638.21, the administrative law judge may
8.11 issue a certificate of restoration of rights if, after reviewing the petition, the individual's
8.12 criminal history, any filing by a victim under section 638.24 or a prosecutor, and any
8.13 other relevant evidence, the administrative law judge finds the individual has established
8.14 by a preponderance of the evidence that:

8.15 (1) the individual is engaged in, or seeking to engage in, a lawful occupation or
8.16 activity, including employment, training, education, or rehabilitative programs, or the
8.17 individual otherwise has a lawful source of support;

8.18 (2) the individual is not in violation of the terms of any criminal sentence, or that
8.19 any failure to comply is justified, excused, involuntary, or insubstantial;

8.20 (3) a criminal charge is not pending against the individual; and

8.21 (4) granting the petition would not pose an unreasonable risk to the safety or welfare
8.22 of the public or any individual.

8.23 (d) A certificate of restoration of rights must specify any restriction imposed and
8.24 collateral sanction from which relief has not been granted under section 638.22, paragraph
8.25 (a).

8.26 (e) A certificate of restoration of rights relieves all collateral sanctions, except those
8.27 listed in section 638.21 and any others specifically excluded in the certificate.

8.28 (f) If a collateral sanction has been relieved pursuant to this section, a decision
8.29 maker may consider the conduct underlying a conviction as provided in section 638.17.

8.30 (g) An individual bringing a petition under paragraph (b) shall pay a fee as
8.31 determined by the Office of Administrative Hearings. This fee may be retained by the
8.32 office and used to administer this section.

8.33 (h) The limitations described in section 14.03 do not apply to this section.

8.34 (i) The filing of a petition under paragraph (b) initiates a contested case under
8.35 sections 14.57 to 14.69.

9.1 Sec. 12. **[638.205] RULES AUTHORIZED.**

9.2 The Office of Administrative Hearings may adopt rules under chapter 14 to implement
9.3 this article, including but not limited to, addressing petitions, including determining an
9.4 appropriate fee for the petitioner to bring a petition, and determination, modification, and
9.5 revocation of orders of limited relief and certificates of restoration of rights.

9.6 Sec. 13. **[638.21] COLLATERAL SANCTIONS NOT SUBJECT TO ORDER OF**
9.7 **LIMITED RELIEF OR CERTIFICATE OF RESTORATION OF RIGHTS.**

9.8 An order of limited relief or certificate of restoration of rights may not be issued to
9.9 relieve the following collateral sanctions:

9.10 (1) requirements imposed by sections 243.166 and 243.167;

9.11 (2) a motor vehicle license suspension, revocation, limitation, or ineligibility for
9.12 driving while intoxicated pursuant to section 169A.20, or sections 169.792, 169.797,
9.13 169A.52, 169A.54, 171.17, 171.172, 171.173, 171.18, and 171.186, for which restoration
9.14 or relief is available pursuant to sections 171.30 and 171.306;

9.15 (3) ineligibility for employment pursuant to sections 387.36, 419.06, or other law
9.16 restricting employment of convicted individuals by law enforcement agencies, such as the
9.17 Department of Corrections, Department of Public Safety, Office of the Attorney General,
9.18 sheriff's offices, police departments, and judicial offices; or

9.19 (4) eligibility to purchase, possess, use, transfer, or own a firearm.

9.20 Sec. 14. **[638.22] ISSUANCE, MODIFICATION, AND REVOCATION OF**
9.21 **ORDER OF LIMITED RELIEF AND CERTIFICATE OF RESTORATION OF**
9.22 **RIGHTS.**

9.23 (a) When a petition is filed under section 638.19 or 638.20, including a petition for
9.24 enlargement of an existing order of limited relief or certificate of restoration of rights, the
9.25 administrative law judge shall notify the office that prosecuted the offense giving rise to the
9.26 collateral consequence from which relief is sought and, if the conviction was not obtained in
9.27 a court of this state, the attorney general. The judge may issue an order or certificate subject
9.28 to restriction, condition, or additional requirement. When issuing, denying, modifying, or
9.29 revoking an order or certificate, the judge may impose conditions for reapplication.

9.30 (b) The judge may restrict or revoke an order of limited relief or certificate of
9.31 restoration of rights issued by the Office of Administrative Hearings or an order of limited
9.32 relief issued by a court in this state if it finds just cause by a preponderance of the
9.33 evidence. Just cause includes subsequent conviction of a felony in this state or of an

10.1 offense in another jurisdiction that is deemed a felony in this state under section 638.18,
 10.2 paragraph (a). An order of restriction or revocation may be issued:

10.3 (1) on motion of the judge, the office of the prosecutor that obtained the conviction,
 10.4 or a government agency designated by that prosecutor;

10.5 (2) after notice to the individual and any prosecutor that has appeared in the matter;
 10.6 and

10.7 (3) after a hearing under chapter 14 if requested by the individual or the prosecutor
 10.8 that made the motion or any prosecutor that has appeared in the matter.

10.9 (c) The judge shall order any test, report, investigation, or disclosure by the
 10.10 individual it reasonably believes necessary to its decision to issue, modify, or revoke an
 10.11 order of limited relief or certificate of restoration of rights. If there are material disputed
 10.12 issues of fact or law, the individual and any prosecutor notified under paragraph (a) or
 10.13 another prosecutorial agency designated by a prosecutor notified under paragraph (a) may
 10.14 submit evidence and be heard on those issues.

10.15 (d) The judge shall maintain a public record of the issuance, modification, and
 10.16 revocation of orders of limited relief and certificates of restoration of rights. The criminal
 10.17 history record system of the Bureau of Criminal Apprehension must include issuance,
 10.18 modification, and revocation of orders and certificates.

10.19 (e) The limitations described in section 14.03 do not apply to this section.

10.20 **Sec. 15. [638.23] RELIANCE ON ORDER OR CERTIFICATE AS EVIDENCE**
 10.21 **OF DUE CARE.**

10.22 In a judicial or administrative proceeding alleging negligence or other fault, an order
 10.23 of limited relief or a certificate of restoration of rights may be introduced as evidence of
 10.24 a person's due care in hiring, retaining, licensing, leasing to, admitting to a school or
 10.25 program, or otherwise transacting business or engaging in activity with the individual to
 10.26 whom the order was issued, if the person knew of the order or certificate at the time
 10.27 of the alleged negligence or other fault.

10.28 **Sec. 16. [638.24] VICTIM'S RIGHTS.**

10.29 (a) A victim of an offense may be present and submit an oral or written statement in
 10.30 a proceeding for issuance, modification, or revocation of an order of limited relief or a
 10.31 certificate of restoration of rights.

10.32 (b) The prosecutorial office that had jurisdiction over the offense for which the
 10.33 issuance, modification, or revocation of an order of limited relief under section 638.19, or
 10.34 a certificate of restoration of rights under section 638.20, is sought shall serve by mail

11.1 the petition on any victims of the offense for which the order or certificate is sought who
 11.2 have requested notice pursuant to section 611A.06. The prosecutorial office's notice to
 11.3 victims must specifically inform the victim of the victim's right to be present and submit
 11.4 an oral or written statement at the proceeding.

11.5 Sec. 17. **[638.25] UNIFORMITY OF APPLICATION AND CONSTRUCTION.**

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

11.8 Sec. 18. **[638.26] SAVINGS AND TRANSITIONAL PROVISIONS.**

11.9 (a) Sections 638.10 to 638.26 apply to collateral consequences whenever enacted or
 11.10 imposed, unless the law creating the collateral consequence expressly states that sections
 11.11 638.10 to 638.26 do not apply.

11.12 (b) Sections 638.10 to 638.26 do not invalidate the imposition of a collateral sanction
 11.13 on an individual before the effective date of sections 638.10 to 638.26, but a collateral
 11.14 sanction validly imposed before the effective date of sections 638.10 to 638.26 may be
 11.15 the subject of relief under these sections.

11.16 Sec. 19. **CHANGE TO UNIFORM TRAFFIC TICKET AND STATEWIDE**
 11.17 **STANDARD CITATION.**

11.18 By January 1, 2016, the uniform traffic ticket described in Minnesota Statutes,
 11.19 section 169.99, and the statewide standard citation must include a notice of additional
 11.20 legal consequences substantially similar to that described in section 5, paragraph (b). If
 11.21 this is determined not to be feasible, the ticket and citation must, at a minimum, inform
 11.22 the offender generally of the issue of potential collateral consequences and provide the
 11.23 Internet address of the collection of laws published under Minnesota Statutes, section
 11.24 638.13, paragraphs (c) and (d).

11.25 Sec. 20. **APPROPRIATION.**

11.26 \$..... for the fiscal year ending June 30, 2015, is appropriated from the general fund
 11.27 to the Office of Administrative Hearings to fulfill the office's duties under this article.

11.28 Sec. 21. **EFFECTIVE DATE.**

11.29 (a) Except as provided in paragraph (b), sections 1 to 11 and 13 to 18 are effective
 11.30 January 1, 2015.

11.31 (b) Section 5, paragraph (a), is effective July 1, 2016.

12.1 (c) Section 12 is effective the day following final enactment.

12.2 **ARTICLE 2**

12.3 **CONFORMING AMENDMENTS**

12.4 Section 1. Minnesota Statutes 2012, section 245C.22, is amended by adding a
12.5 subdivision to read:

12.6 Subd. 4a. **Disqualification decisions related to chapter 638.** The requirements
12.7 regarding a decision to disqualify an individual set forth in section 638.17 are met by the
12.8 commissioner when implementing the requirements of this section, and the exclusion
12.9 under section 245C.24, subdivision 4a.

12.10 Sec. 2. Minnesota Statutes 2012, section 245C.24, is amended by adding a subdivision
12.11 to read:

12.12 Subd. 4a. **Disqualification decisions related to chapter 638.** (a) Notwithstanding
12.13 statutory limits on the commissioner's authority to set aside an individual's disqualification
12.14 under this section, the commissioner may consider issuing a set-aside according to section
12.15 245C.22 if the disqualified individual has been issued an order of limited relief under
12.16 section 638.19 that provides this specific relief, or a certificate of restoration of rights
12.17 under section 638.20.

12.18 (b) An individual who received a set-aside of a disqualification as a result of
12.19 paragraph (a) must immediately inform the commissioner upon restriction or revocation
12.20 of an order of limited relief or a certificate of restoration of rights under section 638.22.

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

12.25 Sec. 3. Minnesota Statutes 2012, section 364.07, is amended to read:

12.26 **364.07 APPLICATION.**

12.27 The provisions of sections 364.01 to 364.10 shall prevail over any other laws and
12.28 rules, except for sections 638.10 to 638.26 and any rules adopted under section 638.22,
12.29 which purport to govern the granting, denial, renewal, suspension, or revocation of a
12.30 license or the initiation, suspension, or termination of public employment on the grounds
12.31 of conviction of a crime or crimes. In deciding to grant, deny, revoke, suspend, or renew a
12.32 license, or to deny, suspend, or terminate public employment for a lack of good moral
12.33 character or the like, the hiring or licensing authority may consider evidence of conviction

13.1 of a crime or crimes but only in the same manner and to the same effect as provided for
 13.2 in sections 364.01 to 364.10. Nothing in sections 364.01 to 364.10 shall be construed to
 13.3 otherwise affect relevant proceedings involving the granting, denial, renewal, suspension,
 13.4 or revocation of a license or the initiation, suspension, or termination of public employment.

13.5 Sec. 4. Minnesota Statutes 2012, section 611A.06, subdivision 1a, is amended to read:

13.6 Subd. 1a. **Notice of expungement, order for limited relief, or certificate of**
 13.7 **restoration of rights required.** The prosecuting authority with jurisdiction over an offense
 13.8 for which expungement or the issuance, modification, or revocation of an order of limited
 13.9 relief under section 638.19 or a certificate of restoration of rights under section 638.20 is
 13.10 being sought shall make a good faith effort to notify a victim that the expungement, order,
 13.11 or certificate is being sought if: (1) the victim has mailed to the prosecuting authority with
 13.12 jurisdiction over an the offense ~~for which expungement is being sought~~ a written request
 13.13 for this notice, or (2) the victim has indicated on a request for notice ~~of expungement~~
 13.14 submitted under subdivision 1 a desire to be notified in the event the offender seeks an
 13.15 expungement, order for limited relief, or certificate of restoration of rights for the offense.

13.16 A copy of any written request for a notice of expungement ~~request,~~ order for limited
 13.17 relief, or certificate of restoration of rights received by the commissioner of corrections or
 13.18 other custodial authority shall be forwarded to the prosecutorial authority with jurisdiction
 13.19 over the offense to which the notice relates. The prosecutorial authority complies with this
 13.20 section upon mailing a copy of ~~an expungement~~ the petition relating to the notice to the
 13.21 address which the victim has most recently provided in writing.

13.22 Sec. 5. **REPEALER.**

13.23 Minnesota Statutes 2012, sections 609B.050; 609B.100; 609B.101; 609B.102;
 13.24 609B.103; 609B.104; 609B.105; 609B.106; 609B.107; 609B.108; 609B.109; 609B.110;
 13.25 609B.111; 609B.112; 609B.113; 609B.120; 609B.121; 609B.122; 609B.123; 609B.124;
 13.26 609B.125; 609B.126; 609B.127; 609B.128; 609B.129; 609B.130; 609B.132; 609B.133;
 13.27 609B.134; 609B.135; 609B.136; 609B.137; 609B.139; 609B.140; 609B.141; 609B.142;
 13.28 609B.143; 609B.144; 609B.146; 609B.147; 609B.148; 609B.149; 609B.1495; 609B.150;
 13.29 609B.151; 609B.152; 609B.153; 609B.155; 609B.157; 609B.158; 609B.159; 609B.160;
 13.30 609B.161; 609B.162; 609B.164; 609B.1645; 609B.165; 609B.168; 609B.170; 609B.171;
 13.31 609B.172; 609B.173; 609B.174; 609B.175; 609B.176; 609B.177; 609B.179; 609B.180;
 13.32 609B.181; 609B.183; 609B.184; 609B.185; 609B.187; 609B.188; 609B.189; 609B.191;
 13.33 609B.192; 609B.193; 609B.194; 609B.195; 609B.200; 609B.201; 609B.202; 609B.203;
 13.34 609B.205; 609B.206; 609B.216; 609B.231; 609B.235; 609B.237; 609B.241; 609B.245;

14.1 609B.255; 609B.262; 609B.263; 609B.265; 609B.271; 609B.273; 609B.275; 609B.277;
 14.2 609B.301; 609B.310; 609B.311; 609B.312; 609B.320; 609B.321; 609B.330; 609B.331;
 14.3 609B.332; 609B.333; 609B.340; 609B.341; 609B.342; 609B.343; 609B.344; 609B.345;
 14.4 609B.400; 609B.405; 609B.410; 609B.415; 609B.425; 609B.430; 609B.435; 609B.445;
 14.5 609B.450; 609B.455; 609B.460; 609B.465; 609B.500; 609B.505; 609B.510; 609B.515;
 14.6 609B.518; 609B.520; 609B.525; 609B.530; 609B.535; 609B.540; 609B.545; 609B.600;
 14.7 609B.610; 609B.611; 609B.612; 609B.613; 609B.614; 609B.615; 609B.700; 609B.710;
 14.8 609B.720; 609B.721; 609B.722; 609B.723; 609B.724; and 609B.725, are repealed.

14.9 **Sec. 6. EFFECTIVE DATE.**

14.10 Sections 1 and 2 are effective January 1, 2015."

14.11 Delete the title and insert:

14.12 "A bill for an act
 14.13 relating to crime; enacting the Uniform Collateral Consequences of Conviction
 14.14 Act proposed for adoption by the National Conference of Commissioners on
 14.15 Uniform State Laws; conforming other law regarding collateral consequences
 14.16 and the rehabilitation of criminal offenders with the uniform act; providing for
 14.17 rulemaking; appropriating money; amending Minnesota Statutes 2012, sections
 14.18 245C.22, by adding a subdivision; 245C.24, by adding a subdivision; 364.07;
 14.19 611A.06, subdivision 1a; proposing coding for new law in Minnesota Statutes,
 14.20 chapter 638; repealing Minnesota Statutes 2012, sections 609B.050; 609B.100;
 14.21 609B.101; 609B.102; 609B.103; 609B.104; 609B.105; 609B.106; 609B.107;
 14.22 609B.108; 609B.109; 609B.110; 609B.111; 609B.112; 609B.113; 609B.120;
 14.23 609B.121; 609B.122; 609B.123; 609B.124; 609B.125; 609B.126; 609B.127;
 14.24 609B.128; 609B.129; 609B.130; 609B.132; 609B.133; 609B.134; 609B.135;
 14.25 609B.136; 609B.137; 609B.139; 609B.140; 609B.141; 609B.142; 609B.143;
 14.26 609B.144; 609B.146; 609B.147; 609B.148; 609B.149; 609B.1495; 609B.150;
 14.27 609B.151; 609B.152; 609B.153; 609B.155; 609B.157; 609B.158; 609B.159;
 14.28 609B.160; 609B.161; 609B.162; 609B.164; 609B.1645; 609B.165; 609B.168;
 14.29 609B.170; 609B.171; 609B.172; 609B.173; 609B.174; 609B.175; 609B.176;
 14.30 609B.177; 609B.179; 609B.180; 609B.181; 609B.183; 609B.184; 609B.185;
 14.31 609B.187; 609B.188; 609B.189; 609B.191; 609B.192; 609B.193; 609B.194;
 14.32 609B.195; 609B.200; 609B.201; 609B.202; 609B.203; 609B.205; 609B.206;
 14.33 609B.216; 609B.231; 609B.235; 609B.237; 609B.241; 609B.245; 609B.255;
 14.34 609B.262; 609B.263; 609B.265; 609B.271; 609B.273; 609B.275; 609B.277;
 14.35 609B.301; 609B.310; 609B.311; 609B.312; 609B.320; 609B.321; 609B.330;
 14.36 609B.331; 609B.332; 609B.333; 609B.340; 609B.341; 609B.342; 609B.343;
 14.37 609B.344; 609B.345; 609B.400; 609B.405; 609B.410; 609B.415; 609B.425;
 14.38 609B.430; 609B.435; 609B.445; 609B.450; 609B.455; 609B.460; 609B.465;
 14.39 609B.500; 609B.505; 609B.510; 609B.515; 609B.518; 609B.520; 609B.525;
 14.40 609B.530; 609B.535; 609B.540; 609B.545; 609B.600; 609B.610; 609B.611;
 14.41 609B.612; 609B.613; 609B.614; 609B.615; 609B.700; 609B.710; 609B.720;
 14.42 609B.721; 609B.722; 609B.723; 609B.724; 609B.725."