

Sec. 4. Laws 1973, Chapter 650, Article XXI, Section 32, is amended to read:

Sec. 32. There is hereby appropriated to the commissioner of public welfare, for the biennium ending June 30, 1975, the sum of \$10,700,000 for the purpose of state aid for general assistance ; provided that these funds shall be prorated to the counties if this appropriation is not sufficient to pay 50 percent of the cost according to Minnesota Statutes, Section 245A.03, Subdivision 2. No county may reduce its grants to recipients as a result of/or anticipation of the proration of state funds .

Sec. 5. This act is effective the day following final enactment; provided, however, that payments shall be made retroactive to January 1, 1974.

Approved March 27, 1974.

CHAPTER 298—S.F.No.3247
[Coded]

An act relating to licensing and public employment; ex-criminal offenders; providing that persons shall not be disqualified from certain occupations solely because of prior criminal convictions.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **[364.01] DISCRIMINATION AGAINST EX-CRIMINAL OFFENDERS; POLICY.** The legislature declares that it is the policy of the state of Minnesota to encourage and contribute to the rehabilitation of criminal offenders and to assist them in the resumption of the responsibilities of citizenship. The opportunity to secure employment or to pursue, practice, or engage in a meaningful and profitable trade, occupation, vocation, profession or business is essential to rehabilitation and the resumption of the responsibilities of citizenship.

Sec. 2. **[364.02] DEFINITIONS.** Subdivision 1. For the purposes of this act, the terms defined in this section have the meanings given them.

Subd. 2. **OCCUPATION.** "Occupation" includes all occupations, trades, vocations, professions, businesses, or employment of any kind for which a license is required to be issued by the state of Minnesota, its agencies, or political subdivisions.

Subd. 3. **LICENSE.** "License" includes all licenses, permits, certificates, registrations, or other means required to engage in an occupation which are granted or issued by the state of Minnesota, its agents

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or political subdivisions before a person can pursue, practice, or engage in any occupation.

Subd. 4. **PUBLIC EMPLOYMENT.** "Public employment" includes all employment with the state of Minnesota, its agencies, or political subdivisions.

Subd. 5. **CONVICTION OF A CRIME OR CRIMES.** "Conviction of crime or crimes" shall be limited to convictions of felonies, gross misdemeanors, and misdemeanors for which a jail sentence may be imposed. No other criminal conviction shall be considered.

Subd. 6. **HIRING OR LICENSING AUTHORITY.** "Hiring or licensing authority" shall mean the person, board, commission, or department of the state of Minnesota, its agencies or political subdivisions, responsible by law for the hiring of persons for public employment or the licensing of persons for occupations.

Sec. 3. **[364.03] DISQUALIFICATION FROM PUBLIC EMPLOYMENT OR LICENSED OCCUPATION; RELATION OF CONVICTION TO EMPLOYMENT OR OCCUPATION.** Subdivision 1. Notwithstanding any other provision of law to the contrary, no person shall be disqualified from public employment, nor shall a person be disqualified from pursuing, practicing, or engaging in any occupation for which a license is required solely or in part because of a prior conviction of a crime or crimes, unless the crime or crimes for which convicted directly relate to the position of employment sought or the occupation for which the license is sought.

Subd. 2. In determining if a conviction directly relates to the position of public employment sought or the occupation for which the license is sought, the hiring or licensing authority shall consider:

(a) The nature and seriousness of the crime or crimes for which the individual was convicted;

(b) The relationship of the crime or crimes to the purposes of regulating the position of public employment sought or the occupation for which the license is sought;

(c) The relationship of the crime or crimes to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the position of employment or occupation.

Subd. 3. A person who has been convicted of a crime or crimes which directly relate to the public employment sought or to the occupation for which a license is sought shall not be disqualified from the employment or occupation if the person can show competent evidence of sufficient rehabilitation and present fitness to perform the duties of the public employment sought or the occupation for which the license is sought. Sufficient evidence of rehabilitation may be established by

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the production of:

- (a) A copy of the local, state, or federal release order; and
- (b) Evidence showing that at least one year has elapsed since release from any local, state, or federal correctional institution without subsequent conviction of a crime; and evidence showing compliance with all terms and conditions of probation or parole; or
- (c) A copy of the relevant department of corrections discharge order or other documents showing completion of probation or parole supervision.

In addition to the documentary evidence presented, the licensing or hiring authority shall consider any evidence presented by the applicant regarding:

- (1) The nature and seriousness of the crime or crimes for which convicted;
- (2) All circumstances relative to the crime or crimes, including mitigating circumstances or social conditions surrounding the commission of the crime or crimes;
- (3) The age of the person at the time the crime or crimes were committed;
- (4) The length of time elapsed since the crime or crimes were committed; and
- (5) All other competent evidence of rehabilitation and present fitness presented, including, but not limited to, letters of reference by persons who have been in contact with the applicant since his or her release from any local, state, or federal correctional institution.

Sec. 4. **[364.04] AVAILABILITY OF RECORDS.** The following criminal records shall not be used, distributed, or disseminated by the state of Minnesota, its agents or political subdivisions in connection with any application for public employment nor in connection with an application for a license:

- (1) Records of arrest not followed by a valid conviction.
- (2) Convictions which have been, pursuant to law, annulled or expunged.
- (3) Misdemeanor convictions for which no jail sentence can be imposed.

Sec. 5. **[364.05] NOTIFICATION UPON DENIAL OF EMPLOYMENT OR DISQUALIFICATION FROM OCCUPATION.** If a hiring or
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licensing authority denies an individual a position of public employment or disqualifies the individual from pursuing, practicing, or engaging in any occupation for which a license is required, solely or in part because of the individual's prior conviction of a crime, the hiring or licensing authority shall notify the individual in writing of the following:

- (1) The grounds and reasons for the denial or disqualification;
- (2) The applicable complaint and grievance procedure as set forth in section 6;
- (3) The earliest date the person may re-apply for a position of public employment or a license; and
- (4) That all competent evidence of rehabilitation presented will be considered upon re-application.

Sec. 6. **[364.06] VIOLATIONS, PROCEDURE.** Any complaints or grievances concerning violations of this act shall be processed and adjudicated in accordance with the procedures set forth in Minnesota Statutes, Chapter 15, the administrative procedure act.

Sec. 7. **[364.07] APPLICATION OF CHAPTER.** The provisions of this act shall prevail over any other laws, rules, and regulations which purport to govern the granting, denial, renewal, suspension, or revocation of a license or the initiation, suspension, or termination of public employment on the grounds of conviction of a crime or crimes. In deciding to grant, deny, revoke, suspend, or renew a license, or to deny, suspend, or terminate public employment for a lack of good moral character or the like, the hiring or licensing authority may consider evidence of conviction of a crime or crimes but only in the same manner and to the same effect as provided for in this act. Nothing in this act shall be construed to otherwise affect relevant proceedings involving the granting, denial, renewal, suspension, or revocation of a license or the initiation, suspension, or termination of public employment.

Sec. 8. **[364.08] PRACTICE OF LAW; APPLICATION OF CHAPTER.** This chapter shall not apply to the practice of law; but nothing in this section shall be construed to preclude the supreme court, in its discretion, from adopting the policies set forth in this chapter.

Sec. 9. **[364.09] LAW ENFORCEMENT; APPLICATION OF CHAPTER.** This chapter shall not apply to the practice of law enforcement; but nothing in this section shall be construed to preclude the Minnesota police and peace officers training board from recommending policies set forth in this chapter to the attorney general for adoption in his discretion.

Sec. 10. **[364.10] VIOLATION OF CIVIL RIGHTS.** Violation of the rights established in this act shall constitute a violation of a person's civil rights.

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Approved March 27, 1974.

CHAPTER 299—S.F.No.3276

An act relating to animals; estrays; allowing the disposal of certain animals; amending Minnesota Statutes 1971, Sections 346.215; and 346.27.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1971, Section 346.215, is amended to read:

346.215 ANIMALS; ESTRAYS; DISPOSAL; INVESTIGATION OF CRUELTY COMPLAINTS. Subdivision 1. Any person who has reason to believe that a violation of section 346.21 has taken place or is taking place may apply to any court having jurisdiction over actions alleging violation of such section for a warrant and for investigation. The court shall examine under oath the person so applying and any witnesses he may produce and must take his affidavit or their affidavits in writing, and cause same to be subscribed by the party or parties making same. The affidavit or affidavits must set forth the facts tending to establish the grounds for believing a violation of section 346.21 has occurred or is occurring, or probable cause to believe that they exist. If the court is thereupon satisfied of the existence of the grounds of the application, or that there is probable cause to believe their existence, it shall issue a search warrant and order for investigation, signed by the judge of such court with his name of office, to a peace officer in such county, commanding him to forthwith proceed to the location of the alleged violation taking with him a doctor of veterinary medicine and commanding such peace officer to search the place designated in such warrant and together with such veterinary doctor conduct an investigation of the facts surrounding the alleged violation, retaining in his custody subject to the order of the court such property or things which are specified in such warrant, including any animal if such warrant so specifies. The warrant shall contain the names of the persons presenting affidavits in support of the application, and the grounds for its issuance. Service shall be made in accordance with the provisions of sections 626.13, 626.14, and 626.16. The warrant must be executed and returned to the court which issued such warrant within ten days after its date; after the expiration of such time the warrant, unless executed, is void. The officer executing such warrant must forthwith return the warrant to the court, and deliver to it a written inventory of the property or things taken, verified by the certificate of the officer at the foot of the inventory. The warrant and order for investigation issued pursuant to this section and section 346.216 shall have the same force and effect as a warrant issued pursuant to chapter 626.

Subd. 2. Upon a proper determination by a licensed doctor of vet-
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