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State of Minnesota  
**HOUSE OF REPRESENTATIVES**

EIGHTY-SIXTH  
SESSION

**HOUSE FILE NO. 213**

January 22, 2009

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The bill was read for the first time and referred to the Committee on Public Safety Policy and Oversight

1.1 A bill for an act  
1.2 relating to crime; prohibiting use of arrest records for private employment  
1.3 purposes; providing immunity from negligent hiring as it relates to use of  
1.4 criminal records; imposing state liability; proposing coding for new law in  
1.5 Minnesota Statutes, chapter 364.

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

1.7 Section 1. **[364.20] USE OF CRIMINAL RECORDS BY PRIVATE EMPLOYERS;**  
1.8 **IMMUNITY FROM CIVIL LIABILITY.**

1.9 Subdivision 1. Use of nonconviction records for private employment. It is an  
1.10 unlawful discriminatory practice, unless specifically required or permitted by statute, for a  
1.11 private employer to ask for, in any form of employment application or otherwise, or to  
1.12 take adverse action based on an arrest, citation, or criminal complaint against an individual  
1.13 not then pending and which was not followed by a valid conviction.

1.14 Subd. 2. Immunity from civil liability. A private employer is immune from civil  
1.15 liability for negligent hiring or employing an individual with a criminal record, to the  
1.16 extent that the criminal record as of the date of hire is the basis for the liability, if the  
1.17 employer in employing the individual has complied with the provisions applicable to  
1.18 public employers set forth in section 364.03, subdivisions 2 and 3.

1.19 Subd. 3. State liability. Any person or entity injured by the action of an employee  
1.20 with a criminal record shall have the right to sue the state for damages as they would have  
1.21 been able to collect from the employer if it were not for subdivision 2.