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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. 734

February 12, 2009

Authored by Sterner; Persell; Ruud; Murphy, E.; Nelson and others

The bill was read for the first time and referred to the Committee on Health Care and Human Services Policy and Oversight

1.1 A bill for an act
1.2 relating to human services; extending the bars to set aside disqualifications to
1.3 corporate adult foster care and corporate child foster care; amending Minnesota
1.4 Statutes 2008, section 245C.24, subdivisions 3, 4.

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

1.6 Section 1. Minnesota Statutes 2008, section 245C.24, subdivision 3, is amended to read:

1.7 Subd. 3. **Ten-year bar to set aside disqualification.** (a) The commissioner
1.8 may not set aside the disqualification of an individual in connection with a license to
1.9 provide family child care for children, foster care for children in the provider's home or
1.10 corporate home, or foster care or day care services for adults in the provider's home or
1.11 corporate home if: (1) less than ten years has passed since the discharge of the sentence
1.12 imposed, if any, for the offense; or (2) when disqualified based on a preponderance
1.13 of evidence determination under section 245C.14, subdivision 1, paragraph (a), clause
1.14 (2), or an admission under section 245C.14, subdivision 1, paragraph (a), clause (1),
1.15 and less than ten years has passed since the individual committed the act or admitted to
1.16 committing the act, whichever is later; and (3) the individual has committed a violation
1.17 of any of the following offenses: sections 609.165 (felon ineligible to possess firearm);
1.18 criminal vehicular homicide under 609.21 (criminal vehicular homicide and injury);
1.19 609.215 (aiding suicide or aiding attempted suicide); felony violations under 609.223 or
1.20 609.2231 (assault in the third or fourth degree); 609.229 (crimes committed for benefit
1.21 of a gang); 609.713 (terroristic threats); 609.235 (use of drugs to injure or to facilitate
1.22 crime); 609.24 (simple robbery); 609.255 (false imprisonment); 609.562 (arson in the
1.23 second degree); 609.71 (riot); 609.498, subdivision 1 or 1b (aggravated first-degree or
1.24 first-degree tampering with a witness); burglary in the first or second degree under 609.582

2.1 (burglary); 609.66 (dangerous weapon); 609.665 (spring guns); 609.67 (machine guns
 2.2 and short-barreled shotguns); 609.749, subdivision 2 (gross misdemeanor harassment;
 2.3 stalking); 152.021 or 152.022 (controlled substance crime in the first or second degree);
 2.4 152.023, subdivision 1, clause (3) or (4) or subdivision 2, clause (4) (controlled substance
 2.5 crime in the third degree); 152.024, subdivision 1, clause (2), (3), or (4) (controlled
 2.6 substance crime in the fourth degree); 609.224, subdivision 2, paragraph (c) (fifth-degree
 2.7 assault by a caregiver against a vulnerable adult); 609.23 (mistreatment of persons
 2.8 confined); 609.231 (mistreatment of residents or patients); 609.2325 (criminal abuse of a
 2.9 vulnerable adult); 609.233 (criminal neglect of a vulnerable adult); 609.2335 (financial
 2.10 exploitation of a vulnerable adult); 609.234 (failure to report); 609.265 (abduction);
 2.11 609.2664 to 609.2665 (manslaughter of an unborn child in the first or second degree);
 2.12 609.267 to 609.2672 (assault of an unborn child in the first, second, or third degree);
 2.13 609.268 (injury or death of an unborn child in the commission of a crime); repeat offenses
 2.14 under 617.23 (indecent exposure); 617.293 (disseminating or displaying harmful material
 2.15 to minors); a felony-level conviction involving alcohol or drug use, a gross misdemeanor
 2.16 offense under 609.324, subdivision 1 (other prohibited acts); a gross misdemeanor offense
 2.17 under 609.378 (neglect or endangerment of a child); a gross misdemeanor offense under
 2.18 609.377 (malicious punishment of a child); 609.72, subdivision 3 (disorderly conduct
 2.19 against a vulnerable adult); or 624.713 (certain persons not to possess firearms).

2.20 (b) The commissioner may not set aside the disqualification of an individual if
 2.21 less than ten years have passed since the individual's aiding and abetting, attempt, or
 2.22 conspiracy to commit any of the offenses listed in paragraph (a) as each of these offenses
 2.23 is defined in Minnesota Statutes.

2.24 (c) The commissioner may not set aside the disqualification of an individual if less
 2.25 than ten years have passed since the discharge of the sentence imposed for an offense in
 2.26 any other state or country, the elements of which are substantially similar to the elements
 2.27 of any of the offenses listed in paragraph (a).

2.28 Sec. 2. Minnesota Statutes 2008, section 245C.24, subdivision 4, is amended to read:

2.29 Subd. 4. **Seven-year bar to set aside disqualification.** The commissioner may not
 2.30 set aside the disqualification of an individual in connection with a license to provide
 2.31 family child care for children, foster care for children in the provider's home or corporate
 2.32 home, or foster care or day care services for adults in the provider's home or corporate
 2.33 home if within seven years preceding the study:

2.34 (1) the individual committed an act that constitutes maltreatment of a child under
 2.35 section 626.556, subdivision 10e, and the maltreatment resulted in substantial bodily harm

3.1 as defined in section 609.02, subdivision 7a, or substantial mental or emotional harm as
3.2 supported by competent psychological or psychiatric evidence; or

3.3 (2) the individual was determined under section 626.557 to be the perpetrator of a
3.4 substantiated incident of maltreatment of a vulnerable adult that resulted in substantial
3.5 bodily harm as defined in section 609.02, subdivision 7a, or substantial mental or
3.6 emotional harm as supported by competent psychological or psychiatric evidence.