

This Document can be made available
in alternative formats upon request

State of Minnesota
HOUSE OF REPRESENTATIVES

**EIGHTY-SEVENTH
SESSION**

HOUSE FILE No. 489

February 14, 2011

Authored by Smith, Wardlow, Hortman, Simon and Cornish

The bill was read for the first time and referred to the Committee on Judiciary Policy and Finance

A bill for an act

relating to crime; enacting the Uniform Collateral Consequences of Conviction Act proposed for adoption by the National Conference of Commissioners on Uniform State Laws; conforming other law regarding collateral consequences and the rehabilitation of criminal offenders with the uniform act; amending Minnesota Statutes 2010, section 364.07; proposing coding for new law in Minnesota Statutes, chapter 638; repealing Minnesota Statutes 2010, sections 609B.050; 609B.100; 609B.101; 609B.102; 609B.103; 609B.104; 609B.105; 609B.106; 609B.107; 609B.108; 609B.109; 609B.110; 609B.111; 609B.112; 609B.113; 609B.120; 609B.121; 609B.122; 609B.123; 609B.124; 609B.125; 609B.126; 609B.127; 609B.128; 609B.129; 609B.130; 609B.132; 609B.133; 609B.134; 609B.135; 609B.136; 609B.137; 609B.139; 609B.140; 609B.141; 609B.142; 609B.143; 609B.144; 609B.146; 609B.147; 609B.148; 609B.149; 609B.1495; 609B.150; 609B.151; 609B.152; 609B.153; 609B.155; 609B.157; 609B.158; 609B.159; 609B.160; 609B.161; 609B.162; 609B.164; 609B.1645; 609B.165; 609B.168; 609B.170; 609B.171; 609B.172; 609B.173; 609B.174; 609B.175; 609B.176; 609B.177; 609B.179; 609B.180; 609B.181; 609B.183; 609B.184; 609B.185; 609B.187; 609B.188; 609B.189; 609B.191; 609B.192; 609B.193; 609B.194; 609B.195; 609B.200; 609B.201; 609B.202; 609B.203; 609B.205; 609B.206; 609B.216; 609B.231; 609B.235; 609B.237; 609B.241; 609B.245; 609B.255; 609B.262; 609B.263; 609B.265; 609B.271; 609B.273; 609B.275; 609B.277; 609B.301; 609B.310; 609B.311; 609B.312; 609B.320; 609B.321; 609B.330; 609B.331; 609B.332; 609B.333; 609B.340; 609B.341; 609B.342; 609B.343; 609B.344; 609B.345; 609B.400; 609B.405; 609B.410; 609B.415; 609B.425; 609B.430; 609B.435; 609B.445; 609B.450; 609B.455; 609B.460; 609B.465; 609B.500; 609B.505; 609B.510; 609B.515; 609B.518; 609B.520; 609B.525; 609B.530; 609B.535; 609B.540; 609B.545; 609B.600; 609B.610; 609B.611; 609B.612; 609B.613; 609B.614; 609B.615; 609B.700; 609B.710; 609B.720; 609B.721; 609B.722; 609B.723; 609B.724; 609B.725.

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

ARTICLE 1

UNIFORM COLLATERAL CONSEQUENCES OF CONVICTION ACT

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

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

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

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

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

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

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

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

2.18 (f) "Disqualification" means a penalty, disability, or disadvantage, however
2.19 denominated, that an administrative agency, governmental official, or court in a civil
2.20 proceeding is authorized, but not required, to impose on an individual on grounds relating
2.21 to the individual's conviction of an offense.

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

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

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

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

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

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

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

3.1 (3) a claim for relief from or defense to the application of a collateral consequence
3.2 based on a failure to comply with section 638.13, 638.14, or 638.15.

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

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

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

3.6 (3) a right or remedy under law other than sections 638.10 to 638.26 available
3.7 to an individual convicted of an offense.

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

3.10 (a) The revisor of statutes shall:

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

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

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

3.20 In complying with clauses (1) and (2), the revisor may rely on the study of this state's
3.21 collateral sanctions, disqualifications, and relief provisions prepared by the National
3.22 Institute of Justice described in section 510 of the Court Security Improvement Act of
3.23 2007, Public Law 110-177.

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

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

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

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

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

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

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

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

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

4.11 **Sec. 5. [638.14] NOTICE OF COLLATERAL CONSEQUENCES IN PRETRIAL**
4.12 **PROCEEDING AND AT GUILTY PLEA.**

4.13 (a) When an individual receives formal notice that the individual is charged with an
4.14 offense, the prosecuting attorney of the county or city in which the individual is charged
4.15 shall cause information substantially similar to the following to be communicated to
4.16 the individual:

4.17 **NOTICE OF ADDITIONAL LEGAL CONSEQUENCES**

4.18 If you plead guilty or are convicted of an offense you may suffer additional legal
4.19 consequences beyond jail or prison, probation, periods of parole or supervised release, and
4.20 finer. These consequences may include:

4.21 (1) being unable to get or keep some licenses, permits, or jobs;

4.22 (2) being unable to get or keep benefits such as public housing or education;

4.23 (3) receiving a harsher sentence if you are convicted of another offense in the future;

4.24 (4) having the government take your property; and

4.25 (5) being unable to vote or possess a firearm.

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

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

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

4.33 (b) Before the court accepts a plea of guilty or nolo contendere from an individual,
4.34 the court shall confirm that the individual received and understands the notice required by
4.35 paragraph (a) and had an opportunity to discuss the notice with counsel.

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

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

5.5 (1) that collateral consequences may apply because of this conviction;

5.6 (2) the Internet address of the collection of laws published under section 638.13,
5.7 paragraph (c);

5.8 (3) that there may be ways to obtain relief from collateral consequences;

5.9 (4) contact information for government or nonprofit agencies, groups, or
5.10 organizations, if any, offering assistance to individuals seeking relief from collateral
5.11 consequences; and

5.12 (5) when an individual convicted of an offense may vote under state law.

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

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

5.17 Sec. 7. **[638.16] AUTHORIZATION REQUIRED FOR COLLATERAL**
5.18 **SANCTION; AMBIGUITY.**

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

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

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

5.25 In deciding whether to impose a disqualification, a decision maker shall undertake
5.26 an individualized assessment to determine whether the benefit or opportunity at issue shall
5.27 be denied the individual. In making that decision, the decision maker may consider,
5.28 if substantially related to the benefit or opportunity at issue, the particular facts and
5.29 circumstances involved in the offense, and the essential elements of the offense. A
5.30 conviction itself may not be considered except as having established the elements of the
5.31 offense. The decision maker shall also consider other relevant information including, at a
5.32 minimum, the effect on third parties of granting the benefit or opportunity and whether
5.33 the individual has been granted relief such as an order of limited relief or a certificate
5.34 of restoration of rights.

6.1 Sec. 9. [638.18] EFFECT OF CONVICTION BY ANOTHER STATE OR THE
6.2 UNITED STATES; RELIEVED OR PARDONED CONVICTION.

6.3 (a) For purposes of authorizing or imposing a collateral consequence in this state,
6.4 a conviction of an offense in a court of another state or the United States is deemed a
6.5 conviction of the offense in this state with the same elements. If there is no offense in
6.6 this state with the same elements, the conviction is deemed a conviction of the most
6.7 serious offense in this state which is established by the elements of the offense. A
6.8 misdemeanor in the jurisdiction of conviction may not be deemed a felony in this state,
6.9 and an offense lesser than a misdemeanor in the jurisdiction of conviction may not be
6.10 deemed a conviction of a felony, gross misdemeanor, or misdemeanor in this state.

6.11 (b) For purposes of authorizing or imposing a collateral consequence in this state, a
6.12 juvenile adjudication in another state or the United States may not be deemed a conviction
6.13 of a felony, gross misdemeanor, misdemeanor, or offense lesser than a misdemeanor in
6.14 this state, but may be deemed a juvenile adjudication for the delinquent act in this state
6.15 with the same elements. If there is no delinquent act in this state with the same elements,
6.16 the juvenile adjudication is deemed an adjudication of the most serious delinquent act in
6.17 this state which is established by the elements of the offense.

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

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

6.25 (e) A conviction that has been relieved by expungement, sealing, annulment,
6.26 set-aside, or vacation by a court of competent jurisdiction of another state or the United
6.27 States on grounds of rehabilitation or good behavior, or for which civil rights are restored
6.28 pursuant to statute, has the same effect for purposes of authorizing or imposing collateral
6.29 consequences in this state as it has in the jurisdiction of conviction. However, this relief or
6.30 restoration of civil rights does not relieve collateral consequences applicable under the law
6.31 of this state for which relief could not be granted under section 638.21 or for which relief
6.32 was expressly withheld by the court order or by the law of the jurisdiction that relieved the
6.33 conviction. An individual convicted in another jurisdiction may seek relief under section
6.34 638.19 or 638.20 from any collateral consequence for which relief was not granted in the
6.35 issuing jurisdiction, other than those listed in section 638.21, and the Department of
6.36 Corrections, Policy and Legal Services Unit, Hearings and Release, shall consider that the

7.1 conviction was relieved or civil rights restored in deciding whether to issue an order of
7.2 limited relief or certificate of restoration of rights.

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

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

7.10 (a) An individual convicted of an offense may petition for an order of limited relief
7.11 from one or more collateral sanctions related to employment, education, housing, public
7.12 benefits, or occupational licensing. The petition may be presented to the:

7.13 (1) sentencing court at or before sentencing; or

7.14 (2) Department of Corrections, Policy and Legal Services Unit, Hearings and
7.15 Release, at any time after sentencing.

7.16 (b) Except as otherwise provided in section 638.21, the court or the Department of
7.17 Corrections, Policy and Legal Services Unit, Hearings and Release, may issue an order of
7.18 limited relief relieving one or more of the collateral sanctions described in paragraph (a) if,
7.19 after reviewing the petition, the individual's criminal history, any filing by a victim under
7.20 section 638.24 or a prosecutor, and any other relevant evidence, it finds the individual has
7.21 established by a preponderance of the evidence that:

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

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

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

7.28 (c) The order of limited relief must specify:

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

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

7.31 (d) An order of limited relief relieves a collateral sanction to the extent provided in
7.32 the order.

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

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

8.2 (a) An individual convicted of an offense may petition the Department of
8.3 Corrections, Policy and Legal Services Unit, Hearings and Release, for a certificate of
8.4 restoration of rights relieving collateral sanctions not sooner than five years after the
8.5 individual's most recent conviction of a felony, gross misdemeanor, or misdemeanor in any
8.6 jurisdiction, or not sooner than five years after the individual's release from confinement
8.7 pursuant to a criminal sentence in any jurisdiction, whichever is later.

8.8 (b) Except as otherwise provided in section 638.21, the Department of Corrections,
8.9 Policy and Legal Services Unit, Hearings and Release, may issue a certificate of
8.10 restoration of rights if, after reviewing the petition, the individual's criminal history, any
8.11 filing by a victim under section 638.24 or a prosecutor, and any other relevant evidence, it
8.12 finds the individual has established by a preponderance of the evidence that:

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

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

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

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

8.21 (c) A certificate of restoration of rights must specify any restriction imposed and
8.22 collateral sanction from which relief has not been granted under section 638.22, paragraph

8.23 (a).

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

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

8.28 Sec. 12. **[638.21] COLLATERAL SANCTIONS NOT SUBJECT TO ORDER OF**
8.29 **LIMITED RELIEF OR CERTIFICATE OF RESTORATION OF RIGHTS.**

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

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

8.33 (2) a motor vehicle license suspension, revocation, limitation, or ineligibility for
8.34 driving while intoxicated pursuant to section 169A.20, or sections 169.792, 169.797,

9.1 169A.52, 169A.54, 171.17, 171.172, 171.173, 171.18, and 171.186, for which restoration
 9.2 or relief is available pursuant to sections 171.30 and 171.306; or

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

9.7 **Sec. 13. [638.22] ISSUANCE, MODIFICATION, AND REVOCATION OF**
 9.8 **ORDER OF LIMITED RELIEF AND CERTIFICATE OF RESTORATION OF**
 9.9 **RIGHTS.**

9.10 (a) When a petition is filed under section 638.19 or 638.20, including a petition for
 9.11 enlargement of an existing order of limited relief or certificate of restoration of rights, the
 9.12 Department of Corrections, Policy and Legal Services Unit, Hearings and Release, shall
 9.13 notify the office that prosecuted the offense giving rise to the collateral consequence from
 9.14 which relief is sought and, if the conviction was not obtained in a court of this state, the
 9.15 attorney general. The court may issue an order and the Department of Corrections, Policy
 9.16 and Legal Services Unit, Hearings and Release, may issue an order or certificate subject
 9.17 to restriction, condition, or additional requirement. When issuing, denying, modifying,
 9.18 or revoking an order or certificate, the Department of Corrections hearing officer may
 9.19 impose conditions for reapplication.

9.20 (b) The hearing officer may restrict or revoke an order of limited relief or certificate
 9.21 of restoration of rights it issued or an order of limited relief issued by a court in this state
 9.22 if it finds just cause by a preponderance of the evidence. Just cause includes subsequent
 9.23 conviction of a felony in this state or of an offense in another jurisdiction that is deemed
 9.24 a felony in this state under section 638.18, paragraph (a). An order of restriction or
 9.25 revocation may be issued:

9.26 (1) on motion of the hearing officer, the office of the prosecutor that obtained the
 9.27 conviction, or a government agency designated by that prosecutor;

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

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

9.32 (c) The court or hearing officer shall order any test, report, investigation, or
 9.33 disclosure by the individual it reasonably believes necessary to its decision to issue,
 9.34 modify, or revoke an order of limited relief or certificate of restoration of rights. If there
 9.35 are material disputed issues of fact or law, the individual and any prosecutor notified under

10.1 paragraph (a) or another prosecutorial agency designated by a prosecutor notified under
10.2 paragraph (a) may submit evidence and be heard on those issues.

10.3 (d) The Department of Corrections, Policy and Legal Services Unit, Hearings and
10.4 Release, shall maintain a public record of the issuance, modification, and revocation of
10.5 orders of limited relief and certificates of restoration of rights. The criminal history record
10.6 system of the Bureau of Criminal Apprehension must include issuance, modification,
10.7 and revocation of orders and certificates.

10.8 (e) The Department of Corrections may adopt rules for application, determination,
10.9 modification, and revocation of orders of limited relief and certificates of restoration
10.10 of rights, in accordance with chapter 14.

10.11 **Sec. 14. [638.23] RELIANCE ON ORDER OR CERTIFICATE AS EVIDENCE**
10.12 **OF DUE CARE.**

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

10.19 **Sec. 15. [638.24] VICTIM'S RIGHTS.**

10.20 A victim of an offense may participate in a proceeding for issuance, modification, or
10.21 revocation of an order of limited relief or a certificate of restoration of rights in the same
10.22 manner as at a sentencing proceeding pursuant to chapter 611A.

10.23 **Sec. 16. [638.25] UNIFORMITY OF APPLICATION AND CONSTRUCTION.**

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

10.27 **Sec. 17. [638.26] SAVINGS AND TRANSITIONAL PROVISIONS.**

10.28 (a) Sections 638.10 to 638.26 apply to collateral consequences whenever enacted or
10.29 imposed, unless the law creating the collateral consequence expressly states that sections
10.30 638.10 to 638.26 do not apply.

10.31 (b) Sections 638.10 to 638.26 do not invalidate the imposition of a collateral sanction
10.32 on an individual before the effective date of sections 638.10 to 638.26, but a collateral

11.1 sanction validly imposed before the effective date of sections 638.10 to 638.26 may be
 11.2 the subject of relief under these sections.

11.3 Sec. 18. **EFFECTIVE DATE.**

11.4 Sections 1 to 17 are effective January 1, 2012.

11.5 ARTICLE 2

11.6 CONFORMING AMENDMENTS

11.7 Section 1. Minnesota Statutes 2010, section 364.07, is amended to read:

11.8 **364.07 APPLICATION.**

11.9 The provisions of sections 364.01 to 364.10 shall prevail over any other laws and
 11.10 rules, except for sections 638.10 to 638.26 and any rules adopted under section 638.22,
 11.11 which purport to govern the granting, denial, renewal, suspension, or revocation of a
 11.12 license or the initiation, suspension, or termination of public employment on the grounds
 11.13 of conviction of a crime or crimes. In deciding to grant, deny, revoke, suspend, or
 11.14 renew a license, or to deny, suspend, or terminate public employment for a lack of good
 11.15 moral character or the like, the hiring or licensing authority may consider evidence of
 11.16 conviction of a crime or crimes but only in the same manner and to the same effect as
 11.17 provided for in sections 364.01 to 364.10. Nothing in sections 364.01 to 364.10 shall be
 11.18 construed to otherwise affect relevant proceedings involving the granting, denial, renewal,
 11.19 suspension, or revocation of a license or the initiation, suspension, or termination of
 11.20 public employment.

11.21 Sec. 2. **REPEALER.**

11.22 Minnesota Statutes 2010, sections 609B.050; 609B.100; 609B.101; 609B.102;
 11.23 609B.103; 609B.104; 609B.105; 609B.106; 609B.107; 609B.108; 609B.109; 609B.110;
 11.24 609B.111; 609B.112; 609B.113; 609B.120; 609B.121; 609B.122; 609B.123; 609B.124;
 11.25 609B.125; 609B.126; 609B.127; 609B.128; 609B.129; 609B.130; 609B.132; 609B.133;
 11.26 609B.134; 609B.135; 609B.136; 609B.137; 609B.139; 609B.140; 609B.141; 609B.142;
 11.27 609B.143; 609B.144; 609B.146; 609B.147; 609B.148; 609B.149; 609B.1495; 609B.150;
 11.28 609B.151; 609B.152; 609B.153; 609B.155; 609B.157; 609B.158; 609B.159; 609B.160;
 11.29 609B.161; 609B.162; 609B.164; 609B.1645; 609B.165; 609B.168; 609B.170; 609B.171;
 11.30 609B.172; 609B.173; 609B.174; 609B.175; 609B.176; 609B.177; 609B.179; 609B.180;
 11.31 609B.181; 609B.183; 609B.184; 609B.185; 609B.187; 609B.188; 609B.189; 609B.191;
 11.32 609B.192; 609B.193; 609B.194; 609B.195; 609B.200; 609B.201; 609B.202; 609B.203;

12.1 609B.205; 609B.206; 609B.216; 609B.231; 609B.235; 609B.237; 609B.241; 609B.245;
12.2 609B.255; 609B.262; 609B.263; 609B.265; 609B.271; 609B.273; 609B.275; 609B.277;
12.3 609B.301; 609B.310; 609B.311; 609B.312; 609B.320; 609B.321; 609B.330; 609B.331;
12.4 609B.332; 609B.333; 609B.340; 609B.341; 609B.342; 609B.343; 609B.344; 609B.345;
12.5 609B.400; 609B.405; 609B.410; 609B.415; 609B.425; 609B.430; 609B.435; 609B.445;
12.6 609B.450; 609B.455; 609B.460; 609B.465; 609B.500; 609B.505; 609B.510; 609B.515;
12.7 609B.518; 609B.520; 609B.525; 609B.530; 609B.535; 609B.540; 609B.545; 609B.600;
12.8 609B.610; 609B.611; 609B.612; 609B.613; 609B.614; 609B.615; 609B.700; 609B.710;
12.9 609B.720; 609B.721; 609B.722; 609B.723; 609B.724; and 609B.725, are repealed.

12.10 Sec. 3. **EFFECTIVE DATE.**

12.11 Sections 1 and 2 are effective January 1, 2012.