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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 823

01/25/2023 Authored by Curran, Moller, Becker-Finn, Huot and Tabke
The bill was read for the first time and referred to the Committee on Public Safety Finance and Policy

1.1 A bill for an act
1.2 relating to public safety; authorizing law enforcement agencies to share criminal
1.3 history background check data with Minnesota Board of Peace Officer Standards
1.4 and Training; amending Minnesota Statutes 2022, section 626.87, by adding a
1.5 subdivision.

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

1.7 Section 1. Minnesota Statutes 2022, section 626.87, is amended by adding a subdivision
1.8 to read:

1.9 Subd. 1a. **Background records checks.** (a) The law enforcement agency must request
1.10 a criminal history background check from the superintendent of the Bureau of Criminal
1.11 Apprehension on an applicant for employment as a licensed peace officer or an applicant
1.12 for a position leading to employment as a licensed peace officer within the state of Minnesota
1.13 to determine eligibility for licensing. Applicants must provide, for submission to the
1.14 superintendent of the Bureau of Criminal Apprehension:

1.15 (1) an executed criminal history consent form, authorizing the dissemination of state
1.16 and federal records to the law enforcement agency and the Minnesota Board of Peace Officer
1.17 Standards and Training and fingerprints; and

1.18 (2) a money order or cashier's check payable to the Bureau of Criminal Apprehension
1.19 for the fee for conducting the criminal history background check.

1.20 (b) The superintendent of the Bureau of Criminal Apprehension shall perform the
1.21 background check required under paragraph (a) by retrieving criminal history data as defined
1.22 in section 13.87 and shall also conduct a search of the national criminal records repository.
1.23 The superintendent is authorized to exchange the applicant's fingerprints with the Federal

- 2.1 Bureau of Investigation to obtain their national criminal history record information. The
- 2.2 superintendent must return the results of the Minnesota and federal criminal history records
- 2.3 checks to the law enforcement agency who is authorized to share with the Minnesota Board
- 2.4 of Peace Officer Standards and Training to determine if the individual is eligible for licensing
- 2.5 under Minnesota Rules, chapter 6700.