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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 88

01/17/2019 Authored by Grossell, Nash, Poston and Green

The bill was read for the first time and referred to the Public Safety and Criminal Justice Reform Finance and Policy Division

1.1 A bill for an act

1.2 relating to public safety; requiring courts to transfer records of stays of adjudication

1.3 to the Bureau of Criminal Apprehension; requiring the Bureau of Criminal

1.4 Apprehension to share stay of adjudication data with parties requesting background

1.5 checks; prohibiting offenders who receive stays of adjudication for disqualifying

1.6 offenses from serving as school bus drivers; amending Minnesota Statutes 2018,

1.7 sections 171.3215, subdivisions 2, 3; 299C.17; 609.095; 631.40, subdivision 1a;

1.8 proposing coding for new law in Minnesota Statutes, chapter 299C.

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

1.10 Section 1. Minnesota Statutes 2018, section 171.3215, subdivision 2, is amended to read:

1.11 Subd. 2. **Cancellation for disqualifying and other offenses.** Within ten days of receiving

1.12 notice under section 631.40, subdivision 1a, or otherwise receiving notice for a nonresident

1.13 driver, that a school bus driver has been convicted of, or received a stay of adjudication for,

1.14 a disqualifying offense, the commissioner shall permanently cancel the school bus driver's

1.15 endorsement on the offender's driver's license and in the case of a nonresident, the driver's

1.16 privilege to operate a school bus in Minnesota. A school bus driver whose endorsement or

1.17 privilege to operate a school bus in Minnesota has been permanently canceled may not

1.18 apply for reinstatement. Within ten days of receiving notice under section 631.40, subdivision

1.19 1a, or otherwise receiving notice for a nonresident driver, that a school bus driver has been

1.20 convicted of a violation of section 169A.20, or a similar statute or ordinance from another

1.21 state, and within ten days of revoking a school bus driver's license under section 169A.52

1.22 or 171.177, the commissioner shall cancel the school bus driver's endorsement on the

1.23 offender's driver's license or the nonresident's privilege to operate a school bus in Minnesota

1.24 for five years. After five years, a school bus driver may apply to the commissioner for

1.25 reinstatement. Even after five years, cancellation of a school bus driver's endorsement or a

2.1 nonresident's privilege to operate a school bus in Minnesota for a violation under section
2.2 169A.20, sections 169A.50 to 169A.53, section 171.177, or a similar statute or ordinance
2.3 from another state, shall remain in effect until the driver provides proof of successful
2.4 completion of an alcohol or controlled substance treatment program. For a first offense,
2.5 proof of completion is required only if treatment was ordered as part of a chemical use
2.6 assessment. Within ten days of receiving notice under section 631.40, subdivision 1a, or
2.7 otherwise receiving notice for a nonresident driver, that a school bus driver has been
2.8 convicted of a fourth moving violation in the last three years, the commissioner shall cancel
2.9 the school bus driver's endorsement on the offender's driver's license or the nonresident's
2.10 privilege to operate a school bus in Minnesota until one year has elapsed since the last
2.11 conviction. A school bus driver who has no new convictions after one year may apply for
2.12 reinstatement. Upon canceling the offender's school bus driver's endorsement, the
2.13 commissioner shall immediately notify the licensed offender of the cancellation in writing,
2.14 by depositing in the United States post office a notice addressed to the licensed offender at
2.15 the licensed offender's last known address, with postage prepaid thereon.

2.16 Sec. 2. Minnesota Statutes 2018, section 171.3215, subdivision 3, is amended to read:

2.17 Subd. 3. **Background check.** Before issuing or renewing a driver's license with a school
2.18 bus driver's endorsement, the commissioner shall conduct an investigation to determine if
2.19 the applicant has been convicted of, or received a stay of adjudication for, committing a
2.20 disqualifying offense, four moving violations in the previous three years, a violation of
2.21 section 169A.20 or a similar statute or ordinance from another state, a gross misdemeanor,
2.22 or if the applicant's driver's license has been revoked under section 169A.52 or 171.177.
2.23 The commissioner shall not issue a new bus driver's endorsement and shall not renew an
2.24 existing bus driver's endorsement if the applicant has been convicted of committing a
2.25 disqualifying offense. The commissioner shall not issue a new bus driver's endorsement
2.26 and shall not renew an existing bus driver's endorsement if, within the previous five years,
2.27 the applicant has been convicted of committing a violation of section 169A.20, or a similar
2.28 statute or ordinance from another state, a gross misdemeanor, or if the applicant's driver's
2.29 license has been revoked under section 169A.52 or 171.177, or if, within the previous three
2.30 years, the applicant has been convicted of four moving violations. An applicant who has
2.31 been convicted of violating section 169A.20, or a similar statute or ordinance from another
2.32 state, or who has had a license revocation under section 169A.52 or 171.177 within the
2.33 previous ten years must show proof of successful completion of an alcohol or controlled
2.34 substance treatment program in order to receive a bus driver's endorsement. For a first
2.35 offense, proof of completion is required only if treatment was ordered as part of a chemical

3.1 use assessment. A school district or contractor that employs a nonresident school bus driver
 3.2 must conduct a background check of the employee's driving record and criminal history in
 3.3 both Minnesota and the driver's state of residence. Convictions for disqualifying offenses,
 3.4 gross misdemeanors, a fourth moving violation within the previous three years, or violations
 3.5 of section 169A.20, or a similar statute or ordinance in another state, must be reported to
 3.6 the Department of Public Safety.

3.7 Sec. 3. Minnesota Statutes 2018, section 299C.17, is amended to read:

3.8 **299C.17 REPORT BY COURT ADMINISTRATOR.**

3.9 The superintendent shall require the court administrator of every court ~~which~~ that (1)
 3.10 sentences a defendant for a felony, gross misdemeanor, or targeted misdemeanor, or (2)
 3.11 grants a stay of adjudication pursuant to section 609.095, paragraph (b), clause (2), to
 3.12 electronically transmit within 24 hours of the disposition of the case a report, in a form
 3.13 prescribed by the superintendent providing information required by the superintendent with
 3.14 regard to the prosecution and disposition of criminal cases. A copy of the report shall be
 3.15 kept on file in the office of the court administrator.

3.16 Sec. 4. **299C.77] BACKGROUND CHECKS; ADDITIONAL DISCLOSURE.**

3.17 The superintendent shall disclose to each applicant for a statutorily mandated or
 3.18 authorized background check or background study all records of stays of adjudication
 3.19 granted to the subject of the background check or background study that the superintendent
 3.20 receives pursuant to section 299C.17, clause (2). The data required to be disclosed under
 3.21 this section is in addition to other data on the subject of the background check or background
 3.22 study that the superintendent is mandated to disclose.

3.23 Sec. 5. Minnesota Statutes 2018, section 609.095, is amended to read:

3.24 **609.095 LIMITS OF SENTENCES.**

3.25 (a) The legislature has the exclusive authority to define crimes and offenses and the
 3.26 range of the sentences or punishments for their violation. No other or different sentence or
 3.27 punishment shall be imposed for the commission of a crime than is authorized by this chapter
 3.28 or other applicable law.

3.29 (b) ~~Except as provided in section 152.18 or 609.375, or upon agreement of the parties,~~
 3.30 A court may not refuse to adjudicate the guilt of a defendant who tenders a guilty plea in
 3.31 accordance with Minnesota Rules of Criminal Procedure, rule 15, or who has been found
 3.32 guilty by a court or jury following a trial, except as provided:

4.1 (1) in section 152.18 or 609.375; or

4.2 (2) upon agreement of the parties.

4.3 A stay of adjudication granted under clause (2) must be reported to the superintendent of
4.4 the Bureau of Criminal Apprehension pursuant to section 299C.17.

4.5 (c) Paragraph (b) does not supersede Minnesota Rules of Criminal Procedure, rule 26.04.

4.6 Sec. 6. Minnesota Statutes 2018, section 631.40, subdivision 1a, is amended to read:

4.7 Subd. 1a. **Certified copy of disqualifying offense convictions sent to public safety**
4.8 **and school districts.** When a person is convicted of, or receives a stay of adjudication for,
4.9 committing a disqualifying offense, as defined in section 171.3215, subdivision 1, a gross
4.10 misdemeanor, a fourth moving violation within the previous three years, or a violation of
4.11 section 169A.20, or a similar statute or ordinance from another state, the court shall determine
4.12 whether the offender is a school bus driver as defined in section 171.3215, subdivision 1,
4.13 whether the offender possesses a school bus driver's endorsement on the offender's driver's
4.14 license and in what school districts the offender drives a school bus. If the offender is a
4.15 school bus driver or possesses a school bus driver's endorsement, the court administrator
4.16 shall send a certified copy of the conviction to the Department of Public Safety and to the
4.17 school districts in which the offender drives a school bus within ten days after the conviction.