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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH  
SESSION

HOUSE FILE No. 1930

March 19, 2009

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The bill was read for the first time and referred to the Committee on Civil Justice

1.1 A bill for an act  
1.2 relating to data practices; amending the regulation of business screening services;  
1.3 amending Minnesota Statutes 2008, section 332.70, subdivisions 1, 2.

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

1.5 Section 1. Minnesota Statutes 2008, section 332.70, subdivision 1, is amended to read:

1.6 Subdivision 1. **Definitions.** For purposes of this section:

1.7 (a) "Business screening service" means a person regularly engaged in the business of  
1.8 collecting, assembling, evaluating, or disseminating criminal ~~record information~~ records  
1.9 on individuals for a fee. Business screening service does not include a government entity,  
1.10 as defined in section 13.02, or the news media.

1.11 (b) "Conviction" has the meaning given in section 609.02, subdivision 5.

1.12 (c) "Criminal record" means a public record originating from a Minnesota agency of  
1.13 an arrest, citation, prosecution, criminal proceeding, or conviction. For the purposes of  
1.14 this definition, "criminal proceeding" does not include judicial opinions.

1.15 Sec. 2. Minnesota Statutes 2008, section 332.70, subdivision 2, is amended to read:

1.16 Subd. 2. **Criminal records.** A business screening service ~~must not disseminate a~~  
1.17 ~~criminal record unless the record has been updated within the previous month. which~~  
1.18 furnishes criminal records shall maintain strict procedures designed to ensure that criminal  
1.19 record information likely to have an adverse effect on an individual is complete and  
1.20 up to date before the information is disseminated to a customer. For purposes of this  
1.21 subdivision, items of public record relating to arrests, citations, prosecutions, criminal  
1.22 proceedings, or convictions are considered up to date if the current public record status of  
1.23 the item at the time of the report is reported.