

1.1 A bill for an act

1.2 relating to public safety; expanding the Child Protection Background Check Act
1.3 to include independent contractors; amending Minnesota Statutes 2008, sections
1.4 299C.61, subdivision 6; 299C.62, subdivisions 3, 4.

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

1.6 Section 1. Minnesota Statutes 2008, section 299C.61, subdivision 6, is amended to read:

1.7 Subd. 6. **Children's service worker.** "Children's service worker" means a person
1.8 who has, may have, or seeks to have access to a child to whom the children's service
1.9 provider provides children's services, and who:

1.10 (1) is employed by, volunteers with, or seeks to be employed by or volunteer with
1.11 a children's service provider; ~~or~~

1.12 (2) is an independent contractor who provides children's services to a children's
1.13 service provider; or

1.14 (3) owns, operates, or seeks to own or operate a children's service provider.

1.15 Sec. 2. Minnesota Statutes 2008, section 299C.62, subdivision 3, is amended to read:

1.16 Subd. 3. **Children's service worker rights.** (a) The children's service provider
1.17 shall notify the children's service worker of the children's service worker's rights under
1.18 paragraph (b).

1.19 (b) A children's service worker who is the subject of a background check request
1.20 has the following rights:

1.21 (1) the right to be informed that a children's service provider will request a
1.22 background check on the children's service worker:

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2.1 (i) for purposes of the children's service worker's application to be employed by,
2.2 volunteer with, be an independent contractor for, or be an owner of a children's service
2.3 provider or for purposes of continuing as an employee, volunteer, independent contractor,
2.4 or owner; and

2.5 (ii) to determine whether the children's service worker has been convicted of any
2.6 crime specified in section 299C.61, subdivision 2 or 4;

2.7 (2) the right to be informed by the children's service provider of the superintendent's
2.8 response to the background check and to obtain from the children's service provider a copy
2.9 of the background check report;

2.10 (3) the right to obtain from the superintendent any record that forms the basis for
2.11 the report;

2.12 (4) the right to challenge the accuracy and completeness of any information
2.13 contained in the report or record pursuant to section 13.04, subdivision 4;

2.14 (5) the right to be informed by the children's service provider if the children's
2.15 service worker's application to be employed with, volunteer with, be an independent
2.16 contractor for, or be an owner of a children's service provider, or to continue as an
2.17 employee, volunteer, independent contractor, or owner, has been denied because of the
2.18 superintendent's response; and

2.19 (6) the right not to be required directly or indirectly to pay the cost of the background
2.20 check.

2.21 Sec. 3. Minnesota Statutes 2008, section 299C.62, subdivision 4, is amended to read:

2.22 Subd. 4. **Response of bureau.** The superintendent shall respond to a background
2.23 check request within a reasonable time after receiving the signed, written document
2.24 described in subdivision 2. The superintendent shall provide the children's service
2.25 provider with a copy of the applicant's criminal record or a statement that the applicant is
2.26 not the subject of a criminal history record at the bureau. It is the responsibility of the
2.27 service provider to determine if the applicant qualifies as an employee ~~or~~, volunteer, or
2.28 independent contractor under this section.