

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 4269

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| DATE | D-PG | OFFICIAL STATUS |
|------------|-------|---|
| 02/26/2024 | 11815 | Introduction and first reading Referred to Higher Education |
| 03/04/2024 | | Comm report: To pass as amended and re-refer to Judiciary and Public Safety |

1.1 A bill for an act

1.2 relating to higher education; prohibiting postsecondary institutions from considering

1.3 certain criminal records during the application process; providing that postsecondary

1.4 education participation satisfies employment requirements for persons on postprison

1.5 supervised release; suspending student loan payments for incarcerated borrowers;

1.6 modifying the commissioner of corrections' authority relating to prison education

1.7 partnerships in certain instances; repealing the prohibition on the commissioner

1.8 of corrections paying for college costs of certain incarcerated persons; proposing

1.9 coding for new law in Minnesota Statutes, chapters 135A; 136A; 241; 244;

1.10 repealing Minnesota Statutes 2022, sections 241.265; 609B.311.

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

1.12 Section 1. **[135A.062] CONSIDERATION OF CRIMINAL RECORDS LIMITED.**

1.13 Subdivision 1. **Applicability.** This section applies to postsecondary institutions under

1.14 section 136A.155, except the Board of Regents of the University of Minnesota is requested

1.15 to comply with this section.

1.16 Subd. 2. **Definition.** As used in this section "a violent felony or sexual assault" includes

1.17 a felony-level violation or attempted violation of section 609.185; 609.19; 609.195; 609.20;

1.18 609.2112; 609.2113, subdivision 1 or 2; 609.2662; 609.2663; 609.2664; 609.268; 609.342;

1.19 609.343; 609.344; 609.345; 609.3451; 609.3458; or 609.749.

1.20 Subd. 3. **Consideration of criminal records limited.** A postsecondary institution may

1.21 not inquire into, consider, or require disclosure of the criminal record or criminal history

1.22 of an applicant for admission. After a postsecondary institution has made an offer of

1.23 admission, the postsecondary institution may inquire into, consider, or require disclosure

1.24 of a conviction that occurred within the previous five years for a violent felony or sexual

1.25 assault. The postsecondary institution must provide the applicant with an opportunity to

2.1 submit an explanatory statement, letters of recommendation, evidence of rehabilitation, and
 2.2 any other supporting documents. The institution must provide clear and detailed instructions
 2.3 and guidance to applicants related to what criminal history requires disclosure. The institution
 2.4 must not require the applicant to provide official records of criminal history. A postsecondary
 2.5 institution that rescinds an offer of admission must:

2.6 (1) provide an explanation of the basis for the decision to rescind the conditional offer;
 2.7 and

2.8 (2) provide the applicant with an opportunity to appeal the decision to rescind.

2.9 Subd. 4. **Other information.** This section shall not prohibit or limit a postsecondary
 2.10 institution from inquiring about student conduct records at the applicant's prior postsecondary
 2.11 institution after making an offer of admission. This section shall not prohibit or limit a
 2.12 postsecondary institution from inquiring about a student's ability to meet licensure
 2.13 requirements in a professional program after making an offer of admission.

2.14 Sec. 2. **[136A.786] INCARCERATED STUDENT AID BORROWERS.**

2.15 The commissioner of corrections shall collect information upon intake about incarcerated
 2.16 persons who have self-identified as federal student aid borrowers. The commissioner of
 2.17 corrections shall relay this information to the commissioner of higher education. The
 2.18 commissioner of higher education shall assist incarcerated persons in enrolling in a federal
 2.19 income-driven repayment plan in which there are no monthly payments or accrual of interest
 2.20 for borrowers with earnings below the federal poverty guidelines.

2.21 Sec. 3. **[241.267] PRISON EDUCATION PARTNERSHIPS.**

2.22 The commissioner may not enter into an agreement or establish a prison education
 2.23 partnership with a higher education institution that:

2.24 (1) is organized as a private for-profit postsecondary institution as described in section
 2.25 136A.62, subdivision 3, clause (2), item (ii); or

2.26 (2) charges incarcerated students a higher per-credit rate than the rate for nonincarcerated
 2.27 students.

3.1 Sec. 4. **[244.60] SUPERVISED RELEASE EMPLOYMENT REQUIREMENT;**
3.2 **POSTSECONDARY EDUCATION.**

3.3 If the commissioner of corrections imposes a requirement on a person placed on
3.4 supervised release that the person work or be employed, the commissioner shall provide
3.5 that enrollment and participation in postsecondary education satisfies this requirement.

3.6 Sec. 5. **REPEALER.**

3.7 Minnesota Statutes 2022, sections 241.265; and 609B.311, are repealed.

241.265 HIGHER EDUCATION; CERTAIN PAYMENTS PROHIBITED.

The commissioner may not pay for a college education program beyond the associate of arts degree level for an inmate convicted of first- or second-degree murder. The commissioner of corrections may only pay for an associate of arts college education program for an inmate convicted of first or second degree murder if the inmate's participation in the program does not increase the cost of the program to the institution.

609B.311 MURDER CONVICTION; HIGHER EDUCATION PAYMENTS FOR PRISON INMATES LIMITED.

Section 241.265 prohibits the commissioner of corrections from paying for certain higher education programs for an inmate convicted of first- or second-degree murder.