

The background features a series of concentric circles in light gray, some solid and some dashed, creating a ripple effect. A large red speech bubble is centered on the page, containing the title text.

# Review of 2008 Task Force Report

# Overview

- In 2007/2008 the legislature created a task force to review the disqualification laws.
- The task force issued a report of its findings and recommendations.

# Suggestions

The 2007 task force came up with several recommended changes.

- **Reconsider disqualifications for drug or alcohol-related offenses and clarify policy as necessary.**
- **Eliminate all permanent bars, other than those for murder, manslaughter and criminal sexual conduct.**
- **Eliminate offenses that have no meaningful relationship to the tasks and responsibilities of the jobs.**
- **Reduce the length of disqualifications and create four new categories – 15-year, 10-year, 5-year, and 3-year – into which offenses are rationally sorted.**
- **Overhaul of POE cases.**

## Drug Related Cases

**Reconsider disqualifications for drug or alcohol-related offenses and clarify policy as necessary.**

- In Minnesota, almost all drug offenses are felonies. Under current law, every drug felony is treated the same (15 yr DQ). Small drug possession is same as drug sales.
- Criminalization of addiction?

# Permanent Bar

**Eliminate all permanent bars, other than those for murder, manslaughter and criminal sexual conduct.**

- Not clear whether this means reducing to 15 years for all others or permitting set-aside.
- Focus on fact that people can change and an absolute bar, without any assessment is unfair.

## Relationship between crime and job

**Eliminate offenses that have no meaningful relationship to the tasks and responsibilities of the jobs.**

- 256.98 Wrongfully Obtaining Assistance
- 268.182 False Representation
- 393.07 Food Stamp Fraud
- 609.21 Criminal Vehicular Operation
- 609.33 Disorderly House
- 609.535 Issuance of Dishonored Checks
- 609.71 Riot
- 617.241 Distribution of Obscene Materials
- 617.243 Distribution of Indecent Literature

## Reduce length of DQ

**Reduce the length of disqualifications and create four new categories – 15-year, 10-year, 5-year, and 3-year – into which offenses are rationally sorted.**

- **Creates the 3-year and 5-year DQ (based on science)**
- **Shorter DQ periods for property crimes.**
- **Currently, for example, felony 3<sup>rd</sup> degree assault has same DQ period as wrongfully receiving public assistance or issuance of dishonored check (15-year DQ)**

## POE or non-conviction cases

- DQ Law requires DHS to DQ in some cases without a conviction. Permitted if based on POE agency concludes the person committed the crime.
- No conviction required.
- Highly controversial
- Prior task force recommended changes.
- Note – task force found that it was “desirable” that state have ability to DQ without a conviction to ensure safety of vulnerable populations.



## POE Cont'

### Recommendations cont'

- Arrest reports are not enough to DQ. Must get more. Currently, POE is based on documents only (police reports and court records). No interviews of anyone.
- If investigation supports a conclusion of POE, then the person should be given opportunity to testify **BEFORE** agency makes decision.