

ROCK COUNTY ORDINANCE NO. 2013-02

**ORDINANCE RELATING TO CRIMINAL HISTORY BACKGROUND
FOR APPLICANTS FOR ROCK COUNTY EMPLOYMENT AND COUNTY
LICENSES**

BE IT ORDAINED by County of Rock, Minnesota, as follows:

SECTION: 1 EMPLOYMENT BACKGROUND CHECKS

1.1 **PURPOSE:** The purpose and intent of this section is to establish regulations that will allow law enforcement access to Minnesota's Computerized Criminal History information for specified non-criminal purposes of employment background checks for the positions described in Paragraph 1.2.

1.2 **CRIMINAL HISTORY EMPLOYMENT BACKGROUND INVESTIGATIONS:** The Rock County Sheriff's Department is hereby required, and designated, as the exclusive entity within the County, to do a criminal history background investigation on the applicants for all regular part-time or full-time employees of the County of Rock.

SECTION: 2 LICENSE BACKGROUND CHECKS

2.1 **PURPOSE:** The purpose and intent of this section is to establish regulations that will allow law enforcement access to Minnesota's Computerized Criminal History information for specified non-criminal purposes of licensing background checks.

2.2 **CRIMINAL HISTORY LICENSE BACKGROUND INVESTIGATIONS:** The Rock County Sheriff's Office is hereby required, as the exclusive entity within the County, to do a criminal history background investigation on the applicants for the following licenses within the County:

2.2.1 All beer, wine, and liquor licenses

2.2.2 All tobacco licenses.

SECTION 3: GENERAL PROVISIONS

3.1 In conducting the criminal history background investigation in order to screen license applicants, the Rock County Sheriff's Department is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehensions Computerized Criminal History information system in accordance with BCA policy. Any data that is accessed and acquired shall be maintained at the Sheriff's Department under the care and custody of the chief law enforcement official or his or her designee. A summary of the results of the Computerized Criminal History data may be released by the Sheriff's Department to the licensing

authority, including the County Board of Commissioners, the County Administrator, or other County staff involved in the license approval procedure.

Before the investigation is undertaken, the applicant must authorize the Rock County Sheriff's Department by written consent to undertake the investigation. The written consent must fully comply with the provisions of Minn. Stat. Chap. 13 regarding the collection, maintenance and use of the information. Except for the positions set forth in Minnesota Statutes Section 364.09, the city will not reject an applicant for a license on the basis of the applicant's prior conviction unless the crime is directly related to the license sought and the conviction is for a felony, gross misdemeanor, or misdemeanor with a jail sentence. If the County rejects the applicant's request on this basis, the County shall notify the applicant in writing of the following:

- A. The grounds and reasons for the denial.
- B. The applicant complaint and grievance procedure set forth in Minnesota Statutes Section 364.06.
- C. The earliest date the applicant may reapply for the license.
- D. That all competent evidence of rehabilitation will be considered upon reapplication.

SECTION 4: That this ordinance shall take effect upon its passage and publication.

Adopted by the Board of Commissioners of the County of Rock, this 21st day of May, 2013.

Chairman of the Board of Commissioners

ATTEST:

Rock County Administrator