

# **Reference Guide**

## **Occupations Impacted by Felony Convictions**

Below you will find a general non-exhaustive list of occupations that are limited or affected by felony convictions on the part of the applicant. This list is for informational purposes only and includes references to state and federal law. If you have questions about your particular occupational field, you should contact a private attorney for assistance.

The Minnesota Legislature has established the Collateral Sanctions Committee, whose purpose is to study issues related to collateral sanctions and the effect of an individual's convictions or adjudications upon employment and professional licensing opportunities. The extensive list of collateral sanctions is provided in Minn. Stat. Ch. 609B.

1. Controlling person of a nursing home (if the felony relates to the operation of the nursing home or directly affects resident safety or care) (Minn. Stat. § 144A.04)
2. School bus driver (Minn. Stat. § 171.3215)
3. Horse racing jockey or driver, exercise rider, groom, trainer, pari-mutuel personnel, or racetrack security officer (Minn. Stat. § 240.08)
4. Property manager if convicted of a felony listed in Minn. Stat. § 299C.67. The prohibition for persons convicted of offenses listed in § 299C.67, subd. 2(b) is subject to a ten-year limitation. (Minn. Stat. § 299C.69)
5. Licensee or employee of licensee who manufactures, sells, offers to sell, leases, rents or otherwise provides a gambling device (Minn. Stat. § 299L.07)
6. Private detective, protective agent or employee of a private detective or protective agent (Minn. Stat. § 326.336)
7. Collection agent, if felony committed within last five years (Minn. Stat. § 332.35)
8. Licensed retail seller of liquor (if felony committed within five years of license application) (Minn. Stat. § 340A.402) or manufacturer/wholesaler of liquor (Minn. Stat. § 340A.301)
9. Licensee or employee of licensee who manufactures or distributes gambling devices, or serves as a gambling manager, if crime involved gambling, assault, use of a firearm, terroristic threats, theft, fraud (Minn. Stat. § 349.155, Minn. Rules 7861.0030)
10. Employee of the Minnesota State Lottery (if felony committed within past five years) (Minn. Stat. § 349A.02)
11. Elected public official in State of Minnesota who has not had his/her civil rights restored (Minn. Stat. § 204B.10)

12. Any position involving direct contact with persons receiving services from child care, adult care or foster care provider (see statute for time limitations for specific offenses) (Minn. Stat. § 245A.04)
13. Professional peace officer (Minn. Rules 6700.0300)
14. Part-time professional peace officer (Minn. Rules 6700.1101)
15. Driver licensing agent (Minn. Rules 7404.0360)
16. Motor vehicle deputy registrar (Minn. Rules 7406.0360)
17. Lottery retailer (if convicted of a felony in the last five years) (Minn. Rules 7856.2020)
18. Employee of the federal government or government of the District of Columbia (if convicted of riot or civil disorder and less than five years have passed since the date the felony conviction became final) (5 U.S.C.A. § 7313(a))
19. Commodity dealer, trader, broker or advisor if less than ten years have passed since the date the felony conviction became final, and the conviction involves any transactions or advice concerning any contract of sale of a commodity for future delivery, or any activity subject to Commission regulation under title 7, section 6c or 23, or concerning a security, or arises out of the conduct of the business or employee of a futures commission merchant, introducing broker, floor broker, floor trader, commodity trading advisor, commodity pool operator, associated person of any registrant, securities broker, securities dealer, municipal securities broker, municipal securities dealer, transfer agent, clearing agency, securities information processor, investment adviser, investment company, or involves embezzlement, theft, extortion, fraud, fraudulent conversion, misappropriation of funds, securities or property, forgery, counterfeiting, false pretenses, bribery, or gambling, or involves the violation of section 152, 1001, 1341, 1342, 1343, 1503, 1623, 1961, 1962, 1963, or 2314, or chapter 25, 47, 95, or 96 of Title 18, or section 7201 or 7206 of Title 26). (7 U.S.C.A. § 12a)
20. Member of the United States military or armed forces (although Secretary of Defense may authorize an exception to this prohibition in meritorious circumstances) (10 U.S.C.A. § 504(a))
21. Manager, supervisor, member of board of directors or consultant for any defense contractor or subcontractor (if the felony arose out of a contract with the Department of Defense) (10 U.S.C.A. § 2408)
22. Employee of the Resolution Trust Corporation (federal agency) (12 U.S.C.A. § 1441a(n))
23. Employee of the Federal Deposit Insurance Corporation (federal agency) (12 U.S.C.A. § 1822)

24. Employee of an investment company (if the felony (a) became final less than ten years ago and (b) involved the sale or purchase of any security or investment or arose out of previous employment with an investment company) (15 U.S.C.A. § 80a-9)
25. Employee of a small business investment company, except by written consent of the Administration (15 U.S.C.A. § 687f)
26. Federal student loan service owner, majority shareholder, director or officer (20 U.S.C.A. § 1078-9)
27. Manufacturer, distributor, or dispenser of controlled substances (if the felony involved any controlled substance) (21 U.S.C.A. § 824)
28. Member of the National Indian Gaming Commission (25 U.S.C.A. § 2704)
29. Permit holder for liquor sale, manufacture or delivery (if felony conviction became final within the last five years) (27 U.S.C.A. § 204(a))
30. Attorney practicing before the FDIC (if felony conviction became final within the last ten years) (12 C.F.R. § 308.109)
31. Contractor for the FDIC (12 C.F.R. § 366.3)
32. Professional or expert practicing before the Department of Treasury, Office of Thrift Supervision (12 C.F.R. § 513.4)
33. Licensed professional practicing before the Commodities Futures Trading (17 C.F.R. § 14.5)
34. Practicing before the Securities and Exchange Commission (17 C.F.R. § 201.102)
35. Agent or employee of the Drug Enforcement Administration (if felony related to controlled substances) (21 C.F.R. § 1301.76)
36. Magistrate of a court of Indian offenses (25 C.F.R. § 11.201)
37. Driver requiring a commercial drivers' license if a commercial motor vehicle was used in the commission of a felony involving manufacture, distributing or dispensing a controlled substance. Use of the vehicle to commit any other felony bars employment as a commercial driver for one year. (49 C.F.R. § 383.51)
38. Residential mortgage originator or servicer (Minn. Stat. § 58.12)
39. Insurer (Minn. Stat. § 60A.052)
40. Viatical settlement provider (Minn. Stat. § 60A.965)
41. Insurance agent (Minn. Stat. § 60K.43)

42. Physician, if the person was convicted of a felony reasonably related to the practice of medicine or osteopathy or a felony-level criminal sexual conduct offense. (Minn. Stat. § 147.091)
43. Chiropractor, if the person was convicted of a crime involving moral turpitude or a felony in the past five years that is reasonably related to the practice of chiropractic. (Minn. Stat. § 148.10)
44. Licensed marriage and family therapist, if the Board of Marriage and Family Therapy determines the crime is of a nature to render the convicted person unfit to practice marriage and family therapy. The Board shall provide a list of such crimes. (Minn. Stat. § 148B.37)
45. Nurse, if convicted of a felony in the past five years that is reasonably related to the practice of professional, advanced practice registered, or practical nursing. (Minn. Stat. § 148.261)
46. Speech-language pathologist, if an essential element of the felony involved dishonesty or which relates directly or indirectly to the practice of speech-language pathology or audiology. (Minn. Stat. § 148.5195)
47. Occupational therapist, if the felony directly relates to the practice of occupational therapy. (Minn. Stat. § 148.6448)
48. Physical therapist (Minn. Stat. § 148.75)
49. Licensed alcohol and drug counselor who has been convicted of a crime reasonably related to the provision of alcohol and drug counseling services or a crime against a person (Minn. Stat. § 148C.09)
50. Person licensed to practice mortuary science, to operate a funeral establishment, or to operate a crematory (Minn. Stat. § 149A.09)
51. Dentist or dental hygienist, if the person was convicted of a crime involving moral turpitude or a felony reasonably related to the practice of dentistry (Minn. Stat. § 150A.08)
52. Veterinarian (Minn. Stat. § 156.081)
53. Licensee or employee of licensee who manufactures or distributes gambling devices, or serves as a gambling manager, if convicted of a crime that would be a felony if committed in Minnesota (Minn. Stat. § 349.155)
54. Driving instructor (unless the Commissioner of Public Safety determines that the crime did not directly related to the position of instructor or the person has shown competent evidence of sufficient rehabilitation and present fitness to perform the duties of an instructor) (Minn. Rules 7411.0620)
55. Agricultural commodity merchant, dealer or broker (7 U.S.C.A. § 499d).