

**ARTICLE 8****EXPUNGEMENT**

Section 1. Minnesota Statutes 2022, section 13.871, subdivision 14, is amended to read:

Subd. 14. **Expungement petitions.** (a) Provisions regarding the classification and sharing of data contained in a petition for expungement of a criminal record are included in section 609A.03.

(b) Provisions regarding the classification and sharing of data related to automatic expungements are included in sections 299C.097 and 609A.015.

**EFFECTIVE DATE.** This section is effective January 1, 2025.

Sec. 2. Minnesota Statutes 2022, section 152.18, subdivision 1, is amended to read:

Subdivision 1. **Deferring prosecution for certain first time drug offenders.** (a) A court may defer prosecution as provided in paragraph (c) for any person found guilty, after trial or upon a plea of guilty, of a violation of section 152.023, subdivision 2, 152.024, subdivision 2, 152.025, subdivision 2, or 152.027, subdivision 2, 3, 4, or 6, paragraph (d), for possession of a controlled substance, who:

(1) has not previously participated in or completed a diversion program authorized under section 401.065;

(2) has not previously been placed on probation without a judgment of guilty and thereafter been discharged from probation under this section; and

(3) has not been convicted of a felony violation of this chapter, including a felony-level attempt or conspiracy, or been convicted by the United States or another state of a similar offense that would have been a felony under this chapter if committed in Minnesota, unless ten years have elapsed since discharge from sentence.

(b) The court must defer prosecution as provided in paragraph (c) for any person found guilty of a violation of section 152.025, subdivision 2, who:

(1) meets the criteria listed in paragraph (a), clauses (1) to (3); and

(2) has not previously been convicted of a felony offense under any state or federal law or of a gross misdemeanor under section 152.025.

(c) In granting relief under this section, the court shall, without entering a judgment of guilty and with the consent of the person, defer further proceedings and place the person on probation upon such reasonable conditions as it may require and for a period, not to

2.1 exceed the maximum sentence provided for the violation. The court may give the person  
2.2 the opportunity to attend and participate in an appropriate program of education regarding  
2.3 the nature and effects of alcohol and drug abuse as a stipulation of probation. Upon violation  
2.4 of a condition of the probation, the court may enter an adjudication of guilt and proceed as  
2.5 otherwise provided. The court may, in its discretion, dismiss the proceedings against the  
2.6 person and discharge the person from probation before the expiration of the maximum  
2.7 period prescribed for the person's probation. If during the period of probation the person  
2.8 does not violate any of the conditions of the probation, then upon expiration of the period  
2.9 the court shall discharge the person and dismiss the proceedings against that person.  
2.10 Discharge and dismissal under this subdivision shall be without court adjudication of guilt,  
2.11 but a not public record of it shall be retained by the Bureau of Criminal Apprehension for  
2.12 the purpose of use by the courts in determining the merits of subsequent proceedings against  
2.13 the person. The not public record may also be opened only upon court order for purposes  
2.14 of a criminal investigation, prosecution, or sentencing. Upon receipt of notice that the  
2.15 proceedings were dismissed, the Bureau of Criminal Apprehension shall notify the arresting  
2.16 or citing law enforcement agency and direct that agency to seal its records related to the  
2.17 charge. Upon request by law enforcement, prosecution, or corrections authorities, the bureau  
2.18 shall notify the requesting party of the existence of the not public record and the right to  
2.19 seek a court order to open it pursuant to this section. The court shall forward a record of  
2.20 any discharge and dismissal under this subdivision to the bureau which shall make and  
2.21 maintain the not public record of it as provided under this subdivision. The discharge or  
2.22 dismissal shall not be deemed a conviction for purposes of disqualifications or disabilities  
2.23 imposed by law upon conviction of a crime or for any other purpose.

2.24 For purposes of this subdivision, "not public" has the meaning given in section 13.02,  
2.25 subdivision 8a.

2.26 **EFFECTIVE DATE.** This section is effective January 1, 2025.

2.27 Sec. 3. Minnesota Statutes 2022, section 181.981, subdivision 1, is amended to read:

2.28 Subdivision 1. **Limitation on admissibility of criminal history.** Information regarding  
2.29 a criminal history record of an employee or former employee may not be introduced as  
2.30 evidence in a civil action against a private employer or its employees or agents that is based  
2.31 on the conduct of the employee or former employee, if:

2.32 (1) the duties of the position of employment did not expose others to a greater degree  
2.33 of risk than that created by the employee or former employee interacting with the public  
2.34 outside of the duties of the position or that might be created by being employed in general;

- 3.1 (2) before the occurrence of the act giving rise to the civil action;
- 3.2 (i) a court order sealed any record of the criminal case;
- 3.3 (ii) any record of the criminal case was sealed as the result of an automatic expungement,
- 3.4 including but not limited to a grant of expungement made pursuant to section 609A.015;
- 3.5 or
- 3.6 (iii) the employee or former employee received a pardon;
- 3.7 (3) the record is of an arrest or charge that did not result in a criminal conviction; or
- 3.8 (4) the action is based solely upon the employer's compliance with section 364.021.
- 3.9 **EFFECTIVE DATE.** This section is effective August 1, 2023.

3.10 Sec. 4. Minnesota Statutes 2022, section 245C.08, subdivision 1, is amended to read:

3.11 Subdivision 1. **Background studies conducted by Department of Human Services.** (a)

3.12 For a background study conducted by the Department of Human Services, the commissioner

3.13 shall review:

3.14 (1) information related to names of substantiated perpetrators of maltreatment of

3.15 vulnerable adults that has been received by the commissioner as required under section

3.16 626.557, subdivision 9c, paragraph (j);

3.17 (2) the commissioner's records relating to the maltreatment of minors in licensed

3.18 programs, and from findings of maltreatment of minors as indicated through the social

3.19 service information system;

3.20 (3) information from juvenile courts as required in subdivision 4 for individuals listed

3.21 in section 245C.03, subdivision 1, paragraph (a), when there is reasonable cause;

3.22 (4) information from the Bureau of Criminal Apprehension, including information

3.23 regarding a background study subject's registration in Minnesota as a predatory offender

3.24 under section 243.166;

3.25 (5) except as provided in clause (6), information received as a result of submission of

3.26 fingerprints for a national criminal history record check, as defined in section 245C.02,

3.27 subdivision 13c, when the commissioner has reasonable cause for a national criminal history

3.28 record check as defined under section 245C.02, subdivision 15a, or as required under section

3.29 144.057, subdivision 1, clause (2);

3.30 (6) for a background study related to a child foster family setting application for licensure,

3.31 foster residence settings, children's residential facilities, a transfer of permanent legal and

4.1 physical custody of a child under sections 260C.503 to 260C.515, or adoptions, and for a  
4.2 background study required for family child care, certified license-exempt child care, child  
4.3 care centers, and legal nonlicensed child care authorized under chapter 119B, the  
4.4 commissioner shall also review:

4.5 (i) information from the child abuse and neglect registry for any state in which the  
4.6 background study subject has resided for the past five years;

4.7 (ii) when the background study subject is 18 years of age or older, or a minor under  
4.8 section 245C.05, subdivision 5a, paragraph (c), information received following submission  
4.9 of fingerprints for a national criminal history record check; and

4.10 (iii) when the background study subject is 18 years of age or older or a minor under  
4.11 section 245C.05, subdivision 5a, paragraph (d), for licensed family child care, certified  
4.12 license-exempt child care, licensed child care centers, and legal nonlicensed child care  
4.13 authorized under chapter 119B, information obtained using non-fingerprint-based data  
4.14 including information from the criminal and sex offender registries for any state in which  
4.15 the background study subject resided for the past five years and information from the national  
4.16 crime information database and the national sex offender registry; and

4.17 (7) for a background study required for family child care, certified license-exempt child  
4.18 care centers, licensed child care centers, and legal nonlicensed child care authorized under  
4.19 chapter 119B, the background study shall also include, to the extent practicable, a name  
4.20 and date-of-birth search of the National Sex Offender Public website.

4.21 (b) Notwithstanding expungement by a court, the commissioner may consider information  
4.22 obtained under paragraph (a), clauses (3) and (4), unless:

4.23 (1) the commissioner received notice of the petition for expungement and the court order  
4.24 for expungement is directed specifically to the commissioner; or

4.25 (2) the commissioner received notice of the expungement order issued pursuant to section  
4.26 609A.017, 609A.025, or 609A.035, and the order for expungement is directed specifically  
4.27 to the commissioner.

4.28 (c) The commissioner shall also review criminal case information received according  
4.29 to section 245C.04, subdivision 4a, from the Minnesota court information system that relates  
4.30 to individuals who have already been studied under this chapter and who remain affiliated  
4.31 with the agency that initiated the background study.

4.32 (d) When the commissioner has reasonable cause to believe that the identity of a  
4.33 background study subject is uncertain, the commissioner may require the subject to provide

5.1 a set of classifiable fingerprints for purposes of completing a fingerprint-based record check  
5.2 with the Bureau of Criminal Apprehension. Fingerprints collected under this paragraph  
5.3 shall not be saved by the commissioner after they have been used to verify the identity of  
5.4 the background study subject against the particular criminal record in question.

5.5 (e) The commissioner may inform the entity that initiated a background study under  
5.6 NETStudy 2.0 of the status of processing of the subject's fingerprints.

5.7 **EFFECTIVE DATE.** This section is effective August 1, 2023.

5.8 Sec. 5. Minnesota Statutes 2022, section 245C.08, subdivision 2, is amended to read:

5.9 Subd. 2. **Background studies conducted by a county agency for family child care.** (a)  
5.10 Before the implementation of NETStudy 2.0, for a background study conducted by a county  
5.11 agency for family child care services, the commissioner shall review:

5.12 (1) information from the county agency's record of substantiated maltreatment of adults  
5.13 and the maltreatment of minors;

5.14 (2) information from juvenile courts as required in subdivision 4 for:

5.15 (i) individuals listed in section 245C.03, subdivision 1, paragraph (a), who are ages 13  
5.16 through 23 living in the household where the licensed services will be provided; and

5.17 (ii) any other individual listed under section 245C.03, subdivision 1, when there is  
5.18 reasonable cause; and

5.19 (3) information from the Bureau of Criminal Apprehension.

5.20 (b) If the individual has resided in the county for less than five years, the study shall  
5.21 include the records specified under paragraph (a) for the previous county or counties of  
5.22 residence for the past five years.

5.23 (c) Notwithstanding expungement by a court, the county agency may consider information  
5.24 obtained under paragraph (a), clause (3), unless:

5.25 (1) the commissioner received notice of the petition for expungement and the court order  
5.26 for expungement is directed specifically to the commissioner; or

5.27 (2) the commissioner received notice of the expungement order issued pursuant to section  
5.28 609A.017, 609A.025, or 609A.035, and the order for expungement is directed specifically  
5.29 to the commissioner.

5.30 **EFFECTIVE DATE.** This section is effective August 1, 2023.

6.1       Sec. 6. [299C.097] DATABASE FOR IDENTIFYING INDIVIDUALS ELIGIBLE  
 6.2       FOR EXPUNGEMENT.

6.3       (a) The superintendent of the Bureau of Criminal Apprehension shall maintain a  
 6.4       computerized data system relating to petty misdemeanor and misdemeanor offenses that  
 6.5       may become eligible for expungement pursuant to section 609A.015 and which do not  
 6.6       require fingerprinting pursuant to section 299C.10 and are not linked to an arrest record in  
 6.7       the criminal history system.

6.8       (b) These data are private data on individuals under section 13.02, subdivision 12.

6.9       EFFECTIVE DATE. This section is effective January 1, 2025.

6.10      Sec. 7. Minnesota Statutes 2022, section 299C.10, subdivision 1, is amended to read:

6.11      Subdivision 1. **Required fingerprinting.** (a) Sheriffs, peace officers, and community  
 6.12      corrections agencies operating secure juvenile detention facilities shall take or cause to be  
 6.13      taken immediately ~~finger fingerprints~~ and ~~thumb prints~~ thumbprints, photographs, distinctive  
 6.14      physical mark identification data, information on any known aliases or street names, and  
 6.15      other identification data requested or required by the superintendent of the bureau, of the  
 6.16      following:

6.17      (1) persons arrested for, appearing in court on a charge of, or convicted of a felony, gross  
 6.18      misdemeanor, or targeted misdemeanor;

6.19      (2) juveniles arrested for, appearing in court on a charge of, adjudicated delinquent for,  
 6.20      or alleged to have committed felonies or gross misdemeanors as distinguished from those  
 6.21      committed by adult offenders;

6.22      (3) adults and juveniles admitted to jails or detention facilities;

6.23      (4) persons reasonably believed by the arresting officer to be fugitives from justice;

6.24      (5) persons in whose possession, when arrested, are found concealed firearms or other  
 6.25      dangerous weapons, burglar tools or outfits, high-power explosives, or articles, machines,  
 6.26      or appliances usable for an unlawful purpose and reasonably believed by the arresting officer  
 6.27      to be intended for such purposes;

6.28      (6) juveniles referred by a law enforcement agency to a diversion program for a felony  
 6.29      or gross misdemeanor offense; and

6.30      (7) persons currently involved in the criminal justice process, on probation, on parole,  
 6.31      or in custody for any offense whom the superintendent of the bureau identifies as being the  
 6.32      subject of a court disposition record which cannot be linked to an arrest record, and whose

7.1 fingerprints are necessary to reduce the number of suspense files, or to comply with the  
7.2 mandates of section 299C.111, relating to the reduction of the number of suspense files.  
7.3 This duty to obtain fingerprints for the offenses in suspense at the request of the bureau  
7.4 shall include the requirement that fingerprints be taken in post-arrest interviews, while  
7.5 making court appearances, while in custody, or while on any form of probation, diversion,  
7.6 or supervised release.

7.7 (b) Unless the superintendent of the bureau requires a shorter period, within 24 hours  
7.8 of taking the fingerprints and data, the fingerprint records and other identification data  
7.9 specified under paragraph (a) must be electronically entered into a bureau-managed  
7.10 searchable database in a manner as may be prescribed by the superintendent.

7.11 (c) Prosecutors, courts, and probation officers and their agents, employees, and  
7.12 subordinates shall attempt to ensure that the required identification data is taken on a person  
7.13 described in paragraph (a). Law enforcement may take fingerprints of an individual who is  
7.14 presently on probation.

7.15 (d) ~~Finger~~ Fingerprints and ~~thumb prints~~ thumbprints must be obtained no later than:

7.16 (1) release from booking; or

7.17 (2) if not booked prior to acceptance of a plea of guilty or not guilty.

7.18 Prior to acceptance of a plea of guilty or not guilty, an individual's finger and thumb  
7.19 prints must be submitted to the Bureau of Criminal Apprehension for the offense. If finger  
7.20 and thumb prints have not been successfully received by the bureau, an individual may,  
7.21 upon order of the court, be taken into custody for no more than eight hours so that the taking  
7.22 of prints can be completed. Upon notice and motion of the prosecuting attorney, this time  
7.23 period may be extended upon a showing that additional time in custody is essential for the  
7.24 successful taking of prints.

7.25 (e) For purposes of this section, a targeted misdemeanor is a misdemeanor violation of  
7.26 section 169A.20 (driving while impaired), 518B.01 (order for protection violation), 609.224  
7.27 (fifth-degree assault), 609.2242 (domestic assault), 609.746 (interference with privacy),  
7.28 609.748 (harassment or restraining order violation), 609.749 (obscene or harassing telephone  
7.29 calls), 617.23 (indecent exposure), or 629.75 (domestic abuse no contact order).

7.30 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to violations  
7.31 that occur on or after that date.

8.1 Sec. 8. Minnesota Statutes 2022, section 299C.11, subdivision 1, is amended to read:

8.2 Subdivision 1. **Identification data other than DNA.** (a) Each sheriff and chief of police  
 8.3 shall furnish the bureau, upon such form as the superintendent shall prescribe, with such  
 8.4 ~~finger and thumb prints~~ fingerprints and thumbprints, photographs, distinctive physical  
 8.5 mark identification data, information on known aliases and street names, and other  
 8.6 identification data as may be requested or required by the superintendent of the bureau,  
 8.7 which must be taken under the provisions of section 299C.10. In addition, sheriffs and chiefs  
 8.8 of police shall furnish this identification data to the bureau for individuals found to have  
 8.9 been convicted of a felony, gross misdemeanor, or targeted misdemeanor, within the ten  
 8.10 years immediately preceding their arrest. When the bureau learns that an individual who is  
 8.11 the subject of a background check has used, or is using, identifying information, including,  
 8.12 but not limited to, name and date of birth, other than those listed on the criminal history,  
 8.13 the bureau shall convert into an electronic format, if necessary, and enter into a  
 8.14 bureau-managed searchable database the new identifying information when supported by  
 8.15 fingerprints within three business days of learning the information if the information is not  
 8.16 entered by a law enforcement agency.

8.17 (b) No petition under chapter 609A is required if the person has not been convicted of  
 8.18 any felony or gross misdemeanor, either within or without the state, within the period of  
 8.19 ten years immediately preceding the determination of all pending criminal actions or  
 8.20 proceedings in favor of the arrested person, and either of the following occurred:

8.21 (1) all charges were dismissed prior to a determination of probable cause; or

8.22 (2) the prosecuting authority declined to file any charges and a grand jury did not return  
 8.23 an indictment.

8.24 Where these conditions are met, the bureau or agency shall, upon demand, destroy the  
 8.25 arrested person's ~~finger and thumb prints~~ fingerprints and thumbprints, photographs,  
 8.26 distinctive physical mark identification data, information on known aliases and street names,  
 8.27 and other identification data, and all copies and duplicates of them.

8.28 (c) The bureau or agency shall destroy an arrested person's fingerprints and thumbprints,  
 8.29 photographs, distinctive physical mark identification data, information on known aliases  
 8.30 and street names, and other identification data and all copies and duplicates of them without  
 8.31 the demand of any person or the granting of a petition under chapter 609A if:

8.32 (1) the sheriff, chief of police, bureau, or other arresting agency determines that the  
 8.33 person was arrested or identified as the result of mistaken identity before presenting  
 8.34 information to the prosecuting authority for a charging decision; or



9.1 (2) the prosecuting authority declines to file any charges or a grand jury does not return  
 9.2 an indictment based on a determination that the person was identified or arrested as the  
 9.3 result of mistaken identity.

9.4 (d) A prosecuting authority that determines a person was arrested or identified as the  
 9.5 result of mistaken identity and either declines to file any charges or receives notice that a  
 9.6 grand jury did not return an indictment shall notify the bureau and the applicable sheriff,  
 9.7 chief of police, or other arresting agency of the determination.

9.8 (e) (e) Except as otherwise provided in paragraph (b) or (c), upon the determination of  
 9.9 all pending criminal actions or proceedings in favor of the arrested person, and the granting  
 9.10 of the petition of the arrested person under chapter 609A, the bureau shall seal ~~finger and~~  
 9.11 ~~thumb prints~~ fingerprints and thumbprints, photographs, distinctive physical mark  
 9.12 identification data, information on known aliases and street names, and other identification  
 9.13 data, and all copies and duplicates of them if the arrested person has not been convicted of  
 9.14 any felony or gross misdemeanor, either within or without the state, within the period of  
 9.15 ten years immediately preceding such determination.

9.16 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to  
 9.17 determinations that a person was identified as the result of mistaken identity made on or  
 9.18 after that date.

9.19 Sec. 9. Minnesota Statutes 2022, section 299C.111, is amended to read:

9.20 **299C.111 SUSPENSE FILE REPORTING.**

9.21 The superintendent shall immediately notify the appropriate entity or individual when  
 9.22 a disposition record for a felony, gross misdemeanor, or targeted misdemeanor is received  
 9.23 that cannot be linked to an arrest record.

9.24 **EFFECTIVE DATE.** This section is effective January 1, 2025.

9.25 Sec. 10. Minnesota Statutes 2022, section 299C.17, is amended to read:

9.26 **299C.17 REPORT BY COURT ADMINISTRATOR.**

9.27 The superintendent shall require the court administrator of every court which sentences  
 9.28 a defendant for a felony, gross misdemeanor, ~~or targeted~~ misdemeanor, or petty misdemeanor  
 9.29 to electronically transmit within 24 hours of the disposition of the case a report, in a form  
 9.30 prescribed by the superintendent providing information required by the superintendent with  
 9.31 regard to the prosecution and disposition of criminal cases. A copy of the report shall be  
 9.32 kept on file in the office of the court administrator.

10.1 **EFFECTIVE DATE.** This section is effective January 1, 2025.

10.2 Sec. 11. Minnesota Statutes 2022, section 609A.01, is amended to read:

10.3 **609A.01 EXPUNGEMENT OF CRIMINAL RECORDS.**

10.4 This chapter provides the grounds and procedures for expungement of criminal records  
 10.5 under section 13.82; 152.18, subdivision 1; 299C.11, where expungement is automatic under  
 10.6 sections 609A.015, 609A.017, or 609A.035, or a petition is authorized under section 609A.02,  
 10.7 subdivision 3; or other applicable law. The remedy available is limited to a court order or  
 10.8 grant of expungement under section 609A.015 sealing the records and prohibiting the  
 10.9 disclosure of their existence or their opening except under court order or statutory authority.  
 10.10 Nothing in this chapter authorizes the destruction of records or their return to the subject  
 10.11 of the records.

10.12 **EFFECTIVE DATE.** This section is effective January 1, 2025.

10.13 Sec. 12. **[609A.015] AUTOMATIC EXPUNGEMENT OF RECORDS.**

10.14 **Subdivision 1. Eligibility; dismissal; exoneration.** (a) A person who is the subject of  
 10.15 a criminal record or delinquency record is eligible for a grant of expungement relief without  
 10.16 the filing of a petition:

10.17 (1) if the person was arrested and all charges were dismissed after a case was filed unless  
 10.18 dismissal was based on a finding that the defendant was incompetent to proceed;

10.19 (2) upon the dismissal and discharge of proceedings against a person under section  
 10.20 152.18, subdivision 1, for violation of section 152.024, 152.025, or 152.027 for possession  
 10.21 of a controlled substance; or

10.22 (3) if all pending actions or proceedings were resolved in favor of the person.

10.23 (b) For purposes of this chapter, a verdict of not guilty by reason of mental illness is not  
 10.24 a resolution in favor of the person. For purposes of this chapter, an action or proceeding is  
 10.25 resolved in favor of the person if the petitioner received an order under section 590.11  
 10.26 determining that the person is eligible for compensation based on exoneration.

10.27 **Subd. 2. Eligibility; diversion and stay of adjudication.** A person is eligible for a grant  
 10.28 of expungement relief if the person has successfully completed the terms of a diversion  
 10.29 program or stay of adjudication for a qualifying offense that is not a felony and has not been  
 10.30 petitioned or charged with a new offense, other than an offense that would be a petty  
 10.31 misdemeanor, in Minnesota:

11.1 (1) for one year immediately following completion of the diversion program or stay of  
 11.2 adjudication; or

11.3 (2) for one year immediately preceding a subsequent review performed pursuant to  
 11.4 subdivision 5, paragraph (a).

11.5 **Subd. 3. Eligibility; certain criminal proceedings.** (a) A person is eligible for a grant  
 11.6 of expungement relief if the person:

11.7 (1) was convicted of a qualifying offense;

11.8 (2) has not been convicted of a new offense, other than an offense that would be a petty  
 11.9 misdemeanor, in Minnesota:

11.10 (i) during the applicable waiting period immediately following discharge of the disposition  
 11.11 or sentence for the crime; or

11.12 (ii) during the applicable waiting period immediately preceding a subsequent review  
 11.13 performed pursuant to subdivision 5, paragraph (a); and

11.14 (3) is not charged with an offense, other than an offense that would be a petty  
 11.15 misdemeanor, in Minnesota at the time the person reaches the end of the applicable waiting  
 11.16 period or at the time of a subsequent review.

11.17 (b) As used in this subdivision, "qualifying offense" means a conviction for:

11.18 (1) any petty misdemeanor offense other than a violation of a traffic regulation relating  
 11.19 to the operation or parking of motor vehicles;

11.20 (2) any misdemeanor offense other than:

11.21 (i) section 169A.20 under the terms described in section 169A.27 (fourth-degree driving  
 11.22 while impaired);

11.23 (ii) section 518B.01, subdivision 14 (violation of an order for protection);

11.24 (iii) section 609.224 (assault in the fifth degree);

11.25 (iv) section 609.2242 (domestic assault);

11.26 (v) section 609.748 (violation of a harassment restraining order);

11.27 (vi) section 609.78 (interference with emergency call);

11.28 (vii) section 609.79 (obscene or harassing phone calls);

11.29 (viii) section 617.23 (indecent exposure);

11.30 (ix) section 609.746 (interference with privacy); or

- 12.1 (x) section 629.75 (violation of domestic abuse no contact order);
- 12.2 (3) any gross misdemeanor offense other than:
- 12.3 (i) section 169A.25 (second-degree driving while impaired);
- 12.4 (ii) section 169A.26 (third-degree driving while impaired);
- 12.5 (iii) section 518B.01, subdivision 14 (violation of an order for protection);
- 12.6 (iv) section 609.2113, subdivision 3 (criminal vehicular operation);
- 12.7 (v) section 609.2231 (assault in the fourth degree);
- 12.8 (vi) section 609.224 (assault in the fifth degree);
- 12.9 (vii) section 609.2242 (domestic assault);
- 12.10 (viii) section 609.233 (criminal neglect);
- 12.11 (ix) section 609.3451 (criminal sexual conduct in the fifth degree);
- 12.12 (x) section 609.377 (malicious punishment of child);
- 12.13 (xi) section 609.485 (escape from custody);
- 12.14 (xii) section 609.498 (tampering with witness);
- 12.15 (xiii) section 609.582, subdivision 4 (burglary in the fourth degree);
- 12.16 (xiv) section 609.746 (interference with privacy);
- 12.17 (xv) section 609.748 (violation of a harassment restraining order);
- 12.18 (xvi) section 609.749 (harassment; stalking);
- 12.19 (xvii) section 609.78 (interference with emergency call);
- 12.20 (xviii) section 617.23 (indecent exposure);
- 12.21 (xix) section 617.261 (nonconsensual dissemination of private sexual images); or
- 12.22 (xx) section 629.75 (violation of domestic abuse no contact order); or
- 12.23 (4) any felony offense listed in section 609A.02, subdivision 3, paragraph (b), other
- 12.24 than:
- 12.25 (i) section 152.023, subdivision 2 (possession of a controlled substance in the third
- 12.26 degree);
- 12.27 (ii) 152.024, subdivision 2 (possession of a controlled substance in the fourth degree);

13.1 (iii) section 609.485, subdivision 4, paragraph (a), clause (2) or (4) (escape from civil  
13.2 commitment for mental illness); or

13.3 (iv) section 609.746, subdivision 1, paragraph (e) (interference with privacy; subsequent  
13.4 violation or minor victim).

13.5 (c) As used in this subdivision, "applicable waiting period" means:

13.6 (1) if the offense was a petty misdemeanor, two years since discharge of the sentence;

13.7 (2) if the offense was a misdemeanor, two years since discharge of the sentence for the  
13.8 crime;

13.9 (3) if the offense was a gross misdemeanor, three years since discharge of the sentence  
13.10 for the crime;

13.11 (4) if the offense was a felony violation of section 152.025, four years since the discharge  
13.12 of the sentence for the crime; and

13.13 (5) if the offense was any other felony, five years since discharge of the sentence for the  
13.14 crime.

13.15 (d) Felony offenses deemed to be a gross misdemeanor or misdemeanor pursuant to  
13.16 section 609.13, subdivision 1, remain ineligible for expungement under this section. Gross  
13.17 misdemeanor offenses ineligible for a grant of expungement under this section remain  
13.18 ineligible if deemed to be for a misdemeanor pursuant to section 609.13, subdivision 2.

13.19 Subd. 4. **Notice.** (a) The court shall notify a person who may become eligible for an  
13.20 automatic expungement under this section of that eligibility at any hearing where the court  
13.21 dismisses and discharges proceedings against a person under section 152.18, subdivision  
13.22 1, for violation of section 152.024, 152.025, or 152.027 for possession of a controlled  
13.23 substance; concludes that all pending actions or proceedings were resolved in favor of the  
13.24 person; grants a person's placement into a diversion program; or sentences a person or  
13.25 otherwise imposes a consequence for a qualifying offense.

13.26 (b) To the extent possible, prosecutors, defense counsel, supervising agents, and  
13.27 coordinators or supervisors of a diversion program shall notify a person who may become  
13.28 eligible for an automatic expungement under this section of that eligibility.

13.29 (c) If any party gives notification under this subdivision, the notification shall inform  
13.30 the person that:

13.31 (1) a record expunged under this section may be opened for purposes of a background  
13.32 study by the Department of Human Services under section 245C.08 and for purposes of a

14.1 background check by the Professional Educator Licensing and Standards Board as required  
14.2 under section 122A.18, subdivision 8; and

14.3 (2) the person can file a petition to expunge the record and request that the petition be  
14.4 directed to the commissioner of human services and the Professional Educator Licensing  
14.5 and Standards Board.

14.6 **Subd. 5. Bureau of Criminal Apprehension to identify eligible persons and grant**  
14.7 **expungement relief.** (a) The Bureau of Criminal Apprehension shall identify any records  
14.8 that qualify for a grant of expungement relief pursuant to this subdivision or subdivision 1,  
14.9 2, or 3. The Bureau of Criminal Apprehension shall make an initial determination of  
14.10 eligibility within 30 days of the end of the applicable waiting period. If a record is not  
14.11 eligible for a grant of expungement at the time of the initial determination, the Bureau of  
14.12 Criminal Apprehension shall make subsequent eligibility determinations annually until the  
14.13 record is eligible for a grant of expungement.

14.14 (b) In making the determination under paragraph (a), the Bureau of Criminal  
14.15 Apprehension shall identify individuals who are the subject of relevant records through the  
14.16 use of fingerprints and thumbprints where fingerprints and thumbprints are available. Where  
14.17 fingerprints and thumbprints are not available, the Bureau of Criminal Apprehension shall  
14.18 identify individuals through the use of the person's name and date of birth. Records containing  
14.19 the same name and date of birth shall be presumed to refer to the same individual unless  
14.20 other evidence establishes, by a preponderance of the evidence, that they do not refer to the  
14.21 same individual. The Bureau of Criminal Apprehension is not required to review any other  
14.22 evidence in making a determination.

14.23 (c) The Bureau of Criminal Apprehension shall grant expungement relief to qualifying  
14.24 persons and seal its own records without requiring an application, petition, or motion.  
14.25 Records shall be sealed 60 days after notice is sent to the judicial branch pursuant to  
14.26 paragraph (e) unless an order of the judicial branch prohibits sealing the records or additional  
14.27 information establishes that the records are not eligible for expungement.

14.28 (d) Nonpublic criminal records maintained by the Bureau of Criminal Apprehension  
14.29 and subject to a grant of expungement relief shall display a notation stating "expungement  
14.30 relief granted pursuant to section 609A.015."

14.31 (e) The Bureau of Criminal Apprehension shall inform the judicial branch of all cases  
14.32 for which expungement relief was granted pursuant to this section. Notification may be  
14.33 through electronic means and may be made in real time or in the form of a monthly report.  
14.34 Upon receipt of notice, the judicial branch shall seal all records relating to an arrest,

15.1 indictment or information, trial, verdict, or dismissal and discharge for any case in which  
15.2 expungement relief was granted and shall issue any order deemed necessary to achieve this  
15.3 purpose.

15.4 (f) The Bureau of Criminal Apprehension shall inform each law enforcement agency  
15.5 that its records may be affected by a grant of expungement relief. Notification may be  
15.6 through electronic means. Each notified law enforcement agency that receives a request to  
15.7 produce records shall first determine if the records were subject to a grant of expungement  
15.8 under this section. The law enforcement agency must not disclose records relating to an  
15.9 arrest, indictment or information, trial, verdict, or dismissal and discharge for any case in  
15.10 which expungement relief was granted and must maintain the data consistent with the  
15.11 classification in paragraph (g). This paragraph does not apply to requests from a criminal  
15.12 justice agency as defined in section 609A.03, subdivision 7a, paragraph (f).

15.13 (g) Data on the person whose offense has been expunged under this subdivision, including  
15.14 any notice sent pursuant to paragraph (f), are private data on individuals as defined in section  
15.15 13.02, subdivision 12.

15.16 (h) The prosecuting attorney shall notify the victim that an offense qualifies for automatic  
15.17 expungement under this section in the manner provided in section 611A.03, subdivisions  
15.18 1 and 2.

15.19 (i) In any subsequent prosecution of a person granted expungement relief, the expunged  
15.20 criminal record may be pleaded and has the same effect as if the relief had not been granted.

15.21 (j) The Bureau of Criminal Apprehension is directed to develop, modify, or update a  
15.22 system to provide criminal justice agencies with uniform statewide access to criminal records  
15.23 sealed by expungement.

15.24 Subd. 6. **Immunity from civil liability.** Employees of the Bureau of Criminal  
15.25 Apprehension shall not be held civilly liable for the exercise or the failure to exercise, or  
15.26 the decision to exercise or the decision to decline to exercise, the powers granted by this  
15.27 section or for any act or omission occurring within the scope of the performance of their  
15.28 duties under this section.

15.29 **EFFECTIVE DATE.** This section is effective January 1, 2025, and applies to offenses  
15.30 that meet the eligibility criteria on or after that date and retroactively to offenses that met  
15.31 those qualifications before January 1, 2025, and are stored in the Bureau of Criminal  
15.32 Apprehension's criminal history system as of January 1, 2025.

16.1 **Sec. 13. [609A.017] MISTAKEN IDENTITY; AUTOMATIC EXPUNGEMENT.**

16.2 **Subdivision 1. Definitions.** (a) As used in this section, the following terms have the  
16.3 meanings given.

16.4 (b) "Conviction" means a plea of guilty, a verdict of guilty by a jury, or a finding of  
16.5 guilty by a court.

16.6 (c) "Mistaken identity" means a person was incorrectly identified as being a different  
16.7 person:

16.8 (1) because the person's identity had been transferred, used, or possessed in violation of  
16.9 section 609.527; or

16.10 (2) as a result of misidentification by a witness or law enforcement, confusion on the  
16.11 part of a witness or law enforcement as to the identity of the person who committed the  
16.12 crime, misinformation provided to law enforcement as to the identity of the person who  
16.13 committed the crime, or some other mistake on the part of a witness or law enforcement as  
16.14 to the identity of the person who committed the crime.

16.15 **Subd. 2. Determination by prosecutor; notification.** If, before a conviction, a prosecutor  
16.16 determines that a defendant was issued a citation, charged, indicted, or otherwise prosecuted  
16.17 as the result of mistaken identity, the prosecutor must dismiss or move to dismiss the action  
16.18 or proceeding and must state in writing or on the record that mistaken identity is the reason  
16.19 for the dismissal.

16.20 **Subd. 3. Order of expungement.** (a) The court shall issue an order of expungement  
16.21 without the filing of a petition when an action or proceeding is dismissed based on a  
16.22 determination that a defendant was issued a citation, charged, indicted, or otherwise  
16.23 prosecuted as the result of mistaken identity. The order shall cite this section as the basis  
16.24 for the order.

16.25 (b) An order issued under this section is not subject to the considerations or standards  
16.26 identified in section 609A.025 or 609A.03, subdivision 5, paragraph (a), (b), or (c).

16.27 **Subd. 4. Effect of order.** (a) An order issued under this section is not subject to the  
16.28 limitations in section 609A.03, subdivision 7a or 9. The effect of the court order to seal the  
16.29 record of the proceedings shall be to restore the person, in the contemplation of the law, to  
16.30 the status the person occupied before the arrest, indictment, or information. The person shall  
16.31 not be guilty of perjury or otherwise of giving a false statement if the person fails to  
16.32 acknowledge the arrest, indictment, information, or trial in response to any inquiry made  
16.33 for any purpose.



17.1 (b) A criminal justice agency may seek access to a record that was sealed under this  
 17.2 section for purposes of determining whether the subject of the order was identified in any  
 17.3 other action or proceeding as the result of mistaken identity or for a criminal investigation,  
 17.4 prosecution, or sentencing involving any other person. The requesting agency must obtain  
 17.5 an ex parte court order after stating a good-faith basis to believe that opening the record  
 17.6 may lead to relevant information.

17.7 (c) The court administrator must distribute and confirm receipt of an order issued under  
 17.8 this section pursuant to section 609A.03, subdivision 8.

17.9 (d) Data on the person whose offense has been expunged contained in a letter or other  
 17.10 notification sent under this subdivision are private data on individuals as defined in section  
 17.11 13.02.

17.12 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to  
 17.13 determinations that a person was identified as the result of mistaken identity on or after that  
 17.14 date.

17.15 Sec. 14. Minnesota Statutes 2022, section 609A.02, subdivision 3, is amended to read:

17.16 Subd. 3. **Certain criminal proceedings.** (a) A petition may be filed under section  
 17.17 609A.03 to seal all records relating to an arrest, indictment or information, trial, or verdict  
 17.18 if the records are not subject to section 299C.11, subdivision 1, paragraph (b), and if:

17.19 (1) all pending actions or proceedings were resolved in favor of the petitioner. For  
 17.20 purposes of this chapter, a verdict of not guilty by reason of mental illness is not a resolution  
 17.21 in favor of the petitioner. For the purposes of this chapter, an action or proceeding is resolved  
 17.22 in favor of the petitioner, if the petitioner received an order under section 590.11 determining  
 17.23 that the petitioner is eligible for compensation based on exoneration;

17.24 (2) the petitioner has successfully completed the terms of a diversion program or stay  
 17.25 of adjudication and has not been charged with a new crime for at least one year since  
 17.26 completion of the diversion program or stay of adjudication;

17.27 (3) the petitioner was convicted of ~~or received a stayed sentence for~~ a petty misdemeanor  
 17.28 or misdemeanor or the sentence imposed was within the limits provided by law for a  
 17.29 misdemeanor and the petitioner has not been convicted of a new crime for at least two years  
 17.30 since discharge of the sentence for the crime;

17.31 (4) the petitioner was convicted of ~~or received a stayed sentence for~~ a gross misdemeanor  
 17.32 or the sentence imposed was within the limits provided by law for a gross misdemeanor

18.1 and the petitioner has not been convicted of a new crime for at least ~~four~~ three years since  
 18.2 discharge of the sentence for the crime; ~~or~~

18.3 (5) the petitioner was convicted of a gross misdemeanor that is deemed to be for a  
 18.4 misdemeanor pursuant to section 609.13, subdivision 2, clause (2), and has not been convicted  
 18.5 of a new crime for at least three years since discharge of the sentence for the crime;

18.6 (6) the petitioner was convicted of a felony violation of section 152.025 and has not  
 18.7 been convicted of a new crime for at least four years since discharge of the sentence for the  
 18.8 crime;

18.9 (7) the petitioner was convicted of a felony that is deemed to be for a gross misdemeanor  
 18.10 or misdemeanor pursuant to section 609.13, subdivision 1, clause (2), and has not been  
 18.11 convicted of a new crime for at least five years since discharge of the sentence for the crime;  
 18.12 or

18.13 ~~(5)~~ (8) the petitioner was convicted of ~~or received a stayed sentence for~~ a felony violation  
 18.14 of an offense listed in paragraph (b), and has not been convicted of a new crime for at least  
 18.15 ~~five~~ four years since discharge of the sentence for the crime.

18.16 (b) Paragraph (a), clause ~~(5)~~ (7), applies to the following offenses:

18.17 (1) section 35.824 (altering livestock certificate);

18.18 (2) section 62A.41 (insurance regulations);

18.19 (3) section 86B.865, subdivision 1 (certification for title on watercraft);

18.20 (4) section 152.023, subdivision 2 (possession of a controlled substance in the third  
 18.21 degree); 152.024, subdivision 2 (possession of a controlled substance in the fourth degree);  
 18.22 152.025 (controlled substance in the fifth degree); or 152.097 (sale of simulated controlled  
 18.23 substance);

18.24 (5) section 168A.30, subdivision 1 (certificate of title false information); or 169.09,  
 18.25 subdivision 14, paragraph (a), clause (2) (accident resulting in great bodily harm);

18.26 (6) chapter 201; 203B; or 204C (voting violations);

18.27 (7) section 228.45; 228.47; 228.49; 228.50; or 228.51 (false bill of lading);

18.28 (8) section 256.984 (false declaration in assistance application);

18.29 (9) section 296A.23, subdivision 2 (willful evasion of fuel tax);

18.30 (10) section 297D.09, subdivision 1 (failure to affix stamp on scheduled substances);

18.31 (11) section 297G.19 (liquor taxation); or 340A.701 (unlawful acts involving liquor);

- 19.1 (12) section 325F.743 (precious metal dealers); or 325F.755, subdivision 7 (prize notices  
19.2 and solicitations);
- 19.3 (13) section 346.155, subdivision 10 (failure to control regulated animal);
- 19.4 (14) section 349.2127; or 349.22 (gambling regulations);
- 19.5 (15) section 588.20 (contempt);
- 19.6 (16) section 609.27, subdivision 1, clauses (2) to (5) (coercion);
- 19.7 (17) section 609.31 (leaving state to evade establishment of paternity);
- 19.8 (18) section 609.485, subdivision 4, paragraph (a), clause (2) or (4) (escape from civil  
19.9 commitment for mental illness);
- 19.10 (19) section 609.49 (failure to appear in court);
- 19.11 (20) section 609.52, subdivision 2, when sentenced pursuant to section 609.52,  
19.12 subdivision 3, clause (3)(a) (theft of \$5,000 or less), or other theft offense that is sentenced  
19.13 under this provision; or 609.52, subdivision 3a, clause (1) (theft of \$1,000 or less with risk  
19.14 of bodily harm); or any other offense sentenced pursuant to section 609.52, subdivision 3,  
19.15 clause (3)(a);
- 19.16 (21) section 609.521 (possession of shoplifting gear);
- 19.17 ~~(21)~~ (22) section 609.525 (bringing stolen goods into state);
- 19.18 ~~(22)~~ (23) section 609.526, subdivision 2, clause (2) (metal dealer receiving stolen goods);
- 19.19 ~~(23)~~ (24) section 609.527, subdivision 5b (possession or use of scanning device or  
19.20 reencoder); 609.528, subdivision 3, clause (3) (possession or sale of stolen or counterfeit  
19.21 check); or 609.529 (mail theft);
- 19.22 ~~(24)~~ (25) section 609.53 (receiving stolen goods);
- 19.23 ~~(25)~~ (26) section 609.535, subdivision 2a, paragraph (a), clause (1) (dishonored check  
19.24 over \$500);
- 19.25 ~~(26)~~ (27) section 609.54, clause (1) (embezzlement of public funds \$2,500 or less);
- 19.26 ~~(27)~~ (28) section 609.551 (rustling and livestock theft);
- 19.27 ~~(28)~~ (29) section 609.5641, subdivision 1a, paragraph (a) (wildfire arson);
- 19.28 ~~(29)~~ (30) section 609.576, subdivision 1, clause (3), item (iii) (negligent fires);
- 19.29 (31) section 609.582, subdivision 3 (burglary in the third degree);

- 20.1 (32) section 609.59 (possession of burglary or theft tools);
- 20.2 ~~(30)~~ (33) section 609.595, subdivision 1, clauses (3) to (5), and subdivision 1a, paragraph
- 20.3 (a) (criminal damage to property);
- 20.4 ~~(31)~~ (34) section 609.597, subdivision 3, clause (3) (assaulting or harming police horse);
- 20.5 ~~(32)~~ (35) section 609.625 (aggravated forgery); 609.63 (forgery); 609.631, subdivision
- 20.6 4, clause (3)(a) (check forgery \$2,500 or less); 609.635 (obtaining signature by false
- 20.7 pretense); 609.64 (recording, filing forged instrument); or 609.645 (fraudulent statements);
- 20.8 ~~(33)~~ (36) section 609.65, clause (1) (false certification by notary); or 609.651, subdivision
- 20.9 4, paragraph (a) (lottery fraud);
- 20.10 ~~(34)~~ (37) section 609.652 (fraudulent driver's license and identification card);
- 20.11 ~~(35)~~ (38) section 609.66, subdivision 1a, paragraph (a) (discharge of firearm; silencer);
- 20.12 or 609.66, subdivision 1b (furnishing firearm to minor);
- 20.13 ~~(36)~~ (39) section 609.662, subdivision 2, paragraph (b) (duty to render aid);
- 20.14 ~~(37)~~ (40) section 609.686, subdivision 2 (tampering with fire alarm);
- 20.15 ~~(38)~~ (41) section 609.746, subdivision 1, paragraph ~~(e)~~ (g) (interference with privacy;
- 20.16 subsequent violation or minor victim);
- 20.17 ~~(39)~~ (42) section 609.80, subdivision 2 (interference with cable communications system);
- 20.18 ~~(40)~~ (43) section 609.821, subdivision 2 (financial transaction card fraud);
- 20.19 ~~(41)~~ (44) section 609.822 (residential mortgage fraud);
- 20.20 ~~(42)~~ (45) section 609.825, subdivision 2 (bribery of participant or official in contest);
- 20.21 ~~(43)~~ (46) section 609.855, subdivision 2, paragraph (c), clause (1) (interference with
- 20.22 transit operator);
- 20.23 ~~(44)~~ (47) section 609.88 (computer damage); or 609.89 (computer theft);
- 20.24 ~~(45)~~ (48) section 609.893, subdivision 2 (telecommunications and information services
- 20.25 fraud);
- 20.26 ~~(46)~~ (49) section 609.894, subdivision 3 or 4 (cellular counterfeiting);
- 20.27 ~~(47)~~ (50) section 609.895, subdivision 3, paragraph (a) or (b) (counterfeited intellectual
- 20.28 property);
- 20.29 ~~(48)~~ (51) section 609.896 (movie pirating);

21.1 ~~(49)~~ (52) section 624.7132, subdivision 15, paragraph (b) (transfer pistol to minor);  
 21.2 624.714, subdivision 1a (pistol without permit; subsequent violation); or 624.7141,  
 21.3 subdivision 2 (transfer of pistol to ineligible person); or  
 21.4 ~~(50)~~ (53) section 624.7181 (rifle or shotgun in public by minor).

21.5 **EFFECTIVE DATE.** This section is effective July 1, 2023, and applies to all offenses  
 21.6 that meet the eligibility criteria on or after that date, except the amendment to clause (41)  
 21.7 relating to interference with privacy is effective August 1, 2023.

21.8 Sec. 15. Minnesota Statutes 2022, section 609A.03, subdivision 5, is amended to read:

21.9 **Subd. 5. Nature of remedy; standard.** (a) Except as otherwise provided by paragraph  
 21.10 (b), expungement of a criminal record under this section is an extraordinary remedy to be  
 21.11 granted only upon clear and convincing evidence that it would yield a benefit to the petitioner  
 21.12 commensurate with the disadvantages to the public and public safety of:

21.13 (1) sealing the record; and

21.14 (2) burdening the court and public authorities to issue, enforce, and monitor an  
 21.15 expungement order.

21.16 (b) Except as otherwise provided by this paragraph, if the petitioner is petitioning for  
 21.17 the sealing of a criminal record under section 609A.02, subdivision 3, paragraph (a), clause  
 21.18 (1) or (2), the court shall grant the petition to seal the record unless the agency or jurisdiction  
 21.19 whose records would be affected establishes by clear and convincing evidence that the  
 21.20 interests of the public and public safety outweigh the disadvantages to the petitioner of not  
 21.21 sealing the record.

21.22 (c) In making a determination under this subdivision, the court shall consider:

21.23 (1) the nature and severity of the underlying crime, the record of which would be sealed;

21.24 (2) the risk, if any, the petitioner poses to individuals or society;

21.25 (3) the length of time since the crime occurred;

21.26 (4) the steps taken by the petitioner toward rehabilitation following the crime;

21.27 (5) aggravating or mitigating factors relating to the underlying crime, including the  
 21.28 petitioner's level of participation and context and circumstances of the underlying crime;

21.29 (6) the reasons for the expungement, including the petitioner's attempts to obtain  
 21.30 employment, housing, or other necessities;

21.31 (7) the petitioner's criminal record;

22.1 (8) the petitioner's record of employment and community involvement;

22.2 (9) the recommendations of interested law enforcement, prosecutorial, and corrections  
22.3 officials;

22.4 (10) the recommendations of victims or whether victims of the underlying crime were  
22.5 minors;

22.6 (11) the amount, if any, of restitution outstanding, past efforts made by the petitioner  
22.7 toward payment, and the measures in place to help ensure completion of restitution payment  
22.8 after expungement of the record if granted; and

22.9 (12) other factors deemed relevant by the court.

22.10 (d) Notwithstanding section 13.82, 13.87, or any other law to the contrary, if the court  
22.11 issues an expungement order it may require that the criminal record be sealed, the existence  
22.12 of the record not be revealed, and the record not be opened except as required under  
22.13 subdivision 7. Records must not be destroyed or returned to the subject of the record.

22.14 (e) Information relating to a criminal history record of an employee, former employee,  
22.15 or tenant that has been expunged before the occurrence of the act giving rise to the civil  
22.16 action may not be introduced as evidence in a civil action against a private employer or  
22.17 landlord or its employees or agents that is based on the conduct of the employee, former  
22.18 employee, or tenant.

22.19 **EFFECTIVE DATE.** This section is effective August 1, 2023.

22.20 Sec. 16. Minnesota Statutes 2022, section 609A.03, subdivision 7a, is amended to read:

22.21 Subd. 7a. **Limitations of order effective January 1, 2015, and later.** (a) Upon issuance  
22.22 of an expungement order related to a charge supported by probable cause, the DNA samples  
22.23 and DNA records held by the Bureau of Criminal Apprehension and collected under authority  
22.24 other than section 299C.105 shall not be sealed, returned to the subject of the record, or  
22.25 destroyed.

22.26 (b) Notwithstanding the issuance of an expungement order:

22.27 (1) except as provided in clause (2), an expunged record may be opened, used, or  
22.28 exchanged between criminal justice agencies without a court order for the purposes of  
22.29 initiating, furthering, or completing a criminal investigation or prosecution or for sentencing  
22.30 purposes or providing probation or other correctional services;

22.31 (2) when a criminal justice agency seeks access to a record that was sealed under section  
22.32 609A.02, subdivision 3, paragraph (a), clause (1), after an acquittal or a court order dismissing

23.1 for lack of probable cause, for purposes of a criminal investigation, prosecution, or  
23.2 sentencing, the requesting agency must obtain an ex parte court order after stating a  
23.3 good-faith basis to believe that opening the record may lead to relevant information;

23.4 (3) an expunged record of a conviction may be opened for purposes of evaluating a  
23.5 prospective employee in a criminal justice agency without a court order;

23.6 (4) an expunged record of a conviction may be opened for purposes of a background  
23.7 study under section 245C.08 unless the commissioner had been properly served with notice  
23.8 of the petition for expungement and the court order for expungement is directed specifically  
23.9 to the commissioner of human services following proper service of a petition, or following  
23.10 proceedings under section 609A.025 or 609A.035 upon service of an order to the  
23.11 commissioner of human services;

23.12 (5) an expunged record of a conviction may be opened for purposes of a background  
23.13 check required under section 122A.18, subdivision 8, unless the court order for expungement  
23.14 is directed specifically to the Professional Educator Licensing and Standards Board; ~~and~~

23.15 (6) the court may order an expunged record opened upon request by the victim of the  
23.16 underlying offense if the court determines that the record is substantially related to a matter  
23.17 for which the victim is before the court;

23.18 (7) a prosecutor may request, and the district court shall provide, certified records of  
23.19 conviction for a record expunged pursuant to sections 609A.015, 609A.017, 609A.02,  
23.20 609A.025, and 609A.035, and the certified records of conviction may be disclosed and  
23.21 introduced in criminal court proceedings as provided by the rules of court and applicable  
23.22 law; and

23.23 (8) the subject of an expunged record may request, and the court shall provide, certified  
23.24 or uncertified records of conviction for a record expunged pursuant to sections 609A.015,  
23.25 609A.017, 609A.02, 609A.025, and 609A.035.

23.26 (c) An agency or jurisdiction subject to an expungement order shall maintain the record  
23.27 in a manner that provides access to the record by a criminal justice agency under paragraph  
23.28 (b), clause (1) or (2), but notifies the recipient that the record has been sealed. The Bureau  
23.29 of Criminal Apprehension shall notify the commissioner of human services or the  
23.30 Professional Educator Licensing and Standards Board of the existence of a sealed record  
23.31 and of the right to obtain access under paragraph (b), clause (4) or (5). Upon request, the  
23.32 agency or jurisdiction subject to the expungement order shall provide access to the record  
23.33 to the commissioner of human services or the Professional Educator Licensing and Standards  
23.34 Board under paragraph (b), clause (4) or (5).

24.1 (d) An expunged record that is opened or exchanged under this subdivision remains  
 24.2 subject to the expungement order in the hands of the person receiving the record.

24.3 (e) A criminal justice agency that receives an expunged record under paragraph (b),  
 24.4 clause (1) or (2), must maintain and store the record in a manner that restricts the use of the  
 24.5 record to the investigation, prosecution, or sentencing for which it was obtained.

24.6 (f) For purposes of this section, a "criminal justice agency" means a court or government  
 24.7 agency that performs the administration of criminal justice under statutory authority.

24.8 (g) This subdivision applies to expungement orders subject to its limitations and effective  
 24.9 on or after January 1, 2015, and grants of expungement relief issued on or after January 1,  
 24.10 2025.

24.11 **EFFECTIVE DATE.** This section is effective August 1, 2023.

24.12 Sec. 17. Minnesota Statutes 2022, section 609A.03, subdivision 9, is amended to read:

24.13 Subd. 9. **Stay of order; appeal.** An expungement order issued under this section shall  
 24.14 be stayed automatically for 60 days after the order is filed and, if the order is appealed,  
 24.15 during the appeal period. A person or an agency or jurisdiction whose records would be  
 24.16 affected by the order may appeal the order within 60 days of service of notice of filing of  
 24.17 the order. An agency or jurisdiction or its officials or employees need not file a cost bond  
 24.18 or supersedeas bond in order to further stay the proceedings or file an appeal.

24.19 **EFFECTIVE DATE.** This section is effective August 1, 2023.

24.20 Sec. 18. **[609A.035] PARDON EXTRAORDINARY; NO PETITION REQUIRED.**

24.21 (a) Notwithstanding section 609A.02, if the Board of Pardons grants a pardon pursuant  
 24.22 to section 638.17, it shall file a copy of the pardon extraordinary with the district court of  
 24.23 the county in which the conviction occurred.

24.24 (b) The district court shall issue an expungement order sealing all records wherever held  
 24.25 relating to the arrest, indictment or information, trial, verdict, and pardon for the pardoned  
 24.26 offense without the filing of a petition and send an expungement order to each government  
 24.27 entity whose records are affected.

24.28 **EFFECTIVE DATE.** This section is effective August 1, 2023.



25.1 Sec. 19. **[609A.05] NO DUTY TO DISCOVER; EMPLOYERS AND LANDLORDS.**

25.2 A landlord or employer does not have a duty to discover or use a record that has been  
25.3 expunged under this chapter or other law for purposes of making a housing or employment  
25.4 decision.

25.5 Sec. 20. Minnesota Statutes 2022, section 611A.03, subdivision 1, is amended to read:

25.6 Subdivision 1. **Plea agreements; notification of victim.** Prior to the entry of the factual  
25.7 basis for a plea pursuant to a plea agreement recommendation, a prosecuting attorney shall  
25.8 make a reasonable and good faith effort to inform the victim of:

25.9 (1) the contents of the plea agreement recommendation, including the amount of time  
25.10 recommended for the defendant to serve in jail or prison if the court accepts the agreement;  
25.11 **and**

25.12 (2) the right to be present at the sentencing hearing and at the hearing during which the  
25.13 plea is presented to the court and to express orally or in writing, at the victim's option, any  
25.14 objection to the agreement or to the proposed disposition. If the victim is not present when  
25.15 the court considers the recommendation, but has communicated objections to the prosecuting  
25.16 attorney, the prosecuting attorney shall make these objections known to the court; and

25.17 (3) the eligibility of the offense for automatic expungement pursuant to section 609A.015.

25.18 **EFFECTIVE DATE.** This section is effective January 1, 2025, and applies to plea  
25.19 agreements entered into on or after that date.