

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 August 1, 2023.

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 exceed the maximum sentence provided for the violation. The court may give the person the opportunity to attend and participate in an appropriate program of education regarding the nature and effects of alcohol and drug abuse as a stipulation of probation. Upon violation of a condition of the probation, the court may enter an adjudication of guilt and proceed as

ARTICLE 11

EXPUNGEMENT CHANGES; CONFORMING CHANGES

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.

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 exceed the maximum sentence provided for the violation. The court may give the person the opportunity to attend and participate in an appropriate program of education regarding the nature and effects of alcohol and drug abuse as a stipulation of probation. Upon violation of a condition of the probation, the court may enter an adjudication of guilt and proceed as

131.5 otherwise provided. The court may, in its discretion, dismiss the proceedings against the  
131.6 person and discharge the person from probation before the expiration of the maximum  
131.7 period prescribed for the person's probation. If during the period of probation the person  
131.8 does not violate any of the conditions of the probation, then upon expiration of the period  
131.9 the court shall discharge the person and dismiss the proceedings against that person.  
131.10 Discharge and dismissal under this subdivision shall be without court adjudication of guilt,  
131.11 but a not public record of it shall be retained by the Bureau of Criminal Apprehension for  
131.12 the purpose of use by the courts in determining the merits of subsequent proceedings against  
131.13 the person. The not public record may also be opened only upon court order for purposes  
131.14 of a criminal investigation, prosecution, or sentencing. Upon receipt of notice that the  
131.15 proceedings were dismissed, the Bureau of Criminal Apprehension shall notify the arresting  
131.16 or citing law enforcement agency and direct that agency to seal its records related to the  
131.17 charge. Upon request by law enforcement, prosecution, or corrections authorities, the bureau  
131.18 shall notify the requesting party of the existence of the not public record and the right to  
131.19 seek a court order to open it pursuant to this section. The court shall forward a record of  
131.20 any discharge and dismissal under this subdivision to the bureau which shall make and  
131.21 maintain the not public record of it as provided under this subdivision. The discharge or  
131.22 dismissal shall not be deemed a conviction for purposes of disqualifications or disabilities  
131.23 imposed by law upon conviction of a crime or for any other purpose.

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

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

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

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

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

132.1 (2) before the occurrence of the act giving rise to the civil action;

132.2 (i) a court order sealed any record of the criminal case;

132.3 (ii) any record of the criminal case was sealed as the result of an automatic expungement,  
132.4 including but not limited to a grant of expungement made pursuant to section 609A.015;

132.5 or

132.6 (iii) the employee or former employee received a pardon;

132.7 (3) the record is of an arrest or charge that did not result in a criminal conviction; or

181.8 otherwise provided. The court may, in its discretion, dismiss the proceedings against the  
181.9 person and discharge the person from probation before the expiration of the maximum  
181.10 period prescribed for the person's probation. If during the period of probation the person  
181.11 does not violate any of the conditions of the probation, then upon expiration of the period  
181.12 the court shall discharge the person and dismiss the proceedings against that person.  
181.13 Discharge and dismissal under this subdivision shall be without court adjudication of guilt,  
181.14 but a not public record of it shall be retained by the Bureau of Criminal Apprehension for  
181.15 the purpose of use by the courts in determining the merits of subsequent proceedings against  
181.16 the person. The not public record may also be opened only upon court order for purposes  
181.17 of a criminal investigation, prosecution, or sentencing. Upon receipt of notice that the  
181.18 proceedings were dismissed, the Bureau of Criminal Apprehension shall notify the arresting  
181.19 or citing law enforcement agency and direct that agency to seal its records related to the  
181.20 charge. Upon request by law enforcement, prosecution, or corrections authorities, the bureau  
181.21 shall notify the requesting party of the existence of the not public record and the right to  
181.22 seek a court order to open it pursuant to this section. The court shall forward a record of  
181.23 any discharge and dismissal under this subdivision to the bureau which shall make and  
181.24 maintain the not public record of it as provided under this subdivision. The discharge or  
181.25 dismissal shall not be deemed a conviction for purposes of disqualifications or disabilities  
181.26 imposed by law upon conviction of a crime or for any other purpose.

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

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

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

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

182.4 (2) before the occurrence of the act giving rise to the civil action;

182.5 (i) a court order sealed any record of the criminal case;

182.6 (ii) any record of the criminal case was sealed as the result of an automatic expungement,  
182.7 including but not limited to a grant of expungement made pursuant to section 609A.015;

182.8 or

182.9 (iii) the employee or former employee received a pardon;

182.10 (3) the record is of an arrest or charge that did not result in a criminal conviction; or

132.8 (4) the action is based solely upon the employer's compliance with section 364.021.

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

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

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

132.12 For a background study conducted by the Department of Human Services, the commissioner  
132.13 shall review:

132.14 (1) information related to names of substantiated perpetrators of maltreatment of  
132.15 vulnerable adults that has been received by the commissioner as required under section  
132.16 626.557, subdivision 9c, paragraph (j);

132.17 (2) the commissioner's records relating to the maltreatment of minors in licensed  
132.18 programs, and from findings of maltreatment of minors as indicated through the social  
132.19 service information system;

132.20 (3) information from juvenile courts as required in subdivision 4 for individuals listed  
132.21 in section 245C.03, subdivision 1, paragraph (a), when there is reasonable cause;

132.22 (4) information from the Bureau of Criminal Apprehension, including information  
132.23 regarding a background study subject's registration in Minnesota as a predatory offender  
132.24 under section 243.166;

132.25 (5) except as provided in clause (6), information received as a result of submission of  
132.26 fingerprints for a national criminal history record check, as defined in section 245C.02,  
132.27 subdivision 13c, when the commissioner has reasonable cause for a national criminal history  
132.28 record check as defined under section 245C.02, subdivision 15a, or as required under section  
132.29 144.057, subdivision 1, clause (2);

132.30 (6) for a background study related to a child foster family setting application for licensure,  
132.31 foster residence settings, children's residential facilities, a transfer of permanent legal and  
133.1 physical custody of a child under sections 260C.503 to 260C.515, or adoptions, and for a  
133.2 background study required for family child care, certified license-exempt child care, child  
133.3 care centers, and legal nonlicensed child care authorized under chapter 119B, the  
133.4 commissioner shall also review:

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

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

133.10 (iii) when the background study subject is 18 years of age or older or a minor under  
133.11 section 245C.05, subdivision 5a, paragraph (d), for licensed family child care, certified  
133.12 license-exempt child care, licensed child care centers, and legal nonlicensed child care

182.11 (4) the action is based solely upon the employer's compliance with section 364.021.

133.13 authorized under chapter 119B, information obtained using non-fingerprint-based data  
133.14 including information from the criminal and sex offender registries for any state in which  
133.15 the background study subject resided for the past five years and information from the national  
133.16 crime information database and the national sex offender registry; and

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

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

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

133.25 (2) the commissioner received notice of the expungement order issued pursuant to section  
133.26 609A.017, 609A.025, or 609A.035, and the order for expungement is directed specifically  
133.27 to the commissioner.

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

133.32 (d) When the commissioner has reasonable cause to believe that the identity of a  
133.33 background study subject is uncertain, the commissioner may require the subject to provide  
134.1 a set of classifiable fingerprints for purposes of completing a fingerprint-based record check  
134.2 with the Bureau of Criminal Apprehension. Fingerprints collected under this paragraph  
134.3 shall not be saved by the commissioner after they have been used to verify the identity of  
134.4 the background study subject against the particular criminal record in question.

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

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

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

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

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

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

134.15 (i) individuals listed in section 245C.03, subdivision 1, paragraph (a), who are ages 13  
134.16 through 23 living in the household where the licensed services will be provided; and  
134.17 (ii) any other individual listed under section 245C.03, subdivision 1, when there is  
134.18 reasonable cause; and  
134.19 (3) information from the Bureau of Criminal Apprehension.  
134.20 (b) If the individual has resided in the county for less than five years, the study shall  
134.21 include the records specified under paragraph (a) for the previous county or counties of  
134.22 residence for the past five years.  
134.23 (c) Notwithstanding expungement by a court, the county agency may consider information  
134.24 obtained under paragraph (a), clause (3), unless:  
134.25 (1) the commissioner received notice of the petition for expungement and the court order  
134.26 for expungement is directed specifically to the commissioner; or  
134.27 (2) the commissioner received notice of the expungement order issued pursuant to section  
134.28 609A.017, 609A.025, or 609A.035, and the order for expungement is directed specifically  
134.29 to the commissioner.

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

135.1 Sec. 6. **[299C.097] DATABASE FOR IDENTIFYING INDIVIDUALS ELIGIBLE**  
135.2 **FOR EXPUNGEMENT.**

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

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

135.9 **EFFECTIVE DATE.** This section is effective January 1, 2024.

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

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

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

182.12 Sec. 4. **[299C.097] DATABASE FOR IDENTIFYING INDIVIDUALS ELIGIBLE**  
182.13 **FOR EXPUNGEMENT.**

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

182.19 (b) ~~This data is~~ private data on individuals under section 13.02, subdivision 12.

182.20 **EFFECTIVE DATE.** This section is effective January 1, 2024.

182.21 Sec. 5. Minnesota Statutes 2022, section 299C.10, subdivision 1, is amended to read:

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

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

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

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

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

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

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

135.30 (7) persons currently involved in the criminal justice process, on probation, on parole,  
135.31 or in custody for any offense whom the superintendent of the bureau identifies as being the  
135.32 subject of a court disposition record which cannot be linked to an arrest record, and whose  
136.1 fingerprints are necessary to reduce the number of suspense files, or to comply with the  
136.2 mandates of section 299C.111, relating to the reduction of the number of suspense files.  
136.3 This duty to obtain fingerprints for the offenses in suspense at the request of the bureau  
136.4 shall include the requirement that fingerprints be taken in post-arrest interviews, while  
136.5 making court appearances, while in custody, or while on any form of probation, diversion,  
136.6 or supervised release.

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

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

136.15 (d) ~~Finger Fingerprints~~ and ~~thumb prints thumbprints~~ must be obtained no later than:  
136.16 (1) release from booking; or  
136.17 (2) if not booked prior to acceptance of a plea of guilty or not guilty.

136.18 Prior to acceptance of a plea of guilty or not guilty, an individual's finger and thumb  
136.19 prints must be submitted to the Bureau of Criminal Apprehension for the offense. If finger  
136.20 and thumb prints have not been successfully received by the bureau, an individual may,  
136.21 upon order of the court, be taken into custody for no more than eight hours so that the taking  
136.22 of prints can be completed. Upon notice and motion of the prosecuting attorney, this time

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

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

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

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

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

183.12 (7) persons currently involved in the criminal justice process, on probation, on parole,  
183.13 or in custody for any offense whom the superintendent of the bureau identifies as being the  
183.14 subject of a court disposition record which cannot be linked to an arrest record, and whose  
183.15 fingerprints are necessary to reduce the number of suspense files, or to comply with the  
183.16 mandates of section 299C.111, relating to the reduction of the number of suspense files.  
183.17 This duty to obtain fingerprints for the offenses in suspense at the request of the bureau  
183.18 shall include the requirement that fingerprints be taken in post-arrest interviews, while  
183.19 making court appearances, while in custody, or while on any form of probation, diversion,  
183.20 or supervised release.

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

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

183.29 (d) ~~Finger~~ and ~~thumb prints~~ must be obtained no later than:  
183.30 (1) release from booking; or  
183.31 (2) if not booked prior to acceptance of a plea of guilty or not guilty.

184.1 Prior to acceptance of a plea of guilty or not guilty, an individual's finger and thumb  
184.2 prints must be submitted to the Bureau of Criminal Apprehension for the offense. If finger  
184.3 and thumb prints have not been successfully received by the bureau, an individual may,  
184.4 upon order of the court, be taken into custody for no more than eight hours so that the taking  
184.5 of prints can be completed. Upon notice and motion of the prosecuting attorney, this time

136.23 period may be extended upon a showing that additional time in custody is essential for the  
136.24 successful taking of prints.

136.25 (e) For purposes of this section, a targeted misdemeanor is a misdemeanor violation of  
136.26 section 169A.20 (driving while impaired), 518B.01 (order for protection violation), 609.224  
136.27 (fifth-degree assault), 609.2242 (domestic assault), 609.746 (interference with privacy),  
136.28 609.748 (harassment or restraining order violation), 609.749 (obscene or harassing telephone  
136.29 calls), 617.23 (indecent exposure), or 629.75 (domestic abuse no contact order).

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

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

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

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

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

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

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

137.28 (c) The bureau or agency shall destroy an arrested person's fingerprints and thumbprints,  
137.29 photographs, distinctive physical mark identification data, information on known aliases

184.6 period may be extended upon a showing that additional time in custody is essential for the  
184.7 successful taking of prints.

184.8 (e) For purposes of this section, a targeted misdemeanor is a misdemeanor violation of  
184.9 section 169A.20 (driving while impaired), 518B.01 (order for protection violation), 609.224  
184.10 (fifth-degree assault), 609.2242 (domestic assault), 609.746 (interference with privacy),  
184.11 609.748 (harassment or restraining order violation), 609.749 (obscene or harassing telephone  
184.12 calls), 617.23 (indecent exposure), or 629.75 (domestic abuse no contact order).

137.30 and street names, and other identification data and all copies and duplicates of them without  
137.31 the demand of any person or the granting of a petition under chapter 609A if:

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

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

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

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

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

138.19 Sec. 9. Minnesota Statutes 2022, section 299C.11, subdivision 3, is amended to read:

138.20 Subd. 3. **Definitions.** For purposes of this section:

138.21 (1) "determination of all pending criminal actions or proceedings in favor of the arrested  
138.22 person" does not include:

138.23 (i) the sealing of a criminal record pursuant to section 152.18, subdivision 1, 242.31, or  
138.24 chapter 609A;

138.25 (ii) the arrested person's successful completion of a diversion program;

138.26 (iii) an order of discharge under section 609.165; or

138.27 (iv) a pardon granted under section 638.02; ~~and~~

138.28 (2) "mistaken identity" means the person was incorrectly identified as being a different  
138.29 person:



138.30 (i) because the person's identity had been transferred, used, or possessed in violation of  
138.31 section 609.527; or

139.1 (ii) as a result of misidentification by a witness or law enforcement, confusion on the  
139.2 part of a witness or law enforcement as to the identity of the person who committed the  
139.3 crime, misinformation provided to law enforcement as to the identity of the person who  
139.4 committed the crime, or some other mistake on the part of a witness or law enforcement as  
139.5 to the identity of the person who committed the crime; and

139.6 ~~(2)~~ (3) "targeted misdemeanor" has the meaning given in section 299C.10, subdivision  
139.7 1.

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

139.9 Sec. 10. Minnesota Statutes 2022, section 299C.111, is amended to read:

139.10 **299C.111 SUSPENSE FILE REPORTING.**

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

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

139.15 Sec. 11. Minnesota Statutes 2022, section 299C.17, is amended to read:

139.16 **299C.17 REPORT BY COURT ADMINISTRATOR.**

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

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

139.24 Sec. 12. Minnesota Statutes 2022, section 609A.01, is amended to read:

139.25 **609A.01 EXPUNGEMENT OF CRIMINAL RECORDS.**

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

184.13 Sec. 6. Minnesota Statutes 2022, section 299C.111, is amended to read:

184.14 **299C.111 SUSPENSE FILE REPORTING.**

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

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

184.19 Sec. 7. Minnesota Statutes 2022, section 299C.17, is amended to read:

184.20 **299C.17 REPORT BY COURT ADMINISTRATOR.**

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

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

184.28 Sec. 8. Minnesota Statutes 2022, section 609A.01, is amended to read:

184.29 **609A.01 EXPUNGEMENT OF CRIMINAL RECORDS.**

184.30 This chapter provides the grounds and procedures for expungement of criminal records  
184.31 under section 13.82; 152.18, subdivision 1; 299C.11, where expungement is automatic under  
185.1 section 609A.015, or a petition is authorized under section 609A.02, subdivision 3; or other  
185.2 applicable law. The remedy available is limited to a court order or grant of expungement  
185.3 under section 609A.015 sealing the records and prohibiting the disclosure of their existence  
185.4 or their opening except under court order or statutory authority. Nothing in this chapter  
185.5 authorizes the destruction of records or their return to the subject of the records.

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

140.5 Sec. 13. [609A.015] AUTOMATIC EXPUNGEMENT OF RECORDS.

140.6 Subdivision 1. Eligibility; dismissal; exoneration. (a) A person who is the subject of

140.7 a criminal record or delinquency record is eligible for a grant of expungement relief without

140.8 the filing of a petition:

140.9 (1) if the person was arrested and all charges were dismissed after a case was filed unless

140.10 dismissal was based on a finding that the defendant was incompetent to proceed;

140.11 (2) upon the dismissal and discharge of proceedings against a person under section

140.12 152.18, subdivision 1, for violation of section 152.024, 152.025, or 152.027 for possession

140.13 of a controlled substance; or

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

140.15 (b) For purposes of this chapter, a verdict of not guilty by reason of mental illness is not

140.16 a resolution in favor of the person. For purposes of this chapter, an action or proceeding is

140.17 resolved in favor of the person if the petitioner received an order under section 590.11

140.18 determining that the person is eligible for compensation based on exoneration.

140.19 Subd. 2. Eligibility; diversion and stay of adjudication. A person is eligible for a grant

140.20 of expungement relief if the person has successfully completed the terms of a diversion

140.21 program or stay of adjudication for a qualifying offense that is not a felony and has not been

140.22 petitioned or charged with a new offense, other than an offense that would be a petty

140.23 misdemeanor, in Minnesota:

140.24 (1) for one year immediately following completion of the diversion program or stay of

140.25 adjudication; or

140.26 (2) for one year immediately preceding a subsequent review performed pursuant to

140.27 subdivision 5, paragraph (a).

140.28 Subd. 3. Eligibility; certain criminal proceedings. (a) A person is eligible for a grant

140.29 of expungement relief if the person:

140.30 (1) was convicted of a qualifying offense;

141.1 (2) has not been convicted of a new offense, other than an offense that would be a petty

141.2 misdemeanor, in Minnesota:

141.3 (i) during the applicable waiting period immediately following discharge of the disposition

141.4 or sentence for the crime; or

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

170.7 Section 1. [609A.015] AUTOMATIC EXPUNGEMENT OF RECORDS.

170.8 Subdivision 1. Eligibility; dismissal; exoneration. (a) A person who is the subject of

170.9 a criminal record or delinquency record is eligible for a grant of expungement relief without

170.10 the filing of a petition:

170.11 (1) if the person was arrested and all charges were dismissed after a case was filed unless

170.12 dismissal was based on a finding that the defendant was incompetent to proceed;

170.13 (2) upon the dismissal and discharge of proceedings against a person under section

170.14 152.18, subdivision 1, for violation of section 152.024, 152.025, or 152.027 for possession

170.15 of a controlled substance; or

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

170.17 (b) For purposes of this chapter, a verdict of not guilty by reason of mental illness is not

170.18 a resolution in favor of the person. For purposes of this chapter, an action or proceeding is

170.19 resolved in favor of the person if the petitioner received an order under section 590.11

170.20 determining that the person is eligible for compensation based on exoneration.

170.21 Subd. 2. Eligibility; diversion and stay of adjudication. A person is eligible for a grant

170.22 of expungement relief if the person has successfully completed the terms of a diversion

170.23 program or stay of adjudication for a qualifying offense that is not a felony and has not been

170.24 petitioned or charged with a new offense, other than an offense that would be a petty

170.25 misdemeanor, in Minnesota:

170.26 (1) for one year immediately following completion of the diversion program or stay of

170.27 adjudication; or

170.28 (2) for one year immediately preceding a subsequent review performed pursuant to

170.29 subdivision 6, paragraph (a).

170.30 Subd. 3. Eligibility; pardon. A person is eligible for a grant of expungement relief if

170.31 the person receives a pardon extraordinary under chapter 638.

171.1 Subd. 4. Eligibility; certain criminal proceedings. (a) A person is eligible for a grant

171.2 of expungement relief if the person:

171.3 (1) was convicted of a qualifying offense;

171.4 (2) has not been convicted of a new offense, other than an offense that would be a petty

171.5 misdemeanor, in Minnesota:

171.6 (i) during the applicable waiting period immediately following discharge of the disposition

171.7 or sentence for the crime; or

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

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

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

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

141.13 (2) any misdemeanor offense other than:

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

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

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

141.18 (iv) section 609.2242 (domestic assault);

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

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

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

141.22 (viii) section 617.23 (indecent exposure);

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

141.24 (x) section 629.75 (violation of domestic abuse no contact order);

141.25 (3) any gross misdemeanor offense other than:

141.26 (i) section 169A.25 (second-degree driving while impaired);

141.27 (ii) section 169A.26 (third-degree driving while impaired);

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

141.29 (iv) section 609.2113, subdivision 3 (criminal vehicular operation);

142.1 (v) section 609.2231 (assault in the fourth degree);

142.2 (vi) section 609.224 (assault in the fifth degree);

142.3 (vii) section 609.2242 (domestic assault);

142.4 (viii) section 609.233 (criminal neglect);

171.8 (ii) during the applicable waiting period immediately preceding a subsequent review  
171.9 performed pursuant to subdivision 6, paragraph (a); and

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

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

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

171.16 (2) any misdemeanor offense other than:

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

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

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

171.21 (iv) section 609.2242 (domestic assault);

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

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

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

171.25 (viii) section 617.23 (indecent exposure);

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

171.27 (x) section 629.75 (violation of domestic abuse no contact order);

171.28 (3) any gross misdemeanor offense other than:

171.29 (i) section 169A.25 (second-degree driving while impaired);

172.1 (ii) section 169A.26 (third-degree driving while impaired);

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

172.3 (iv) section 609.2113, subdivision 3 (criminal vehicular operation);

172.4 (v) section 609.2231 (assault in the fourth degree);

172.5 (vi) section 609.224 (assault in the fifth degree);

172.6 (vii) section 609.2242 (domestic assault);

172.7 (viii) section 609.233 (criminal neglect);

142.5 (ix) section 609.3451 (criminal sexual conduct in the fifth degree);  
142.6 (x) section 609.377 (malicious punishment of child);  
142.7 (xi) section 609.485 (escape from custody);  
142.8 (xii) section 609.498 (tampering with witness);  
142.9 (xiii) section 609.582, subdivision 4 (burglary in the fourth degree);  
142.10 (xiv) section 609.746 (interference with privacy);  
142.11 (xv) section 609.748 (violation of a harassment restraining order);  
142.12 (xvi) section 609.749 (harassment; stalking);  
142.13 (xvii) section 609.78 (interference with emergency call);  
142.14 (xviii) section 617.23 (indecent exposure);  
142.15 (xix) section 617.261 (nonconsensual dissemination of private sexual images); or  
142.16 (xx) section 629.75 (violation of domestic abuse no contact order); or  
142.17 (4) any felony offense listed in section 609A.02, subdivision 3, paragraph (b), other  
142.18 than:  
142.19 (i) section 152.023, subdivision 2 (possession of a controlled substance in the third  
142.20 degree);  
142.21 (ii) 152.024, subdivision 2 (possession of a controlled substance in the fourth degree);  
142.22 (iii) section 609.485, subdivision 4, paragraph (a), clause (2) or (4) (escape from civil  
142.23 commitment for mental illness); or  
142.24 (iv) section 609.746, subdivision 1, paragraph (e) (interference with privacy; subsequent  
142.25 violation or minor victim).  
142.26 (c) As used in this subdivision, "applicable waiting period" means:  
142.27 (1) if the offense was a petty misdemeanor, two years since discharge of the sentence;  
143.1 (2) if the offense was a misdemeanor, two years since discharge of the sentence for the  
143.2 crime;  
143.3 (3) if the offense was a gross misdemeanor, three years since discharge of the sentence  
143.4 for the crime;  
143.5 (4) if the offense was a felony violation of section 152.025, four years since the discharge  
143.6 of the sentence for the crime; and

172.8 (ix) section 609.3451 (criminal sexual conduct in the fifth degree);  
172.9 (x) section 609.377 (malicious punishment of child);  
172.10 (xi) section 609.485 (escape from custody);  
172.11 (xii) section 609.498 (tampering with witness);  
172.12 (xiii) section 609.582, subdivision 4 (burglary in the fourth degree);  
172.13 (xiv) section 609.746 (interference with privacy);  
172.14 (xv) section 609.748 (violation of a harassment restraining order);  
172.15 (xvi) section 609.749 (harassment; stalking);  
172.16 (xvii) section 609.78 (interference with emergency call);  
172.17 (xviii) section 617.23 (indecent exposure);  
172.18 (xix) section 617.261 (nonconsensual dissemination of private sexual images); or  
172.19 (xx) section 629.75 (violation of domestic abuse no contact order); or  
172.20 (4) any felony offense listed in section 609A.02, subdivision 3, paragraph (b), other  
172.21 than:  
172.22 (i) section 609.485, subdivision 4, paragraph (a), clause (2) or (4) (escape from civil  
172.23 commitment for mental illness);  
172.24 (ii) section 609.746, subdivision 1, paragraph (e) (interference with privacy; subsequent  
172.25 violation or minor victim);  
173.1 (iv) section 152.024, subdivision 2 (possession of a controlled substance in the fourth  
173.2 degree).  
173.3 (c) As used in this subdivision, "applicable waiting period" means:  
173.4 (1) if the offense was a petty misdemeanor, two years since discharge of the sentence;  
173.5 (2) if the offense was a misdemeanor, two years since discharge of the sentence for the  
173.6 crime;  
173.7 (3) if the offense was a gross misdemeanor, three years since discharge of the sentence  
173.8 for the crime;  
173.9 (4) if the offense was a felony violation of section 152.025, four years since the discharge  
173.10 of the sentence for the crime; and

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

143.9 (d) Felony offenses deemed to be a gross misdemeanor or misdemeanor pursuant to  
143.10 section 609.13, subdivision 1, remain ineligible for expungement under this section. Gross  
143.11 misdemeanor offenses ineligible for a grant of expungement under this section remain  
143.12 ineligible if deemed to be for a misdemeanor pursuant to section 609.13, subdivision 2.

143.13 Subd. 4. **Notice.** (a) The court shall notify a person who may become eligible for an  
143.14 automatic expungement under this section of that eligibility at any hearing where the court  
143.15 dismisses and discharges proceedings against a person under section 152.18, subdivision  
143.16 1, for violation of section 152.024, 152.025, or 152.027 for possession of a controlled  
143.17 substance; concludes that all pending actions or proceedings were resolved in favor of the  
143.18 person; grants a person's placement into a diversion program; or sentences a person or  
143.19 otherwise imposes a consequence for a qualifying offense.

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

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

143.25 (1) a record expunged under this section may be opened for purposes of a background  
143.26 study by the Department of Human Services under section 245C.08 and for purposes of a  
143.27 background check by the Professional Educator Licensing and Standards Board as required  
143.28 under section 122A.18, subdivision 8; and

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

143.32 Subd. 5. **Bureau of Criminal Apprehension to identify eligible persons and grant**  
143.33 **expungement relief.** (a) The Bureau of Criminal Apprehension shall identify any records  
144.1 that qualify for a grant of expungement relief pursuant to this subdivision or subdivision 1,  
144.2 2, or 3. The Bureau of Criminal Apprehension shall make an initial determination of  
144.3 eligibility within 30 days of the end of the applicable waiting period. If a record is not  
144.4 eligible for a grant of expungement at the time of the initial determination, the Bureau of  
144.5 Criminal Apprehension shall make subsequent eligibility determinations annually until the  
144.6 record is eligible for a grant of expungement.

144.7 (b) In making the determination under paragraph (a), the Bureau of Criminal  
144.8 Apprehension shall identify individuals who are the subject of relevant records through the  
144.9 use of fingerprints and thumbprints where fingerprints and thumbprints are available. Where  
144.10 fingerprints and thumbprints are not available, the Bureau of Criminal Apprehension shall  
144.11 identify individuals through the use of the person's name and date of birth. Records containing  
144.12 the same name and date of birth shall be presumed to refer to the same individual unless

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

173.13 (d) Felony offenses deemed to be a gross misdemeanor or misdemeanor pursuant to  
173.14 section 609.13, subdivision 1, remain ineligible for expungement under this section. Gross  
173.15 misdemeanor offenses ineligible for a grant of expungement under this section remain  
173.16 ineligible if deemed to be for a misdemeanor pursuant to section 609.13, subdivision 2.

173.17 Subd. 5. **Notice.** (a) The court shall notify a person who may become eligible for an  
173.18 automatic expungement under this section of that eligibility at any hearing where the court  
173.19 dismisses and discharges proceedings against a person under section 152.18, subdivision  
173.20 1, for violation of section 152.024, 152.025, or 152.027 for possession of a controlled  
173.21 substance; concludes that all pending actions or proceedings were resolved in favor of the  
173.22 person; grants a person's placement into a diversion program; or sentences a person or  
173.23 otherwise imposes a consequence for a qualifying offense.

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

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

173.29 (1) a record expunged under this section may be opened for purposes of a background  
173.30 study by the Department of Human Services under section 245C.08 and for purposes of a  
173.31 background check by the Professional Educator Licensing and Standards Board as required  
173.32 under section 122A.18, subdivision 8; and

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

174.4 Subd. 6. **Bureau of Criminal Apprehension to identify eligible persons and grant**  
174.5 **expungement relief.** (a) The Bureau of Criminal Apprehension shall identify any records  
174.6 that qualify for a grant of expungement relief pursuant to this subdivision or subdivision 1,  
174.7 2, 3, or 4. The Bureau of Criminal Apprehension shall make an initial determination of  
174.8 eligibility within 30 days of the end of the applicable waiting period. If a record is not  
174.9 eligible for a grant of expungement at the time of the initial determination, the Bureau of  
174.10 Criminal Apprehension shall make subsequent eligibility determinations annually until the  
174.11 record is eligible for a grant of expungement.

174.12 (b) In making the determination under paragraph (a), the Bureau of Criminal  
174.13 Apprehension shall identify individuals who are the subject of relevant records through the  
174.14 use of finger and thumb prints where finger and thumb prints are available. Where finger  
174.15 and thumb prints are not available, the Bureau of Criminal Apprehension shall identify  
174.16 individuals through the use of the person's name and date of birth. Records containing the  
174.17 same name and date of birth shall be presumed to refer to the same individual unless other

144.13 other evidence establishes, by a preponderance of the evidence, that they do not refer to the  
144.14 same individual. The Bureau of Criminal Apprehension is not required to review any other  
144.15 evidence in making a determination.

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

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

144.24 (e) The Bureau of Criminal Apprehension shall inform the judicial branch of all cases  
144.25 for which expungement relief was granted pursuant to this section. Notification may be  
144.26 through electronic means and may be made in real time or in the form of a monthly report.  
144.27 Upon receipt of notice, the judicial branch shall seal all records relating to an arrest,  
144.28 indictment or information, trial, verdict, or dismissal and discharge for any case in which  
144.29 expungement relief was granted and shall issue any order deemed necessary to achieve this  
144.30 purpose.

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

145.7 (1) initiating, furthering, or completing a criminal investigation or prosecution or for  
145.8 sentencing purposes or providing probation or other correctional services; or

145.9 (2) evaluating a prospective employee in a criminal justice agency without a court order.

145.10 (g) Data on the person whose offense has been expunged under this subdivision, including  
145.11 any notice sent pursuant to paragraph (f), are private data on individuals as defined in section  
145.12 13.02, subdivision 12.

145.13 (h) The prosecuting attorney shall notify the victim that an offense qualifies for automatic  
145.14 expungement under this section in the manner provided in section 611A.03, subdivisions  
145.15 1 and 2.

174.18 evidence establishes, by a preponderance of the evidence, that they do not refer to the same  
174.19 individual. The Bureau of Criminal Apprehension is not required to review any other  
174.20 evidence in making a determination.

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

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

174.29 (e) The Bureau of Criminal Apprehension shall inform the judicial branch of all cases  
174.30 for which expungement relief was granted pursuant to this section. Notification may be  
174.31 through electronic means and may be made in real time or in the form of a monthly report.  
174.32 Upon receipt of notice, the judicial branch shall seal all records relating to an arrest,  
174.33 indictment or information, trial, verdict, or dismissal and discharge for any case in which  
175.1 expungement relief was granted and shall issue any order deemed necessary to achieve this  
175.2 purpose.

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

175.13 (1) initiating, furthering, or completing a criminal investigation or prosecution or for  
175.14 sentencing purposes or providing probation or other correctional services; or

175.15 (2) evaluating a prospective employee in a criminal justice agency without a court order.

175.16 (g) Data on the person whose offense has been expunged under this subdivision, including  
175.17 any notice sent pursuant to paragraph (f), are private data on individuals as defined in section  
175.18 13.02, subdivision 12.

175.19 (h) The prosecuting attorney shall notify the victim that an offense qualifies for automatic  
175.20 expungement under this section in the manner provided in section 611A.03, subdivisions  
175.21 1 and 2.

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

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

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

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

145.30 Sec. 14. **[609A.017] MISTAKEN IDENTITY; AUTOMATIC EXPUNGEMENT.**

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

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

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

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

146.7 (2) as a result of misidentification by a witness or law enforcement, confusion on the  
146.8 part of a witness or law enforcement as to the identity of the person who committed the  
146.9 crime, misinformation provided to law enforcement as to the identity of the person who  
146.10 committed the crime, or some other mistake on the part of a witness or law enforcement as  
146.11 to the identity of the person who committed the crime.

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

146.17 Subd. 3. **Order of expungement.** (a) The court shall issue an order of expungement  
146.18 without the filing of a petition when an action or proceeding is dismissed based on a  
146.19 determination that a defendant was issued a citation, charged, indicted, or otherwise

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

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

175.27 Subd. 7. **Immunity from civil liability.** Employees of the Bureau of Criminal  
175.28 Apprehension shall not be held civilly liable for the exercise or the failure to exercise, or  
175.29 the decision to exercise or the decision to decline to exercise, the powers granted by this  
175.30 section or for any act or omission occurring within the scope of the performance of their  
175.31 duties under this section.

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

146.20 prosecuted as the result of mistaken identity. The order shall cite this section as the basis  
146.21 for the order.

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

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

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

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

147.6 (d) Data on the person whose offense has been expunged contained in a letter or other  
147.7 notification sent under this subdivision are private data on individuals as defined in section  
147.8 13.02.

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

147.12 Sec. 15. Minnesota Statutes 2022, section 609A.02, subdivision 3, is amended to read:

147.13 Subd. 3. **Certain criminal proceedings.** (a) A petition may be filed under section  
147.14 609A.03 to seal all records relating to an arrest, indictment or information, trial, or verdict  
147.15 if the records are not subject to section 299C.11, subdivision 1, paragraph (b), and if:

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

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

176.5 Section 1. Minnesota Statutes 2022, section 609A.02, subdivision 3, is amended to read:

176.6 Subd. 3. **Certain criminal proceedings.** (a) A petition may be filed under section  
176.7 609A.03 to seal all records relating to an arrest, indictment or information, trial, or verdict  
176.8 if the records are not subject to section 299C.11, subdivision 1, paragraph (b), and if:

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

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



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

147.28 (4) the petitioner was convicted of ~~or received a stayed sentence for~~ a gross misdemeanor  
147.29 or the sentence imposed was within the limits provided by law for a gross misdemeanor  
147.30 and the petitioner has not been convicted of a new crime for at least ~~four~~ three years since  
147.31 discharge of the sentence for the crime; ~~or~~

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

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

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

148.11 ~~(5)~~ (8) the petitioner was convicted of ~~or received a stayed sentence for~~ a felony violation  
148.12 of an offense listed in paragraph (b), and has not been convicted of a new crime for at least  
148.13 ~~five~~ four years since discharge of the sentence for the crime.

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

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

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

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

148.18 (4) section 152.023, subdivision 2 (possession of a controlled substance in the third  
148.19 degree); 152.024, subdivision 2 (possession of a controlled substance in the fourth degree);  
148.20 152.025 (controlled substance in the fifth degree); or 152.097 (sale of simulated controlled  
148.21 substance);

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

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

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

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

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

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

176.21 (4) the petitioner was convicted of ~~or received a stayed sentence for~~ a gross misdemeanor  
176.22 or the sentence imposed was within the limits provided by law for a gross misdemeanor  
176.23 and the petitioner has not been convicted of a new crime for at least ~~four~~ three years since  
176.24 discharge of the sentence for the crime; ~~or~~

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

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

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

177.3 ~~(5)~~ (8) the petitioner was convicted of ~~or received a stayed sentence for~~ a felony violation  
177.4 of an offense listed in paragraph (b), and has not been convicted of a new crime for at least  
177.5 ~~five~~ four years since discharge of the sentence for the crime.

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

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

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

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

177.10 (4) section 152.023, subdivision 2 (possession of a controlled substance in the third  
177.11 degree); 152.024, subdivision 2 (possession of a controlled substance in the fourth degree);  
177.12 152.025 (controlled substance in the fifth degree); or 152.097 (sale of simulated controlled  
177.13 substance);

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

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

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

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

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

148.28 (10) section 297D.09, subdivision 1 (failure to affix stamp on scheduled substances);  
148.29 (11) section 297G.19 (liquor taxation); or 340A.701 (unlawful acts involving liquor);  
148.30 (12) section 325F.743 (precious metal dealers); or 325F.755, subdivision 7 (prize notices  
148.31 and solicitations);  
149.1 (13) section 346.155, subdivision 10 (failure to control regulated animal);  
149.2 (14) section 349.2127; or 349.22 (gambling regulations);  
149.3 (15) section 588.20 (contempt);  
149.4 (16) section 609.27, subdivision 1, clauses (2) to (5) (coercion);  
149.5 (17) section 609.31 (leaving state to evade establishment of paternity);  
149.6 (18) section 609.485, subdivision 4, paragraph (a), clause (2) or (4) (escape from civil  
149.7 commitment for mental illness);  
149.8 (19) section 609.49 (failure to appear in court);  
149.9 (20) section 609.52, subdivision 2, when sentenced pursuant to section 609.52,  
149.10 subdivision 3, clause (3)(a) (theft of \$5,000 or less); ~~or other theft offense that is sentenced~~  
149.11 ~~under this provision;~~ or 609.52, subdivision 3a, clause (1) (theft of \$1,000 or less with risk  
149.12 of bodily harm); or any other offense sentenced pursuant to section 609.52, subdivision 3,  
149.13 clause (3)(a);  
149.14 (21) section 609.521 (possession of shoplifting gear);  
149.15 ~~(21)~~ (22) section 609.525 (bringing stolen goods into state);  
149.16 ~~(22)~~ (23) section 609.526, subdivision 2, clause (2) (metal dealer receiving stolen goods);  
149.17 ~~(23)~~ (24) section 609.527, subdivision 5b (possession or use of scanning device or  
149.18 reencoder); 609.528, subdivision 3, clause (3) (possession or sale of stolen or counterfeit  
149.19 check); or 609.529 (mail theft);  
149.20 ~~(24)~~ (25) section 609.53 (receiving stolen goods);  
149.21 ~~(25)~~ (26) section 609.535, subdivision 2a, paragraph (a), clause (1) (dishonored check  
149.22 over \$500);  
149.23 ~~(26)~~ (27) section 609.54, clause (1) (embezzlement of public funds \$2,500 or less);  
149.24 ~~(27)~~ (28) section 609.551 (rustling and livestock theft);  
149.25 ~~(28)~~ (29) section 609.5641, subdivision 1a, paragraph (a) (wildfire arson);  
149.26 ~~(29)~~ (30) section 609.576, subdivision 1, clause (3), item (iii) (negligent fires);

177.20 (10) section 297D.09, subdivision 1 (failure to affix stamp on scheduled substances);  
177.21 (11) section 297G.19 (liquor taxation); or 340A.701 (unlawful acts involving liquor);  
177.22 (12) section 325F.743 (precious metal dealers); or 325F.755, subdivision 7 (prize notices  
177.23 and solicitations);  
177.24 (13) section 346.155, subdivision 10 (failure to control regulated animal);  
177.25 (14) section 349.2127; or 349.22 (gambling regulations);  
177.26 (15) section 588.20 (contempt);  
177.27 (16) section 609.27, subdivision 1, clauses (2) to (5) (coercion);  
177.28 (17) section 609.31 (leaving state to evade establishment of paternity);  
178.1 (18) section 609.485, subdivision 4, paragraph (a), clause (2) or (4) (escape from civil  
178.2 commitment for mental illness);  
178.3 (19) section 609.49 (failure to appear in court);  
178.4 (20) section 609.52, subdivision 2, when sentenced pursuant to section 609.52,  
178.5 subdivision 3, clause (3)(a) (theft of \$5,000 or less); ~~or other theft offense that is sentenced~~  
178.6 ~~under this provision;~~ or 609.52, subdivision 3a, clause (1) (theft of \$1,000 or less with risk  
178.7 of bodily harm); or any other offense sentenced pursuant to section 609.52, subdivision 3,  
178.8 clause (3)(a);  
178.9 (21) section 609.521 (possession of shoplifting gear);  
178.10 ~~(21)~~ (22) section 609.525 (bringing stolen goods into state);  
178.11 ~~(22)~~ (23) section 609.526, subdivision 2, clause (2) (metal dealer receiving stolen goods);  
178.12 ~~(23)~~ (24) section 609.527, subdivision 5b (possession or use of scanning device or  
178.13 reencoder); 609.528, subdivision 3, clause (3) (possession or sale of stolen or counterfeit  
178.14 check); or 609.529 (mail theft);  
178.15 ~~(24)~~ (25) section 609.53 (receiving stolen goods);  
178.16 ~~(25)~~ (26) section 609.535, subdivision 2a, paragraph (a), clause (1) (dishonored check  
178.17 over \$500);  
178.18 ~~(26)~~ (27) section 609.54, clause (1) (embezzlement of public funds \$2,500 or less);  
178.19 ~~(27)~~ (28) section 609.551 (rustling and livestock theft);  
178.20 ~~(28)~~ (29) section 609.5641, subdivision 1a, paragraph (a) (wildfire arson);  
178.21 ~~(29)~~ (30) section 609.576, subdivision 1, clause (3), item (iii) (negligent fires);

149.27 (31) section 609.582, subdivision 3 (burglary in the third degree);  
149.28 (32) section 609.59 (possession of burglary or theft tools);  
150.1 ~~(30)~~ (33) section 609.595, subdivision 1, clauses (3) to (5), and subdivision 1a, paragraph  
150.2 (a) (criminal damage to property);  
150.3 ~~(31)~~ (34) section 609.597, subdivision 3, clause (3) (assaulting or harming police horse);  
150.4 ~~(32)~~ (35) section 609.625 (aggravated forgery); 609.63 (forgery); 609.631, subdivision  
150.5 4, clause (3)(a) (check forgery \$2,500 or less); 609.635 (obtaining signature by false  
150.6 pretense); 609.64 (recording, filing forged instrument); or 609.645 (fraudulent statements);  
150.7 ~~(33)~~ (36) section 609.65, clause (1) (false certification by notary); or 609.651, subdivision  
150.8 4, paragraph (a) (lottery fraud);  
150.9 ~~(34)~~ (37) section 609.652 (fraudulent driver's license and identification card);  
150.10 ~~(35)~~ (38) section 609.66, subdivision 1a, paragraph (a) (discharge of firearm; silencer);  
150.11 or 609.66, subdivision 1b (furnishing firearm to minor);  
150.12 ~~(36)~~ (39) section 609.662, subdivision 2, paragraph (b) (duty to render aid);  
150.13 ~~(37)~~ (40) section 609.686, subdivision 2 (tampering with fire alarm);  
150.14 ~~(38)~~ (41) section 609.746, subdivision 1, paragraph ~~(e)~~ (g) (interference with privacy;  
150.15 subsequent violation or minor victim);  
150.16 ~~(39)~~ (42) section 609.80, subdivision 2 (interference with cable communications system);  
150.17 ~~(40)~~ (43) section 609.821, subdivision 2 (financial transaction card fraud);  
150.18 ~~(41)~~ (44) section 609.822 (residential mortgage fraud);  
150.19 ~~(42)~~ (45) section 609.825, subdivision 2 (bribery of participant or official in contest);  
150.20 ~~(43)~~ (46) section 609.855, subdivision 2, paragraph (c), clause (1) (interference with  
150.21 transit operator);  
150.22 ~~(44)~~ (47) section 609.88 (computer damage); or 609.89 (computer theft);  
150.23 ~~(45)~~ (48) section 609.893, subdivision 2 (telecommunications and information services  
150.24 fraud);  
150.25 ~~(46)~~ (49) section 609.894, subdivision 3 or 4 (cellular counterfeiting);  
150.26 ~~(47)~~ (50) section 609.895, subdivision 3, paragraph (a) or (b) (counterfeited intellectual  
150.27 property);  
150.28 ~~(48)~~ (51) section 609.896 (movie pirating);

178.22 (31) section 609.582, subdivision 3 (burglary in the third degree);  
178.23 (32) section 609.59 (possession of burglary or theft tools);  
178.24 ~~(30)~~ (33) section 609.595, subdivision 1, clauses (3) to (5), and subdivision 1a, paragraph  
178.25 (a) (criminal damage to property);  
178.26 ~~(31)~~ (34) section 609.597, subdivision 3, clause (3) (assaulting or harming police horse);  
178.27 ~~(32)~~ (35) section 609.625 (aggravated forgery); 609.63 (forgery); 609.631, subdivision  
178.28 4, clause (3)(a) (check forgery \$2,500 or less); 609.635 (obtaining signature by false  
178.29 pretense); 609.64 (recording, filing forged instrument); or 609.645 (fraudulent statements);  
179.1 ~~(33)~~ (36) section 609.65, clause (1) (false certification by notary); or 609.651, subdivision  
179.2 4, paragraph (a) (lottery fraud);  
179.3 ~~(34)~~ (37) section 609.652 (fraudulent driver's license and identification card);  
179.4 ~~(35)~~ (38) section 609.66, subdivision 1a, paragraph (a) (discharge of firearm; silencer);  
179.5 or 609.66, subdivision 1b (furnishing firearm to minor);  
179.6 ~~(36)~~ (39) section 609.662, subdivision 2, paragraph (b) (duty to render aid);  
179.7 ~~(37)~~ (40) section 609.686, subdivision 2 (tampering with fire alarm);  
179.8 ~~(38)~~ (41) section 609.746, subdivision 1, paragraph ~~(e)~~ (g) (interference with privacy;  
179.9 subsequent violation or minor victim);  
179.10 ~~(39)~~ (42) section 609.80, subdivision 2 (interference with cable communications system);  
179.11 ~~(40)~~ (43) section 609.821, subdivision 2 (financial transaction card fraud);  
179.12 ~~(41)~~ (44) section 609.822 (residential mortgage fraud);  
179.13 ~~(42)~~ (45) section 609.825, subdivision 2 (bribery of participant or official in contest);  
179.14 ~~(43)~~ (46) section 609.855, subdivision 2, paragraph (c), clause (1) (interference with  
179.15 transit operator);  
179.16 ~~(44)~~ (47) section 609.88 (computer damage); or 609.89 (computer theft);  
179.17 ~~(45)~~ (48) section 609.893, subdivision 2 (telecommunications and information services  
179.18 fraud);  
179.19 ~~(46)~~ (49) section 609.894, subdivision 3 or 4 (cellular counterfeiting);  
179.20 ~~(47)~~ (50) section 609.895, subdivision 3, paragraph (a) or (b) (counterfeited intellectual  
179.21 property);  
179.22 ~~(48)~~ (51) section 609.896 (movie pirating);

- 151.1 ~~(49)~~ (52) section 624.7132, subdivision 15, paragraph (b) (transfer pistol to minor);  
151.2 624.714, subdivision 1a (pistol without permit; subsequent violation); or 624.7141,  
151.3 subdivision 2 (transfer of pistol to ineligible person); or  
151.4 ~~(50)~~ (53) section 624.7181 (rifle or shotgun in public by minor).  
151.5 **EFFECTIVE DATE.** This section is effective July 1, 2023, and applies to all offenses  
151.6 that meet the eligibility criteria on or after that date.

- 179.23 ~~(49)~~ (52) section 624.7132, subdivision 15, paragraph (b) (transfer pistol to minor);  
179.24 624.714, subdivision 1a (pistol without permit; subsequent violation); or 624.7141,  
179.25 subdivision 2 (transfer of pistol to ineligible person); or  
179.26 ~~(50)~~ (53) section 624.7181 (rifle or shotgun in public by minor).  
179.27 **EFFECTIVE DATE.** This section is effective July 1, 2023, and applies to all offenses  
179.28 that meet the eligibility criteria on or after that date.

S1267-1

- 55.1 Sec. 18. Minnesota Statutes 2022, section 609A.02, subdivision 3, is amended to read:
- 55.2 Subd. 3. **Certain criminal proceedings.** (a) A petition may be filed under section  
55.3 609A.03 to seal all records relating to an arrest, indictment or information, trial, or verdict  
55.4 if the records are not subject to section 299C.11, subdivision 1, paragraph (b), and if:
- 55.5 (1) all pending actions or proceedings were resolved in favor of the petitioner. For  
55.6 purposes of this chapter, a verdict of not guilty by reason of mental illness is not a resolution  
55.7 in favor of the petitioner. For the purposes of this chapter, an action or proceeding is resolved  
55.8 in favor of the petitioner, if the petitioner received an order under section 590.11 determining  
55.9 that the petitioner is eligible for compensation based on exoneration;
- 55.10 (2) the petitioner has successfully completed the terms of a diversion program or stay  
55.11 of adjudication and has not been charged with a new crime for at least one year since  
55.12 completion of the diversion program or stay of adjudication;
- 55.13 (3) the petitioner was convicted of or received a stayed sentence for a petty misdemeanor  
55.14 or misdemeanor and has not been convicted of a new crime for at least two years since  
55.15 discharge of the sentence for the crime;
- 55.16 (4) the petitioner was convicted of or received a stayed sentence for a gross misdemeanor  
55.17 and has not been convicted of a new crime for at least four years since discharge of the  
55.18 sentence for the crime; or
- 55.19 (5) the petitioner was convicted of or received a stayed sentence for a felony violation  
55.20 of an offense listed in paragraph (b), and has not been convicted of a new crime for at least  
55.21 five years since discharge of the sentence for the crime.
- 55.22 (b) Paragraph (a), clause (5), applies to the following offenses:
- 55.23 (1) section 35.824 (altering livestock certificate);
- 55.24 (2) section 62A.41 (insurance regulations);
- 55.25 (3) section 86B.865, subdivision 1 (certification for title on watercraft);
- 55.26 (4) section 152.025 (controlled substance in the fifth degree); or 152.097 (sale of  
55.27 simulated controlled substance);

- 55.28 (5) section 168A.30, subdivision 1 (certificate of title false information); or 169.09,  
55.29 subdivision 14, paragraph (a), clause (2) (accident resulting in great bodily harm);
- 55.30 (6) chapter 201; 203B; or 204C (voting violations);
- 55.31 (7) section 228.45; 228.47; 228.49; 228.50; or 228.51 (false bill of lading);
- 56.1 (8) section 256.984 (false declaration in assistance application);
- 56.2 (9) section 296A.23, subdivision 2 (willful evasion of fuel tax);
- 56.3 (10) section 297D.09, subdivision 1 (failure to affix stamp on scheduled substances);
- 56.4 (11) section 297G.19 (liquor taxation); or 340A.701 (unlawful acts involving liquor);
- 56.5 (12) section 325F.743 (precious metal dealers); or 325F.755, subdivision 7 (prize notices  
56.6 and solicitations);
- 56.7 (13) section 346.155, subdivision 10 (failure to control regulated animal);
- 56.8 (14) section 349.2127; or 349.22 (gambling regulations);
- 56.9 (15) section 588.20 (contempt);
- 56.10 (16) section 609.27, subdivision 1, clauses (2) to (5) (coercion);
- 56.11 (17) section 609.31 (leaving state to evade establishment of paternity);
- 56.12 (18) section 609.485, subdivision 4, paragraph (a), clause (2) or (4) (escape from civil  
56.13 commitment for mental illness);
- 56.14 (19) section 609.49 (failure to appear in court);
- 56.15 (20) section 609.52, subdivision 3, clause (3)(a) (theft of \$5,000 or less), or other theft  
56.16 offense that is sentenced under this provision; or 609.52, subdivision 3a, clause (1) (theft  
56.17 of \$1,000 or less with risk of bodily harm);
- 56.18 (21) section 609.525 (bringing stolen goods into state);
- 56.19 (22) section 609.526, subdivision 2, clause (2) (metal dealer receiving stolen goods);
- 56.20 (23) section 609.527, subdivision 5b (possession or use of scanning device or reencoder);  
56.21 609.528, subdivision 3, clause (3) (possession or sale of stolen or counterfeit check); or  
56.22 609.529 (mail theft);
- 56.23 (24) section 609.53 (receiving stolen goods);
- 56.24 (25) section 609.535, subdivision 2a, paragraph (a), clause (1) (dishonored check over  
56.25 \$500);
- 56.26 (26) section 609.54, clause (1) (embezzlement of public funds \$2,500 or less);
- 56.27 (27) section 609.551 (rustling and livestock theft);

- 56.28 (28) section 609.5641, subdivision 1a, paragraph (a) (wildfire arson);
- 56.29 (29) section 609.576, subdivision 1, clause (3), item (iii) (negligent fires);
- 57.1 (30) section 609.595, subdivision 1, clauses (3) to (5), and subdivision 1a, paragraph
- 57.2 (a) (criminal damage to property);
- 57.3 (31) section 609.597, subdivision 3, clause (3) (assaulting or harming police horse);
- 57.4 (32) section 609.625 (aggravated forgery); 609.63 (forgery); 609.631, subdivision 4,
- 57.5 clause (3)(a) (check forgery \$2,500 or less); 609.635 (obtaining signature by false pretense);
- 57.6 609.64 (recording, filing forged instrument); or 609.645 (fraudulent statements);
- 57.7 (33) section 609.65, clause (1) (false certification by notary); or 609.651, subdivision
- 57.8 4, paragraph (a) (lottery fraud);
- 57.9 (34) section 609.652 (fraudulent driver's license and identification card);
- 57.10 (35) section 609.66, subdivision 1a, paragraph (a) (discharge of firearm; silencer); or
- 57.11 609.66, subdivision 1b (furnishing firearm to minor);
- 57.12 (36) section 609.662, subdivision 2, paragraph (b) (duty to render aid);
- 57.13 (37) section 609.686, subdivision 2 (tampering with fire alarm);
- 57.14 (38) section 609.746, subdivision 1, paragraph ~~(e)~~ (g) (interference with privacy;
- 57.15 subsequent violation or minor victim);
- 57.16 (39) section 609.80, subdivision 2 (interference with cable communications system);
- 57.17 (40) section 609.821, subdivision 2 (financial transaction card fraud);
- 57.18 (41) section 609.822 (residential mortgage fraud);
- 57.19 (42) section 609.825, subdivision 2 (bribery of participant or official in contest);
- 57.20 (43) section 609.855, subdivision 2, paragraph (c), clause (1) (interference with transit
- 57.21 operator);
- 57.22 (44) section 609.88 (computer damage); or 609.89 (computer theft);
- 57.23 (45) section 609.893, subdivision 2 (telecommunications and information services fraud);
- 57.24 (46) section 609.894, subdivision 3 or 4 (cellular counterfeiting);
- 57.25 (47) section 609.895, subdivision 3, paragraph (a) or (b) (counterfeited intellectual
- 57.26 property);
- 57.27 (48) section 609.896 (movie pirating);

151.7 Sec. 16. Minnesota Statutes 2022, section 609A.03, subdivision 5, is amended to read:

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

151.12 (1) sealing the record; and

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

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

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

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

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

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

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

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

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

151.30 (7) the petitioner's criminal record;

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

152.2 (9) the recommendations of interested law enforcement, prosecutorial, and corrections  
152.3 officials;

57.28 (49) section 624.7132, subdivision 15, paragraph (b) (transfer pistol to minor); 624.714,  
57.29 subdivision 1a (pistol without permit; subsequent violation); or 624.7141, subdivision 2  
57.30 (transfer of pistol to ineligible person); or

58.1 (50) section 624.7181 (rifle or shotgun in public by minor).

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

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185.7 Sec. 9. Minnesota Statutes 2022, section 609A.03, subdivision 5, is amended to read:

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

185.12 (1) sealing the record; and

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

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

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

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

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

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

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

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

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

185.30 (7) the petitioner's criminal record;

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

186.1 (9) the recommendations of interested law enforcement, prosecutorial, and corrections  
186.2 officials;

152.4 (10) the recommendations of victims or whether victims of the underlying crime were  
152.5 minors;

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

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

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

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

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

152.20 Sec. 17. Minnesota Statutes 2022, section 609A.03, subdivision 7a, is amended to read:

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

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

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

152.31 (2) when a criminal justice agency seeks access to a record that was sealed under section  
152.32 609A.02, subdivision 3, paragraph (a), clause (1), after an acquittal or a court order dismissing  
153.1 for lack of probable cause, for purposes of a criminal investigation, prosecution, or  
153.2 sentencing, the requesting agency must obtain an ex parte court order after stating a  
153.3 good-faith basis to believe that opening the record may lead to relevant information;

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

153.6 (4) an expunged record of a conviction may be opened for purposes of a background  
153.7 study under section 245C.08 unless the commissioner had been properly served with notice

186.3 (10) the recommendations of victims or whether victims of the underlying crime were  
186.4 minors;

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

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

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

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

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

186.19 Sec. 10. Minnesota Statutes 2022, section 609A.03, subdivision 7a, is amended to read:

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

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

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

186.30 (2) when a criminal justice agency seeks access to a record that was sealed under section  
186.31 609A.02, subdivision 3, paragraph (a), clause (1), after an acquittal or a court order dismissing  
186.32 for lack of probable cause, for purposes of a criminal investigation, prosecution, or  
187.1 sentencing, the requesting agency must obtain an ex parte court order after stating a  
187.2 good-faith basis to believe that opening the record may lead to relevant information;

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

187.5 (4) an expunged record of a conviction may be opened for purposes of a background  
187.6 study under section 245C.08 unless the commissioner had been properly served with notice



153.8 of the petition for expungement and the court order for expungement is directed specifically  
153.9 to the commissioner of human services following proper service of a petition, or following  
153.10 proceedings under section 609A.025 or 609A.035 upon service of an order to the  
153.11 commissioner of human services;

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

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

153.18 (7) a prosecutor may request, and the district court shall provide, certified records of  
153.19 conviction for a record expunged pursuant to sections 609A.015, 609A.017, 609A.02,  
153.20 609A.025, and 609A.035, and the certified records of conviction may be disclosed and  
153.21 introduced in criminal court proceedings as provided by the rules of court and applicable  
153.22 law; and

153.23 (8) the subject of an expunged record may request, and the court shall provide, certified  
153.24 or uncertified records of conviction for a record expunged pursuant to sections 609A.015,  
153.25 609A.017, 609A.02, 609A.025, and 609A.035.

153.26 (c) An agency or jurisdiction subject to an expungement order shall maintain the record  
153.27 in a manner that provides access to the record by a criminal justice agency under paragraph  
153.28 (b), clause (1) or (2), but notifies the recipient that the record has been sealed. The Bureau  
153.29 of Criminal Apprehension shall notify the commissioner of human services or the  
153.30 Professional Educator Licensing and Standards Board of the existence of a sealed record  
153.31 and of the right to obtain access under paragraph (b), clause (4) or (5). Upon request, the  
153.32 agency or jurisdiction subject to the expungement order shall provide access to the record  
153.33 to the commissioner of human services or the Professional Educator Licensing and Standards  
153.34 Board under paragraph (b), clause (4) or (5).

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

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

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

154.8 (g) This subdivision applies to expungement orders subject to its limitations and effective  
154.9 on or after January 1, 2015, and grants of expungement relief issued on or after January 1,  
154.10 2025.

187.7 of the petition for expungement and the court order for expungement is directed specifically  
187.8 to the commissioner of human services;

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

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

187.15 (7) a prosecutor may request, and the district court shall provide, certified records of  
187.16 conviction for a record expunged pursuant to sections 609A.015, 609A.02, and 609A.025,  
187.17 and the certified records of conviction may be disclosed and introduced in criminal court  
187.18 proceedings as provided by the rules of court and applicable law; and

187.19 (8) the subject of an expunged record may request, and the court shall provide, certified  
187.20 or uncertified records of conviction for a record expunged pursuant to sections 609A.015,  
187.21 609A.02, and 609A.025.

187.22 (c) An agency or jurisdiction subject to an expungement order shall maintain the record  
187.23 in a manner that provides access to the record by a criminal justice agency under paragraph  
187.24 (b), clause (1) or (2), but notifies the recipient that the record has been sealed. The Bureau  
187.25 of Criminal Apprehension shall notify the commissioner of human services or the  
187.26 Professional Educator Licensing and Standards Board of the existence of a sealed record  
187.27 and of the right to obtain access under paragraph (b), clause (4) or (5). Upon request, the  
187.28 agency or jurisdiction subject to the expungement order shall provide access to the record  
187.29 to the commissioner of human services or the Professional Educator Licensing and Standards  
187.30 Board under paragraph (b), clause (4) or (5).

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

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

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

188.6 (g) This subdivision applies to expungement orders subject to its limitations and effective  
188.7 on or after January 1, 2015, and grants of expungement relief issued on or after January 1,  
188.8 2025.

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

154.12 Sec. 18. Minnesota Statutes 2022, section 609A.03, subdivision 9, is amended to read:

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

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

154.20 Sec. 19. **[609A.035] PARDON EXTRAORDINARY; NO PETITION REQUIRED.**

154.21 (a) Notwithstanding section 609A.02, if the Board of Pardons grants a petition for a  
154.22 pardon extraordinary pursuant to section 638.02, subdivision 2, it shall file a copy of the  
154.23 pardon extraordinary with the district court of the county in which the conviction occurred.

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

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

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

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

155.5 (1) the contents of the plea agreement recommendation, including the amount of time  
155.6 recommended for the defendant to serve in jail or prison if the court accepts the agreement;  
155.7 ~~and~~

155.8 (2) the right to be present at the sentencing hearing and at the hearing during which the  
155.9 plea is presented to the court and to express orally or in writing, at the victim's option, any  
155.10 objection to the agreement or to the proposed disposition. If the victim is not present when

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

188.10 Sec. 11. Minnesota Statutes 2022, section 609A.03, subdivision 9, is amended to read:

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

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

180.1 Sec. 2. **[609A.05] NO DUTY TO DISCOVER; EMPLOYERS AND LANDLORDS.**

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

188.18 Sec. 12. Minnesota Statutes 2022, section 611A.03, subdivision 1, is amended to read:

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

188.22 (1) the contents of the plea agreement recommendation, including the amount of time  
188.23 recommended for the defendant to serve in jail or prison if the court accepts the agreement;  
188.24 ~~and~~

188.25 (2) the right to be present at the sentencing hearing and at the hearing during which the  
188.26 plea is presented to the court and to express orally or in writing, at the victim's option, any  
188.27 objection to the agreement or to the proposed disposition. If the victim is not present when

155.11 the court considers the recommendation, but has communicated objections to the prosecuting  
155.12 attorney, the prosecuting attorney shall make these objections known to the court; and

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

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

155.16 Sec. 21. Minnesota Statutes 2022, section 638.02, subdivision 2, is amended to read:

155.17 Subd. 2. **Petition; pardon extraordinary.** Any person, convicted of a crime in any  
155.18 court of this state, who has served the sentence imposed by the court and has been discharged  
155.19 of the sentence either by order of court or by operation of law, may petition the Board of  
155.20 Pardons for the granting of a pardon extraordinary. Unless the Board of Pardons expressly  
155.21 provides otherwise in writing by unanimous vote, the application for a pardon extraordinary  
155.22 may not be filed until the applicable time period in clause (1) or (2) has elapsed:

155.23 (1) if the person was convicted of a crime of violence as defined in section 624.712,  
155.24 subdivision 5, ten years must have elapsed since the sentence was discharged and during  
155.25 that time the person must not have been convicted of any other crime; and

155.26 (2) if the person was convicted of any crime not included within the definition of crime  
155.27 of violence under section 624.712, subdivision 5, five years must have elapsed since the  
155.28 sentence was discharged and during that time the person must not have been convicted of  
155.29 any other crime.

155.30 If the Board of Pardons determines that the person is of good character and reputation, the  
155.31 board may, in its discretion, grant the person a pardon extraordinary. The pardon  
155.32 extraordinary, when granted, has the effect of setting aside and nullifying the conviction  
156.1 and of purging the person of it, and the person shall never after that be required to disclose  
156.2 the conviction at any time or place other than in a judicial proceeding or as part of the  
156.3 licensing process for peace officers. The pardon extraordinary, after being granted and filed  
156.4 with the district court in which the conviction occurred, will also seal all records wherever  
156.5 held related to the arrest, indictment or information, trial, verdict, and pardon.

156.6 The application for a pardon extraordinary, the proceedings to review an application,  
156.7 and the notice requirements are governed by the statutes and the rules of the board in respect  
156.8 to other proceedings before the board. The application shall contain any further information  
156.9 that the board may require.

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

156.11 Sec. 22. Minnesota Statutes 2022, section 638.02, subdivision 3, is amended to read:

156.12 Subd. 3. **Pardon extraordinary; filing; copies sent.** Upon granting a pardon  
156.13 extraordinary, the Board of Pardons shall file a copy of it with the district court of the county

188.28 the court considers the recommendation, but has communicated objections to the prosecuting  
188.29 attorney, the prosecuting attorney shall make these objections known to the court; and

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

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

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63.19 Sec. 23. Minnesota Statutes 2022, section 638.02, subdivision 3, is amended to read:

63.20 Subd. 3. **Pardon extraordinary; filing; copies sent.** Upon granting a pardon  
63.21 extraordinary, the Board of Pardons shall file a copy of it with the district court of the county

156.14 in which the conviction occurred, and the court shall order the conviction set aside and  
156.15 include a copy of the pardon in the court file. The court shall order all records wherever  
156.16 held relating to the arrest, indictment or information, trial, verdict, and pardon sealed and  
156.17 prohibit the disclosure of the existence of the records or the opening of the records except  
156.18 under court order or pursuant to section 609A.03, subdivision 7a, paragraph (b), clause (1),  
156.19 (7) or (8). The court shall send a copy of its order and the pardon to the Bureau of Criminal  
156.20 Apprehension and all other government entities that hold affected records. The court  
156.21 administrator under section 609A.03, subdivision 8, shall send a copy of the expungement  
156.22 order to each government entity whose records are affected by the order, including but not  
156.23 limited to the Department of Corrections, the Department of Public Safety, and law  
156.24 enforcement agencies.

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

63.22 in which the conviction occurred, and the court shall order the conviction set aside and  
63.23 include a copy of the pardon in the court file. The court shall order all records wherever  
63.24 held relating to the arrest, indictment or information, trial, verdict, and pardon sealed and  
63.25 prohibit the disclosure of the existence of the records or the opening of the records except  
63.26 under court order or pursuant to section 609A.03, subdivision 7a, paragraph (b), clause (1).  
63.27 The court shall send a copy of its order and the pardon to the Bureau of Criminal  
63.28 Apprehension and all other government entities that hold affected records.