



### **Criminal Records Relief Act of 2014**

1. Arrest records, expunged records, and juvenile records may not be requested or used for purposes of employment, housing, or licensing, or for acceptance into programs of post-secondary education. Employers, landlords, and post-secondary education institutions asking for criminal background information must inform applicants that they need not report arrest records, expunged records, or juvenile records. Business screening services must remove expunged records.
2. Preponderance of evidence disqualifications under the Human Services Background Study Act may not be based only on non-conviction information for more than three years, except for maltreatment determinations.
3. It is unlawful practice for any person engaged in publishing or otherwise disseminating criminal record information through a print or electronic medium to solicit or accept the payment of a fee or other consideration to remove, correct, profit from, or modify said criminal record information.
4. The court may at any time issue an Order of Limited Relief from specific collateral sanctions.
5. In lieu of an order for expungement, an individual may petition for and the court may grant a Certificate of Rehabilitation no sooner than 1 year after completion of sentence. If granted, in no case may the individual petition for expungement of the records less than 3 years after petitioning for the Certificate.
6. Provides that records of pardoned cases shall be sealed and records of hearings report only petitioner's initials.

#### Expungement Law Changes\* (All include judicial authority to seal executive branch records.)

1. All juvenile records may be expunged pursuant to Chapter 260B.
2. Non-conviction cases not "resolved in favor", and petty misdemeanors, may be expunged if the petitioner has remained crime free for at least one year after completion of sentence. No petition is required with prosecutor agreement and victim notification for these cases, as well as cases with only a probationary sentence.
3. Misdemeanor, gross misdemeanor, 5<sup>th</sup> degree felony drug and 4<sup>th</sup> degree felony drug convictions may not be expunged until the petitioner has remained conviction free for at least 3 years after discharge from sentence. If domestic assault the records may not be expunged until the petitioner has remained conviction free for at least 5 years after discharge from sentence.
4. Felony convictions of offenses with a presumptive probationary sentence on the Minnesota Sentencing Guidelines may not be expunged until the petitioner has remained conviction free for at least 5 years after discharge from sentence. Other felony convictions may not be expunged until the petitioner has remained conviction free for at least 7 years after discharge from sentence.
5. Expungement orders shall also provide protection from liability for employers and landlords, and statement of rehabilitation for conviction cases, and limits duty of employers to discover expunged records.
6. A petitioner may not file for expungement of any records within 1 year of any previous petitions for expungement or petitions for orders of limited relief or certificates of rehabilitation.
7. Additional factors are added for the court to consider in granting an expungement.

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\* Maintains the following components of current expungement law: Arrest only records to be returned to subject of records in certain circumstances pursuant to 299C.11\*; records of deferred prosecution of certain first time drug offenders under section 152.18; record of juveniles prosecuted as adults may be expunged; cases resolved in favor of the petitioner may be expunged; burden of proving need and merit of expungement for all convictions is upon petitioner; convictions requiring predatory offender registration may not be expunged.