

1.1 moves to amend H.F. No. 891, the delete everything amendment
1.2 (H0891DE2), as follows:

1.3 Page 3, after line 7, insert:

1.4 "Sec. 4. Minnesota Statutes 2008, section 609A.03, subdivision 7, is amended to read:

1.5 Subd. 7. **Limitations of order.** (a) Upon issuance of an expungement order related
1.6 to a charge supported by probable cause, the DNA samples and DNA records held by
1.7 the Bureau of Criminal Apprehension and collected under authority other than section
1.8 299C.105, shall not be sealed, returned to the subject of the record, or destroyed.

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

1.10 (1) an expunged record may be opened upon request by law enforcement,
1.11 prosecution, or corrections authorities, for purposes of a criminal investigation,
1.12 prosecution, or sentencing, ~~upon an ex parte~~ without a court order;

1.13 (2) an expunged record of a conviction may be opened for purposes of evaluating a
1.14 prospective employee in a criminal justice agency without a court order; and

1.15 (3) an expunged record of a conviction may be opened for purposes of a background
1.16 study under section 245C.08 unless the court order for expungement is directed
1.17 specifically to the commissioner of human services.

1.18 Upon request by law enforcement, prosecution, or corrections authorities, an agency
1.19 or jurisdiction subject to an expungement order shall inform the requester of the existence
1.20 of a sealed record and of the right to obtain access to it as provided by this paragraph. For
1.21 purposes of this section, a "criminal justice agency" means courts or a government agency
1.22 that performs the administration of criminal justice under statutory authority."

1.23 Renumber the sections in sequence and correct the internal references

1.24 Amend the title accordingly