

Minnesota Clean Slate Act

Since 2014, Minnesota has had a petition-based expungement system in place. The Clean Slate Act of 2022, if enacted, would automate expungements for some of the offenses that already qualify for expungement under the current petition process.

The bipartisan legislation, HF1152/SF1856, is authored by Rep. Jamie Long and Senator Roger Chamberlain.

Criteria for qualifying for automatic expungement:

1. If person was arrested and all charges were dismissed after a case was filed unless dismissal was based on a finding that the defendant was incompetent to proceed.
2. If all pending actions or proceedings were resolved in favor of the person.
3. Person successfully completed the terms of a diversion program or stay of adjudication and has not been petitioned or charged with another offense, other than an offense that would be a petty misdemeanor, for one year immediately following completion of the diversion program or stay of adjudication.
4. Person was adjudicated delinquent for, convicted of, or received a stayed sentence for a qualifying offense.
5. Person has not been convicted of a new offense, other than a petty misdemeanor, in Minnesota during the application waiting period immediately following discharge of the disposition or sentence for the crime.
6. Person is not charged with an offense in Minnesota at the time the person reaches the end of the applicable waiting period.

Qualifying offenses for automatic expungement:

Petty Misdemeanor Offenses

NOT including traffic regulation relating to the operation or parking of motor vehicles.

Misdemeanor Offenses

NOT including any of the following:

- Fourth degree driving while impaired
- Violation of an order for protection
- Fifth degree assault
- Domestic assault
- Violation of a harassment restraining order
- Interference with emergency call
- Obscene or harassing phone calls
- Indecent exposure
- Interference with privacy
- Violation of domestic abuse no contact order

Gross Misdemeanor Offenses

NOT including any of the following:

- Second degree driving while impaired
- Third degree driving while impaired
- Violation of an order for protection
- Fourth degree or fifth degree assault
- Domestic assault
- Criminal neglect
- Fifth degree criminal sexual conduct
- Malicious punishment of a child
- Escape from custody
- Tampering with witness
- Fourth degree burglary
- Interference with privacy
- Violation of a harassment restraining order
- Harassment or stalking
- Interference with emergency call
- Indecent exposure
- Nonconsensual dissemination of private sexual images
- Violation of domestic abuse no-contact order

Felony offenses are ineligible for an automatic expungement

Felony offenses deemed to be a gross misdemeanor pursuant to section 609.13, subd. 1 remain ineligible. Gross misdemeanor offenses are ineligible for automatic expungement if deemed a felony pursuant to 609.13, subd. 2.

Employer & Public Safety Protections:

- Current law under Minnesota Statute 181.981 offers significant protection to an employer from an individual or entity asserting a claim of negligent hiring based solely on an offense that was expunged.
- Automatic expungements are more limited compared to the current petition process.
- Courts, prosecutors, and law enforcement agencies still have access to expunged record data.
- Expunged record of conviction will be disclosed for the purposes of a background study by DHS and other licensing boards and agencies if required.
- Bureau of Criminal Apprehension (BCA) responsible for maintaining records and processing automatic expungements.
- BCA required to notify each arresting and citing law enforcement agency that expungement relief was granted.
- Prosecuting attorney shall notify victims under the manner provided in 611A.03, subd. 1 and 2.
- In any subsequent prosecution of a person granted expungement relief, the expunged criminal record has the same effect as if the relief was not granted.

Waiting period for an expungement:

Eligible Petty Misdemeanors and Misdemeanors:

Two years

Eligible Gross Misdemeanors:

Four years

Other States:

Since 2018, five states have enacted automatic expungement relief – Pennsylvania, Utah, Michigan, Connecticut and Delaware. Several other states including Louisiana, Texas, Oregon, New York, Colorado, Missouri, and other states are considering legislation this year.

Supporters:



Americans for Prosperity
Minnesota



Justice Action Network



Minneapolis Regional
Chamber



Minnesota Catholic
Conference



Minnesota County Attorneys
Association (MCAA)



Minnesota Second
Chance Coalition



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