

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 3382
Version: First engrossment
Authors: Lesch and Paymar
Subject: Juvenile records; expungement
Analyst: Rebecca Pirius, 651-296-5044

DATE: March 23, 2010

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: www.house.mn/hrd.

Section

- 1** **Permanent bar to set aside a disqualification.** Requires the commissioner of human services to consider granting a variance or setting aside the permanent disqualification from jobs working with children and vulnerable adults if a disqualifying offense was committed while the person was a child and the person is now 21 years of age or older. This would not apply if the child had been certified as an adult.
- 2** **Public inspection of records.** Technical change.
- 3** **Peace officer records of children.** Technical change. Provides that a data subject's consent to release a peace officer record of a child is not effective, and a law enforcement agency must not release information in a manner that reveals the existence of the record.
- 4** **Offenses committed by juveniles.** Amends the current expungement law that allows a person who was certified as an adult under the juvenile code and convicted of the crime to petition for expungement if the person was finally discharged or successfully completed probation conditions. Authorizes the filing of an expungement petition for any type of delinquency adjudication or criminal record relating to a juvenile matter by a person who has successfully completed the disposition or sentencing terms and is no longer under supervision, if: (1) the matter was resolved under the delinquency provisions, regardless of whether the person was adjudicated, (2) the matter was designated as an EJJ prosecution and the adult sentence was never executed, (3) the matter was designated as an EJJ prosecution and the adult sentence was executed, or (4) the matter was certified for adult prosecution.
- 5** **Petition; filing fee.** Extends the filing fee waiver to certain cases under section 4 (records of juvenile matters). The waiver would apply to cases where the matter was resolved under the delinquency provisions, or if the matter was designated an EJJ prosecution but the adult sentence was never executed.
- 6** **Contents of petition.** Conforming changes relating to section 4.

- 7** **Hearing.** Closes expungement hearings on records relating to a juvenile matter and provides that the court may admit only persons with a direct interest in the case, unless the hearing for the underlying offense was open to the public (*i.e.*, 16 and 17 year olds who commit a felony-level offenses).
- 8** **Nature of remedy; standard.** Provides that the expungement petition under clauses (1) and (2) in section 4 of the bill (those resolved under the delinquency provisions or an EJJ case where the adult sentence was never executed) shall be granted unless the agency establishes by clear and convincing evidence that the public safety interests outweigh the disadvantages to the petitioner.
- 9** **Order concerning crimes of violence.** Conforming change relating to section 4. Provides that an expungement order for a delinquency adjudication for a crime of violence must provide that the person is subject to a lifetime prohibition on possessing firearms, unless the person's ability to possess firearms has been restored.
- 10** **Limitations of order.** Amends current law regarding limitations of expungement orders. Authorizes an expunged record of a delinquency adjudication to be opened for purposes of: (1) evaluating prospective employment in a criminal justice agency (without a court order), and (2) conducting a background study under section 245C.08 (working with vulnerable adults or children).