

Subject Expungement for victims of identity theft or mistaken identity

Authors Lesch

Analyst Ben Johnson (651-296-8957)

Date March 5, 2019

## Summary

Section	Description
1	<p><b>Identity theft or mistaken identity.</b></p> <p>Requires a prosecutor to provide notice to the court when charges against a person are dismissed as the result of either mistaken identity or the person using the identifying information of another as the result of identity theft. Directs the court to issue an order of expungement under those circumstances. Provides that the criminal records of a person charged as a result of mistaken identity or identity theft are not subject to the requirement under Minnesota Statutes, section 299C.11 that certain records may not be destroyed if the person committed a felony or gross misdemeanor in the preceding ten years. Reiterates the purpose of expunged records and further provides that a person who benefits from such an expungement is not responsible for any fees. Defines “law enforcement agency” and “mistaken identity.”</p>
2	<p><b>No petition required in certain cases with prosecutor agreement and notification.</b></p> <p>Adds the new subdivision created under section 1 to the category of expungements that can be granted without a petition.</p>