

**Subject** Allowing expunged records to be opened for firearm background checks

**Authors** Witte and Novotny

**Analyst** Ben Johnson (ben.johnson@house.mn.gov)

**Date** February 27, 2026

## Overview

An order of expungement does not automatically restore a person's right to purchase, possess, or carry a firearm. An order of expungement must provide that a person convicted of a crime of violence remains prohibited from possessing a firearm. A person may apply separately for restoration of the ability to possess firearms under section 609.165, subdivision 1d.

Expunged records can only be opened for specific purposes. Current law allows records to be opened for reasons including a criminal investigation or prosecution, a background study performed by the Department of Human Services, and when an individual applies for employment with a criminal justice agency. The statute does not specifically address background checks for individuals seeking a permit to purchase, receive, or carry a firearm.

This bill would allow chiefs of police and sheriffs to open expunged records for the purpose of conducting a background check when a person seeks a permit to purchase, receive, or carry a firearm. It allows chiefs and sheriffs to share the information with a counterpart who shares jurisdiction over the applicant's residence and provides access to the record by the subject on request.

## Summary

Section	Description
---------	-------------

1	<b>Expungement.</b>
---	---------------------

	Allows a juvenile record that has been expunged to be opened for the purpose of a background check to determine if a person is eligible to purchase, receive, or carry a firearm.
--	---

Section	Description
---------	-------------

2	<b>Firearms.</b>
---	------------------

Authorizes a chief of police or sheriff to open an expunged record for the purpose of a background check to determine if a person is eligible to purchase, receive, or carry a firearm. Allows a chief or sheriff to share an expunged record with the chief or sheriff with joint jurisdiction over the person's residence. Directs chiefs of police and sheriffs to maintain and store expunged records that are not the basis for denying a permit in a manner that restricts the use of the record to the investigation.

Authorizes a chief or sheriff to inform an applicant that an expunged record forms the basis for denying a permit. Requires a chief or sheriff to provide a copy of the record on request and requires that the record be produced if a person appeals a denial of an application for a permit. Establishes that an expunged order that is opened or shared under the section must not be used for any other purpose.



**MN HOUSE  
RESEARCH**

*Minnesota House Research Department provides nonpartisan legislative, legal, and information services to the Minnesota House of Representatives. This document can be made available in alternative formats.*

[www.house.mn.gov/hrd](http://www.house.mn.gov/hrd) | 651-296-6753 | Third Floor, Centennial Office Building | St. Paul, MN 55155