

SENATE
STATE OF MINNESOTA
NINETY-FOURTH SESSION

S.F. No. 3262

(SENATE AUTHORS: HOWE)

DATE	D-PG	OFFICIAL STATUS
04/03/2025	1349	Introduction and first reading Referred to Judiciary and Public Safety

1.1A bill for an act

1.2relating to public safety; providing access to expunged conviction records of

1.3applicants for licenses and positions in the private security industry; amending

1.4Minnesota Statutes 2024, section 609A.03, subdivisions 7, 7a.

1.5BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6Section 1. Minnesota Statutes 2024, section 609A.03, subdivision 7, is amended to read:

1.7Subd. 7. **Limitations of order effective before January 1, 2015.** (a) Upon issuance of

1.8an expungement order related to a charge supported by probable cause, the DNA samples

1.9and DNA records held by the Bureau of Criminal Apprehension and collected under authority

1.10other than section 299C.105, shall not be sealed, returned to the subject of the record, or

1.11destroyed.

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

1.13(1) an expunged record may be opened for purposes of a criminal investigation,

1.14prosecution, or sentencing, upon an ex parte court order;

1.15(2) an expunged record of a conviction may be opened for purposes of evaluating a

1.16prospective employee in a criminal justice agency without a court order; ~~and~~

1.17(3) an expunged record of a conviction may be opened for purposes of evaluating a

1.18current or prospective licensee under section 326.3381 or an employee of a license holder

1.19subject to a background check pursuant to section 326.336, subdivision 1, without a court

1.20order; and

~~(3)~~ (4) an expunged record of a conviction may be opened for purposes of a background study under section 245C.08 unless the court order for expungement is directed specifically to the commissioner of human services.

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

(c) This subdivision applies to expungement orders subject to its limitations and effective before January 1, 2015.

Sec. 2. Minnesota Statutes 2024, section 609A.03, subdivision 7a, is amended to read:

Subd. 7a. **Limitations of order effective January 1, 2015, and later.** (a) Upon issuance of an expungement order related to a charge supported by probable cause, the DNA samples and DNA records held by the Bureau of Criminal Apprehension and collected under authority other than section 299C.105 shall not be sealed, returned to the subject of the record, or destroyed.

(b) Notwithstanding the issuance of an expungement order:

(1) except as provided in clause (2), an expunged record may be opened, used, or exchanged between criminal justice agencies without a court order for the purposes of initiating, furthering, or completing a criminal investigation or prosecution or for sentencing purposes or providing probation or other correctional services;

(2) when a criminal justice agency seeks access to a record that was sealed under section 609A.02, subdivision 3, paragraph (a), clause (1), after an acquittal or a court order dismissing for lack of probable cause, for purposes of a criminal investigation, prosecution, or sentencing, the requesting agency must obtain an ex parte court order after stating a good-faith basis to believe that opening the record may lead to relevant information;

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

(4) an expunged record of a conviction may be opened for purposes of evaluating a current or prospective licensee under section 326.3381 or an employee of a license holder subject to a background check pursuant to section 326.336, subdivision 1, without a court order;

~~(4)~~ (5) an expunged record of a conviction may be opened for purposes of a background study under section 245C.08 unless the commissioner had been properly served with notice of the petition for expungement and the court order for expungement is directed specifically to the commissioner of human services following proper service of a petition, or following proceedings under section 609A.017, 609A.025, or 609A.035 upon service of an order to the commissioner of human services;

~~(5)~~ (6) an expunged record of a conviction may be opened for purposes of a background check required under section 122A.18, subdivision 8, unless the court order for expungement is directed specifically to the Professional Educator Licensing and Standards Board;

~~(6)~~ (7) the court may order an expunged record opened upon request by the victim of the underlying offense if the court determines that the record is substantially related to a matter for which the victim is before the court;

~~(7)~~ (8) a prosecutor may request, and the district court shall provide, certified records of conviction for a record expunged pursuant to sections 609A.015, 609A.017, 609A.02, 609A.025, and 609A.035, and the certified records of conviction may be disclosed and introduced in criminal court proceedings as provided by the rules of court and applicable law; and

~~(8)~~ (9) the subject of an expunged record may request, and the court shall provide, certified or uncertified records of conviction for a record expunged pursuant to sections 609A.015, 609A.017, 609A.02, 609A.025, and 609A.035.

(c) An agency or jurisdiction subject to an expungement order shall maintain the record in a manner that provides access to the record by a criminal justice agency under paragraph (b), clause (1) or (2), but notifies the recipient that the record has been sealed. The Bureau of Criminal Apprehension shall notify the commissioner of human services or the Professional Educator Licensing and Standards Board of the existence of a sealed record and of the right to obtain access under paragraph (b), clause ~~(4) or (5)~~ or (6). Upon request, the agency or jurisdiction subject to the expungement order shall provide access to the record to the commissioner of human services or the Professional Educator Licensing and Standards Board under paragraph (b), clause ~~(4) or (5)~~ or (6).

(d) An expunged record that is opened or exchanged under this subdivision remains subject to the expungement order in the hands of the person receiving the record.

(e) A criminal justice agency that receives an expunged record under paragraph (b), clause (1) or (2), must maintain and store the record in a manner that restricts the use of the record to the investigation, prosecution, or sentencing for which it was obtained.

4.1 (f) For purposes of this section, a "criminal justice agency" means a court or government
4.2 agency that performs the administration of criminal justice under statutory authority.

4.3 (g) This subdivision applies to expungement orders subject to its limitations and effective
4.4 on or after January 1, 2015, and grants of expungement relief issued on or after January 1,
4.5 2025.