

ARTICLE 8

EXPUNGEMENT

Section 1. Minnesota Statutes 2022, section 13.871, subdivision 14, is amended to read:

Subd. 14. **Expungement petitions.** (a) Provisions regarding the classification and sharing of data contained in a petition for expungement of a criminal record are included in section 609A.03.

(b) Provisions regarding the classification and sharing of data related to automatic expungements are included in sections 299C.097 and 609A.015.

EFFECTIVE DATE. This section is effective August 1, 2023.

Sec. 2. Minnesota Statutes 2022, section 152.18, subdivision 1, is amended to read:

Subdivision 1. **Deferring prosecution for certain first time drug offenders.** (a) A court may defer prosecution as provided in paragraph (c) for any person found guilty, after trial or upon a plea of guilty, of a violation of section 152.023, subdivision 2, 152.024, subdivision 2, 152.025, subdivision 2, or 152.027, subdivision 2, 3, 4, or 6, paragraph (d), for possession of a controlled substance, who:

(1) has not previously participated in or completed a diversion program authorized under section 401.065;

(2) has not previously been placed on probation without a judgment of guilty and thereafter been discharged from probation under this section; and

(3) has not been convicted of a felony violation of this chapter, including a felony-level attempt or conspiracy, or been convicted by the United States or another state of a similar offense that would have been a felony under this chapter if committed in Minnesota, unless ten years have elapsed since discharge from sentence.

(b) The court must defer prosecution as provided in paragraph (c) for any person found guilty of a violation of section 152.025, subdivision 2, who:

(1) meets the criteria listed in paragraph (a), clauses (1) to (3); and

(2) has not previously been convicted of a felony offense under any state or federal law or of a gross misdemeanor under section 152.025.

(c) In granting relief under this section, the court shall, without entering a judgment of guilty and with the consent of the person, defer further proceedings and place the person on probation upon such reasonable conditions as it may require and for a period, not to exceed the maximum sentence provided for the violation. The court may give the person the opportunity to attend and participate in an appropriate program of education regarding the nature and effects of alcohol and drug abuse as a stipulation of probation. Upon violation of a condition of the probation, the court may enter an adjudication of guilt and proceed as

ARTICLE 11

EXPUNGEMENT CHANGES; CONFORMING CHANGES

Section 1. Minnesota Statutes 2022, section 13.871, subdivision 14, is amended to read:

Subd. 14. **Expungement petitions.** (a) Provisions regarding the classification and sharing of data contained in a petition for expungement of a criminal record are included in section 609A.03.

(b) Provisions regarding the classification and sharing of data related to automatic expungements are included in sections 299C.097 and 609A.015.

Sec. 2. Minnesota Statutes 2022, section 152.18, subdivision 1, is amended to read:

Subdivision 1. **Deferring prosecution for certain first time drug offenders.** (a) A court may defer prosecution as provided in paragraph (c) for any person found guilty, after trial or upon a plea of guilty, of a violation of section 152.023, subdivision 2, 152.024, subdivision 2, 152.025, subdivision 2, or 152.027, subdivision 2, 3, 4, or 6, paragraph (d), for possession of a controlled substance, who:

(1) has not previously participated in or completed a diversion program authorized under section 401.065;

(2) has not previously been placed on probation without a judgment of guilty and thereafter been discharged from probation under this section; and

(3) has not been convicted of a felony violation of this chapter, including a felony-level attempt or conspiracy, or been convicted by the United States or another state of a similar offense that would have been a felony under this chapter if committed in Minnesota, unless ten years have elapsed since discharge from sentence.

(b) The court must defer prosecution as provided in paragraph (c) for any person found guilty of a violation of section 152.025, subdivision 2, who:

(1) meets the criteria listed in paragraph (a), clauses (1) to (3); and

(2) has not previously been convicted of a felony offense under any state or federal law or of a gross misdemeanor under section 152.025.

(c) In granting relief under this section, the court shall, without entering a judgment of guilty and with the consent of the person, defer further proceedings and place the person on probation upon such reasonable conditions as it may require and for a period, not to exceed the maximum sentence provided for the violation. The court may give the person the opportunity to attend and participate in an appropriate program of education regarding the nature and effects of alcohol and drug abuse as a stipulation of probation. Upon violation of a condition of the probation, the court may enter an adjudication of guilt and proceed as

131.5 otherwise provided. The court may, in its discretion, dismiss the proceedings against the
131.6 person and discharge the person from probation before the expiration of the maximum
131.7 period prescribed for the person's probation. If during the period of probation the person
131.8 does not violate any of the conditions of the probation, then upon expiration of the period
131.9 the court shall discharge the person and dismiss the proceedings against that person.
131.10 Discharge and dismissal under this subdivision shall be without court adjudication of guilt,
131.11 but a not public record of it shall be retained by the Bureau of Criminal Apprehension for
131.12 the purpose of use by the courts in determining the merits of subsequent proceedings against
131.13 the person. The not public record may also be opened only upon court order for purposes
131.14 of a criminal investigation, prosecution, or sentencing. Upon receipt of notice that the
131.15 proceedings were dismissed, the Bureau of Criminal Apprehension shall notify the arresting
131.16 or citing law enforcement agency and direct that agency to seal its records related to the
131.17 charge. Upon request by law enforcement, prosecution, or corrections authorities, the bureau
131.18 shall notify the requesting party of the existence of the not public record and the right to
131.19 seek a court order to open it pursuant to this section. The court shall forward a record of
131.20 any discharge and dismissal under this subdivision to the bureau which shall make and
131.21 maintain the not public record of it as provided under this subdivision. The discharge or
131.22 dismissal shall not be deemed a conviction for purposes of disqualifications or disabilities
131.23 imposed by law upon conviction of a crime or for any other purpose.

131.24 For purposes of this subdivision, "not public" has the meaning given in section 13.02,
131.25 subdivision 8a.

131.26 **EFFECTIVE DATE.** This section is effective August 1, 2023.

131.27 Sec. 3. Minnesota Statutes 2022, section 181.981, subdivision 1, is amended to read:

131.28 Subdivision 1. **Limitation on admissibility of criminal history.** Information regarding
131.29 a criminal history record of an employee or former employee may not be introduced as
131.30 evidence in a civil action against a private employer or its employees or agents that is based
131.31 on the conduct of the employee or former employee, if:

131.32 (1) the duties of the position of employment did not expose others to a greater degree
131.33 of risk than that created by the employee or former employee interacting with the public
131.34 outside of the duties of the position or that might be created by being employed in general;

132.1 (2) before the occurrence of the act giving rise to the civil action;

132.2 (i) a court order sealed any record of the criminal case;

132.3 (ii) any record of the criminal case was sealed as the result of an automatic expungement,
132.4 including but not limited to a grant of expungement made pursuant to section 609A.015;
132.5 or

132.6 (iii) the employee or former employee received a pardon;

132.7 (3) the record is of an arrest or charge that did not result in a criminal conviction; or

181.8 otherwise provided. The court may, in its discretion, dismiss the proceedings against the
181.9 person and discharge the person from probation before the expiration of the maximum
181.10 period prescribed for the person's probation. If during the period of probation the person
181.11 does not violate any of the conditions of the probation, then upon expiration of the period
181.12 the court shall discharge the person and dismiss the proceedings against that person.
181.13 Discharge and dismissal under this subdivision shall be without court adjudication of guilt,
181.14 but a not public record of it shall be retained by the Bureau of Criminal Apprehension for
181.15 the purpose of use by the courts in determining the merits of subsequent proceedings against
181.16 the person. The not public record may also be opened only upon court order for purposes
181.17 of a criminal investigation, prosecution, or sentencing. Upon receipt of notice that the
181.18 proceedings were dismissed, the Bureau of Criminal Apprehension shall notify the arresting
181.19 or citing law enforcement agency and direct that agency to seal its records related to the
181.20 charge. Upon request by law enforcement, prosecution, or corrections authorities, the bureau
181.21 shall notify the requesting party of the existence of the not public record and the right to
181.22 seek a court order to open it pursuant to this section. The court shall forward a record of
181.23 any discharge and dismissal under this subdivision to the bureau which shall make and
181.24 maintain the not public record of it as provided under this subdivision. The discharge or
181.25 dismissal shall not be deemed a conviction for purposes of disqualifications or disabilities
181.26 imposed by law upon conviction of a crime or for any other purpose.

181.27 For purposes of this subdivision, "not public" has the meaning given in section 13.02,
181.28 subdivision 8a.

181.29 Sec. 3. Minnesota Statutes 2022, section 181.981, subdivision 1, is amended to read:

181.30 Subdivision 1. **Limitation on admissibility of criminal history.** Information regarding
181.31 a criminal history record of an employee or former employee may not be introduced as
181.32 evidence in a civil action against a private employer or its employees or agents that is based
181.33 on the conduct of the employee or former employee, if:

182.1 (1) the duties of the position of employment did not expose others to a greater degree
182.2 of risk than that created by the employee or former employee interacting with the public
182.3 outside of the duties of the position or that might be created by being employed in general;

182.4 (2) before the occurrence of the act giving rise to the civil action;

182.5 (i) a court order sealed any record of the criminal case;

182.6 (ii) any record of the criminal case was sealed as the result of an automatic expungement,
182.7 including but not limited to a grant of expungement made pursuant to section 609A.015;
182.8 or

182.9 (iii) the employee or former employee received a pardon;

182.10 (3) the record is of an arrest or charge that did not result in a criminal conviction; or

132.8 (4) the action is based solely upon the employer's compliance with section 364.021.

132.9 **EFFECTIVE DATE.** This section is effective August 1, 2023.

132.10 Sec. 4. Minnesota Statutes 2022, section 245C.08, subdivision 1, is amended to read:

132.11 Subdivision 1. **Background studies conducted by Department of Human Services.** (a)

132.12 For a background study conducted by the Department of Human Services, the commissioner

132.13 shall review:

132.14 (1) information related to names of substantiated perpetrators of maltreatment of

132.15 vulnerable adults that has been received by the commissioner as required under section

132.16 626.557, subdivision 9c, paragraph (j);

132.17 (2) the commissioner's records relating to the maltreatment of minors in licensed

132.18 programs, and from findings of maltreatment of minors as indicated through the social

132.19 service information system;

132.20 (3) information from juvenile courts as required in subdivision 4 for individuals listed

132.21 in section 245C.03, subdivision 1, paragraph (a), when there is reasonable cause;

132.22 (4) information from the Bureau of Criminal Apprehension, including information

132.23 regarding a background study subject's registration in Minnesota as a predatory offender

132.24 under section 243.166;

132.25 (5) except as provided in clause (6), information received as a result of submission of

132.26 fingerprints for a national criminal history record check, as defined in section 245C.02,

132.27 subdivision 13c, when the commissioner has reasonable cause for a national criminal history

132.28 record check as defined under section 245C.02, subdivision 15a, or as required under section

132.29 144.057, subdivision 1, clause (2);

132.30 (6) for a background study related to a child foster family setting application for licensure,

132.31 foster residence settings, children's residential facilities, a transfer of permanent legal and

133.1 physical custody of a child under sections 260C.503 to 260C.515, or adoptions, and for a

133.2 background study required for family child care, certified license-exempt child care, child

133.3 care centers, and legal nonlicensed child care authorized under chapter 119B, the

133.4 commissioner shall also review:

133.5 (i) information from the child abuse and neglect registry for any state in which the

133.6 background study subject has resided for the past five years;

133.7 (ii) when the background study subject is 18 years of age or older, or a minor under

133.8 section 245C.05, subdivision 5a, paragraph (c), information received following submission

133.9 of fingerprints for a national criminal history record check; and

133.10 (iii) when the background study subject is 18 years of age or older or a minor under

133.11 section 245C.05, subdivision 5a, paragraph (d), for licensed family child care, certified

133.12 license-exempt child care, licensed child care centers, and legal nonlicensed child care

182.11 (4) the action is based solely upon the employer's compliance with section 364.021.

133.13 authorized under chapter 119B, information obtained using non-fingerprint-based data
133.14 including information from the criminal and sex offender registries for any state in which
133.15 the background study subject resided for the past five years and information from the national
133.16 crime information database and the national sex offender registry; and

133.17 (7) for a background study required for family child care, certified license-exempt child
133.18 care centers, licensed child care centers, and legal nonlicensed child care authorized under
133.19 chapter 119B, the background study shall also include, to the extent practicable, a name
133.20 and date-of-birth search of the National Sex Offender Public website.

133.21 (b) Notwithstanding expungement by a court, the commissioner may consider information
133.22 obtained under paragraph (a), clauses (3) and (4), unless:

133.23 (1) the commissioner received notice of the petition for expungement and the court order
133.24 for expungement is directed specifically to the commissioner; or

133.25 (2) the commissioner received notice of the expungement order issued pursuant to section
133.26 609A.017, 609A.025, or 609A.035, and the order for expungement is directed specifically
133.27 to the commissioner.

133.28 (c) The commissioner shall also review criminal case information received according
133.29 to section 245C.04, subdivision 4a, from the Minnesota court information system that relates
133.30 to individuals who have already been studied under this chapter and who remain affiliated
133.31 with the agency that initiated the background study.

133.32 (d) When the commissioner has reasonable cause to believe that the identity of a
133.33 background study subject is uncertain, the commissioner may require the subject to provide
134.1 a set of classifiable fingerprints for purposes of completing a fingerprint-based record check
134.2 with the Bureau of Criminal Apprehension. Fingerprints collected under this paragraph
134.3 shall not be saved by the commissioner after they have been used to verify the identity of
134.4 the background study subject against the particular criminal record in question.

134.5 (e) The commissioner may inform the entity that initiated a background study under
134.6 NETStudy 2.0 of the status of processing of the subject's fingerprints.

134.7 **EFFECTIVE DATE.** This section is effective August 1, 2023.

134.8 Sec. 5. Minnesota Statutes 2022, section 245C.08, subdivision 2, is amended to read:

134.9 Subd. 2. **Background studies conducted by a county agency for family child care.** (a)
134.10 Before the implementation of NETStudy 2.0, for a background study conducted by a county
134.11 agency for family child care services, the commissioner shall review:

134.12 (1) information from the county agency's record of substantiated maltreatment of adults
134.13 and the maltreatment of minors;

134.14 (2) information from juvenile courts as required in subdivision 4 for:

134.15 (i) individuals listed in section 245C.03, subdivision 1, paragraph (a), who are ages 13
134.16 through 23 living in the household where the licensed services will be provided; and

134.17 (ii) any other individual listed under section 245C.03, subdivision 1, when there is
134.18 reasonable cause; and

134.19 (3) information from the Bureau of Criminal Apprehension.

134.20 (b) If the individual has resided in the county for less than five years, the study shall
134.21 include the records specified under paragraph (a) for the previous county or counties of
134.22 residence for the past five years.

134.23 (c) Notwithstanding expungement by a court, the county agency may consider information
134.24 obtained under paragraph (a), clause (3), unless:

134.25 (1) the commissioner received notice of the petition for expungement and the court order
134.26 for expungement is directed specifically to the commissioner; or

134.27 (2) the commissioner received notice of the expungement order issued pursuant to section
134.28 609A.017, 609A.025, or 609A.035, and the order for expungement is directed specifically
134.29 to the commissioner.

134.30 **EFFECTIVE DATE.** This section is effective August 1, 2023.

135.1 Sec. 6. **[299C.097] DATABASE FOR IDENTIFYING INDIVIDUALS ELIGIBLE**
135.2 **FOR EXPUNGEMENT.**

135.3 (a) The superintendent of the Bureau of Criminal Apprehension shall maintain a
135.4 computerized data system relating to petty misdemeanor and misdemeanor offenses that
135.5 may become eligible for expungement pursuant to section 609A.015 and which do not
135.6 require fingerprinting pursuant to section 299C.10 and are not linked to an arrest record in
135.7 the criminal history system.

135.8 (b) ~~These~~ data ~~are~~ private data on individuals under section 13.02, subdivision 12.

135.9 **EFFECTIVE DATE.** This section is effective January 1, 2024.

135.10 Sec. 7. Minnesota Statutes 2022, section 299C.10, subdivision 1, is amended to read:

135.11 Subdivision 1. **Required fingerprinting.** (a) Sheriffs, peace officers, and community
135.12 corrections agencies operating secure juvenile detention facilities shall take or cause to be
135.13 taken immediately ~~finger fingerprints~~ and ~~thumb prints~~ ~~thumbprints~~, photographs, distinctive
135.14 physical mark identification data, information on any known aliases or street names, and
135.15 other identification data requested or required by the superintendent of the bureau, of the
135.16 following:

135.17 (1) persons arrested for, appearing in court on a charge of, or convicted of a felony, gross
135.18 misdemeanor, or targeted misdemeanor;

182.12 Sec. 4. **[299C.097] DATABASE FOR IDENTIFYING INDIVIDUALS ELIGIBLE**
182.13 **FOR EXPUNGEMENT.**

182.14 (a) The superintendent of the Bureau of Criminal Apprehension shall maintain a
182.15 computerized data system relating to petty misdemeanor and misdemeanor offenses that
182.16 may become eligible for expungement pursuant to section 609A.015 and which do not
182.17 require fingerprinting pursuant to section 299C.10 and are not linked to an arrest record in
182.18 the criminal history system.

182.19 (b) ~~This~~ data ~~is~~ private data on individuals under section 13.02, subdivision 12.

182.20 **EFFECTIVE DATE.** This section is effective January 1, 2024.

182.21 Sec. 5. Minnesota Statutes 2022, section 299C.10, subdivision 1, is amended to read:

182.22 Subdivision 1. **Required fingerprinting.** (a) Sheriffs, peace officers, and community
182.23 corrections agencies operating secure juvenile detention facilities shall take or cause to be
182.24 taken immediately ~~finger~~ and ~~thumb prints~~, photographs, distinctive physical mark
182.25 identification data, information on any known aliases or street names, and other identification
182.26 data requested or required by the superintendent of the bureau, of the following:

182.27 (1) persons arrested for, appearing in court on a charge of, or convicted of a felony, gross
182.28 misdemeanor, or targeted misdemeanor;

135.19 (2) juveniles arrested for, appearing in court on a charge of, adjudicated delinquent for,
135.20 or alleged to have committed felonies or gross misdemeanors as distinguished from those
135.21 committed by adult offenders;

135.22 (3) adults and juveniles admitted to jails or detention facilities;

135.23 (4) persons reasonably believed by the arresting officer to be fugitives from justice;

135.24 (5) persons in whose possession, when arrested, are found concealed firearms or other
135.25 dangerous weapons, burglar tools or outfits, high-power explosives, or articles, machines,
135.26 or appliances usable for an unlawful purpose and reasonably believed by the arresting officer
135.27 to be intended for such purposes;

135.28 (6) juveniles referred by a law enforcement agency to a diversion program for a felony
135.29 or gross misdemeanor offense; and

135.30 (7) persons currently involved in the criminal justice process, on probation, on parole,
135.31 or in custody for any offense whom the superintendent of the bureau identifies as being the
135.32 subject of a court disposition record which cannot be linked to an arrest record, and whose
136.1 fingerprints are necessary to reduce the number of suspense files, or to comply with the
136.2 mandates of section 299C.111, relating to the reduction of the number of suspense files.
136.3 This duty to obtain fingerprints for the offenses in suspense at the request of the bureau
136.4 shall include the requirement that fingerprints be taken in post-arrest interviews, while
136.5 making court appearances, while in custody, or while on any form of probation, diversion,
136.6 or supervised release.

136.7 (b) Unless the superintendent of the bureau requires a shorter period, within 24 hours
136.8 of taking the fingerprints and data, the fingerprint records and other identification data
136.9 specified under paragraph (a) must be electronically entered into a bureau-managed
136.10 searchable database in a manner as may be prescribed by the superintendent.

136.11 (c) Prosecutors, courts, and probation officers and their agents, employees, and
136.12 subordinates shall attempt to ensure that the required identification data is taken on a person
136.13 described in paragraph (a). Law enforcement may take fingerprints of an individual who is
136.14 presently on probation.

136.15 (d) ~~Finger Fingerprints~~ and ~~thumb prints~~ thumbprints must be obtained no later than:

136.16 (1) release from booking; or

136.17 (2) if not booked prior to acceptance of a plea of guilty or not guilty.

136.18 Prior to acceptance of a plea of guilty or not guilty, an individual's finger and thumb
136.19 prints must be submitted to the Bureau of Criminal Apprehension for the offense. If finger
136.20 and thumb prints have not been successfully received by the bureau, an individual may,
136.21 upon order of the court, be taken into custody for no more than eight hours so that the taking
136.22 of prints can be completed. Upon notice and motion of the prosecuting attorney, this time

183.1 (2) juveniles arrested for, appearing in court on a charge of, adjudicated delinquent for,
183.2 or alleged to have committed felonies or gross misdemeanors as distinguished from those
183.3 committed by adult offenders;

183.4 (3) adults and juveniles admitted to jails or detention facilities;

183.5 (4) persons reasonably believed by the arresting officer to be fugitives from justice;

183.6 (5) persons in whose possession, when arrested, are found concealed firearms or other
183.7 dangerous weapons, burglar tools or outfits, high-power explosives, or articles, machines,
183.8 or appliances usable for an unlawful purpose and reasonably believed by the arresting officer
183.9 to be intended for such purposes;

183.10 (6) juveniles referred by a law enforcement agency to a diversion program for a felony
183.11 or gross misdemeanor offense; and

183.12 (7) persons currently involved in the criminal justice process, on probation, on parole,
183.13 or in custody for any offense whom the superintendent of the bureau identifies as being the
183.14 subject of a court disposition record which cannot be linked to an arrest record, and whose
183.15 fingerprints are necessary to reduce the number of suspense files, or to comply with the
183.16 mandates of section 299C.111, relating to the reduction of the number of suspense files.
183.17 This duty to obtain fingerprints for the offenses in suspense at the request of the bureau
183.18 shall include the requirement that fingerprints be taken in post-arrest interviews, while
183.19 making court appearances, while in custody, or while on any form of probation, diversion,
183.20 or supervised release.

183.21 (b) Unless the superintendent of the bureau requires a shorter period, within 24 hours
183.22 of taking the fingerprints and data, the fingerprint records and other identification data
183.23 specified under paragraph (a) must be electronically entered into a bureau-managed
183.24 searchable database in a manner as may be prescribed by the superintendent.

183.25 (c) Prosecutors, courts, and probation officers and their agents, employees, and
183.26 subordinates shall attempt to ensure that the required identification data is taken on a person
183.27 described in paragraph (a). Law enforcement may take fingerprints of an individual who is
183.28 presently on probation.

183.29 (d) Finger and thumb prints must be obtained no later than:

183.30 (1) release from booking; or

183.31 (2) if not booked prior to acceptance of a plea of guilty or not guilty.

184.1 Prior to acceptance of a plea of guilty or not guilty, an individual's finger and thumb
184.2 prints must be submitted to the Bureau of Criminal Apprehension for the offense. If finger
184.3 and thumb prints have not been successfully received by the bureau, an individual may,
184.4 upon order of the court, be taken into custody for no more than eight hours so that the taking
184.5 of prints can be completed. Upon notice and motion of the prosecuting attorney, this time

136.23 period may be extended upon a showing that additional time in custody is essential for the
136.24 successful taking of prints.

136.25 (e) For purposes of this section, a targeted misdemeanor is a misdemeanor violation of
136.26 section 169A.20 (driving while impaired), 518B.01 (order for protection violation), 609.224
136.27 (fifth-degree assault), 609.2242 (domestic assault), 609.746 (interference with privacy),
136.28 609.748 (harassment or restraining order violation), 609.749 (obscene or harassing telephone
136.29 calls), 617.23 (indecent exposure), or 629.75 (domestic abuse no contact order).

136.30 EFFECTIVE DATE. This section is effective August 1, 2023, and applies to violations
136.31 that occur on or after that date.

137.1 Sec. 8. Minnesota Statutes 2022, section 299C.11, subdivision 1, is amended to read:

137.2 Subdivision 1. **Identification data other than DNA.** (a) Each sheriff and chief of police
137.3 shall furnish the bureau, upon such form as the superintendent shall prescribe, with such
137.4 ~~finger and thumb prints~~ fingerprints and thumbprints, photographs, distinctive physical
137.5 mark identification data, information on known aliases and street names, and other
137.6 identification data as may be requested or required by the superintendent of the bureau,
137.7 which must be taken under the provisions of section 299C.10. In addition, sheriffs and chiefs
137.8 of police shall furnish this identification data to the bureau for individuals found to have
137.9 been convicted of a felony, gross misdemeanor, or targeted misdemeanor, within the ten
137.10 years immediately preceding their arrest. When the bureau learns that an individual who is
137.11 the subject of a background check has used, or is using, identifying information, including,
137.12 but not limited to, name and date of birth, other than those listed on the criminal history,
137.13 the bureau shall convert into an electronic format, if necessary, and enter into a
137.14 bureau-managed searchable database the new identifying information when supported by
137.15 fingerprints within three business days of learning the information if the information is not
137.16 entered by a law enforcement agency.

137.17 (b) No petition under chapter 609A is required if the person has not been convicted of
137.18 any felony or gross misdemeanor, either within or without the state, within the period of
137.19 ten years immediately preceding the determination of all pending criminal actions or
137.20 proceedings in favor of the arrested person, and either of the following occurred:

137.21 (1) all charges were dismissed prior to a determination of probable cause; or

137.22 (2) the prosecuting authority declined to file any charges and a grand jury did not return
137.23 an indictment.

137.24 Where these conditions are met, the bureau or agency shall, upon demand, destroy the
137.25 arrested person's ~~finger and thumb prints~~ fingerprints and thumbprints, photographs,
137.26 distinctive physical mark identification data, information on known aliases and street names,
137.27 and other identification data, and all copies and duplicates of them.

137.28 (c) The bureau or agency shall destroy an arrested person's fingerprints and thumbprints,
137.29 photographs, distinctive physical mark identification data, information on known aliases

184.6 period may be extended upon a showing that additional time in custody is essential for the
184.7 successful taking of prints.

184.8 (e) For purposes of this section, a targeted misdemeanor is a misdemeanor violation of
184.9 section 169A.20 (driving while impaired), 518B.01 (order for protection violation), 609.224
184.10 (fifth-degree assault), 609.2242 (domestic assault), 609.746 (interference with privacy),
184.11 609.748 (harassment or restraining order violation), 609.749 (obscene or harassing telephone
184.12 calls), 617.23 (indecent exposure), or 629.75 (domestic abuse no contact order).

137.30 and street names, and other identification data and all copies and duplicates of them without
137.31 the demand of any person or the granting of a petition under chapter 609A if:

137.32 (1) the sheriff, chief of police, bureau, or other arresting agency determines that the
137.33 person was arrested or identified as the result of mistaken identity before presenting
137.34 information to the prosecuting authority for a charging decision; or

138.1 (2) the prosecuting authority declines to file any charges or a grand jury does not return
138.2 an indictment based on a determination that the person was identified or arrested as the
138.3 result of mistaken identity.

138.4 (d) A prosecuting authority that determines a person was arrested or identified as the
138.5 result of mistaken identity and either declines to file any charges or receives notice that a
138.6 grand jury did not return an indictment shall notify the bureau and the applicable sheriff,
138.7 chief of police, or other arresting agency of the determination.

138.8 ~~(e)~~ (e) Except as otherwise provided in paragraph (b) or (c), upon the determination of
138.9 all pending criminal actions or proceedings in favor of the arrested person, and the granting
138.10 of the petition of the arrested person under chapter 609A, the bureau shall seal ~~finger and~~
138.11 ~~thumb prints~~ fingerprints and thumbprints, photographs, distinctive physical mark
138.12 identification data, information on known aliases and street names, and other identification
138.13 data, and all copies and duplicates of them if the arrested person has not been convicted of
138.14 any felony or gross misdemeanor, either within or without the state, within the period of
138.15 ten years immediately preceding such determination.

138.16 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to
138.17 determinations that a person was identified as the result of mistaken identity made on or
138.18 after that date.

138.19 Sec. 9. Minnesota Statutes 2022, section 299C.11, subdivision 3, is amended to read:

138.20 Subd. 3. **Definitions.** For purposes of this section:

138.21 (1) "determination of all pending criminal actions or proceedings in favor of the arrested
138.22 person" does not include:

138.23 (i) the sealing of a criminal record pursuant to section 152.18, subdivision 1, 242.31, or
138.24 chapter 609A;

138.25 (ii) the arrested person's successful completion of a diversion program;

138.26 (iii) an order of discharge under section 609.165; or

138.27 (iv) a pardon granted under section 638.02; ~~and~~

138.28 (2) "mistaken identity" means the person was incorrectly identified as being a different
138.29 person:

138.30 (i) because the person's identity had been transferred, used, or possessed in violation of
138.31 section 609.527; or

139.1 (ii) as a result of misidentification by a witness or law enforcement, confusion on the
139.2 part of a witness or law enforcement as to the identity of the person who committed the
139.3 crime, misinformation provided to law enforcement as to the identity of the person who
139.4 committed the crime, or some other mistake on the part of a witness or law enforcement as
139.5 to the identity of the person who committed the crime; and

139.6 ~~(2)~~ (3) "targeted misdemeanor" has the meaning given in section 299C.10, subdivision
139.7 1.

139.8 **EFFECTIVE DATE.** This section is effective August 1, 2023.

139.9 Sec. 10. Minnesota Statutes 2022, section 299C.111, is amended to read:

139.10 **299C.111 SUSPENSE FILE REPORTING.**

139.11 The superintendent shall immediately notify the appropriate entity or individual when
139.12 a disposition record for a felony, gross misdemeanor, or targeted misdemeanor is received
139.13 that cannot be linked to an arrest record.

139.14 **EFFECTIVE DATE.** This section is effective January 1, 2025.

139.15 Sec. 11. Minnesota Statutes 2022, section 299C.17, is amended to read:

139.16 **299C.17 REPORT BY COURT ADMINISTRATOR.**

139.17 The superintendent shall require the court administrator of every court which sentences
139.18 a defendant for a felony, gross misdemeanor, ~~or targeted~~ misdemeanor, or petty misdemeanor
139.19 to electronically transmit within 24 hours of the disposition of the case a report, in a form
139.20 prescribed by the superintendent providing information required by the superintendent with
139.21 regard to the prosecution and disposition of criminal cases. A copy of the report shall be
139.22 kept on file in the office of the court administrator.

139.23 **EFFECTIVE DATE.** This section is effective January 1, 2025.

139.24 Sec. 12. Minnesota Statutes 2022, section 609A.01, is amended to read:

139.25 **609A.01 EXPUNGEMENT OF CRIMINAL RECORDS.**

139.26 This chapter provides the grounds and procedures for expungement of criminal records
139.27 under section 13.82; 152.18, subdivision 1; 299C.11, where expungement is automatic under
139.28 sections 609A.015, 609A.017, or 609A.035, or a petition is authorized under section 609A.02,
139.29 subdivision 3; or other applicable law. The remedy available is limited to a court order or
139.30 grant of expungement under section 609A.015 sealing the records and prohibiting the
140.1 disclosure of their existence or their opening except under court order or statutory authority.
140.2 Nothing in this chapter authorizes the destruction of records or their return to the subject
140.3 of the records.

184.13 Sec. 6. Minnesota Statutes 2022, section 299C.111, is amended to read:

184.14 **299C.111 SUSPENSE FILE REPORTING.**

184.15 The superintendent shall immediately notify the appropriate entity or individual when
184.16 a disposition record for a felony, gross misdemeanor, or targeted misdemeanor is received
184.17 that cannot be linked to an arrest record.

184.18 **EFFECTIVE DATE.** This section is effective January 1, 2025.

184.19 Sec. 7. Minnesota Statutes 2022, section 299C.17, is amended to read:

184.20 **299C.17 REPORT BY COURT ADMINISTRATOR.**

184.21 The superintendent shall require the court administrator of every court which sentences
184.22 a defendant for a felony, gross misdemeanor, ~~or targeted~~ misdemeanor, or petty misdemeanor
184.23 to electronically transmit within 24 hours of the disposition of the case a report, in a form
184.24 prescribed by the superintendent providing information required by the superintendent with
184.25 regard to the prosecution and disposition of criminal cases. A copy of the report shall be
184.26 kept on file in the office of the court administrator.

184.27 **EFFECTIVE DATE.** This section is effective January 1, 2025.

184.28 Sec. 8. Minnesota Statutes 2022, section 609A.01, is amended to read:

184.29 **609A.01 EXPUNGEMENT OF CRIMINAL RECORDS.**

184.30 This chapter provides the grounds and procedures for expungement of criminal records
184.31 under section 13.82; 152.18, subdivision 1; 299C.11, where expungement is automatic under
185.1 section 609A.015, or a petition is authorized under section 609A.02, subdivision 3; or other
185.2 applicable law. The remedy available is limited to a court order or grant of expungement
185.3 under section 609A.015 sealing the records and prohibiting the disclosure of their existence
185.4 or their opening except under court order or statutory authority. Nothing in this chapter
185.5 authorizes the destruction of records or their return to the subject of the records.

140.4 EFFECTIVE DATE. This section is effective January 1, 2025.

140.5 Sec. 13. [609A.015] AUTOMATIC EXPUNGEMENT OF RECORDS.

140.6 Subdivision 1. Eligibility; dismissal; exoneration. (a) A person who is the subject of
140.7 a criminal record or delinquency record is eligible for a grant of expungement relief without
140.8 the filing of a petition:

140.9 (1) if the person was arrested and all charges were dismissed after a case was filed unless
140.10 dismissal was based on a finding that the defendant was incompetent to proceed;

140.11 (2) upon the dismissal and discharge of proceedings against a person under section
140.12 152.18, subdivision 1, for violation of section 152.024, 152.025, or 152.027 for possession
140.13 of a controlled substance; or

140.14 (3) if all pending actions or proceedings were resolved in favor of the person.

140.15 (b) For purposes of this chapter, a verdict of not guilty by reason of mental illness is not
140.16 a resolution in favor of the person. For purposes of this chapter, an action or proceeding is
140.17 resolved in favor of the person if the petitioner received an order under section 590.11
140.18 determining that the person is eligible for compensation based on exoneration.

140.19 Subd. 2. Eligibility; diversion and stay of adjudication. A person is eligible for a grant
140.20 of expungement relief if the person has successfully completed the terms of a diversion
140.21 program or stay of adjudication for a qualifying offense that is not a felony and has not been
140.22 petitioned or charged with a new offense, other than an offense that would be a petty
140.23 misdemeanor, in Minnesota:

140.24 (1) for one year immediately following completion of the diversion program or stay of
140.25 adjudication; or

140.26 (2) for one year immediately preceding a subsequent review performed pursuant to
140.27 subdivision 5, paragraph (a).

140.28 Subd. 3. Eligibility; certain criminal proceedings. (a) A person is eligible for a grant
140.29 of expungement relief if the person:

140.30 (1) was convicted of a qualifying offense;

141.1 (2) has not been convicted of a new offense, other than an offense that would be a petty
141.2 misdemeanor, in Minnesota:

141.3 (i) during the applicable waiting period immediately following discharge of the disposition
141.4 or sentence for the crime; or

185.6 EFFECTIVE DATE. This section is effective January 1, 2025.

170.7 Section 1. [609A.015] AUTOMATIC EXPUNGEMENT OF RECORDS.

170.8 Subdivision 1. Eligibility; dismissal; exoneration. (a) A person who is the subject of
170.9 a criminal record or delinquency record is eligible for a grant of expungement relief without
170.10 the filing of a petition:

170.11 (1) if the person was arrested and all charges were dismissed after a case was filed unless
170.12 dismissal was based on a finding that the defendant was incompetent to proceed;

170.13 (2) upon the dismissal and discharge of proceedings against a person under section
170.14 152.18, subdivision 1, for violation of section 152.024, 152.025, or 152.027 for possession
170.15 of a controlled substance; or

170.16 (3) if all pending actions or proceedings were resolved in favor of the person.

170.17 (b) For purposes of this chapter, a verdict of not guilty by reason of mental illness is not
170.18 a resolution in favor of the person. For purposes of this chapter, an action or proceeding is
170.19 resolved in favor of the person if the petitioner received an order under section 590.11
170.20 determining that the person is eligible for compensation based on exoneration.

170.21 Subd. 2. Eligibility; diversion and stay of adjudication. A person is eligible for a grant
170.22 of expungement relief if the person has successfully completed the terms of a diversion
170.23 program or stay of adjudication for a qualifying offense that is not a felony and has not been
170.24 petitioned or charged with a new offense, other than an offense that would be a petty
170.25 misdemeanor, in Minnesota:

170.26 (1) for one year immediately following completion of the diversion program or stay of
170.27 adjudication; or

170.28 (2) for one year immediately preceding a subsequent review performed pursuant to
170.29 subdivision 6, paragraph (a).

170.30 Subd. 3. Eligibility; pardon. A person is eligible for a grant of expungement relief if
170.31 the person receives a pardon extraordinary under chapter 638.

171.1 Subd. 4. Eligibility; certain criminal proceedings. (a) A person is eligible for a grant
171.2 of expungement relief if the person:

171.3 (1) was convicted of a qualifying offense;

171.4 (2) has not been convicted of a new offense, other than an offense that would be a petty
171.5 misdemeanor, in Minnesota:

171.6 (i) during the applicable waiting period immediately following discharge of the disposition
171.7 or sentence for the crime; or

141.5 (ii) during the applicable waiting period immediately preceding a subsequent review
141.6 performed pursuant to subdivision 5, paragraph (a); and

141.7 (3) is not charged with an offense, other than an offense that would be a petty
141.8 misdemeanor, in Minnesota at the time the person reaches the end of the applicable waiting
141.9 period or at the time of a subsequent review.

141.10 (b) As used in this subdivision, "qualifying offense" means a conviction for:

141.11 (1) any petty misdemeanor offense other than a violation of a traffic regulation relating
141.12 to the operation or parking of motor vehicles;

141.13 (2) any misdemeanor offense other than:

141.14 (i) section 169A.20 under the terms described in section 169A.27 (fourth-degree driving
141.15 while impaired);

141.16 (ii) section 518B.01, subdivision 14 (violation of an order for protection);

141.17 (iii) section 609.224 (assault in the fifth degree);

141.18 (iv) section 609.2242 (domestic assault);

141.19 (v) section 609.748 (violation of a harassment restraining order);

141.20 (vi) section 609.78 (interference with emergency call);

141.21 (vii) section 609.79 (obscene or harassing phone calls);

141.22 (viii) section 617.23 (indecent exposure);

141.23 (ix) section 609.746 (interference with privacy); or

141.24 (x) section 629.75 (violation of domestic abuse no contact order);

141.25 (3) any gross misdemeanor offense other than:

141.26 (i) section 169A.25 (second-degree driving while impaired);

141.27 (ii) section 169A.26 (third-degree driving while impaired);

141.28 (iii) section 518B.01, subdivision 14 (violation of an order for protection);

141.29 (iv) section 609.2113, subdivision 3 (criminal vehicular operation);

142.1 (v) section 609.2231 (assault in the fourth degree);

142.2 (vi) section 609.224 (assault in the fifth degree);

142.3 (vii) section 609.2242 (domestic assault);

142.4 (viii) section 609.233 (criminal neglect);

171.8 (ii) during the applicable waiting period immediately preceding a subsequent review
171.9 performed pursuant to subdivision 6, paragraph (a); and

171.10 (3) is not charged with an offense, other than an offense that would be a petty
171.11 misdemeanor, in Minnesota at the time the person reaches the end of the applicable waiting
171.12 period or at the time of a subsequent review.

171.13 (b) As used in this subdivision, "qualifying offense" means a conviction for:

171.14 (1) any petty misdemeanor offense other than a violation of a traffic regulation relating
171.15 to the operation or parking of motor vehicles;

171.16 (2) any misdemeanor offense other than:

171.17 (i) section 169A.20 under the terms described in section 169A.27 (fourth-degree driving
171.18 while impaired);

171.19 (ii) section 518B.01, subdivision 14 (violation of an order for protection);

171.20 (iii) section 609.224 (assault in the fifth degree);

171.21 (iv) section 609.2242 (domestic assault);

171.22 (v) section 609.748 (violation of a harassment restraining order);

171.23 (vi) section 609.78 (interference with emergency call);

171.24 (vii) section 609.79 (obscene or harassing phone calls);

171.25 (viii) section 617.23 (indecent exposure);

171.26 (ix) section 609.746 (interference with privacy); or

171.27 (x) section 629.75 (violation of domestic abuse no contact order);

171.28 (3) any gross misdemeanor offense other than:

171.29 (i) section 169A.25 (second-degree driving while impaired);

172.1 (ii) section 169A.26 (third-degree driving while impaired);

172.2 (iii) section 518B.01, subdivision 14 (violation of an order for protection);

172.3 (iv) section 609.2113, subdivision 3 (criminal vehicular operation);

172.4 (v) section 609.2231 (assault in the fourth degree);

172.5 (vi) section 609.224 (assault in the fifth degree);

172.6 (vii) section 609.2242 (domestic assault);

172.7 (viii) section 609.233 (criminal neglect);

142.5 (ix) section 609.3451 (criminal sexual conduct in the fifth degree);
142.6 (x) section 609.377 (malicious punishment of child);
142.7 (xi) section 609.485 (escape from custody);
142.8 (xii) section 609.498 (tampering with witness);
142.9 (xiii) section 609.582, subdivision 4 (burglary in the fourth degree);
142.10 (xiv) section 609.746 (interference with privacy);
142.11 (xv) section 609.748 (violation of a harassment restraining order);
142.12 (xvi) section 609.749 (harassment; stalking);
142.13 (xvii) section 609.78 (interference with emergency call);
142.14 (xviii) section 617.23 (indecent exposure);
142.15 (xix) section 617.261 (nonconsensual dissemination of private sexual images); or
142.16 (xx) section 629.75 (violation of domestic abuse no contact order); or
142.17 (4) any felony offense listed in section 609A.02, subdivision 3, paragraph (b), other
142.18 than:
142.19 (i) section 152.023, subdivision 2 (possession of a controlled substance in the third
142.20 degree);
142.21 (ii) 152.024, subdivision 2 (possession of a controlled substance in the fourth degree);

142.22 (iii) section 609.485, subdivision 4, paragraph (a), clause (2) or (4) (escape from civil
142.23 commitment for mental illness); or
142.24 (iv) section 609.746, subdivision 1, paragraph (e) (interference with privacy; subsequent
142.25 violation or minor victim);
142.26 (c) As used in this subdivision, "applicable waiting period" means:
142.27 (1) if the offense was a petty misdemeanor, two years since discharge of the sentence;
143.1 (2) if the offense was a misdemeanor, two years since discharge of the sentence for the
143.2 crime;
143.3 (3) if the offense was a gross misdemeanor, three years since discharge of the sentence
143.4 for the crime;
143.5 (4) if the offense was a felony violation of section 152.025, four years since the discharge
143.6 of the sentence for the crime; and

172.8 (ix) section 609.3451 (criminal sexual conduct in the fifth degree);
172.9 (x) section 609.377 (malicious punishment of child);
172.10 (xi) section 609.485 (escape from custody);
172.11 (xii) section 609.498 (tampering with witness);
172.12 (xiii) section 609.582, subdivision 4 (burglary in the fourth degree);
172.13 (xiv) section 609.746 (interference with privacy);
172.14 (xv) section 609.748 (violation of a harassment restraining order);
172.15 (xvi) section 609.749 (harassment; stalking);
172.16 (xvii) section 609.78 (interference with emergency call);
172.17 (xviii) section 617.23 (indecent exposure);
172.18 (xix) section 617.261 (nonconsensual dissemination of private sexual images); or
172.19 (xx) section 629.75 (violation of domestic abuse no contact order); or
172.20 (4) any felony offense listed in section 609A.02, subdivision 3, paragraph (b), other
172.21 than:
172.26 (iii) section 152.023, subdivision 2 (possession of a controlled substance in the third
172.27 degree); and
173.1 (iv) section 152.024, subdivision 2 (possession of a controlled substance in the fourth
173.2 degree);
172.22 (i) section 609.485, subdivision 4, paragraph (a), clause (2) or (4) (escape from civil
172.23 commitment for mental illness);
172.24 (ii) section 609.746, subdivision 1, paragraph (e) (interference with privacy; subsequent
172.25 violation or minor victim);
173.3 (c) As used in this subdivision, "applicable waiting period" means:
173.4 (1) if the offense was a petty misdemeanor, two years since discharge of the sentence;
173.5 (2) if the offense was a misdemeanor, two years since discharge of the sentence for the
173.6 crime;
173.7 (3) if the offense was a gross misdemeanor, three years since discharge of the sentence
173.8 for the crime;
173.9 (4) if the offense was a felony violation of section 152.025, four years since the discharge
173.10 of the sentence for the crime; and

143.7 (5) if the offense was any other felony, five years since discharge of the sentence for the
143.8 crime.

143.9 (d) Felony offenses deemed to be a gross misdemeanor or misdemeanor pursuant to
143.10 section 609.13, subdivision 1, remain ineligible for expungement under this section. Gross
143.11 misdemeanor offenses ineligible for a grant of expungement under this section remain
143.12 ineligible if deemed to be for a misdemeanor pursuant to section 609.13, subdivision 2.

143.13 Subd. 4. **Notice.** (a) The court shall notify a person who may become eligible for an
143.14 automatic expungement under this section of that eligibility at any hearing where the court
143.15 dismisses and discharges proceedings against a person under section 152.18, subdivision
143.16 1, for violation of section 152.024, 152.025, or 152.027 for possession of a controlled
143.17 substance; concludes that all pending actions or proceedings were resolved in favor of the
143.18 person; grants a person's placement into a diversion program; or sentences a person or
143.19 otherwise imposes a consequence for a qualifying offense.

143.20 (b) To the extent possible, prosecutors, defense counsel, supervising agents, and
143.21 coordinators or supervisors of a diversion program shall notify a person who may become
143.22 eligible for an automatic expungement under this section of that eligibility.

143.23 (c) If any party gives notification under this subdivision, the notification shall inform
143.24 the person that:

143.25 (1) a record expunged under this section may be opened for purposes of a background
143.26 study by the Department of Human Services under section 245C.08 and for purposes of a
143.27 background check by the Professional Educator Licensing and Standards Board as required
143.28 under section 122A.18, subdivision 8; and

143.29 (2) the person can file a petition to expunge the record and request that the petition be
143.30 directed to the commissioner of human services and the Professional Educator Licensing
143.31 and Standards Board.

143.32 Subd. 5. **Bureau of Criminal Apprehension to identify eligible persons and grant**
143.33 **expungement relief.** (a) The Bureau of Criminal Apprehension shall identify any records
144.1 that qualify for a grant of expungement relief pursuant to this subdivision or subdivision 1,
144.2 2, or 3. The Bureau of Criminal Apprehension shall make an initial determination of
144.3 eligibility within 30 days of the end of the applicable waiting period. If a record is not
144.4 eligible for a grant of expungement at the time of the initial determination, the Bureau of
144.5 Criminal Apprehension shall make subsequent eligibility determinations annually until the
144.6 record is eligible for a grant of expungement.

144.7 (b) In making the determination under paragraph (a), the Bureau of Criminal
144.8 Apprehension shall identify individuals who are the subject of relevant records through the
144.9 use of fingerprints and thumbprints where fingerprints and thumbprints are available. Where
144.10 fingerprints and thumbprints are not available, the Bureau of Criminal Apprehension shall
144.11 identify individuals through the use of the person's name and date of birth. Records containing
144.12 the same name and date of birth shall be presumed to refer to the same individual unless

173.11 (5) if the offense was any other felony, five years since discharge of the sentence for the
173.12 crime.

173.13 (d) Felony offenses deemed to be a gross misdemeanor or misdemeanor pursuant to
173.14 section 609.13, subdivision 1, remain ineligible for expungement under this section. Gross
173.15 misdemeanor offenses ineligible for a grant of expungement under this section remain
173.16 ineligible if deemed to be for a misdemeanor pursuant to section 609.13, subdivision 2.

173.17 Subd. 5. **Notice.** (a) The court shall notify a person who may become eligible for an
173.18 automatic expungement under this section of that eligibility at any hearing where the court
173.19 dismisses and discharges proceedings against a person under section 152.18, subdivision
173.20 1, for violation of section 152.024, 152.025, or 152.027 for possession of a controlled
173.21 substance; concludes that all pending actions or proceedings were resolved in favor of the
173.22 person; grants a person's placement into a diversion program; or sentences a person or
173.23 otherwise imposes a consequence for a qualifying offense.

173.24 (b) To the extent possible, prosecutors, defense counsel, supervising agents, and
173.25 coordinators or supervisors of a diversion program shall notify a person who may become
173.26 eligible for an automatic expungement under this section of that eligibility.

173.27 (c) If any party gives notification under this subdivision, the notification shall inform
173.28 the person that:

173.29 (1) a record expunged under this section may be opened for purposes of a background
173.30 study by the Department of Human Services under section 245C.08 and for purposes of a
173.31 background check by the Professional Educator Licensing and Standards Board as required
173.32 under section 122A.18, subdivision 8; and

174.1 (2) the person can file a petition to expunge the record and request that the petition be
174.2 directed to the commissioner of human services and the Professional Educator Licensing
174.3 and Standards Board.

174.4 Subd. 6. **Bureau of Criminal Apprehension to identify eligible persons and grant**
174.5 **expungement relief.** (a) The Bureau of Criminal Apprehension shall identify any records
174.6 that qualify for a grant of expungement relief pursuant to this subdivision or subdivision 1,
174.7 2, 3, or 4. The Bureau of Criminal Apprehension shall make an initial determination of
174.8 eligibility within 30 days of the end of the applicable waiting period. If a record is not
174.9 eligible for a grant of expungement at the time of the initial determination, the Bureau of
174.10 Criminal Apprehension shall make subsequent eligibility determinations annually until the
174.11 record is eligible for a grant of expungement.

174.12 (b) In making the determination under paragraph (a), the Bureau of Criminal
174.13 Apprehension shall identify individuals who are the subject of relevant records through the
174.14 use of finger and thumb prints where finger and thumb prints are available. Where finger
174.15 and thumb prints are not available, the Bureau of Criminal Apprehension shall identify
174.16 individuals through the use of the person's name and date of birth. Records containing the
174.17 same name and date of birth shall be presumed to refer to the same individual unless other

144.13 other evidence establishes, by a preponderance of the evidence, that they do not refer to the
144.14 same individual. The Bureau of Criminal Apprehension is not required to review any other
144.15 evidence in making a determination.

144.16 (c) The Bureau of Criminal Apprehension shall grant expungement relief to qualifying
144.17 persons and seal its own records without requiring an application, petition, or motion.
144.18 Records shall be sealed 60 days after notice is sent to the judicial branch pursuant to
144.19 paragraph (e) unless an order of the judicial branch prohibits sealing the records or additional
144.20 information establishes that the records are not eligible for expungement.

144.21 (d) Nonpublic criminal records maintained by the Bureau of Criminal Apprehension
144.22 and subject to a grant of expungement relief shall display a notation stating "expungement
144.23 relief granted pursuant to section 609A.015."

144.24 (e) The Bureau of Criminal Apprehension shall inform the judicial branch of all cases
144.25 for which expungement relief was granted pursuant to this section. Notification may be
144.26 through electronic means and may be made in real time or in the form of a monthly report.
144.27 Upon receipt of notice, the judicial branch shall seal all records relating to an arrest,
144.28 indictment or information, trial, verdict, or dismissal and discharge for any case in which
144.29 expungement relief was granted and shall issue any order deemed necessary to achieve this
144.30 purpose.

144.31 (f) The Bureau of Criminal Apprehension shall inform each law enforcement agency
144.32 that its records may be affected by a grant of expungement relief. Notification may be
144.33 through electronic means. Each notified law enforcement agency that receives a request to
144.34 produce records shall first contact the Bureau of Criminal Apprehension to determine if the
145.1 records were subject to a grant of expungement under this section. The law enforcement
145.2 agency must not disclose records relating to an arrest, indictment or information, trial,
145.3 verdict, or dismissal and discharge for any case in which expungement relief was granted
145.4 and must maintain the data consistent with the classification in paragraph (g). This paragraph
145.5 does not apply to requests from a criminal justice agency as defined in section 609A.03,
145.6 subdivision 7a, paragraph (f), for the purposes of:

145.7 (1) initiating, furthering, or completing a criminal investigation or prosecution or for
145.8 sentencing purposes or providing probation or other correctional services; or

145.9 (2) evaluating a prospective employee in a criminal justice agency without a court order.

145.10 (g) Data on the person whose offense has been expunged under this subdivision, including
145.11 any notice sent pursuant to paragraph (f), are private data on individuals as defined in section
145.12 13.02, subdivision 12.

145.13 (h) The prosecuting attorney shall notify the victim that an offense qualifies for automatic
145.14 expungement under this section in the manner provided in section 611A.03, subdivisions
145.15 1 and 2.

174.18 evidence establishes, by a preponderance of the evidence, that they do not refer to the same
174.19 individual. The Bureau of Criminal Apprehension is not required to review any other
174.20 evidence in making a determination.

174.21 (c) The Bureau of Criminal Apprehension shall grant expungement relief to qualifying
174.22 persons and seal its own records without requiring an application, petition, or motion.
174.23 Records shall be sealed 60 days after notice is sent to the judicial branch pursuant to
174.24 paragraph (e) unless an order of the judicial branch prohibits sealing the records or additional
174.25 information establishes that the records are not eligible for expungement.

174.26 (d) Nonpublic criminal records maintained by the Bureau of Criminal Apprehension
174.27 and subject to a grant of expungement relief shall display a notation stating "expungement
174.28 relief granted pursuant to section 609A.015."

174.29 (e) The Bureau of Criminal Apprehension shall inform the judicial branch of all cases
174.30 for which expungement relief was granted pursuant to this section. Notification may be
174.31 through electronic means and may be made in real time or in the form of a monthly report.
174.32 Upon receipt of notice, the judicial branch shall seal all records relating to an arrest,
174.33 indictment or information, trial, verdict, or dismissal and discharge for any case in which
175.1 expungement relief was granted and shall issue any order deemed necessary to achieve this
175.2 purpose.

175.3 (f) The Bureau of Criminal Apprehension shall inform each law enforcement agency
175.4 that its records may be affected by a grant of expungement relief. Notification may be
175.5 through electronic means. Each notified law enforcement agency that receives a request to
175.6 produce records shall first contact the Bureau of Criminal Apprehension to determine if the
175.7 records were subject to a grant of expungement under this section. The law enforcement
175.8 agency must not disclose records relating to an arrest, indictment or information, trial,
175.9 verdict, or dismissal and discharge for any case in which expungement relief was granted
175.10 and must maintain the data consistent with the classification in paragraph (g). This paragraph
175.11 does not apply to requests from a criminal justice agency as defined in section 609A.03,
175.12 subdivision 7a, paragraph (f), for the purposes of:

175.13 (1) initiating, furthering, or completing a criminal investigation or prosecution or for
175.14 sentencing purposes or providing probation or other correctional services; or

175.15 (2) evaluating a prospective employee in a criminal justice agency without a court order.

175.16 (g) Data on the person whose offense has been expunged under this subdivision, including
175.17 any notice sent pursuant to paragraph (f), are private data on individuals as defined in section
175.18 13.02, subdivision 12.

175.19 (h) The prosecuting attorney shall notify the victim that an offense qualifies for automatic
175.20 expungement under this section in the manner provided in section 611A.03, subdivisions
175.21 1 and 2.

145.16 (i) In any subsequent prosecution of a person granted expungement relief, the expunged
145.17 criminal record may be pleaded and has the same effect as if the relief had not been granted.

145.18 (j) The Bureau of Criminal Apprehension is directed to develop, modify, or update a
145.19 system to provide criminal justice agencies with uniform statewide access to criminal records
145.20 sealed by expungement.

145.21 Subd. 6. **Immunity from civil liability.** Employees of the Bureau of Criminal
145.22 Apprehension shall not be held civilly liable for the exercise or the failure to exercise, or
145.23 the decision to exercise or the decision to decline to exercise, the powers granted by this
145.24 section or for any act or omission occurring within the scope of the performance of their
145.25 duties under this section.

145.26 **EFFECTIVE DATE.** This section is effective January 1, 2025, and applies to offenses
145.27 that meet the eligibility criteria on or after that date and retroactively to offenses that met
145.28 those qualifications before January 1, 2025, and are stored in the Bureau of Criminal
145.29 Apprehension's criminal history system as of January 1, 2025.

145.30 Sec. 14. **[609A.017] MISTAKEN IDENTITY; AUTOMATIC EXPUNGEMENT.**

145.31 Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the
145.32 meanings given.

146.1 (b) "Conviction" means a plea of guilty, a verdict of guilty by a jury, or a finding of
146.2 guilty by a court.

146.3 (c) "Mistaken identity" means a person was incorrectly identified as being a different
146.4 person:

146.5 (1) because the person's identity had been transferred, used, or possessed in violation of
146.6 section 609.527; or

146.7 (2) as a result of misidentification by a witness or law enforcement, confusion on the
146.8 part of a witness or law enforcement as to the identity of the person who committed the
146.9 crime, misinformation provided to law enforcement as to the identity of the person who
146.10 committed the crime, or some other mistake on the part of a witness or law enforcement as
146.11 to the identity of the person who committed the crime.

146.12 Subd. 2. **Determination by prosecutor; notification.** If, before a conviction, a prosecutor
146.13 determines that a defendant was issued a citation, charged, indicted, or otherwise prosecuted
146.14 as the result of mistaken identity, the prosecutor must dismiss or move to dismiss the action
146.15 or proceeding and must state in writing or on the record that mistaken identity is the reason
146.16 for the dismissal.

146.17 Subd. 3. **Order of expungement.** (a) The court shall issue an order of expungement
146.18 without the filing of a petition when an action or proceeding is dismissed based on a
146.19 determination that a defendant was issued a citation, charged, indicted, or otherwise

175.22 (i) In any subsequent prosecution of a person granted expungement relief, the expunged
175.23 criminal record may be pleaded and has the same effect as if the relief had not been granted.

175.24 (j) The Bureau of Criminal Apprehension is directed to develop, modify, or update a
175.25 system to provide criminal justice agencies with uniform statewide access to criminal records
175.26 sealed by expungement.

175.27 Subd. 7. **Immunity from civil liability.** Employees of the Bureau of Criminal
175.28 Apprehension shall not be held civilly liable for the exercise or the failure to exercise, or
175.29 the decision to exercise or the decision to decline to exercise, the powers granted by this
175.30 section or for any act or omission occurring within the scope of the performance of their
175.31 duties under this section.

175.32 **EFFECTIVE DATE.** This section is effective January 1, 2025, and applies to offenses
175.33 that meet the eligibility criteria on or after that date and retroactively to offenses that met
176.1 those qualifications before January 1, 2025, and are stored in the Bureau of Criminal
176.2 Apprehension's criminal history system as of January 1, 2025.

146.20 prosecuted as the result of mistaken identity. The order shall cite this section as the basis
146.21 for the order.

146.22 (b) An order issued under this section is not subject to the considerations or standards
146.23 identified in section 609A.025 or 609A.03, subdivision 5, paragraph (a), (b), or (c).

146.24 Subd. 4. **Effect of order.** (a) An order issued under this section is not subject to the
146.25 limitations in section 609A.03, subdivision 7a or 9. The effect of the court order to seal the
146.26 record of the proceedings shall be to restore the person, in the contemplation of the law, to
146.27 the status the person occupied before the arrest, indictment, or information. The person shall
146.28 not be guilty of perjury or otherwise of giving a false statement if the person fails to
146.29 acknowledge the arrest, indictment, information, or trial in response to any inquiry made
146.30 for any purpose.

146.31 (b) A criminal justice agency may seek access to a record that was sealed under this
146.32 section for purposes of determining whether the subject of the order was identified in any
146.33 other action or proceeding as the result of mistaken identity or for a criminal investigation,
147.1 prosecution, or sentencing involving any other person. The requesting agency must obtain
147.2 an ex parte court order after stating a good-faith basis to believe that opening the record
147.3 may lead to relevant information.

147.4 (c) The court administrator must distribute and confirm receipt of an order issued under
147.5 this section pursuant to section 609A.03, subdivision 8.

147.6 (d) Data on the person whose offense has been expunged contained in a letter or other
147.7 notification sent under this subdivision are private data on individuals as defined in section
147.8 13.02.

147.9 **EFFECTIVE DATE.** This section is effective August 1, 2023, and applies to
147.10 determinations that a person was identified as the result of mistaken identity on or after that
147.11 date.

147.12 Sec. 15. Minnesota Statutes 2022, section 609A.02, subdivision 3, is amended to read:

147.13 Subd. 3. **Certain criminal proceedings.** (a) A petition may be filed under section
147.14 609A.03 to seal all records relating to an arrest, indictment or information, trial, or verdict
147.15 if the records are not subject to section 299C.11, subdivision 1, paragraph (b), and if:

147.16 (1) all pending actions or proceedings were resolved in favor of the petitioner. For
147.17 purposes of this chapter, a verdict of not guilty by reason of mental illness is not a resolution
147.18 in favor of the petitioner. For the purposes of this chapter, an action or proceeding is resolved
147.19 in favor of the petitioner, if the petitioner received an order under section 590.11 determining
147.20 that the petitioner is eligible for compensation based on exoneration;

147.21 (2) the petitioner has successfully completed the terms of a diversion program or stay
147.22 of adjudication and has not been charged with a new crime for at least one year since
147.23 completion of the diversion program or stay of adjudication;

176.5 Section 1. Minnesota Statutes 2022, section 609A.02, subdivision 3, is amended to read:

176.6 Subd. 3. **Certain criminal proceedings.** (a) A petition may be filed under section
176.7 609A.03 to seal all records relating to an arrest, indictment or information, trial, or verdict
176.8 if the records are not subject to section 299C.11, subdivision 1, paragraph (b), and if:

176.9 (1) all pending actions or proceedings were resolved in favor of the petitioner. For
176.10 purposes of this chapter, a verdict of not guilty by reason of mental illness is not a resolution
176.11 in favor of the petitioner. For the purposes of this chapter, an action or proceeding is resolved
176.12 in favor of the petitioner, if the petitioner received an order under section 590.11 determining
176.13 that the petitioner is eligible for compensation based on exoneration;

176.14 (2) the petitioner has successfully completed the terms of a diversion program or stay
176.15 of adjudication and has not been charged with a new crime for at least one year since
176.16 completion of the diversion program or stay of adjudication;

147.24 (3) the petitioner was convicted of ~~or received a stayed sentence for~~ a petty misdemeanor
147.25 or misdemeanor or the sentence imposed was within the limits provided by law for a
147.26 misdemeanor and the petitioner has not been convicted of a new crime for at least two years
147.27 since discharge of the sentence for the crime;

147.28 (4) the petitioner was convicted of ~~or received a stayed sentence for~~ a gross misdemeanor
147.29 or the sentence imposed was within the limits provided by law for a gross misdemeanor
147.30 and the petitioner has not been convicted of a new crime for at least ~~four~~ three years since
147.31 discharge of the sentence for the crime; ~~or~~

148.1 (5) the petitioner was convicted of a gross misdemeanor that is deemed to be for a
148.2 misdemeanor pursuant to section 609.13, subdivision 2, clause (2), and has not been convicted
148.3 of a new crime for at least three years since discharge of the sentence for the crime;

148.4 (6) the petitioner was convicted of a felony violation of section 152.025 and has not
148.5 been convicted of a new crime for at least four years since discharge of the sentence for the
148.6 crime;

148.7 (7) the petitioner was convicted of a felony that is deemed to be for a gross misdemeanor
148.8 or misdemeanor pursuant to section 609.13, subdivision 1, clause (2), and has not been
148.9 convicted of a new crime for at least five years since discharge of the sentence for the crime;
148.10 or

148.11 ~~(5)~~ (8) the petitioner was convicted of ~~or received a stayed sentence for~~ a felony violation
148.12 of an offense listed in paragraph (b), and has not been convicted of a new crime for at least
148.13 ~~five~~ four years since discharge of the sentence for the crime.

148.14 (b) Paragraph (a), clause ~~(5)~~ (7), applies to the following offenses:

148.15 (1) section 35.824 (altering livestock certificate);

148.16 (2) section 62A.41 (insurance regulations);

148.17 (3) section 86B.865, subdivision 1 (certification for title on watercraft);

148.18 (4) section 152.023, subdivision 2 (possession of a controlled substance in the third
148.19 degree); 152.024, subdivision 2 (possession of a controlled substance in the fourth degree);
148.20 152.025 (controlled substance in the fifth degree); or 152.097 (sale of simulated controlled
148.21 substance);

148.22 (5) section 168A.30, subdivision 1 (certificate of title false information); or 169.09,
148.23 subdivision 14, paragraph (a), clause (2) (accident resulting in great bodily harm);

148.24 (6) chapter 201; 203B; or 204C (voting violations);

148.25 (7) section 228.45; 228.47; 228.49; 228.50; or 228.51 (false bill of lading);

148.26 (8) section 256.984 (false declaration in assistance application);

148.27 (9) section 296A.23, subdivision 2 (willful evasion of fuel tax);

176.17 (3) the petitioner was convicted of ~~or received a stayed sentence for~~ a petty misdemeanor
176.18 or misdemeanor or the sentence imposed was within the limits provided by law for a
176.19 misdemeanor and the petitioner has not been convicted of a new crime for at least two years
176.20 since discharge of the sentence for the crime;

176.21 (4) the petitioner was convicted of ~~or received a stayed sentence for~~ a gross misdemeanor
176.22 or the sentence imposed was within the limits provided by law for a gross misdemeanor
176.23 and the petitioner has not been convicted of a new crime for at least ~~four~~ three years since
176.24 discharge of the sentence for the crime; ~~or~~

176.25 (5) the petitioner was convicted of a gross misdemeanor that is deemed to be for a
176.26 misdemeanor pursuant to section 609.13, subdivision 2, clause (2), and has not been convicted
176.27 of a new crime for at least three years since discharge of the sentence for the crime;

176.28 (6) the petitioner was convicted of a felony violation of section 152.025 and has not
176.29 been convicted of a new crime for at least four years since discharge of the sentence for the
176.30 crime;

176.31 (7) the petitioner was convicted of a felony that is deemed to be for a gross misdemeanor
176.32 or misdemeanor pursuant to section 609.13, subdivision 1, clause (2), and has not been
177.1 convicted of a new crime for at least five years since discharge of the sentence for the crime;
177.2 or

177.3 ~~(5)~~ (8) the petitioner was convicted of ~~or received a stayed sentence for~~ a felony violation
177.4 of an offense listed in paragraph (b), and has not been convicted of a new crime for at least
177.5 ~~five~~ four years since discharge of the sentence for the crime.

177.6 (b) Paragraph (a), clause ~~(5)~~ (7), applies to the following offenses:

177.7 (1) section 35.824 (altering livestock certificate);

177.8 (2) section 62A.41 (insurance regulations);

177.9 (3) section 86B.865, subdivision 1 (certification for title on watercraft);

177.10 (4) section 152.023, subdivision 2 (possession of a controlled substance in the third
177.11 degree); 152.024, subdivision 2 (possession of a controlled substance in the fourth degree);
177.12 152.025 (controlled substance in the fifth degree); or 152.097 (sale of simulated controlled
177.13 substance);

177.14 (5) section 168A.30, subdivision 1 (certificate of title false information); or 169.09,
177.15 subdivision 14, paragraph (a), clause (2) (accident resulting in great bodily harm);

177.16 (6) chapter 201; 203B; or 204C (voting violations);

177.17 (7) section 228.45; 228.47; 228.49; 228.50; or 228.51 (false bill of lading);

177.18 (8) section 256.984 (false declaration in assistance application);

177.19 (9) section 296A.23, subdivision 2 (willful evasion of fuel tax);

148.28 (10) section 297D.09, subdivision 1 (failure to affix stamp on scheduled substances);
148.29 (11) section 297G.19 (liquor taxation); or 340A.701 (unlawful acts involving liquor);
148.30 (12) section 325F.743 (precious metal dealers); or 325F.755, subdivision 7 (prize notices
148.31 and solicitations);
149.1 (13) section 346.155, subdivision 10 (failure to control regulated animal);
149.2 (14) section 349.2127; or 349.22 (gambling regulations);
149.3 (15) section 588.20 (contempt);
149.4 (16) section 609.27, subdivision 1, clauses (2) to (5) (coercion);
149.5 (17) section 609.31 (leaving state to evade establishment of paternity);
149.6 (18) section 609.485, subdivision 4, paragraph (a), clause (2) or (4) (escape from civil
149.7 commitment for mental illness);
149.8 (19) section 609.49 (failure to appear in court);
149.9 (20) section 609.52, subdivision 2, when sentenced pursuant to section 609.52,
149.10 subdivision 3, clause (3)(a) (theft of \$5,000 or less); ~~or other theft offense that is sentenced~~
149.11 ~~under this provision;~~ or 609.52, subdivision 3a, clause (1) (theft of \$1,000 or less with risk
149.12 of bodily harm); or any other offense sentenced pursuant to section 609.52, subdivision 3,
149.13 clause (3)(a);
149.14 (21) section 609.521 (possession of shoplifting gear);
149.15 ~~(21)~~ (22) section 609.525 (bringing stolen goods into state);
149.16 ~~(22)~~ (23) section 609.526, subdivision 2, clause (2) (metal dealer receiving stolen goods);
149.17 ~~(23)~~ (24) section 609.527, subdivision 5b (possession or use of scanning device or
149.18 reencoder); 609.528, subdivision 3, clause (3) (possession or sale of stolen or counterfeit
149.19 check); or 609.529 (mail theft);
149.20 ~~(24)~~ (25) section 609.53 (receiving stolen goods);
149.21 ~~(25)~~ (26) section 609.535, subdivision 2a, paragraph (a), clause (1) (dishonored check
149.22 over \$500);
149.23 ~~(26)~~ (27) section 609.54, clause (1) (embezzlement of public funds \$2,500 or less);
149.24 ~~(27)~~ (28) section 609.551 (rustling and livestock theft);
149.25 ~~(28)~~ (29) section 609.5641, subdivision 1a, paragraph (a) (wildfire arson);
149.26 ~~(29)~~ (30) section 609.576, subdivision 1, clause (3), item (iii) (negligent fires);

177.20 (10) section 297D.09, subdivision 1 (failure to affix stamp on scheduled substances);
177.21 (11) section 297G.19 (liquor taxation); or 340A.701 (unlawful acts involving liquor);
177.22 (12) section 325F.743 (precious metal dealers); or 325F.755, subdivision 7 (prize notices
177.23 and solicitations);
177.24 (13) section 346.155, subdivision 10 (failure to control regulated animal);
177.25 (14) section 349.2127; or 349.22 (gambling regulations);
177.26 (15) section 588.20 (contempt);
177.27 (16) section 609.27, subdivision 1, clauses (2) to (5) (coercion);
177.28 (17) section 609.31 (leaving state to evade establishment of paternity);
178.1 (18) section 609.485, subdivision 4, paragraph (a), clause (2) or (4) (escape from civil
178.2 commitment for mental illness);
178.3 (19) section 609.49 (failure to appear in court);
178.4 (20) section 609.52, subdivision 2, when sentenced pursuant to section 609.52,
178.5 subdivision 3, clause (3)(a) (theft of \$5,000 or less); ~~or other theft offense that is sentenced~~
178.6 ~~under this provision;~~ or 609.52, subdivision 3a, clause (1) (theft of \$1,000 or less with risk
178.7 of bodily harm); or any other offense sentenced pursuant to section 609.52, subdivision 3,
178.8 clause (3)(a);
178.9 (21) section 609.521 (possession of shoplifting gear);
178.10 ~~(21)~~ (22) section 609.525 (bringing stolen goods into state);
178.11 ~~(22)~~ (23) section 609.526, subdivision 2, clause (2) (metal dealer receiving stolen goods);
178.12 ~~(23)~~ (24) section 609.527, subdivision 5b (possession or use of scanning device or
178.13 reencoder); 609.528, subdivision 3, clause (3) (possession or sale of stolen or counterfeit
178.14 check); or 609.529 (mail theft);
178.15 ~~(24)~~ (25) section 609.53 (receiving stolen goods);
178.16 ~~(25)~~ (26) section 609.535, subdivision 2a, paragraph (a), clause (1) (dishonored check
178.17 over \$500);
178.18 ~~(26)~~ (27) section 609.54, clause (1) (embezzlement of public funds \$2,500 or less);
178.19 ~~(27)~~ (28) section 609.551 (rustling and livestock theft);
178.20 ~~(28)~~ (29) section 609.5641, subdivision 1a, paragraph (a) (wildfire arson);
178.21 ~~(29)~~ (30) section 609.576, subdivision 1, clause (3), item (iii) (negligent fires);

149.27 (31) section 609.582, subdivision 3 (burglary in the third degree);
149.28 (32) section 609.59 (possession of burglary or theft tools);
150.1 ~~(30)~~ (33) section 609.595, subdivision 1, clauses (3) to (5), and subdivision 1a, paragraph
150.2 (a) (criminal damage to property);
150.3 ~~(31)~~ (34) section 609.597, subdivision 3, clause (3) (assaulting or harming police horse);
150.4 ~~(32)~~ (35) section 609.625 (aggravated forgery); 609.63 (forgery); 609.631, subdivision
150.5 4, clause (3)(a) (check forgery \$2,500 or less); 609.635 (obtaining signature by false
150.6 pretense); 609.64 (recording, filing forged instrument); or 609.645 (fraudulent statements);
150.7 ~~(33)~~ (36) section 609.65, clause (1) (false certification by notary); or 609.651, subdivision
150.8 4, paragraph (a) (lottery fraud);
150.9 ~~(34)~~ (37) section 609.652 (fraudulent driver's license and identification card);
150.10 ~~(35)~~ (38) section 609.66, subdivision 1a, paragraph (a) (discharge of firearm; silencer);
150.11 or 609.66, subdivision 1b (furnishing firearm to minor);
150.12 ~~(36)~~ (39) section 609.662, subdivision 2, paragraph (b) (duty to render aid);
150.13 ~~(37)~~ (40) section 609.686, subdivision 2 (tampering with fire alarm);
150.14 ~~(38)~~ (41) section 609.746, subdivision 1, paragraph ~~(e)~~ (g) (interference with privacy;
150.15 subsequent violation or minor victim);
150.16 ~~(39)~~ (42) section 609.80, subdivision 2 (interference with cable communications system);
150.17 ~~(40)~~ (43) section 609.821, subdivision 2 (financial transaction card fraud);
150.18 ~~(41)~~ (44) section 609.822 (residential mortgage fraud);
150.19 ~~(42)~~ (45) section 609.825, subdivision 2 (bribery of participant or official in contest);
150.20 ~~(43)~~ (46) section 609.855, subdivision 2, paragraph (c), clause (1) (interference with
150.21 transit operator);
150.22 ~~(44)~~ (47) section 609.88 (computer damage); or 609.89 (computer theft);
150.23 ~~(45)~~ (48) section 609.893, subdivision 2 (telecommunications and information services
150.24 fraud);
150.25 ~~(46)~~ (49) section 609.894, subdivision 3 or 4 (cellular counterfeiting);
150.26 ~~(47)~~ (50) section 609.895, subdivision 3, paragraph (a) or (b) (counterfeited intellectual
150.27 property);
150.28 ~~(48)~~ (51) section 609.896 (movie pirating);

178.22 (31) section 609.582, subdivision 3 (burglary in the third degree);
178.23 (32) section 609.59 (possession of burglary or theft tools);
178.24 ~~(30)~~ (33) section 609.595, subdivision 1, clauses (3) to (5), and subdivision 1a, paragraph
178.25 (a) (criminal damage to property);
178.26 ~~(31)~~ (34) section 609.597, subdivision 3, clause (3) (assaulting or harming police horse);
178.27 ~~(32)~~ (35) section 609.625 (aggravated forgery); 609.63 (forgery); 609.631, subdivision
178.28 4, clause (3)(a) (check forgery \$2,500 or less); 609.635 (obtaining signature by false
178.29 pretense); 609.64 (recording, filing forged instrument); or 609.645 (fraudulent statements);
179.1 ~~(33)~~ (36) section 609.65, clause (1) (false certification by notary); or 609.651, subdivision
179.2 4, paragraph (a) (lottery fraud);
179.3 ~~(34)~~ (37) section 609.652 (fraudulent driver's license and identification card);
179.4 ~~(35)~~ (38) section 609.66, subdivision 1a, paragraph (a) (discharge of firearm; silencer);
179.5 or 609.66, subdivision 1b (furnishing firearm to minor);
179.6 ~~(36)~~ (39) section 609.662, subdivision 2, paragraph (b) (duty to render aid);
179.7 ~~(37)~~ (40) section 609.686, subdivision 2 (tampering with fire alarm);
179.8 ~~(38)~~ (41) section 609.746, subdivision 1, paragraph ~~(e)~~ (g) (interference with privacy;
179.9 subsequent violation or minor victim);
179.10 ~~(39)~~ (42) section 609.80, subdivision 2 (interference with cable communications system);
179.11 ~~(40)~~ (43) section 609.821, subdivision 2 (financial transaction card fraud);
179.12 ~~(41)~~ (44) section 609.822 (residential mortgage fraud);
179.13 ~~(42)~~ (45) section 609.825, subdivision 2 (bribery of participant or official in contest);
179.14 ~~(43)~~ (46) section 609.855, subdivision 2, paragraph (c), clause (1) (interference with
179.15 transit operator);
179.16 ~~(44)~~ (47) section 609.88 (computer damage); or 609.89 (computer theft);
179.17 ~~(45)~~ (48) section 609.893, subdivision 2 (telecommunications and information services
179.18 fraud);
179.19 ~~(46)~~ (49) section 609.894, subdivision 3 or 4 (cellular counterfeiting);
179.20 ~~(47)~~ (50) section 609.895, subdivision 3, paragraph (a) or (b) (counterfeited intellectual
179.21 property);
179.22 ~~(48)~~ (51) section 609.896 (movie pirating);

151.1 ~~(49)~~ (52) section 624.7132, subdivision 15, paragraph (b) (transfer pistol to minor);
151.2 624.714, subdivision 1a (pistol without permit; subsequent violation); or 624.7141,
151.3 subdivision 2 (transfer of pistol to ineligible person); or
151.4 ~~(50)~~ (53) section 624.7181 (rifle or shotgun in public by minor).
151.5 **EFFECTIVE DATE.** This section is effective July 1, 2023, and applies to all offenses
151.6 that meet the eligibility criteria on or after that date.

179.23 ~~(49)~~ (52) section 624.7132, subdivision 15, paragraph (b) (transfer pistol to minor);
179.24 624.714, subdivision 1a (pistol without permit; subsequent violation); or 624.7141,
179.25 subdivision 2 (transfer of pistol to ineligible person); or
179.26 ~~(50)~~ (53) section 624.7181 (rifle or shotgun in public by minor).
179.27 **EFFECTIVE DATE.** This section is effective July 1, 2023, and applies to all offenses
179.28 that meet the eligibility criteria on or after that date.

S1267-1

55.1 Sec. 18. Minnesota Statutes 2022, section 609A.02, subdivision 3, is amended to read:
55.2 Subd. 3. **Certain criminal proceedings.** (a) A petition may be filed under section
55.3 609A.03 to seal all records relating to an arrest, indictment or information, trial, or verdict
55.4 if the records are not subject to section 299C.11, subdivision 1, paragraph (b), and if:
55.5 (1) all pending actions or proceedings were resolved in favor of the petitioner. For
55.6 purposes of this chapter, a verdict of not guilty by reason of mental illness is not a resolution
55.7 in favor of the petitioner. For the purposes of this chapter, an action or proceeding is resolved
55.8 in favor of the petitioner, if the petitioner received an order under section 590.11 determining
55.9 that the petitioner is eligible for compensation based on exoneration;
55.10 (2) the petitioner has successfully completed the terms of a diversion program or stay
55.11 of adjudication and has not been charged with a new crime for at least one year since
55.12 completion of the diversion program or stay of adjudication;
55.13 (3) the petitioner was convicted of or received a stayed sentence for a petty misdemeanor
55.14 or misdemeanor and has not been convicted of a new crime for at least two years since
55.15 discharge of the sentence for the crime;
55.16 (4) the petitioner was convicted of or received a stayed sentence for a gross misdemeanor
55.17 and has not been convicted of a new crime for at least four years since discharge of the
55.18 sentence for the crime; or
55.19 (5) the petitioner was convicted of or received a stayed sentence for a felony violation
55.20 of an offense listed in paragraph (b), and has not been convicted of a new crime for at least
55.21 five years since discharge of the sentence for the crime.
55.22 (b) Paragraph (a), clause (5), applies to the following offenses:
55.23 (1) section 35.824 (altering livestock certificate);
55.24 (2) section 62A.41 (insurance regulations);
55.25 (3) section 86B.865, subdivision 1 (certification for title on watercraft);
55.26 (4) section 152.025 (controlled substance in the fifth degree); or 152.097 (sale of
55.27 simulated controlled substance);

- 55.28 (5) section 168A.30, subdivision 1 (certificate of title false information); or 169.09,
55.29 subdivision 14, paragraph (a), clause (2) (accident resulting in great bodily harm);
- 55.30 (6) chapter 201; 203B; or 204C (voting violations);
- 55.31 (7) section 228.45; 228.47; 228.49; 228.50; or 228.51 (false bill of lading);
- 56.1 (8) section 256.984 (false declaration in assistance application);
- 56.2 (9) section 296A.23, subdivision 2 (willful evasion of fuel tax);
- 56.3 (10) section 297D.09, subdivision 1 (failure to affix stamp on scheduled substances);
- 56.4 (11) section 297G.19 (liquor taxation); or 340A.701 (unlawful acts involving liquor);
- 56.5 (12) section 325F.743 (precious metal dealers); or 325F.755, subdivision 7 (prize notices
56.6 and solicitations);
- 56.7 (13) section 346.155, subdivision 10 (failure to control regulated animal);
- 56.8 (14) section 349.2127; or 349.22 (gambling regulations);
- 56.9 (15) section 588.20 (contempt);
- 56.10 (16) section 609.27, subdivision 1, clauses (2) to (5) (coercion);
- 56.11 (17) section 609.31 (leaving state to evade establishment of paternity);
- 56.12 (18) section 609.485, subdivision 4, paragraph (a), clause (2) or (4) (escape from civil
56.13 commitment for mental illness);
- 56.14 (19) section 609.49 (failure to appear in court);
- 56.15 (20) section 609.52, subdivision 3, clause (3)(a) (theft of \$5,000 or less), or other theft
56.16 offense that is sentenced under this provision; or 609.52, subdivision 3a, clause (1) (theft
56.17 of \$1,000 or less with risk of bodily harm);
- 56.18 (21) section 609.525 (bringing stolen goods into state);
- 56.19 (22) section 609.526, subdivision 2, clause (2) (metal dealer receiving stolen goods);
- 56.20 (23) section 609.527, subdivision 5b (possession or use of scanning device or reencoder);
56.21 609.528, subdivision 3, clause (3) (possession or sale of stolen or counterfeit check); or
56.22 609.529 (mail theft);
- 56.23 (24) section 609.53 (receiving stolen goods);
- 56.24 (25) section 609.535, subdivision 2a, paragraph (a), clause (1) (dishonored check over
56.25 \$500);
- 56.26 (26) section 609.54, clause (1) (embezzlement of public funds \$2,500 or less);
- 56.27 (27) section 609.551 (rustling and livestock theft);

- 56.28 (28) section 609.5641, subdivision 1a, paragraph (a) (wildfire arson);
- 56.29 (29) section 609.576, subdivision 1, clause (3), item (iii) (negligent fires);
- 57.1 (30) section 609.595, subdivision 1, clauses (3) to (5), and subdivision 1a, paragraph
- 57.2 (a) (criminal damage to property);
- 57.3 (31) section 609.597, subdivision 3, clause (3) (assaulting or harming police horse);
- 57.4 (32) section 609.625 (aggravated forgery); 609.63 (forgery); 609.631, subdivision 4,
- 57.5 clause (3)(a) (check forgery \$2,500 or less); 609.635 (obtaining signature by false pretense);
- 57.6 609.64 (recording, filing forged instrument); or 609.645 (fraudulent statements);
- 57.7 (33) section 609.65, clause (1) (false certification by notary); or 609.651, subdivision
- 57.8 4, paragraph (a) (lottery fraud);
- 57.9 (34) section 609.652 (fraudulent driver's license and identification card);
- 57.10 (35) section 609.66, subdivision 1a, paragraph (a) (discharge of firearm; silencer); or
- 57.11 609.66, subdivision 1b (furnishing firearm to minor);
- 57.12 (36) section 609.662, subdivision 2, paragraph (b) (duty to render aid);
- 57.13 (37) section 609.686, subdivision 2 (tampering with fire alarm);
- 57.14 (38) section 609.746, subdivision 1, paragraph ~~(e)~~ (g) (interference with privacy;
- 57.15 subsequent violation or minor victim);
- 57.16 (39) section 609.80, subdivision 2 (interference with cable communications system);
- 57.17 (40) section 609.821, subdivision 2 (financial transaction card fraud);
- 57.18 (41) section 609.822 (residential mortgage fraud);
- 57.19 (42) section 609.825, subdivision 2 (bribery of participant or official in contest);
- 57.20 (43) section 609.855, subdivision 2, paragraph (c), clause (1) (interference with transit
- 57.21 operator);
- 57.22 (44) section 609.88 (computer damage); or 609.89 (computer theft);
- 57.23 (45) section 609.893, subdivision 2 (telecommunications and information services fraud);
- 57.24 (46) section 609.894, subdivision 3 or 4 (cellular counterfeiting);
- 57.25 (47) section 609.895, subdivision 3, paragraph (a) or (b) (counterfeited intellectual
- 57.26 property);
- 57.27 (48) section 609.896 (movie pirating);

151.7 Sec. 16. Minnesota Statutes 2022, section 609A.03, subdivision 5, is amended to read:

151.8 Subd. 5. **Nature of remedy; standard.** (a) Except as otherwise provided by paragraph
151.9 (b), expungement of a criminal record under this section is an extraordinary remedy to be
151.10 granted only upon clear and convincing evidence that it would yield a benefit to the petitioner
151.11 commensurate with the disadvantages to the public and public safety of:

151.12 (1) sealing the record; and

151.13 (2) burdening the court and public authorities to issue, enforce, and monitor an
151.14 expungement order.

151.15 (b) Except as otherwise provided by this paragraph, if the petitioner is petitioning for
151.16 the sealing of a criminal record under section 609A.02, subdivision 3, paragraph (a), clause
151.17 (1) or (2), the court shall grant the petition to seal the record unless the agency or jurisdiction
151.18 whose records would be affected establishes by clear and convincing evidence that the
151.19 interests of the public and public safety outweigh the disadvantages to the petitioner of not
151.20 sealing the record.

151.21 (c) In making a determination under this subdivision, the court shall consider:

151.22 (1) the nature and severity of the underlying crime, the record of which would be sealed;

151.23 (2) the risk, if any, the petitioner poses to individuals or society;

151.24 (3) the length of time since the crime occurred;

151.25 (4) the steps taken by the petitioner toward rehabilitation following the crime;

151.26 (5) aggravating or mitigating factors relating to the underlying crime, including the
151.27 petitioner's level of participation and context and circumstances of the underlying crime;

151.28 (6) the reasons for the expungement, including the petitioner's attempts to obtain
151.29 employment, housing, or other necessities;

151.30 (7) the petitioner's criminal record;

152.1 (8) the petitioner's record of employment and community involvement;

152.2 (9) the recommendations of interested law enforcement, prosecutorial, and corrections
152.3 officials;

57.28 (49) section 624.7132, subdivision 15, paragraph (b) (transfer pistol to minor); 624.714,
57.29 subdivision 1a (pistol without permit; subsequent violation); or 624.7141, subdivision 2
57.30 (transfer of pistol to ineligible person); or

58.1 (50) section 624.7181 (rifle or shotgun in public by minor).

58.2 **EFFECTIVE DATE.** This section is effective August 1, 2023.

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185.7 Sec. 9. Minnesota Statutes 2022, section 609A.03, subdivision 5, is amended to read:

185.8 Subd. 5. **Nature of remedy; standard.** (a) Except as otherwise provided by paragraph
185.9 (b), expungement of a criminal record under this section is an extraordinary remedy to be
185.10 granted only upon clear and convincing evidence that it would yield a benefit to the petitioner
185.11 commensurate with the disadvantages to the public and public safety of:

185.12 (1) sealing the record; and

185.13 (2) burdening the court and public authorities to issue, enforce, and monitor an
185.14 expungement order.

185.15 (b) Except as otherwise provided by this paragraph, if the petitioner is petitioning for
185.16 the sealing of a criminal record under section 609A.02, subdivision 3, paragraph (a), clause
185.17 (1) or (2), the court shall grant the petition to seal the record unless the agency or jurisdiction
185.18 whose records would be affected establishes by clear and convincing evidence that the
185.19 interests of the public and public safety outweigh the disadvantages to the petitioner of not
185.20 sealing the record.

185.21 (c) In making a determination under this subdivision, the court shall consider:

185.22 (1) the nature and severity of the underlying crime, the record of which would be sealed;

185.23 (2) the risk, if any, the petitioner poses to individuals or society;

185.24 (3) the length of time since the crime occurred;

185.25 (4) the steps taken by the petitioner toward rehabilitation following the crime;

185.26 (5) aggravating or mitigating factors relating to the underlying crime, including the
185.27 petitioner's level of participation and context and circumstances of the underlying crime;

185.28 (6) the reasons for the expungement, including the petitioner's attempts to obtain
185.29 employment, housing, or other necessities;

185.30 (7) the petitioner's criminal record;

185.31 (8) the petitioner's record of employment and community involvement;

186.1 (9) the recommendations of interested law enforcement, prosecutorial, and corrections
186.2 officials;

152.4 (10) the recommendations of victims or whether victims of the underlying crime were
152.5 minors;

152.6 (11) the amount, if any, of restitution outstanding, past efforts made by the petitioner
152.7 toward payment, and the measures in place to help ensure completion of restitution payment
152.8 after expungement of the record if granted; and

152.9 (12) other factors deemed relevant by the court.

152.10 (d) Notwithstanding section 13.82, 13.87, or any other law to the contrary, if the court
152.11 issues an expungement order it may require that the criminal record be sealed, the existence
152.12 of the record not be revealed, and the record not be opened except as required under
152.13 subdivision 7. Records must not be destroyed or returned to the subject of the record.

152.14 (e) Information relating to a criminal history record of an employee, former employee,
152.15 or tenant that has been expunged before the occurrence of the act giving rise to the civil
152.16 action may not be introduced as evidence in a civil action against a private employer or
152.17 landlord or its employees or agents that is based on the conduct of the employee, former
152.18 employee, or tenant.

152.19 **EFFECTIVE DATE.** This section is effective August 1, 2023.

152.20 Sec. 17. Minnesota Statutes 2022, section 609A.03, subdivision 7a, is amended to read:

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

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

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

152.31 (2) when a criminal justice agency seeks access to a record that was sealed under section
152.32 609A.02, subdivision 3, paragraph (a), clause (1), after an acquittal or a court order dismissing
153.1 for lack of probable cause, for purposes of a criminal investigation, prosecution, or
153.2 sentencing, the requesting agency must obtain an ex parte court order after stating a
153.3 good-faith basis to believe that opening the record may lead to relevant information;

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

153.6 (4) an expunged record of a conviction may be opened for purposes of a background
153.7 study under section 245C.08 unless the commissioner had been properly served with notice

186.3 (10) the recommendations of victims or whether victims of the underlying crime were
186.4 minors;

186.5 (11) the amount, if any, of restitution outstanding, past efforts made by the petitioner
186.6 toward payment, and the measures in place to help ensure completion of restitution payment
186.7 after expungement of the record if granted; and

186.8 (12) other factors deemed relevant by the court.

186.9 (d) Notwithstanding section 13.82, 13.87, or any other law to the contrary, if the court
186.10 issues an expungement order it may require that the criminal record be sealed, the existence
186.11 of the record not be revealed, and the record not be opened except as required under
186.12 subdivision 7. Records must not be destroyed or returned to the subject of the record.

186.13 (e) Information relating to a criminal history record of an employee, former employee,
186.14 or tenant that has been expunged before the occurrence of the act giving rise to the civil
186.15 action may not be introduced as evidence in a civil action against a private employer or
186.16 landlord or its employees or agents that is based on the conduct of the employee, former
186.17 employee, or tenant.

186.18 **EFFECTIVE DATE.** This section is effective January 1, 2025.

186.19 Sec. 10. Minnesota Statutes 2022, section 609A.03, subdivision 7a, is amended to read:

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

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

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

186.30 (2) when a criminal justice agency seeks access to a record that was sealed under section
186.31 609A.02, subdivision 3, paragraph (a), clause (1), after an acquittal or a court order dismissing
186.32 for lack of probable cause, for purposes of a criminal investigation, prosecution, or
187.1 sentencing, the requesting agency must obtain an ex parte court order after stating a
187.2 good-faith basis to believe that opening the record may lead to relevant information;

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

187.5 (4) an expunged record of a conviction may be opened for purposes of a background
187.6 study under section 245C.08 unless the commissioner had been properly served with notice

153.8 of the petition for expungement and the court order for expungement is directed specifically
153.9 to the commissioner of human services following proper service of a petition, or following
153.10 proceedings under section 609A.025 or 609A.035 upon service of an order to the
153.11 commissioner of human services;

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

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

153.18 (7) a prosecutor may request, and the district court shall provide, certified records of
153.19 conviction for a record expunged pursuant to sections 609A.015, 609A.017, 609A.02,
153.20 609A.025, and 609A.035, and the certified records of conviction may be disclosed and
153.21 introduced in criminal court proceedings as provided by the rules of court and applicable
153.22 law; and

153.23 (8) the subject of an expunged record may request, and the court shall provide, certified
153.24 or uncertified records of conviction for a record expunged pursuant to sections 609A.015,
153.25 609A.017, 609A.02, 609A.025, and 609A.035.

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

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

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

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

154.8 (g) This subdivision applies to expungement orders subject to its limitations and effective
154.9 on or after January 1, 2015, and grants of expungement relief issued on or after January 1,
154.10 2025.

187.7 of the petition for expungement and the court order for expungement is directed specifically
187.8 to the commissioner of human services;

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

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

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

187.19 (8) the subject of an expunged record may request, and the court shall provide, certified
187.20 or uncertified records of conviction for a record expunged pursuant to sections 609A.015,
187.21 609A.02, and 609A.025.

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

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

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

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

188.6 (g) This subdivision applies to expungement orders subject to its limitations and effective
188.7 on or after January 1, 2015, and grants of expungement relief issued on or after January 1,
188.8 2025.

154.11 **EFFECTIVE DATE.** This section is effective August 1, 2023.

154.12 Sec. 18. Minnesota Statutes 2022, section 609A.03, subdivision 9, is amended to read:

154.13 Subd. 9. **Stay of order; appeal.** An expungement order issued under this section shall
154.14 be stayed automatically for 60 days after the order is filed and, if the order is appealed,
154.15 during the appeal period. A person or an agency or jurisdiction whose records would be
154.16 affected by the order may appeal the order within 60 days of service of notice of filing of
154.17 the order. An agency or jurisdiction or its officials or employees need not file a cost bond
154.18 or supersedeas bond in order to further stay the proceedings or file an appeal.

154.19 **EFFECTIVE DATE.** This section is effective August 1, 2023.

154.20 Sec. 19. **[609A.035] PARDON EXTRAORDINARY; NO PETITION REQUIRED.**

154.21 (a) Notwithstanding section 609A.02, if the Board of Pardons grants a petition for a
154.22 pardon extraordinary pursuant to section 638.02, subdivision 2, it shall file a copy of the
154.23 pardon extraordinary with the district court of the county in which the conviction occurred.

154.24 (b) The district court shall issue an expungement order sealing all records wherever held
154.25 relating to the arrest, indictment or information, trial, verdict, and pardon for the pardoned
154.26 offense without the filing of a petition and send an expungement order to each government
154.27 entity whose records are affected.

154.28 **EFFECTIVE DATE.** This section is effective August 1, 2023.

155.1 Sec. 20. Minnesota Statutes 2022, section 611A.03, subdivision 1, is amended to read:

155.2 Subdivision 1. **Plea agreements; notification of victim.** Prior to the entry of the factual
155.3 basis for a plea pursuant to a plea agreement recommendation, a prosecuting attorney shall
155.4 make a reasonable and good faith effort to inform the victim of:

155.5 (1) the contents of the plea agreement recommendation, including the amount of time
155.6 recommended for the defendant to serve in jail or prison if the court accepts the agreement;
155.7 ~~and~~

155.8 (2) the right to be present at the sentencing hearing and at the hearing during which the
155.9 plea is presented to the court and to express orally or in writing, at the victim's option, any
155.10 objection to the agreement or to the proposed disposition. If the victim is not present when

188.9 **EFFECTIVE DATE.** This section is effective January 1, 2025.

188.10 Sec. 11. Minnesota Statutes 2022, section 609A.03, subdivision 9, is amended to read:

188.11 Subd. 9. **Stay of order; appeal.** An expungement order issued under this section shall
188.12 be stayed automatically for 60 days after the order is filed and, if the order is appealed,
188.13 during the appeal period. A person or an agency or jurisdiction whose records would be
188.14 affected by the order may appeal the order within 60 days of service of notice of filing of
188.15 the order. An agency or jurisdiction or its officials or employees need not file a cost bond
188.16 or supersedeas bond in order to further stay the proceedings or file an appeal.

188.17 **EFFECTIVE DATE.** This section is effective January 1, 2025.

180.1 Sec. 2. **[609A.05] NO DUTY TO DISCOVER; EMPLOYERS AND LANDLORDS.**

180.2 A landlord or employer does not have a duty to discover or use a record that has been
180.3 expunged under this chapter or other law for purposes of making a housing or employment
180.4 decision.

188.18 Sec. 12. Minnesota Statutes 2022, section 611A.03, subdivision 1, is amended to read:

188.19 Subdivision 1. **Plea agreements; notification of victim.** Prior to the entry of the factual
188.20 basis for a plea pursuant to a plea agreement recommendation, a prosecuting attorney shall
188.21 make a reasonable and good faith effort to inform the victim of:

188.22 (1) the contents of the plea agreement recommendation, including the amount of time
188.23 recommended for the defendant to serve in jail or prison if the court accepts the agreement;
188.24 ~~and~~

188.25 (2) the right to be present at the sentencing hearing and at the hearing during which the
188.26 plea is presented to the court and to express orally or in writing, at the victim's option, any
188.27 objection to the agreement or to the proposed disposition. If the victim is not present when

155.11 the court considers the recommendation, but has communicated objections to the prosecuting
155.12 attorney, the prosecuting attorney shall make these objections known to the court; and
155.13 (3) the eligibility of the offense for automatic expungement pursuant to section 609A.015.
155.14 EFFECTIVE DATE. This section is effective January 1, 2025, and applies to plea
155.15 agreements entered into on or after that date.
155.16 Sec. 21. Minnesota Statutes 2022, section 638.02, subdivision 2, is amended to read:
155.17 Subd. 2. **Petition; pardon extraordinary.** Any person, convicted of a crime in any
155.18 court of this state, who has served the sentence imposed by the court and has been discharged
155.19 of the sentence either by order of court or by operation of law, may petition the Board of
155.20 Pardons for the granting of a pardon extraordinary. Unless the Board of Pardons expressly
155.21 provides otherwise in writing by unanimous vote, the application for a pardon extraordinary
155.22 may not be filed until the applicable time period in clause (1) or (2) has elapsed:
155.23 (1) if the person was convicted of a crime of violence as defined in section 624.712,
155.24 subdivision 5, ten years must have elapsed since the sentence was discharged and during
155.25 that time the person must not have been convicted of any other crime; and
155.26 (2) if the person was convicted of any crime not included within the definition of crime
155.27 of violence under section 624.712, subdivision 5, five years must have elapsed since the
155.28 sentence was discharged and during that time the person must not have been convicted of
155.29 any other crime.
155.30 If the Board of Pardons determines that the person is of good character and reputation, the
155.31 board may, in its discretion, grant the person a pardon extraordinary. The pardon
155.32 extraordinary, when granted, has the effect of setting aside and nullifying the conviction
156.1 and of purging the person of it, and the person shall never after that be required to disclose
156.2 the conviction at any time or place other than in a judicial proceeding or as part of the
156.3 licensing process for peace officers. The pardon extraordinary, after being granted and filed
156.4 with the district court in which the conviction occurred, will also seal all records wherever
156.5 held related to the arrest, indictment or information, trial, verdict, and pardon.
156.6 The application for a pardon extraordinary, the proceedings to review an application,
156.7 and the notice requirements are governed by the statutes and the rules of the board in respect
156.8 to other proceedings before the board. The application shall contain any further information
156.9 that the board may require.
156.10 EFFECTIVE DATE. This section is effective August 1, 2023.

156.11 Sec. 22. Minnesota Statutes 2022, section 638.02, subdivision 3, is amended to read:
156.12 Subd. 3. **Pardon extraordinary; filing; copies sent.** Upon granting a pardon
156.13 extraordinary, the Board of Pardons shall file a copy of it with the district court of the county

188.28 the court considers the recommendation, but has communicated objections to the prosecuting
188.29 attorney, the prosecuting attorney shall make these objections known to the court; and
188.30 (3) the eligibility of the offense for automatic expungement pursuant to section 609A.015.
189.1 EFFECTIVE DATE. This section is effective January 1, 2025, and applies to plea
189.2 agreements entered into on or after that date.

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63.19 Sec. 23. Minnesota Statutes 2022, section 638.02, subdivision 3, is amended to read:
63.20 Subd. 3. **Pardon extraordinary; filing; copies sent.** Upon granting a pardon
63.21 extraordinary, the Board of Pardons shall file a copy of it with the district court of the county

156.14 in which the conviction occurred, and the court shall order the conviction set aside and
156.15 include a copy of the pardon in the court file. The court shall order all records wherever
156.16 held relating to the arrest, indictment or information, trial, verdict, and pardon sealed and
156.17 prohibit the disclosure of the existence of the records or the opening of the records except
156.18 under court order or pursuant to section 609A.03, subdivision 7a, paragraph (b), clause (1),
156.19 (7) or (8). The court shall send a copy of its order and the pardon to the Bureau of Criminal
156.20 Apprehension and all other government entities that hold affected records. The court
156.21 administrator under section 609A.03, subdivision 8, shall send a copy of the expungement
156.22 order to each government entity whose records are affected by the order, including but not
156.23 limited to the Department of Corrections, the Department of Public Safety, and law
156.24 enforcement agencies.

156.25 **EFFECTIVE DATE.** This section is effective August 1, 2023.

63.22 in which the conviction occurred, and the court shall order the conviction set aside and
63.23 include a copy of the pardon in the court file. The court shall order all records wherever
63.24 held relating to the arrest, indictment or information, trial, verdict, and pardon sealed and
63.25 prohibit the disclosure of the existence of the records or the opening of the records except
63.26 under court order or pursuant to section 609A.03, subdivision 7a, paragraph (b), clause (1).
63.27 The court shall send a copy of its order and the pardon to the Bureau of Criminal
63.28 Apprehension and all other government entities that hold affected records.