

CHAPTER 609A

EXPUNGEMENT

609A.02 Grounds for order.

609A.03 Petition to expunge criminal records.

609A.02 GROUNDS FOR ORDER.*[For text of subds 1 and 2, see M.S.2004]*

Subd. 3. **Certain criminal proceedings not resulting in a conviction.** A petition may be filed under section 609A.03 to seal all records relating to an arrest, indictment or information, trial, or verdict if the records are not subject to section 299C.11, subdivision 1, paragraph (b), and if all pending actions or proceedings were resolved in favor of the petitioner. For purposes of this chapter, a verdict of not guilty by reason of mental illness is not a resolution in favor of the petitioner.

*[For text of subd 4, see M.S.2004]***History:** 2005 c 136 art 12 s 10**609A.03 PETITION TO EXPUNGE CRIMINAL RECORDS.***[For text of subds 1 to 6, see M.S.2004]*

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

(b) Notwithstanding the issuance of an expungement order:

(1) an expunged record may be opened for purposes of a criminal investigation, prosecution, or sentencing, upon an ex parte court order;

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

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

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

*[For text of subds 8 and 9, see M.S.2004]***History:** 2005 c 136 art 12 s 11; 1Sp2005 c 4 art 1 s 53