

1.1 Senator moves to amend S.F. No. 73 as follows:

1.2 Page 18, line 22, delete "license applicant" and insert "prospective employee"

1.3 Page 18, line 23, delete "license applicant's" and insert "prospective employee's"

1.4 Page 18, line 24, delete "applicant's" and insert "prospective employee's"

1.5 Page 18, line 26, delete "applicant" and insert "prospective employee"

1.6 Page 40, line 25, delete "license applicant" and insert "person" and delete "a license
1.7 applicant's" and insert "the person's"

1.8 Page 40, line 26, delete "applicant's" and insert "person's"

1.9 Page 40, line 28, delete "applicant" and insert "person"

1.10 Page 48, line 31, delete "license applicant" and insert "person" and delete "a license
1.11 applicant's" and insert "the person's"

1.12 Page 48, line 32, delete "applicant's" and insert "person's"

1.13 Page 49, line 1, delete "applicant" and insert "person"

1.14 Page 191, after line 11, insert:

1.15 "Section 1. Minnesota Statutes 2022, section 152.18, subdivision 1, is amended to read:

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

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

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

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

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

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

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

2.4 (c) In granting relief under this section, the court shall, without entering a judgment of
2.5 guilty and with the consent of the person, defer further proceedings and place the person
2.6 on probation upon such reasonable conditions as it may require and for a period, not to
2.7 exceed the maximum sentence provided for the violation. The court may give the person
2.8 the opportunity to attend and participate in an appropriate program of education regarding
2.9 the nature and effects of alcohol and drug abuse as a stipulation of probation. Upon violation
2.10 of a condition of the probation, the court may enter an adjudication of guilt and proceed as
2.11 otherwise provided. The court may, in its discretion, dismiss the proceedings against the
2.12 person and discharge the person from probation before the expiration of the maximum
2.13 period prescribed for the person's probation. If during the period of probation the person
2.14 does not violate any of the conditions of the probation, then upon expiration of the period
2.15 the court shall discharge the person and dismiss the proceedings against that person.

2.16 Discharge and dismissal under this subdivision shall be without court adjudication of guilt,
2.17 but a not public record of it shall be retained by the Bureau of Criminal Apprehension for
2.18 the purpose of use by the courts in determining the merits of subsequent proceedings against
2.19 the person. The not public record may also be opened only upon court order for purposes
2.20 of a criminal investigation, prosecution, or sentencing. Upon receiving notice that the
2.21 proceedings were dismissed, the Bureau of Criminal Apprehension shall notify the arresting
2.22 or citing law enforcement agency and direct that agency to seal the agency's records related
2.23 to the dismissed charge. Upon request by law enforcement, prosecution, or corrections
2.24 authorities, the bureau shall notify the requesting party of the existence of the not public
2.25 record and the right to seek a court order to open it pursuant to this section. The court shall
2.26 forward a record of any discharge and dismissal under this subdivision to the bureau which
2.27 shall make and maintain the not public record of it as provided under this subdivision. The
2.28 discharge or dismissal shall not be deemed a conviction for purposes of disqualifications
2.29 or disabilities imposed by law upon conviction of a crime or for any other purpose.

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

2.32 Page 191, line 22, delete "August 1, 2023" and insert "January 1, 2025"

2.33 Page 193, line 4, delete "August 1, 2023" and insert "January 1, 2025"

2.34 Page 193, line 13, delete "August 1, 2023" and insert "January 1, 2025"

3.1 Page 193, line 17, delete "an order of"

3.2 Page 193, line 24, delete "prior to a determination of probable cause" and insert "after
3.3 a case was filed, unless the dismissal was based on a finding that the defendant was
3.4 incompetent to proceed"

3.5 Page 194, line 5, after "identify" insert "bureau" and delete "an order of"

3.6 Page 194, line 8, delete "an individual whose record" and insert "each person whose
3.7 case"

3.8 Page 194, line 10, delete "case" and insert "court file" and delete "record" and insert
3.9 "case"

3.10 Page 194, delete lines 11 to 33

3.11 Page 195, delete lines 1 to 7

3.12 Page 195, delete subdivision 3 and insert:

3.13 "Subd. 3. **Expungement relief; notification requirements.** (a) The Bureau of Criminal
3.14 Apprehension shall grant expungement relief to each qualifying person and seal the bureau's
3.15 records without requiring an application, petition, or motion. The bureau shall seal records
3.16 related to an expungement within 60 days after the bureau sent notice of the expungement
3.17 to the judicial branch pursuant to subdivision 2, paragraph (b), unless an order of the judicial
3.18 branch prohibits sealing the records or additional information establishes that the records
3.19 are not eligible for expungement.

3.20 (b) Nonpublic criminal records maintained by the bureau and subject to a grant of
3.21 expungement relief must display a notation stating "expungement relief granted pursuant
3.22 to section 609A.05."

3.23 (c) The bureau shall inform the judicial branch of all cases that are granted expungement
3.24 relief pursuant to this section. The bureau may notify the judicial branch using electronic
3.25 means and may notify the judicial branch immediately or in a monthly report. Upon receiving
3.26 notice of an expungement, the judicial branch shall seal all related records, including records
3.27 of the person's arrest, indictment, trial, verdict, and dismissal or discharge of the case. Upon
3.28 receiving notice of an expungement, the judicial branch shall issue any order necessary to
3.29 seal related records.

3.30 (d) The bureau shall inform each arresting or citing law enforcement agency with records
3.31 affected by the grant of expungement relief issued pursuant to paragraph (a) that expungement
3.32 has been granted. The bureau shall notify each arresting or citing law enforcement agency

4.1 of an expungement within 60 days after the bureau sent notice of the expungement to the
4.2 judicial branch. The bureau may notify each law enforcement agency using electronic means.
4.3 Upon receiving notification of an expungement, a law enforcement agency shall seal all
4.4 records related to the expungement, including the records of the person's arrest, indictment,
4.5 trial, verdict, and dismissal or discharge of the case.

4.6 (e) Data on a person whose offense has been expunged under this subdivision, including
4.7 any notice sent pursuant to paragraph (d) are private data on individuals as defined in section
4.8 13.02, subdivision 12.

4.9 (f) In any subsequent prosecution of a person with a prior expunged criminal record, a
4.10 prosecutor may include the person's expunged criminal record in a complaint or other
4.11 charging document if permitted by applicable law and the rules of criminal procedure."

4.12 Page 195, line 30, delete "August 1, 2023" and insert "January 1, 2025"

4.13 Page 197, line 19, delete "case" and insert "court file"

4.14 Page 201, line 23, delete "August 1, 2023" and insert "January 1, 2025"

4.15 Renumber the sections in sequence and correct the internal references

4.16 Amend the title accordingly