

1.1 Senator ..... moves to amend S.F. No. 2055 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "ARTICLE 1

1.4 EXPUNGEMENT WITHOUT PETITION

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

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

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

1.11 (2) upon the dismissal and discharge of proceedings against a person under section  
1.12 152.18, subdivision 1, for violation of section 152.024, 152.025, or 152.027 for possession  
1.13 of a controlled substance; or

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

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

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

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

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

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

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

- 2.1 (1) was convicted of a qualifying offense;
- 2.2 (2) has not been convicted of a new offense, other than an offense that would be a petty
- 2.3 misdemeanor, in Minnesota:
- 2.4 (i) during the applicable waiting period immediately following discharge of the disposition
- 2.5 or sentence for the crime; or
- 2.6 (ii) during the applicable waiting period immediately preceding a subsequent review
- 2.7 performed pursuant to subdivision 6, paragraph (a); and
- 2.8 (3) is not charged with an offense, other than an offense that would be a petty
- 2.9 misdemeanor, in Minnesota at the time the person reaches the end of the applicable waiting
- 2.10 period or at the time of a subsequent review.
- 2.11 (b) As used in this subdivision, "qualifying offense" means a conviction for:
- 2.12 (1) any petty misdemeanor offense other than a violation of a traffic regulation relating
- 2.13 to the operation or parking of motor vehicles;
- 2.14 (2) any misdemeanor offense other than:
- 2.15 (i) section 169A.20 under the terms described in section 169A.27 (fourth-degree driving
- 2.16 while impaired);
- 2.17 (ii) section 518B.01, subdivision 14 (violation of an order for protection);
- 2.18 (iii) section 609.224 (assault in the fifth degree);
- 2.19 (iv) section 609.2242 (domestic assault);
- 2.20 (v) section 609.748 (violation of a harassment restraining order);
- 2.21 (vi) section 609.78 (interference with emergency call);
- 2.22 (vii) section 609.79 (obscene or harassing phone calls);
- 2.23 (viii) section 617.23 (indecent exposure);
- 2.24 (ix) section 609.746 (interference with privacy); or
- 2.25 (x) section 629.75 (violation of domestic abuse no contact order);
- 2.26 (3) any gross misdemeanor offense other than:
- 2.27 (i) section 169A.25 (second-degree driving while impaired);
- 2.28 (ii) section 169A.26 (third-degree driving while impaired);
- 2.29 (iii) section 518B.01, subdivision 14 (violation of an order for protection);

- 3.1 (iv) section 609.2113, subdivision 3 (criminal vehicular operation);
- 3.2 (v) section 609.2231 (assault in the fourth degree);
- 3.3 (vi) section 609.224 (assault in the fifth degree);
- 3.4 (vii) section 609.2242 (domestic assault);
- 3.5 (viii) section 609.233 (criminal neglect);
- 3.6 (ix) section 609.3451 (criminal sexual conduct in the fifth degree);
- 3.7 (x) section 609.377 (malicious punishment of child);
- 3.8 (xi) section 609.485 (escape from custody);
- 3.9 (xii) section 609.498 (tampering with witness);
- 3.10 (xiii) section 609.582, subdivision 4 (burglary in the fourth degree);
- 3.11 (xiv) section 609.746 (interference with privacy);
- 3.12 (xv) section 609.748 (violation of a harassment restraining order);
- 3.13 (xvi) section 609.749 (harassment; stalking);
- 3.14 (xvii) section 609.78 (interference with emergency call);
- 3.15 (xviii) section 617.23 (indecent exposure);
- 3.16 (xix) section 617.261 (nonconsensual dissemination of private sexual images); or
- 3.17 (xx) section 629.75 (violation of domestic abuse no contact order); or
- 3.18 (4) any felony offense listed in section 609A.02, subdivision 3, paragraph (b), other
- 3.19 than:
- 3.20 (i) section 609.485, subdivision 4, paragraph (a), clause (2) or (4) (escape from civil
- 3.21 commitment for mental illness);
- 3.22 (ii) section 609.746, subdivision 1, paragraph (e) (interference with privacy; subsequent
- 3.23 violation or minor victim);
- 3.24 (iii) section 152.023, subdivision 2 (possession of a controlled substance in the third
- 3.25 degree); and
- 3.26 (iv) 152.024, subdivision 2 (possession of a controlled substance in the fourth degree).
- 3.27 (c) As used in this subdivision, "applicable waiting period" means:
- 3.28 (1) if the offense was a petty misdemeanor, two years since discharge of the sentence;

4.1 (2) if the offense was a misdemeanor, two years since discharge of the sentence for the  
4.2 crime;

4.3 (3) if the offense was a gross misdemeanor, three years since discharge of the sentence  
4.4 for the crime;

4.5 (4) if the offense was a felony violation of section 152.025, four years since the discharge  
4.6 of the sentence for the crime; and

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

4.9 (d) Felony offenses deemed to be a gross misdemeanor or misdemeanor pursuant to  
4.10 section 609.13, subdivision 1, remain ineligible for expungement under this section. Gross  
4.11 misdemeanor offenses ineligible for a grant of expungement under this section remain  
4.12 ineligible if deemed to be for a misdemeanor pursuant to section 609.13, subdivision 2.

4.13 Subd. 5. **Notice.** (a) The court shall notify a person who may become eligible for an  
4.14 automatic expungement under this section of that eligibility at any hearing where the court  
4.15 dismisses and discharges proceedings against a person under section 152.18, subdivision  
4.16 1, for violation of section 152.024, 152.025, or 152.027 for possession of a controlled  
4.17 substance; concludes that all pending actions or proceedings were resolved in favor of the  
4.18 person; grants a person's placement into a diversion program; or sentences a person or  
4.19 otherwise imposes a consequence for a qualifying offense.

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

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

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

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

4.32 Subd. 6. **Bureau of Criminal Apprehension to identify eligible persons and grant**  
4.33 **expungement relief.** (a) The Bureau of Criminal Apprehension shall identify any records

5.1 that qualify for a grant of expungement relief pursuant to this subdivision or subdivision 1,  
5.2 2, 3, or 4. The Bureau of Criminal Apprehension shall make an initial determination of  
5.3 eligibility within 30 days of the end of the applicable waiting period. If a record is not  
5.4 eligible for a grant of expungement at the time of the initial determination, the Bureau of  
5.5 Criminal Apprehension shall make subsequent eligibility determinations annually until the  
5.6 record is eligible for a grant of expungement.

5.7 (b) In making the determination under paragraph (a), the Bureau of Criminal  
5.8 Apprehension shall identify individuals who are the subject of relevant records through the  
5.9 use of finger and thumb prints where finger and thumb prints are available. Where finger  
5.10 and thumb prints are not available, the Bureau of Criminal Apprehension shall identify  
5.11 individuals through the use of the person's name and date of birth. Records containing the  
5.12 same name and date of birth shall be presumed to refer to the same individual unless other  
5.13 evidence establishes, by a preponderance of the evidence, that they do not refer to the same  
5.14 individual. The Bureau of Criminal Apprehension is not required to review any other  
5.15 evidence in making a determination.

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

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

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

5.31 (f) The Bureau of Criminal Apprehension shall inform each law enforcement agency  
5.32 that its records may be affected by a grant of expungement relief. Notification may be  
5.33 through electronic means. Each notified law enforcement agency that receives a request to  
5.34 produce records shall first contact the Bureau of Criminal Apprehension to determine if the

6.1 records were subject to a grant of expungement under this section. The law enforcement  
6.2 agency must not disclose records relating to an arrest, indictment or information, trial,  
6.3 verdict, or dismissal and discharge for any case in which expungement relief was granted  
6.4 and must maintain the data consistent with the classification in paragraph (g). This paragraph  
6.5 does not apply to requests from a criminal justice agency as defined in section 609A.03,  
6.6 subdivision 7a, paragraph (f), for the purposes of:

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

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

6.10 (g) Data on the person whose offense has been expunged under this subdivision, including  
6.11 any notice sent pursuant to paragraph (f), are private data on individuals as defined in section  
6.12 13.02, subdivision 12.

6.13 (h) The prosecuting attorney shall notify the victim that an offense qualifies for automatic  
6.14 expungement under this section in the manner provided in section 611A.03, subdivisions  
6.15 1 and 2.

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

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

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

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

## ARTICLE 2

## EXPUNGEMENT BY PETITION

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

Subd. 3. **Certain criminal proceedings.** (a) 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:

(1) 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 the purposes of this chapter, an action or proceeding is resolved in favor of the petitioner, if the petitioner received an order under section 590.11 determining that the petitioner is eligible for compensation based on exoneration;

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

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

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

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

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

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

8.1 ~~(5)~~ (8) the petitioner was convicted of ~~or received a stayed sentence for~~ a felony violation  
8.2 of an offense listed in paragraph (b), and has not been convicted of a new crime for at least  
8.3 ~~five~~ four years since discharge of the sentence for the crime.

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

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

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

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

8.8 (4) section 152.023, subdivision 2 (possession of a controlled substance in the third  
8.9 degree); 152.024, subdivision 2 (possession of a controlled substance in the fourth degree);  
8.10 152.025 (controlled substance in the fifth degree); or 152.097 (sale of simulated controlled  
8.11 substance);

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

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

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

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

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

8.18 (10) section 297D.09, subdivision 1 (failure to affix stamp on scheduled substances);

8.19 (11) section 297G.19 (liquor taxation); or 340A.701 (unlawful acts involving liquor);

8.20 (12) section 325F.743 (precious metal dealers); or 325F.755, subdivision 7 (prize notices  
8.21 and solicitations);

8.22 (13) section 346.155, subdivision 10 (failure to control regulated animal);

8.23 (14) section 349.2127; or 349.22 (gambling regulations);

8.24 (15) section 588.20 (contempt);

8.25 (16) section 609.27, subdivision 1, clauses (2) to (5) (coercion);

8.26 (17) section 609.31 (leaving state to evade establishment of paternity);

8.27 (18) section 609.485, subdivision 4, paragraph (a), clause (2) or (4) (escape from civil  
8.28 commitment for mental illness);

8.29 (19) section 609.49 (failure to appear in court);

9.1 (20) section 609.52, subdivision 2, when sentenced pursuant to section 609.52,  
9.2 subdivision 3, clause (3)(a) (theft of \$5,000 or less), or other theft offense that is sentenced  
9.3 under this provision; or 609.52, subdivision 3a, clause (1) (theft of \$1,000 or less with risk  
9.4 of bodily harm); or any other offense sentenced pursuant to section 609.52, subdivision 3,  
9.5 clause (3)(a);

9.6 (21) section 609.521 (possession of shoplifting gear);

9.7 ~~(21)~~ (22) section 609.525 (bringing stolen goods into state);

9.8 ~~(22)~~ (23) section 609.526, subdivision 2, clause (2) (metal dealer receiving stolen goods);

9.9 ~~(23)~~ (24) section 609.527, subdivision 5b (possession or use of scanning device or  
9.10 reencoder); 609.528, subdivision 3, clause (3) (possession or sale of stolen or counterfeit  
9.11 check); or 609.529 (mail theft);

9.12 ~~(24)~~ (25) section 609.53 (receiving stolen goods);

9.13 ~~(25)~~ (26) section 609.535, subdivision 2a, paragraph (a), clause (1) (dishonored check  
9.14 over \$500);

9.15 ~~(26)~~ (27) section 609.54, clause (1) (embezzlement of public funds \$2,500 or less);

9.16 ~~(27)~~ (28) section 609.551 (rustling and livestock theft);

9.17 ~~(28)~~ (29) section 609.5641, subdivision 1a, paragraph (a) (wildfire arson);

9.18 ~~(29)~~ (30) section 609.576, subdivision 1, clause (3), item (iii) (negligent fires);

9.19 (31) section 609.582, subdivision 3 (burglary in the third degree);

9.20 (32) section 609.59 (possession of burglary or theft tools);

9.21 ~~(30)~~ (33) section 609.595, subdivision 1, clauses (3) to (5), and subdivision 1a, paragraph  
9.22 (a) (criminal damage to property);

9.23 ~~(31)~~ (34) section 609.597, subdivision 3, clause (3) (assaulting or harming police horse);

9.24 ~~(32)~~ (35) section 609.625 (aggravated forgery); 609.63 (forgery); 609.631, subdivision  
9.25 4, clause (3)(a) (check forgery \$2,500 or less); 609.635 (obtaining signature by false  
9.26 pretense); 609.64 (recording, filing forged instrument); or 609.645 (fraudulent statements);

9.27 ~~(33)~~ (36) section 609.65, clause (1) (false certification by notary); or 609.651, subdivision  
9.28 4, paragraph (a) (lottery fraud);

9.29 ~~(34)~~ (37) section 609.652 (fraudulent driver's license and identification card);

- 10.1 ~~(35)~~ (38) section 609.66, subdivision 1a, paragraph (a) (discharge of firearm; silencer);
- 10.2 or 609.66, subdivision 1b (furnishing firearm to minor);
- 10.3 ~~(36)~~ (39) section 609.662, subdivision 2, paragraph (b) (duty to render aid);
- 10.4 ~~(37)~~ (40) section 609.686, subdivision 2 (tampering with fire alarm);
- 10.5 ~~(38)~~ (41) section 609.746, subdivision 1, paragraph (e) (interference with privacy;
- 10.6 subsequent violation or minor victim);
- 10.7 ~~(39)~~ (42) section 609.80, subdivision 2 (interference with cable communications system);
- 10.8 ~~(40)~~ (43) section 609.821, subdivision 2 (financial transaction card fraud);
- 10.9 ~~(41)~~ (44) section 609.822 (residential mortgage fraud);
- 10.10 ~~(42)~~ (45) section 609.825, subdivision 2 (bribery of participant or official in contest);
- 10.11 ~~(43)~~ (46) section 609.855, subdivision 2, paragraph (c), clause (1) (interference with
- 10.12 transit operator);
- 10.13 ~~(44)~~ (47) section 609.88 (computer damage); or 609.89 (computer theft);
- 10.14 ~~(45)~~ (48) section 609.893, subdivision 2 (telecommunications and information services
- 10.15 fraud);
- 10.16 ~~(46)~~ (49) section 609.894, subdivision 3 or 4 (cellular counterfeiting);
- 10.17 ~~(47)~~ (50) section 609.895, subdivision 3, paragraph (a) or (b) (counterfeited intellectual
- 10.18 property);
- 10.19 ~~(48)~~ (51) section 609.896 (movie pirating);
- 10.20 ~~(49)~~ (52) section 624.7132, subdivision 15, paragraph (b) (transfer pistol to minor);
- 10.21 624.714, subdivision 1a (pistol without permit; subsequent violation); or 624.7141,
- 10.22 subdivision 2 (transfer of pistol to ineligible person); or
- 10.23 ~~(50)~~ (53) section 624.7181 (rifle or shotgun in public by minor).
- 10.24 **EFFECTIVE DATE.** This section is effective July 1, 2023, and applies to all offenses
- 10.25 that meet the eligibility criteria on or after that date.

**ARTICLE 3****CONFORMING CHANGES**

11.1  
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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.

11.7  
11.8

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

11.9

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

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11.11  
11.12  
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11.14

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:

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11.16

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

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

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11.20  
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11.22

(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.

11.23  
11.24

(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:

11.25

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

11.26  
11.27

(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.

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(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

12.1 the opportunity to attend and participate in an appropriate program of education regarding  
12.2 the nature and effects of alcohol and drug abuse as a stipulation of probation. Upon violation  
12.3 of a condition of the probation, the court may enter an adjudication of guilt and proceed as  
12.4 otherwise provided. The court may, in its discretion, dismiss the proceedings against the  
12.5 person and discharge the person from probation before the expiration of the maximum  
12.6 period prescribed for the person's probation. If during the period of probation the person  
12.7 does not violate any of the conditions of the probation, then upon expiration of the period  
12.8 the court shall discharge the person and dismiss the proceedings against that person.  
12.9 Discharge and dismissal under this subdivision shall be without court adjudication of guilt,  
12.10 but a not public record of it shall be retained by the Bureau of Criminal Apprehension for  
12.11 the purpose of use by the courts in determining the merits of subsequent proceedings against  
12.12 the person. The not public record may also be opened only upon court order for purposes  
12.13 of a criminal investigation, prosecution, or sentencing. Upon receipt of notice that the  
12.14 proceedings were dismissed, the Bureau of Criminal Apprehension shall notify the arresting  
12.15 or citing law enforcement agency and direct that agency to seal its records related to the  
12.16 charge. Upon request by law enforcement, prosecution, or corrections authorities, the bureau  
12.17 shall notify the requesting party of the existence of the not public record and the right to  
12.18 seek a court order to open it pursuant to this section. The court shall forward a record of  
12.19 any discharge and dismissal under this subdivision to the bureau which shall make and  
12.20 maintain the not public record of it as provided under this subdivision. The discharge or  
12.21 dismissal shall not be deemed a conviction for purposes of disqualifications or disabilities  
12.22 imposed by law upon conviction of a crime or for any other purpose.

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

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

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

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

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

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

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

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

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

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

13.7 **Sec. 4. [299C.097] DATABASE FOR IDENTIFYING INDIVIDUALS ELIGIBLE**  
13.8 **FOR EXPUNGEMENT.**

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

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

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

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

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

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

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

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

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

13.29 (5) persons in whose possession, when arrested, are found concealed firearms or other  
13.30 dangerous weapons, burglar tools or outfits, high-power explosives, or articles, machines,

14.1 or appliances usable for an unlawful purpose and reasonably believed by the arresting officer  
14.2 to be intended for such purposes;

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

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

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

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

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

14.23 (1) release from booking; or

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

14.25 Prior to acceptance of a plea of guilty or not guilty, an individual's finger and thumb  
14.26 prints must be submitted to the Bureau of Criminal Apprehension for the offense. If finger  
14.27 and thumb prints have not been successfully received by the bureau, an individual may,  
14.28 upon order of the court, be taken into custody for no more than eight hours so that the taking  
14.29 of prints can be completed. Upon notice and motion of the prosecuting attorney, this time  
14.30 period may be extended upon a showing that additional time in custody is essential for the  
14.31 successful taking of prints.

14.32 (e) For purposes of this section, a targeted misdemeanor is a misdemeanor violation of  
14.33 section 169A.20 (driving while impaired), 518B.01 (order for protection violation), 609.224

15.1 (fifth-degree assault), 609.2242 (domestic assault), 609.746 (interference with privacy),  
15.2 609.748 (harassment or restraining order violation), 609.749 (obscene or harassing telephone  
15.3 calls), 617.23 (indecent exposure), or 629.75 (domestic abuse no contact order).

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

15.5 **299C.111 SUSPENSE FILE REPORTING.**

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

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

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

15.11 **299C.17 REPORT BY COURT ADMINISTRATOR.**

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

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

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

15.20 **609A.01 EXPUNGEMENT OF CRIMINAL RECORDS.**

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

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

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

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

16.6 (1) sealing the record; and

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

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

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

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

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

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

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

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

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

16.24 (7) the petitioner's criminal record;

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

16.26 (9) the recommendations of interested law enforcement, prosecutorial, and corrections  
16.27 officials;

16.28 (10) the recommendations of victims or whether victims of the underlying crime were  
16.29 minors;

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

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

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

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

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

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

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

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

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

17.26 (2) when a criminal justice agency seeks access to a record that was sealed under section  
17.27 609A.02, subdivision 3, paragraph (a), clause (1), after an acquittal or a court order dismissing  
17.28 for lack of probable cause, for purposes of a criminal investigation, prosecution, or  
17.29 sentencing, the requesting agency must obtain an ex parte court order after stating a  
17.30 good-faith basis to believe that opening the record may lead to relevant information;

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

18.1 (4) an expunged record of a conviction may be opened for purposes of a background  
18.2 study under section 245C.08 unless the commissioner had been properly served with notice  
18.3 of the petition for expungement and the court order for expungement is directed specifically  
18.4 to the commissioner of human services;

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

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

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

18.15 (8) the subject of an expunged record may request, and the court shall provide, certified  
18.16 or uncertified records of conviction for a record expunged pursuant to sections 609A.015,  
18.17 609A.02, and 609A.025.

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

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

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

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

19.1 (g) This subdivision applies to expungement orders subject to its limitations and effective  
19.2 on or after January 1, 2015, and grants of expungement relief issued on or after January 1,  
19.3 2025.

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

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

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

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

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

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

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

19.20 (2) the right to be present at the sentencing hearing and at the hearing during which the  
19.21 plea is presented to the court and to express orally or in writing, at the victim's option, any  
19.22 objection to the agreement or to the proposed disposition. If the victim is not present when  
19.23 the court considers the recommendation, but has communicated objections to the prosecuting  
19.24 attorney, the prosecuting attorney shall make these objections known to the court.; and

19.25 (3) the eligibility of the offense for automatic expungement pursuant to section 609A.015.

19.26 **EFFECTIVE DATE.** This section is effective January 1, 2025, and applies to plea  
19.27 agreements entered into on or after that date.

20.1

**ARTICLE 4**

20.2

**APPROPRIATION**

20.3

**Section 1. SUPREME COURT; APPROPRIATION.**

20.4

\$..... in fiscal year 2024 and \$..... in fiscal year 2025 are appropriated from the general

20.5

fund to the supreme court to seal records of any case in which expungement relief was

20.6

granted pursuant to Minnesota Statutes, section 609A.015, and to issue any order deemed

20.7

necessary to achieve this purpose. Money may be used to acquire, update, or modify relevant

20.8

information technology systems; hire staff including retired judges to perform necessary

20.9

record review; and to pay for any other necessary administrative costs.

20.10

**Sec. 2. EXPUNGEMENT ASSISTANCE; APPROPRIATION.**

20.11

\$..... in fiscal year 2024 and \$..... in fiscal year 2025 are appropriated from the general

20.12

fund to the commissioner of public safety for grants to organizations providing expungement

20.13

assistance related to delinquency adjudications. Grants shall be awarded to organizations

20.14

to educate individuals with delinquency adjudications about the expungement of juvenile

20.15

records, assist individuals in preparing petitions for the expungement of records relating to

20.16

delinquency adjudications, and represent individuals in expungement proceedings brought

20.17

pursuant to Minnesota Statutes, section 260B.198, subdivision 6. The Office of Justice

20.18

Programs shall administer the grants and may use up to 2.5 percent of the annual

20.19

appropriation for administrative costs."

20.20

Amend the title accordingly