



Legislative Report

Automatic Expungements Under the Adult-Use Cannabis Act

July 9, 2024

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Introduction

Minnesota Statute § 609A.055 requires the Bureau of Criminal Apprehension (BCA) to identify criminal history records that qualify for automatic expungement based on criteria identified in subdivision 1. The statute further requires that the BCA provide a list of those identified records to the Minnesota Judicial Branch for review and seal the records, unless the Minnesota Judicial Branch issues an order within 60 days that prohibits doing so.

This report fulfills the requirement in subdivision 5 that the BCA produce a report to the legislature containing summary data about records expunged at the BCA as a result of this process.

Eligible offenses

Criteria for automatic expungement

The following records are eligible for automatic expungement:

- (1) Upon the dismissal and discharge of proceedings against a person under section [152.18, subdivision 1](#), for violation of section [152.024](#), [152.025](#), or [152.027](#);
- (2) If the person was convicted of or received a stayed sentence for a violation of section [152.027, subdivision 3](#) or 4;
- (3) If the person was arrested and all charges were dismissed prior to a determination of probable cause for charges under section [152.021, subdivision 2](#), paragraph (a), clause (6); [152.022, subdivision 2](#), paragraph (a), clause (6); [152.023, subdivision 2](#), paragraph (a), clause (5); [152.024, subdivision 2](#), clause (2); [152.025, subdivision 2](#), clause (1); or [152.027, subdivision 3](#) or 4; or
- (4) if all pending actions or proceedings were resolved in favor of the person for charges under section [152.021, subdivision 2](#), paragraph (a), clause (6); [152.022, subdivision 2](#), paragraph (a), clause (6); [152.023, subdivision 2](#), paragraph (a), clause (5); [152.024](#), subdivision 2, clause (2); [152.025, subdivision 2](#), clause (1); or [152.027, subdivision 3](#) or 4.

For purposes of this section:

- (1) A verdict of not guilty by reason of mental illness is not a resolution in favor of the person; and
- (2) An action or proceeding is resolved in favor of the person if the person received an order under section [590.11](#) determining that the person is eligible for compensation based on exoneration.

Minnesota Judicial Branch review

The BCA completed a review of records in the Minnesota Criminal History System (CHS) which is Minnesota's repository for data on subjects arrested for felony, gross misdemeanor, targeted misdemeanor, and some misdemeanor offenses. The BCA identified 57,993 that were eligible for automatic expungement under § 609A.055. The BCA provided a list of these records to the Minnesota Judicial Branch in March 2024. The information provided included the name, date of birth and court file number for each eligible record.

Under subdivision 3, eligible records must be sealed at the BCA unless the Minnesota Judicial Branch issues an order that prohibits sealing the records or additional information establishes that the records are not

eligible for expungement. The Minnesota Judicial Branch determined which records should not be sealed. As a result, the BCA sealed a total of 57,874 records in the CHS.

Records sealed at the BCA

The information below reflects records held in the CHS, which is operated by the BCA. Data contained in this report reflect only those records held by the BCA, and not those held by the Minnesota Judicial Branch or other criminal justice entities.

The data below includes all records that qualify for relief under § 609A.055. As required in subdivision 3(b), these BCA records contain the notation “expungement relief granted pursuant to section 609A.055.” This notice is not visible to the public but will appear on records when requested by entities with statutory or court ordered access to sealed data.

Total people impacted

The number of people who had at least a portion of their record in the CHS sealed because of the Adult-Use Cannabis Act: 48,331.

Demographic data on people impacted

The data below includes people who had at least a portion of their records in CHS sealed because of the Adult-Use Cannabis Act.

Total people impacted by automatic expungements by race¹:

- American Indian or Alaskan Native: 3,271
- Asian or Pacific Islander: 1,067
- Black or African American: 10,409
- White: 31,965
- Unknown: 5,972

Total people impacted by automatic expungements by gender²:

- Female: 11,497
- Male: 33,645
- Unknown: 3,549

Total people whose records were fully sealed

The number of people whose record in the CHS was fully sealed because of the Adult-Use Cannabis Act: 2,920.

Court records in the CHS that were sealed

Court cases: A person may have had more than one court case in their CHS record that was affected by the Adult-Use Cannabis Act. Total unique court cases sealed: 27,439.

¹ The sum of these numbers may not equal the total listed as a person can have more than one race.

² The sum of these numbers may not equal the total listed as a person can have more than one gender.

Court counts: A court case can include multiple counts, and a person may have multiple cases with multiple counts in their CHS record that were affected by the Adult-Use Cannabis Act. Total unique court counts sealed: 57,874.

Total unique court cases impacted by county

The following is a breakdown by-county of court cases affected by the Adult-Use Cannabis Act. This data reflects the county where the court cases were filed.

Aitkin County	96
Anoka County	1,370
Becker County	144
Beltrami County	286
Benton County	118
Big Stone County	6
Blue Earth County	349
Brown County	33
Carlton County	312
Carver County	238
Cass County	226
Chippewa County	47
Chisago County	334
Clay County	267
Clearwater County	16
Cook County	34
Cottonwood County	44
Crow Wing County	338
Dakota County	1,744
Dodge County	115
Douglas County	155
Faribault County	70
Fillmore County	10
Freeborn County	205
Goodhue County	154
Grant County	24
Hennepin County	8,486
Houston County	37
Hubbard County	172
Isanti County	185

Itasca County	113
Jackson County	51
Kanabec County	137
Kandiyohi County	251
Kittson County	7
Koochiching County	91
Lac qui Parle County	19
Lake County	44
Lake of the Woods County	24
Le Sueur County	93
Lincoln County	3
Lyon County	34
Mahnomen County	93
Marshall County	8
Martin County	62
McLeod County	285
Meeker County	98
Mille Lacs County	354
Morrison County	111
Mower County	119
Murray County	9
Nicollet County	43
Nobles County	64
Norman County	8
Olmsted County	598
Otter Tail County	182
Pennington County	85
Pine County	346
Pipestone County	95

Polk County	78
Pope County	59
Ramsey County	2,104
Red Lake County	17
Redwood County	29
Renville County	69
Rice County	384
Rock County	28
Roseau County	46
Scott County	1,009
Sherburne County	288
Sibley County	102
St. Louis County	859
Stearns County	779
Steele County	172
Stevens County	19
Swift County	34
Todd County	99
Traverse County	6
Wabasha County	83
Wadena County	42
Waseca County	29
Washington County	819
Watsonwan County	44
Wilkin County	21
Winona County	154
Wright County	902
Yellow Medicine County	61
Unknown county	61

Total unique court counts by offense

The Adult-Use Cannabis Act identified offenses eligible to be automatically sealed by statute. The following breaks down court counts automatically sealed by statute.

<i>Records sealed</i>	<i>Related Minnesota statute</i>
41,208	Drugs - 5th Degree - Possess Schedule 1,2,3,4 - Not Small Amount Marijuana (Minn. Stat. § 152.025.2(1))
7,323	Drugs - Possess Over 1.4 Grams Marijuana In Motor Vehicle (Minn. Stat. § 152.027.3)
5,678	Drugs - Possess/Sale Small Amount of Marijuana - No Remuneration (Minn. Stat. § 152.027.4(a))
2,490	Drugs-Possess/Sale Small Amounts of Marijuana (Minn. Stat. § 152.027.4)
383	Drugs - 4th Degree - Possess Schedule 1/2/3 Except Marijuana with Intent to Sell (Minn. Stat. § 152.024.2(2))
230	Drugs - 5th Degree - Procure/Possess/Control by Fraud or Deceit (Minn. Stat. § 152.025.2(2)(i))
151	Drugs - 5th Degree - Possession and Other Crimes (Minn. Stat. § 152.025.2)
104	Drugs - 5th Degree - Procure/Possess/Control Over a Controlled Substance (Minn. Stat. § 152.025.2(2))
95	Drugs - Sale of Small Amount of Marijuana - Subsequent Conviction within 2 Years (Minn. Stat. § 152.027.4(b))
67	Drugs - 4th Degree - Possess - Phencyclidine/Hallucinogen 10 or More Doses (Minn. Stat. § 152.024.2(1))
45	Drugs - 3rd Degree - Possess 10 Kilos or More Marijuana Mixture (Minn. Stat. § 152.023.2(a)(5))
43	Drugs - Conviction for Possess/Sale Small Amount of Marijuana - Fail to Comply with Sentence (Minn. Stat. § 152.027.4(c))
12	Drugs - 1st Degree - Possess - 50 kilograms or more marijuana/Tetra or 500 or more plants (Minn. Stat. § 152.021.2(a)(6))
10	Drugs - 5th Degree - Procure/Possess/Control by False Name or False Credit (Minn. Stat. § 152.025.2(2)(ii))
8	Drugs - Possess Schedule 5 Controlled Substance (Minn. Stat. § 152.027.2)
8	Drugs - 2nd Degree - Possess 25 kilos or more marijuana/Tetrahydrocannabinols or 100 or more plants (Minn. Stat. § 152.022.2(a)(6))
7	Drugs - 5th Degree - Procure/Possess/Control by false title/representation as authorized person (Minn. Stat. § 152.025.2(2)(iii))
5	Drugs - 4th Degree-Possession (Minn. Stat. § 152.024.2)
3	Drugs - 5th Degree - Possess Schedule 1,2,3,4 - Not Small Amount Marijuana (Minn. Stat. § 152.025.2(a)(1))
2	Drugs - 5th Degree (Minn. Stat. § 152.025)
1	Drugs - Synthetic Cannabinoid - Possess any amount of a synthetic cannabinoid (Minn. Stat. § 152.027.6(d))
1	Drugs - Other Controlled Substance Offenses (Minn. Stat. § 152.027)

Arrests without court data

These are records where an individual was arrested but the CHS had no court information and the records were sealed because of the Adult-Use Cannabis Act. Total number of arrests sealed: 1,682.

Records available through other systems

The BCA notified the Minnesota Judicial Branch that automatic expungements in the CHS are complete. The BCA also provided a by-agency list of these records to local criminal justice agencies, so that they and the courts can seal related records in their own systems.

In addition, Minnesota is part of the National Crime Prevention and Privacy Compact, which requires that criminal history records remain visible to other states unless the court issues an order sealing the record at the BCA.

Continued analysis in 2025

There are likely additional records related to cases that are still going through the court process that will qualify for automatic expungement. However, that determination cannot be made until the court process is complete.

The BCA will conduct a second review of records in CHS in 2025, once these cases have made their way through the courts, to identify any additional records that qualify for automatic expungement.

If any additional records are identified, the BCA will follow the same process as was followed in 2024, providing records to the Minnesota Judicial Branch for review before expungement takes place, and notifying the courts and local criminal justice agencies so that they can expunge related records in their own systems.

Records qualifying for Cannabis Expungement Board review

Additionally, an independent Cannabis Expungement Board will review records that include convictions or stays of adjudication for offenses involving the sale or possession of cannabis-related offenses.

The BCA provided 80,210 records to the Department of Corrections in September 2023 for the Board's review. The Board will determine a timeframe for review.

Conclusion

The BCA has posted a notice on all records in the CHS letting those who view the records know about the possibility of future changes under the Adult-Use Cannabis Act. These changes may occur as a result of the BCA's 2025 review of records or as a result of decisions made by the Cannabis Expungement Board and the courts. Short of this, all records required to be expunged in the CHS under the Adult-Use Cannabis Act have been expunged.