# MANUAL ON MINNESOTA CRIMINAL EXPUNGMENTS:

# ELIGIBILITY, PROCESSING, USE OF THE RECORDS & RESPONDING TO RECORDS REQUESTS


**BY**

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**@2025**

## INTRODUCTION

This document is intended to be used in conjunction with the actual statutes, in coordination with case law and based upon the legal advice from your attorney. This document is not legal advice nor the official position of the Minnesota Sheriffs Association (MSA) on matters involving expungment. It is not intended to make a policy statement on whether expungment of criminal records a good public policy. It does not address civil expungments or sealing of records such as cases of unlawful detainers or sensitive civil cases in which court records may be sealed by the courts or public access limited by judicial policy. This manual is intended to aid the practitioner in the highly complex area of eligibility for expungment, processing expungments, responding to requests for expunged data and related data practices matters.

Because how expunged files are managed in each of these areas is highly dependent on the statutes under which the record is expunged this manual is organized by the statute number under which expungment may be ordered or results from expungment without court order. Since the Minnesota Supreme Court has held that the courts have inherent authority to control their own records under the concept of Separation of Powers we also discuss expungments issued under judicial inherent authority, although record sealed or expunged under that doctrine are only court records and therefore such orders have minimal practical or legal effect on executive branch records. Criminal justice agencies are deemed part of the executive branch for that purpose and beyond the authority of the courts to lawfully order the sealing of executive branch records without statutory authority. State v. M.D.T. 831 N. W.2d 276 (Minn. 2013) and State v. S.L.H., 755 N.W.2d 271 (Minn. 2008).

The contents of this manual are based upon the premise that the courts and prosecutors will follow the letter of the statutes in addressing expungment eligibility and the processing of expungement petitions and requests. Based on long experience representing government entities in expungment matters and advising countless times on data practices, the undersigned recognizes that will not always be the case. These materials should also provide a discussion point for any situation when expungment orders are issued without statutory authority and are directed to executive branch agencies so the interested agencies can determine whether to pursue appellate relief from such an order.

The terms “expungment” and “sealing” are sometimes confusing to the uninformed and often either out of ignorance or wishful thinking people confuse an expungment or sealing of a record with a conviction being reversed or a pardon. This is incorrect. The effect of an expungment or sealing of a record is established in Minn. Stat. 609A.01 that states:

This chapter provides the grounds and procedures for expungement of criminal records under section 13.82; 152.18, subd. 1; 299C.11, where expungement is automatic under sections 609A.015, 609A.017, or 609A.035, or a petition is authorized under section 609A.02, subdivision 3; expungement is automatic under section 609A.055; expungement is considered by a panel under section 609A.06; or other applicable law. The remedy available is limited to a court order or grant of expungement under section 609A.015 sealing the records and prohibiting the disclosure of their existence or their opening except under court order or statutory authority. Nothing in this chapter authorizes the destruction of records or their return to the subject of the records.

Likewise an expunged conviction has been held to remain a valid conviction, State v. M.D.T., supra, and an expungment for a crime of violence does not restore the authority to lawfully possess firearms. Minn. Stat. 609A.03, subd. 5a states:

An order expunging the record of a conviction for a crime of violence as defined in section 624.712, subd. 5, must provide that the person is not entitled to ship, transport, possess, or receive a firearm for the remainder of the person's lifetime. Any person whose record of conviction is expunged under this section and who thereafter receives a relief of disability under 18 U.S.C. section 925, or whose ability to possess firearms has been restored under section 609.165, subd.1d, is not subject to the restriction in this subdivision.

As a final advisory it should be remembered that in addition to these expungment statutes the records discussed in this manual in the possession of the executive branch of government are also subject to the Data Practices and Minn. Stat. Chpt. 13. While the expungment statutes are designed and intended to remove many of these records from the public view, a basic principle of the Data Practices that all government data is presumed to be classified as public data is still a core principle of that Act and has been so for 50 years. Minn. Stat. 13.01, subd. 3 states:

This chapter regulates the collection, creation, storage, maintenance, dissemination, and access to government data in government entities. It establishes a presumption that government data is public and is accessible by the public for both inspection and copying unless there is federal law, a state statute, or a temporary classification of data that provides that certain data are not public.

Likewise, Minn. Stat. 13.03, subd. 1 states:

All government data collected, created, received, maintained or disseminated by a government entity shall be public unless classified by statute, or temporary classification pursuant to section 13.06, or federal law, as nonpublic or protected nonpublic, or with respect to data on individuals, as private or confidential. The responsible authority in every government entity shall keep records containing government data in such an arrangement and condition as to make them easily accessible for convenient use.

These materials are current as of the date of publication. However, the subject of expungment is continuously evolving and a developing area of the law with it very likely that the landscape will be changed by many court decisions and perhaps legislation, since there are many proposals and suggestions being advanced to change the various expungment statutes.

Rick Hodsdon

MSA General Counsel October 2025

## CORE EXPUNGMENT PRINCIPLES

Despite the great variations in the expungment statutes and the sometimes-detailed level of the various statutes, in many areas there is significant lack of guidance on how to comply with the often-competing interests of many statutes and public safety and government accountability and transparency policies concerning government records. It is suggested that when in doubt about an expungment question consider these core principles established by Minnesota Statutes, Minnesota Rules and case law.

1. All executive branch records, including any record impacted or that may be impacted by expungment, is first and foremost subject to the Minnesota Government Data Practices Act, Minn. Stat. Chpt. 13 and Minn. Rule Chpt. 1205.
2. Access to records held by the Court under the constitutional doctrine of Separation of Powers are not governed by the Data Practices Act and are instead governed by the Minnesota Supreme Court Rules of Public Access to Judicial Records and Administrative Orders of the Minnesota Supreme Court such as ADM09-8010. State v. M.D.T., 831 N.W. 2d 276 (Minn. 2013); State v. S.L.H., 755 N.W. 2d271 (Minn. 2008); State v. C.A. 304 N.W. 2d 353 (Minn. 1981).
3. Because of these distinctions the scope of expungment and access to records are not the same for court records and executive branch records so some records will remain public in the courts and not executive branch, some records will remain public in the executive branch and not in the courts, some records will remain public in both branches and some records subject to an expungment order will be made not public in both branches. State v. S.L.H., 755 N.W. 2d 271 (Minn. 2008); State v. C.A., 304 N.W. 2d 353 (Minn. 1981).
4. The basic default principle for executive branch records is that all government data is presumed to be public unless some provision of law states to the contrary. Minn. Stat. 13.01, subd. 3 and Minn. Stat. 13.03, subd. 1. As a result of this presumption exceptions to public access are narrowly construed with a presumption of public access.
5. Each government entity is responsible only for the management of its own data and as a result the same data set may have different classifications of public, private or confidential data on individuals depending on which entity has it and when and how it was created or obtained.
6. The effect of an expungment is only to seal a record and remove it from public access and nothing in Minn. Stat. Chpt. 609A authorizes or requires destruction of a sealed record. The only related statute that authorizes or requires destruction of records is Minn. Stat. 299C.11, which is limited to BCA mandated identification records and no other records. Destruction of an official record when not authorized by a formally adopted records destruction schedule is a crime under Minn. Stat. 138.225; City of St. Paul v. Froysland, 246 N.W. 2d 435 (Minn. 1976).

7. In the case of court-ordered expungment under Minn. Stat. 609A.03 a government entity and its attorney must be served with a copy of the petition and proposed court order. Minn. Stat. 609A.03, subd. 3. To be binding on a government entity once an expungment order is issued the court administrator must send a copy of it to each agency and jurisdiction whose records are affected by the order. Minn Stat. 609A.03, subd. 8. An entity that is not served or sent an expungment order does not have the authority to remove otherwise public data from public access and refusal to make public data available upon request may subject the entity and its employees to civil, criminal and administrative adverse consequences under Minn. Stat. 13.08 and 13.09; In re H.A.L. 828 N.W. 2d 476 (Minn. App. 2013).
8. Administrative expungment directives issued by the BCA under provisions such as Minn. Stat. 609A.015 and 609.055 are issued only to the agency identified by the ORI. That agency has no obligation to advise any other entity or agency of receipt of such a directive.
9. An entity that is in possession of records that it obtained before the ORI agency received the expungment directive or that it got from the ORI entity before receipt of the expungment directive is not bound by the expungment directive and lacks authority to deny public access to data based solely on the directive issued to the ORI agency.
10. Expungement under court order or statutory mandate applies to the individual who is the subject of the expungment order or state directive and does not affect the public data status of records involving other individuals included in the records and in the case of statutory expungments does not affect public data status of other data reflected in the case file such as charges or crimes that are not subject to statutory sealing. In such cases the agency should not refuse to produce the data upon public request and instead must redact the non-public data under basic Data Practices principles and make the remaining data available to the requesting party.
11. The release of data subject to an expungment order or statutory expungment is often subject to different requirements and authorizations dependent at least in part upon the legal basis of the expungment or sealing of the record. It is therefore imperative that any record entry that a record has been sealed designates the legal basis for the sealing. Failure to make such a designation creates significant future and preventable risk of liability for wrongful disclosure of non-public records or wrongful failure to disclose public records.

**Statute Number:** 260B.198, subd. 6

**General Description:** Juvenile Delinquency Records

**Eligibility for Expungment:** Any juvenile record

**Mechanics for Expungment:** Not specified in statute

Court decides if expungement would yield benefit to subject that outweighs detriment to public and public safety in sealing record and burden on court and public agencies or jurisdictions in issuing, enforcing, and monitoring the order.

In making determination court shall consider: (1) age, education, experience, and background, including mental and emotional development of subject at time of commission of offense; (2) circumstances and nature and severity of offense including any aggravating or mitigating factors; (3) victim and community impact including age and vulnerability of victim; (4) level of participation of subject in planning and carrying out offense including familial or peer influence; (5) juvenile delinquency and criminal history of subject; (6) programming history of subject including child welfare, school and community-based, and probation interventions and subject's willingness to participate meaningfully in programming, probation, or both; (7) any other aggravating or mitigating circumstance bearing on culpability or potential for rehabilitation of subject; and (8) benefit that expungement would yield to subject in pursuing education, employment, housing, or other necessities.

**Data Practices Classification of Expunged Record:** Lacks explicit classification-likely confidential.

**Authority to Disclose Records:**

Record expunged prior to January 1, 2015, may not be opened or exchanged; record expunged on or after January 1, 2015, is sealed and may be opened, used, or exchanged between criminal justice agencies in the same manner as criminal record under 609A.03, subd. 7a(b).

**Other Comments and Considerations:**

**Statute Number:** 299C.11

**General Description:** Booking Identification Data-Not charged

**Eligibility for Expungment:** Not an expungment but is destruction of listed identification records only-not case file.

Requirements:

1. Person has not been convicted of any felony or gross misdemeanor either within or without the state within period of ten years immediately preceding determination of all pending criminal actions or proceedings in favor of arrested person;
2. and either of the following occurred: all charges were dismissed prior to determination of probable cause; or prosecuting authority declined to file any charges and grand jury did not return indictment.

**Mechanism for Expungment:** When conditions are met BCA or agency shall upon demand destroy arrested person's fingerprints and thumbprints, photographs, distinctive physical mark identification data, information on known aliases and street names, and other identification data, and all copies and duplicates of them

**Data Practices Classification of Expunged Record:** No record of identification data still exists so it has no classification.

**Authority to Disclose Records**: Since the record no longer exists the proper response is that there is no responsive record.

**Other Comments and Considerations:**

Statute is for identification data only and does authorize destruction of any case file records nor the sealing or expungment of a record.

Minn. Stat. 299C.11, subd. 3: "determination of all pending criminal actions or proceedings in favor of arrested person" does not include: sealing of criminal record pursuant to section 152.18, subd.1, 242.31, or chapter 609A; arrested person's successful completion of diversion program; order of discharge under section 609.165; or pardon granted under chapter 638.

**Statute Number:** 299C.11

**General Description:** Booking Identification Data-Mistaken Identity

**Eligibility for Expungment:** Sheriff, chief of police, BCA or other arresting agency determines person arrested or identified as result of mistaken identity before presenting information to prosecuting authority for charging decision; or prosecuting authority declines to file charges or grand jury does not return indictment based on determination that person was identified or arrested as result of mistaken identity and prosecuting authority that determines person was arrested or identified as result of mistaken identity and either declines to file any charges or receives notice that grand jury did not return indictment shall notify BCA and applicable sheriff, chief of police or other arresting agency of determination.

**Mechanism for Expungment:** BCA or agency shall destroy arrested person's fingerprints and thumbprints, photographs, distinctive physical mark identification data, information on known aliases and street name, and other identification data and all copies and duplicates of them without the demand of any person or granting of petition under chapter 609A.

**Data Practices Classification of Expunged Record:** No record of identification data still exists so it has no classification.

**Authority to Disclose Records:**

Since the record no longer exists the proper response is that there is no responsive record.

**Other Comments and Considerations:**

This statute is for identification data only and does authorize destruction of any case file records nor the sealing or expungment of record.

Minn. Stat. 299C.11, subd. 3L "mistaken identity" means person was incorrectly identified as being different person: because person's identity had been transferred, used, or possessed in violation of section 609.527; or as result of misidentification by witness or law enforcement, confusion on part of witness or law enforcement as to identity of person who committed crime, misinformation provided to law enforcement as to identity of person who committed crime, or some other mistake on part of witness or law enforcement as to identity of person who committed crime

**Statute Number:** 609A.015, subd. 1

**General Description:** Automatic Expungment (Clean Slate)- Exoneration

**Eligibility for Expungment:** Person who is subject of criminal record or delinquency record is eligible for expungement without filing petition: (1) if person was arrested and all charges were dismissed after case was filed unless dismissal was based on finding that defendant was incompetent to proceed; (2) upon dismissal and discharge of proceedings against person under section 152.18, subd. 1, for violation of section 152.024, 152.025, or 152.027 for possession of controlled substance; or (3) if all pending actions or proceedings were resolved in favor of person.

For purposes of this chapter verdict of not guilty by reason of mental illness is not resolution in favor of person; action or proceeding is resolved in favor of person if petitioner received order under section 590.11 determining person is eligible for compensation based on exoneration.

**Mechanism for Expungment:** Service requirements in section 609A.03, subd. 8, do not apply to any expungements ordered under this subdivision.

Subd. 4. Notice

Court shall notify person who may become eligible for automatic expungement under this section of eligibility at any hearing where court dismisses and discharges proceedings against person under section 152.18, subd. 1, for violation of section 152.024, 152.025, or 152.027 for possession of controlled substance; concludes that all pending actions or proceedings were resolved in favor of person; grants person's placement into diversion program; or sentences person or otherwise imposes consequence for qualifying offense.

To extent possible, prosecutors, defense counsel, supervising agents, and coordinators or supervisors of diversion program shall notify person who may become eligible for automatic expungement under this section of eligibility.

Subd. 5. BCA Identifies and Grants Relief

BCA shall identify any records that qualify for expungement. BCA shall make initial determination of eligibility within 30 days of end of applicable waiting period. If record is not eligible for expungement at time of initial determination BCA shall make subsequent eligibility determinations annually until record is eligible for expungement.

BCA shall identify individuals who are subject of relevant records through use of fingerprints and thumbprints where available. Where not available BCA shall identify individuals through use of person's name and date of birth. Records containing same name and date of birth shall be presumed to refer to same individual unless other evidence establishes by preponderance of evidence they do not refer to same individual. BCA is not required to review any other evidence.

BCA shall grant expungement to qualifying persons and seal its own records without requiring application, petition, or motion. Records shall be sealed 60 days after notice is sent to judicial branch unless order of judicial branch prohibits sealing records or additional information establishes records are not eligible for expungement.

Nonpublic criminal records maintained by BCA and subject to expungement relief shall display notation stating "expungement relief granted pursuant to section 609A.015."

BCA shall inform judicial branch of all cases for which expungement relief was granted pursuant to this section. Upon receipt of notice judicial branch shall seal all records relating to arrest, indictment or information, trial, verdict, or dismissal and discharge for any case in which expungement relief was granted and shall issue any order deemed necessary to achieve this purpose.

**Data Practices Classification of Expunged Record:** Data on person whose offense has been expunged under this subdivision including any notice sent pursuant to paragraph (f), are private data on individuals as defined in section 13.02, subd.12.

**Authority to Disclose Records:**

BCA shall inform each law enforcement agency that its records may be affected by grant of expungement. Each notified law enforcement agency that receives request to produce records shall first determine if records were subject to grant of expungement under this section. Law enforcement agency must not disclose records relating to arrest, indictment or information, trial, verdict, or dismissal and discharge for any case in which expungement relief was granted and must maintain data consistent with the classification in paragraph (g). This paragraph does not apply to requests from a criminal justice agency as defined in section 609A.03, subd. 7a(f). 609A.03, subd. 7a(f) states: For purposes of this section, a "criminal justice agency" means a court or government agency that performs the administration of criminal justice under statutory authority.

**Other Comments and Considerations:**

Expungement order does not apply to records held by commissioners of children, youth, and families; health; and human services.

In any subsequent prosecution of person granted expungement relief expunged criminal record may be pleaded and has same effect as if relief had not been granted.

Minnesota Supreme Court Order ADM09-8010 issued on June 20, 2025, superseded an Order issued May 1, 2024. Order applies only to court records and not executive branch records. Court will not seal court records based on individual charges so will only seal case file if all charges are eligible for sealing. Court will not seal court file for person found incompetent to stand trial or not guilty by reason of mental illness to facilitate access for gun permit checks. Court will not seal court files with outstanding financial balance, active warrant or active Domestic Abuse No

Contact Order. Court order states court staff are authorized to answer questions from defendant or juvenile subject of case or prosecutorial office about status of their cases, including when necessary, acknowledging existence of expunged case and confirming it has been expunged and provide copies.

BCA counsel email of October 17, 2025 states that BCA notice is sent only to agency based on ORI associated with record to be sealed.

**Statute Number:** 609A.015, subd. 2

**General Description:** Automatic Expungment (Clean Slate)- Diversion

**Eligibility for Expungment:** Person is eligible for expungement relief if person has successfully completed terms of diversion program or stay of adjudication for qualifying offense that is not felony and has not been petitioned or charged with new offense, other than offense that would be petty misdemeanor in Minnesota: (1) for one year immediately following completion of diversion program or stay of adjudication; or (2) for one year immediately preceding subsequent review performed pursuant to subd. 5(a).

**Mechanism for Expungment:** Service requirements in section 609A.03, subd. 8, do not apply to any expungments ordered under this subdivision.

Subd. 4. Notice

Court shall notify person who may become eligible for automatic expungement of eligibility at any hearing where court dismisses and discharges proceedings against person under section 152.18, subd. 1, for violation of section 152.024, 152.025, or 152.027 for possession of controlled substance; concludes that all pending actions or proceedings were resolved in favor of person; grants person's placement into diversion program; or sentences person or otherwise imposes consequence for qualifying offense.

To extent possible prosecutors, defense counsel, supervising agents, and coordinators or supervisors of diversion program shall notify person who may become eligible for automatic expungement under this section of that eligibility.

Subd. 5. BCA Identifies and Grants Relief

BCA shall identify any records that qualify for expungement. BCA shall make initial determination of eligibility within 30 days of end of applicable waiting period. If record is not eligible for grant of expungement at time of initial determination BCA shall make subsequent eligibility determinations annually until record is eligible for expungement.

BCA shall identify individuals who are subject of relevant records through use of fingerprints and thumbprints where available. Where not available BCA shall identify individuals through use of person's name and date of birth. Records containing same name and date of birth shall be presumed to refer to same individual unless other evidence establishes by preponderance of evidence they do not refer to same individual. BCA is not required to review any other evidence.

BCA shall grant expungement to qualifying persons and seal its own records without requiring application, petition, or motion. Records shall be sealed 60 days after notice is sent to judicial branch unless order of judicial branch prohibits sealing records or additional information establishes records are not eligible for expungement.

Nonpublic criminal records maintained by BCA and subject to expungement relief shall display notation stating "expungement relief granted pursuant to section 609A.015."

BCA shall inform judicial branch of all cases for which expungement relief was granted pursuant to this section. Upon receipt of notice judicial branch shall seal all records relating to arrest, indictment or information, trial, verdict, or dismissal and discharge for any case in which expungement relief was granted and shall issue any order deemed necessary to achieve this purpose.

**Data Practices Classification of Expunged Record:** Data on person whose offense has been expunged under this subdivision including any notice sent pursuant to paragraph (f) are private data on individuals as defined in section 13.02, subd.12.

**Authority to Disclose Records:**

BCA shall inform each law enforcement agency that its records may be affected by grant of expungement. Each notified law enforcement agency that receives request to produce records shall first determine if records were subject to grant of expungement. Law enforcement agency must not disclose records relating to arrest, indictment or information, trial, verdict, or dismissal and discharge for any case in which expungement relief was granted and must maintain data consistent with classification in paragraph (g). This paragraph does not apply to requests from criminal justice agency as defined in section 609A.03, subd. 7a(f). 609A.03, subd. 7a(f) states: For purposes of this section "criminal justice agency" means court or government agency that performs administration of criminal justice under statutory authority.

**Other Comments and Considerations:**

Expungement order does not apply to records held by commissioners of children, youth, and families; health; and human services.

In any subsequent prosecution of a person granted expungement relief expunged criminal record may be pleaded and has same effect as if relief had not been granted.

Minnesota Supreme Court Order ADM09-8010 issued on June 20, 2025, superseded an Order issued May 1, 2024. Order applies only to court records and not executive branch records. Court will not seal court records based on individual charges so will only seal case file if all charges are eligible for sealing. Court will not seal court file for person found incompetent to stand trial or not guilty by reason of mental illness to facilitate access for gun permit checks. Court will not seal court files with outstanding financial balance, active warrant or active Domestic Abuse No Contact Order. Court order states court staff are authorized to answer questions from defendant or juvenile subject of case or prosecutorial office about status of their cases, including when necessary, acknowledging existence of expunged case and confirming it has been expunged and provide copies.

BCA counsel email of October 17, 2025 states that BCA notice is sent only to agency based on ORI associated with record to be sealed.

**Statute Number:** 609A.015, subd. 3

**General Description:** Automatic Expungment (Clean Slate)-Eligible Offenses

**Eligibility for Expungment:**

Person is eligible for grant of expungement if person: (1) was convicted of a qualifying offense; (2) has not been convicted of new offense other than offense that would be petty misdemeanor in Minnesota during applicable waiting period immediately following discharge of disposition or sentence for crime; or during applicable waiting period immediately preceding subsequent review performed pursuant to subd. 5(a); and is not charged with offense other than offense that would be petty misdemeanor in Minnesota at time person reaches end of applicable waiting period or at time of subsequent review.

"Qualifying offense" means conviction for:

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

(2) **any misdemeanor offense other than**:

(i) section 169A.20 under the terms described in section 169A.27 (fourth-degree driving while impaired); (ii) section 518B.01, subd.14 (violation of an order for protection); (iii) section 609.224 (assault in the fifth degree); (iv) section 609.2242 (domestic assault); (v) section 609.746 (interference with privacy); (vi) section 609.748 (violation of a harassment restraining order); (vii) section 609.78 (interference with emergency call); (viii) section 609.79 (obscene or harassing phone calls); (ix) section 617.23 (indecent exposure); or (x) section 629.75 (violation of domestic abuse no contact order);

(3) **any gross misdemeanor offense other than**:

(i) section 169.13, subd.1, if person causes great bodily harm or death to another (reckless driving resulting in great bodily harm or death); (ii) section 169A.25 (second-degree driving while impaired); (iii) section 169A.26 (third-degree driving while impaired); (iv) section 518B.01, subd.14 (violation of order for protection); (v) section 609.2113, subd. 3 (criminal vehicular operation); (vi) section 609.2231 (assault in the fourth degree); (vii) section 609.224 (assault in the fifth degree); (viii) section 609.2242 (domestic assault); (ix) section 609.233 (criminal neglect); (x) section 609.3451 (criminal sexual conduct in fifth degree); (xi) section 609.377 (malicious punishment of child); (xii) section 609.485 (escape from custody); (xiii) section 609.498 (tampering with witness); (xiv) section 609.582, subd.4 (burglary in fourth degree); (xv) section 609.746 (interference with privacy); (xvi) section 609.748 (violation of a harassment restraining order); (xvii) section 609.749 (harassment; stalking); (xviii) section 609.78 (interference with emergency call); (xix) section 617.23 (indecent exposure); (xx) section 617.261 (nonconsensual dissemination of private sexual images); or (xxi) section 629.75 (violation of domestic abuse no contact order)

(4) **any felony offense listed** in section 609A.02, subd. 3 (b), **other than**: section 152.023, subd. 2 (possession of controlled substance in third degree); 152.024, subd.2 (possession of controlled substance in fourth degree); (iii) section 609.485, subd. 4(a) clause (2) or (4) (escape from civil commitment for mental illness); (iv) section 609.582, subd.3(a) (burglary in third degree; other than trespass); section 609.746, subd.1(g) (interference with privacy; subsequent violation or minor victim).

**Making these felonies eligible:**

section 35.824 (altering livestock certificate); section 62A.41 (insurance regulations); section 86B.865, subd.1 (certification for title on watercraft); 152.025 (controlled substance in the fifth degree); 152.097 (sale of simulated controlled substance); (5) section 168A.30, subd. 1 (certificate of title false information); 169.09, subd. 14(a)(2) (accident resulting in great bodily harm); chapter 201; 203B; or 204C (voting violations); section 228.45; 228.47; 228.49; 228.50; or 228.51 (false bill of lading); section 256.984 (false declaration in assistance application); section 296A.23, subd. 2 (willful evasion of fuel tax); section 297D.09, subd.1 (failure to affix stamp on scheduled substances); section 297G.19 (liquor taxation); 340A.701 (unlawful acts involving liquor); section 325F.743 (precious metal dealers); 325F.755, subd. 7 (prize notices and solicitations); section 346.155, subd.10 (failure to control regulated animal); 349.2127 or 349.22 (gambling regulations); section 588.20 (contempt); section 609.27, subd. 1 clauses (2) to (5) (coercion); section 609.31 (leaving state to evade establishment of paternity); section 609.485, subd. 4(a), clause (2) or (4) (escape from civil commitment for mental illness); section 609.49 (failure to appear in court); section 609.52, subd. 2, when sentenced pursuant to section 609.52, subd. 3(3)(a) (theft of $5,000 or less) or 609.52, subd. 3a(1) (theft of $1,000 or less with risk of bodily harm); any other offense sentenced pursuant to section 609.52, subd. 3(3)(a); section 609.521 (possession of shoplifting gear); section 609.525 (bringing stolen goods into state); section 609.526, subd.2(2) (metal dealer receiving stolen goods); section 609.527, subd.5b (possession or use of scanning device or reencoder); 609.528, subd. 3(3) (possession or sale of stolen or counterfeit check); 609.529 (mail theft); section 609.53 (receiving stolen goods); section 609.535, subd. 2a(a)(1) (dishonored check over $500); section 609.54, clause (1) (embezzlement of public funds $2,500 or less); section 609.551 (rustling and livestock theft); section 609.5641, subd.1a(a) (wildfire arson); section 609.576, subd.1(3)(iii) (negligent fires); section 609.59 (possession of burglary or theft tools); section 609.595, subd.1(3) to (5), and subd. 1a(a) (criminal damage to property); section 609.597, subd. 3(3) (assaulting or harming police horse); section 609.625 (aggravated forgery); 609.63 (forgery); 609.631, subd.4(3)(a) (check forgery and offering forged check, $2,500 or less); 609.635 (obtaining signature by false pretense); 609.64 (recording, filing forged instrument); 609.645 (fraudulent statements); section 609.65(1) (false certification by notary); or 609.651, subd.4(a) (lottery fraud); section 609.652 (fraudulent driver's license and identification card); section 609.66, subd. 1a(a) (discharge of firearm; silencer); 609.66, subd. 1b (furnishing firearm to minor); section 609.662, subd. 2(b) (duty to render aid); section 609.686, subd. 2 (tampering with fire alarm);

section 609.80, subd. 2 (interference with cable communications system); section 609.821, subd. 2 (financial transaction card fraud); section 609.822 (residential mortgage fraud); section 609.825, subd. 2 (bribery of participant or official in contest); section 609.855, subd.2(c)(1) (interference with transit operator); section 609.88 (computer damage); 609.89 (computer theft); section 609.893, subd. 2 (telecommunications and information services fraud); section 609.894, subd. 3 or 4 (cellular counterfeiting); section 609.895, subd. 3(a) or (b) (counterfeited intellectual property); section 609.896 (movie pirating); section 624.7132, subd.15(b) (transfer pistol to minor); 624.714, subd.1a (pistol without permit; subsequent violation); 624.7141, subd. 2 (transfer of pistol to ineligible person); section 624.7181 (rifle or shotgun in public by minor).

**Waiting Period**

"Applicable waiting period" means: (1) if offense was petty misdemeanor, two years since discharge of sentence; (2) if offense was misdemeanor, two years since discharge of sentence for crime; (3) if offense was gross misdemeanor, three years since discharge of sentence for crime; (4) if offense was felony violation of section 152.025, four years since discharge of sentence for crime; and (5) if offense was any other felony, five years since discharge of sentence for crime.

Felony offenses deemed to be gross misdemeanor or misdemeanor pursuant to section 609.13, subd. 1, remain ineligible for expungement under this section; gross misdemeanor offenses ineligible for grant of expungement under this section remain ineligible if deemed to be for misdemeanor pursuant to section 609.13, subd. 2.

Service requirements in section 609A.03, subd. 8, do not apply to any expungements ordered under this subdivision.

**Mechanism for Expungment:**

Subd. 4.Notice

Court shall notify person who may become eligible for automatic expungement of that eligibility at any hearing where court dismisses and discharges proceedings against person under section 152.18, subd. 1, for violation of section 152.024, 152.025, or 152.027 for possession of controlled substance; concludes that all pending actions or proceedings were resolved in favor of person; grants person's placement into diversion program; or sentences person or otherwise imposes consequence for qualifying offense.

To extent possible prosecutors, defense counsel, supervising agents, and coordinators or supervisors of diversion program shall notify person who may become eligible for automatic expungement under this section of that eligibility.

Subd. 5. BCA Identifies and Grants Relief

BCA shall identify any records that qualify for expungement relief. BCA shall make initial determination of eligibility within 30 days of end of applicable waiting period. If record is not eligible for grant of expungement at time of initial determination BCA shall make subsequent eligibility determinations annually until record is eligible for expungement.

BCA shall identify individuals who are subject of relevant records through use of fingerprints and thumbprints where available. Where not available BCA shall identify individuals through use of person's name and date of birth. Records containing same name and date of birth shall be presumed to refer to same individual unless other evidence establishes by preponderance of evidence they do not refer to same individual. BCA is not required to review any other evidence.

BCA shall grant expungement to qualifying persons and seal its own records without requiring application, petition, or motion. Records shall be sealed 60 days after notice is sent to judicial branch unless order of judicial branch prohibits sealing records or additional information establishes records are not eligible for expungement.

Nonpublic criminal records maintained by BCA and subject to expungement relief shall display notation stating "expungement relief granted pursuant to section 609A.015."

BCA shall inform judicial branch of all cases for which expungement relief was granted pursuant to this section. Upon receipt of notice judicial branch shall seal all records relating to arrest, indictment or information, trial, verdict, or dismissal and discharge for any case in which expungement relief was granted and shall issue any order deemed necessary to achieve this purpose.

**Data Practices Classification of Expunged Record:** Data on person whose offense has been expunged under this subdivision including any notice sent pursuant to paragraph (f), are private data on individuals as defined in section 13.02, subd. 12.

**Authority to Disclose Records:**

(1) Record expunged under this section may be opened for purposes of background study by Department of Human Services or Department of Health under section 245C.08 and for purposes of background check by Professional Educator Licensing and Standards Board as required under section 122A.18, subdivision 8; and

(2) person can file petition under section 609A.03, subject to process in section 609A.03 and limitations in section 609A.02, to expunge records held by commissioner of human services, commissioner of health, and Professional Educator Licensing and Standards Board.

BCA shall inform each law enforcement agency that its records may be affected by grant of expungement. Each notified law enforcement agency that receives request to produce records shall first determine if records were subject to grant of expungement under this section. Law enforcement agency must not disclose records relating to arrest, indictment or information, trial, verdict, or dismissal and discharge for any case in which expungement relief was granted and must maintain data consistent with the classification in paragraph (g). This paragraph does not apply to requests from criminal justice agency as defined in section 609A.03, subd. 7a(f). 609A.03, subd. 7a(f) states: For purposes of this section, a "criminal justice agency" means a court or government agency that performs the administration of criminal justice under statutory authority.

**Other Comments and Considerations:**

In any subsequent prosecution of person granted expungement relief expunged criminal record may be pleaded and has same effect as if relief had not been granted.

Minnesota Supreme Court Order ADM09-8010 issued on June 20, 2025, superseded an Order issued May 1, 2024. Order applies only to court records and not executive branch records. Court will not seal court records based on individual charges so will only seal case file if all charges are eligible for sealing. Court will not seal court file for person found incompetent to stand trial or not guilty by reason of mental illness to facilitate access for gun permit checks. Court will not seal court files with outstanding financial balance, active warrant or active Domestic Abuse No Contact Order. Court order states court staff are authorized to answer questions from defendant or juvenile subject of case or prosecutorial office about status of their cases, including when necessary, acknowledging existence of expunged case and confirming it has been expunged and provide copies.

BCA counsel email of October 17, 2025 states that BCA notice is sent only to agency based on ORI associated with record to be sealed.

**Statute Number:** 609A.017

**General Description:** Mistaken Identity- Automatic Expungment

**Eligibility for Expungment:** If before conviction prosecutor determines that defendant was issued citation, charged, indicted, or otherwise prosecuted as result of mistaken identity prosecutor must dismiss or move to dismiss action or proceeding and must state in writing or on record that mistaken identity is reason for dismissal.

"Mistaken identity" means person was incorrectly identified as being different person: (1) because person's identity had been transferred, used, or possessed in violation of section 609.527; or (2) as result of misidentification by witness or law enforcement, confusion on part of witness or law enforcement as to identity of person who committed crime, misinformation provided to law enforcement as to identity of person who committed crime or some other mistake on part of witness or law enforcement as to identity of person who committed crime.

**Mechanism for Expungment:** Subd. 3. Order of expungement. Court shall issue order of expungement without filing petition when action or proceeding is dismissed based on determination that defendant was issued citation, charged, indicted, or otherwise prosecuted as result of mistaken identity. Order shall cite this section as basis for order. Order issued under this section is not subject to considerations or standards identified in section 609A.025 or 609A.03, subd. 5(a), (b), or (c).

**Data Practices Classification of Expunged Record**: Data on person whose offense has been expunged contained in letter or other notification sent under this subdivision are private data on individuals as defined in section 13.02. Case file apparently classified as confidential data on the subject consistent with Minn. Stat. 609A.03, but statute is not explicit on classification.

**Authority to Disclose Records: Effect of order.** Order issued under this section is not subject to limitations in section 609A.03, subd. 7a or 9. Effect of order to seal record of proceedings shall and restore person in contemplation of law to status person occupied before arrest, indictment, or information. Person shall not be guilty of perjury or otherwise of giving false statement if person fails to acknowledge arrest, indictment, information, or trial in response to any inquiry made for any purpose.

Criminal justice agency may seek access to record that was sealed under this section for purposes of determining whether subject of order was identified in any other action or proceeding as result of mistaken identity or for criminal investigation, prosecution, or sentencing involving any other person. Requesting agency must obtain ex parte court order after stating good-faith basis to believe that opening record may lead to relevant information.

Court administrator must distribute and confirm receipt of order issued under this section pursuant to section 609A.03, subd. 8.

**Other Comments and Considerations:** Statute places no burden on law enforcement agencies to identify mistaken identity cases and legal responsibility rests solely with prosecutor. However, for reasons of justice, due process and civil liability if law enforcement agency becomes aware of qualifying case, agency is urged to immediately notify prosecutor.

**Statute Number:** 609A.02 and 609A.03

**General Description:** Expungment by Petition and Order

**Eligibility for Expungment**: Established in 609A.02

Subdivision 1. Certain controlled substance offenses. Upon dismissal and discharge of proceedings against person under section 152.18, subd. 1, for violation of section 152.024, 152.025, or 152.027 for possession of controlled substance person may petition under section 609A.03 for sealing of all records relating to arrest, indictment or information, trial, and dismissal and discharge.

Subd. 2. Juveniles prosecuted as adults. Petition for sealing of conviction record may be filed under section 609A.03 by person who has been committed to custody of commissioner of corrections upon conviction of crime following certification to district court under section 260B.125, if person is finally discharged by commissioner; or has been placed on probation by court under section 609.135 and has been discharged from probation after satisfactory fulfillment of it.

Subd. 3.Certain criminal proceedings. Petition may be filed under section 609A.03 to seal all records relating to arrest, indictment or information, trial, or verdict if records are not subject to section 299C.11, subd. 1(b), and if:

(1) all pending actions or proceedings were resolved in favor of petitioner. Verdict of not guilty by reason of mental illness is not resolution in favor of petitioner. Action or proceeding is resolved in favor of petitioner if petitioner received order under section 590.11 determining that petitioner is eligible for compensation based on exoneration;

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

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

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

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

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

(7) petitioner was convicted of felony that is deemed to be for gross misdemeanor or misdemeanor pursuant to section 609.13, subd. 1(2), and has not been convicted of new crime for at least: (i) four years since discharge of sentence for crime if conviction was for offense listed in paragraph (b); or (ii) five years since discharge of sentence for the crime if conviction was for any other offense; or

(8) petitioner was convicted of felony violation of offense listed in paragraph (b) and has not been convicted of new crime for at least four years since discharge of sentence for crime. This applies to following offenses:

section 35.824 (altering livestock certificate); section 62A.41 (insurance regulations); section 86B.865, subdivision 1 (certification for title on watercraft); section 152.023, subd. 2 (possession of controlled substance in third degree); 152.024, subd. 2 (possession of controlled substance in fourth degree); 152.025 (controlled substance in the fifth degree); or 152.097 (sale of simulated controlled substance); section 168A.30, subd.1 (certificate of title false information); 169.09, subd. 14(a)(2) (accident resulting in great bodily harm); chapter 201; 203B; or 204C (voting violations); section 228.45; 228.47; 228.49; 228.50; or 228.51 (false bill of lading); section 256.984 (false declaration in assistance application); section 296A.23, subd. 2 (willful evasion of fuel tax); section 297D.09, subd. 1 (failure to affix stamp on scheduled substances); section 297G.19 (liquor taxation); 340A.701 (unlawful acts involving liquor); section 325F.743 (precious metal dealers); 325F.755, subd. 7 (prize notices and solicitations); section 346.155, subd.10 (failure to control regulated animal); section 349.2127; or 349.22 (gambling regulations); section 588.20 (contempt); section 609.27, subd. 1(2) to (5) (coercion); section 609.31 (leaving state to evade establishment of paternity); section 609.485, subd. 4(a)(2) or (4) (escape from civil commitment for mental illness); section 609.49 (failure to appear in court); section 609.52, subd. 2, when sentenced pursuant to section 609.52, subd.3(3)(a) (theft of $5,000 or less) or 609.52, subd. 3a(1) (theft of $1,000 or less with risk of bodily harm); any other offense sentenced pursuant to section 609.52, subd.3(3)(a); section 609.521 (possession of shoplifting gear); section 609.525 (bringing stolen goods into state); section 609.526, subd. 2(2) (metal dealer receiving stolen goods); section 609.527, subd. 5b (possession or use of scanning device or reencoder); 609.528, subd. 3(3) (possession or sale of stolen or counterfeit check); 609.529 (mail theft); section 609.53 (receiving stolen goods); section 609.535, subd. 2a(a)(1) (dishonored check over $500); section 609.54(1) (embezzlement of public funds $2,500 or less); section 609.551 (rustling and livestock theft); section 609.5641, subd.1a(a) (wildfire arson); section 609.576, subd. 1(3)(iii) (negligent fires); section 609.582, subd. 3 (burglary in the third degree); section 609.59 (possession of burglary or theft tools); section 609.595, subd. 1(3) to (5) and subd. 1a(a) (criminal damage to property); section 609.597, subd. 3(3) (assaulting or harming police horse); section 609.625 (aggravated forgery); 609.63 (forgery); 609.631, subd. 4(3)(a) (check forgery and offering forged check, $2,500 or less); 609.635 (obtaining signature by false pretense); 609.64 (recording, filing forged instrument); 609.645 (fraudulent statements); section 609.65(1) (false certification by notary);

609.651, subd. 4(a) (lottery fraud); section 609.652 (fraudulent driver's license and identification card); section 609.66, subd.1a(a) (discharge of firearm; silencer); 609.66, subd. 1b (furnishing firearm to minor); section 609.662, subd. 2(b) (duty to render aid); section 609.686, subd. 2 (tampering with fire alarm); section 609.746, subd. 1(g) (interference with privacy; subsequent violation or minor victim); section 609.80, subd. 2 (interference with cable communications system); section 609.821, subd. 2 (financial transaction card fraud); section 609.822 (residential mortgage fraud); section 609.825, subd. 2 (bribery of participant or official in contest); section 609.855, subd. 2(c)(1) (interference with transit operator); section 609.88 (computer damage); 609.89 (computer theft); section 609.893, subd. 2 (telecommunications and information services fraud); section 609.894, subd. 3 or 4 (cellular counterfeiting); section 609.895, subd. 3(a) or (b) (counterfeited intellectual property); section 609.896 (movie pirating); section 624.7132, subd.15(b) (transfer pistol to minor); 624.714, subd.1a (pistol without permit; subsequent violation); 624.7141, subd 2 (transfer of pistol to ineligible person); section 624.7181 (rifle or shotgun in public by minor).

Subd. 4.Expungement prohibited. Records of conviction of offense for which registration is required under section 243.166 may not be expunged.

**Mechanism for Expungment:** Established in 609A.03- Summary Only- See Statute

Individual who is subject of criminal record who is seeking expungement shall file petition under this section and pay filing fee in amount required under section 357.021, subd. 2(1). Filing fee may be waived in cases of indigency and shall be waived in cases described in section 609A.02, subd. 3(a)(1).

Petition for expungement shall be signed under oath by petitioner and state petitioner's full name and all other legal names or aliases; petitioner's date of birth; all of petitioner's addresses from date of offense or alleged offense in connection with which expungement is sought to date of petition; why expungement is sought if it is for employment or licensure purposes, statutory or other legal authority under which it is sought and why it should be granted; details of offense or arrest, including date and jurisdiction of occurrence, either names of any victims or that there were no identifiable victims, whether there is current order for protection, restraining order, or other no contact order prohibiting petitioner from contacting victims or whether there has ever order for protection or restraining order prohibiting petitioner from contacting victims, court file number and date of conviction or dismissal; in case of conviction what steps petitioner has taken since offense toward personal rehabilitation, including treatment, work, or other personal history that demonstrates rehabilitation; petitioner's criminal conviction record indicating all convictions for misdemeanors, gross misdemeanors, or felonies in this state, and for all comparable convictions in any other state, federal court, or foreign country, whether convictions occurred before or after arrest or conviction for which expungement is sought; petitioner's criminal charges record indicating all prior and pending criminal charges against petitioner in this state or another jurisdiction, including all criminal charges that have been continued for dismissal or stayed for adjudication or have been subject of pretrial diversion; and all prior requests, whether for present offense or for any other offenses in this state or any other state or federal court for pardon, return of arrest records, or expungement or sealing of criminal record whether granted or not and all stays of adjudication or imposition of sentence involving petitioner.

Petitioner shall serve by mail petition and proposed expungement order on prosecutorial office that had jurisdiction over offense and all other state and local government agencies and jurisdictions whose records would be affected by proposed order. Petitioner shall also serve by mail attorney for each agency and jurisdiction.

Prosecutorial office that had jurisdiction over offense shall serve by mail petition and proposed expungement order on any victims who have requested notice of expungement pursuant to section 611A.06. Notice to victims must specifically inform the victims' right to be present and submit oral or written statement.

Hearing shall be held no sooner than 60 days after service of petition. Victim has right to submit oral or written statement to court describing harm suffered by victim and victim's recommendation on whether expungement should be granted or denied.

Except as otherwise provided by paragraph (b) expungement of criminal record is extraordinary remedy to be granted only upon clear and convincing evidence that it would yield benefit to petitioner commensurate with disadvantages to public and public safety of sealing record; and burdening court and public authorities to issue, enforce, and monitor order.

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

In making determination court shall consider nature and severity of underlying crime, risk, if any, petitioner poses to individuals or society; length of time since crime occurred; steps taken by petitioner toward rehabilitation; aggravating or mitigating factors relating to underlying crime, including petitioner's level of participation and context and circumstances of underlying crime; reasons for expungement, including petitioner's attempts to obtain employment, housing, or other necessities; petitioner's criminal record; petitioner's record of employment and community involvement; recommendations of interested law enforcement, prosecutorial, and corrections officials; recommendations of victims or whether victims of underlying crime were minors; amount, if any, of restitution outstanding, past efforts made by petitioner toward payment, and measures in place to help ensure completion of restitution payment after expungement of record if granted; and other factors deemed relevant by court.

**Data Practices Classification of Expunged Record:** Record itself treated as confidential data, although statute does not expressly classify it as such. If requested in petition each agency and jurisdiction receiving order must send letter to petitioner at address provided in petition confirming receipt of expungement order and that record has been expunged. Data on petitioner in letter are private data on individuals as defined in section 13.02.

**Authority to Disclose Records:**

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

Subd. 7. Limitations of order issued before January 1, 2015.

Upon issuance of expungement order related to charge supported by probable cause DNA samples and DNA records held by BCA and collected under authority other than section 299C.105 shall not be sealed, returned to subject of record or destroyed.

Notwithstanding issuance of expungement order: (1) expunged record may be opened for purposes of criminal investigation, prosecution, or sentencing, upon ex parte court order; (2) expunged record of conviction may be opened for purposes of evaluating prospective employee in criminal justice agency without court order; and (3) expunged record of conviction may be opened for purposes of background study under section 245C.08 unless court order for expungement is directed specifically to commissioner of human services.

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

Subd. 7a. Limitations of order issued January 1, 2015, and later.

Upon issuance of expungement order related to charge supported by probable cause DNA samples and DNA records held by BCA and collected under authority other than section 299C.105 shall not be sealed, returned to subject of record, or destroyed.

Notwithstanding issuance of expungement order: (1) except as provided in clause (2) expunged record may be opened, used, or exchanged between criminal justice agencies without court order for purposes of initiating, furthering, or completing criminal investigation or prosecution or for sentencing purposes or providing probation or other correctional services; (2) when criminal justice agency seeks access to record that was sealed under section 609A.02, subd. 3(a)(1), after acquittal or court order dismissing for lack of probable cause for purposes of criminal investigation, prosecution, or sentencing ,requesting agency must obtain ex parte court order after stating good-faith basis to believe that opening record may lead to relevant information; (3)

expunged record of conviction may be opened for purposes of evaluating prospective employee in criminal justice agency without court order; (4) expunged record of conviction may be opened for purposes of background study under section 245C.08 unless commissioner had been properly served with notice of petition and court order is directed specifically to commissioner following proper service of petition or following proceedings under section 609A.017, 609A.025, or 609A.035 upon service of order to commissioner; (5) expunged record of conviction may be opened for purposes of background check required under section 122A.18, subd. 8, unless court order for expungement is directed specifically to Professional Educator Licensing and Standards Board; (6) court may order expunged record opened upon request by victim of underlying offense if court determines record is substantially related to matter for which victim is before court; (7) prosecutor may request and district court shall provide certified records of conviction for record expunged pursuant to sections 609A.015, 609A.017, 609A.02, 609A.025, and 609A.035, and certified records of conviction may be disclosed and introduced in criminal court proceedings as provided by rules of court and applicable law; and (8) subject of expunged record may request and court shall provide certified or uncertified records of conviction for record expunged pursuant to sections 609A.015, 609A.017, 609A.02, 609A.025, and 609A.035.

Agency or jurisdiction subject to expungement order shall maintain record in manner that provides access to record by criminal justice agency. BCA shall notify commissioner or Professional Educator Licensing and Standards Board of existence of sealed record and of right to obtain access. Upon request agency or jurisdiction subject to expungement order shall provide access to record to commissioner or Professional Educator Licensing and Standards Board under paragraph (b)(4) or (5).

Expunged record that is opened or exchanged under this subdivision remains subject to expungement order in hands of person receiving record.

Criminal justice agency that receives expunged record under paragraph (b)(1) or (2) must maintain and store record in manner that restricts use of record to investigation, prosecution, or sentencing for which it was obtained.

Subd. 8.Distribution and confirmation of expungement orders.

Court administrator shall send copy of expungement order to each agency and jurisdiction whose records are affected by terms of order and send letter to petitioner identifying each agency that received order.

Other Comments and Considerations:

Subd. 5a. Order concerning crimes of violence; firearms restriction. Order expunging record of conviction for crime of violence as defined in section 624.712, subd. 5 must provide that person is not entitled to ship, transport, possess, or receive firearm for remainder of person's lifetime. Any person whose record of conviction is expunged and who thereafter receives relief of disability under 18 U.S.C. 925 or whose ability to possess firearms has been restored under section 609.165, subd. 1d is not subject to this restriction.

Subd. 6. Order concerning controlled substance offenses. If court orders sealing of record of proceedings under section 152.18 effect of order shall be to restore person in contemplation of law status person occupied before arrest, indictment, or information. Person shall not be held guilty of perjury or otherwise of giving false statement if person fails to acknowledge arrest, indictment, information, or trial in response to any inquiry made for any purpose.

Subd. 6a. Order when context and circumstances of underlying crime indicate nexus between criminal record to be expunged and person's status as crime victim. If court finds that context and circumstances of underlying crime indicate nexus between criminal record to be expunged and person's status as crime victim, then effect of court order to seal record shall be to restore person in contemplation of law to status person occupied before arrest, indictment, or information. Person shall not be guilty of perjury or otherwise of giving false statement if person fails to acknowledge arrest, indictment, information, or trial in response to any inquiry made for any purpose. Court may request sworn statement from staff member of state-funded victim services organization or licensed health care provider as evidence to support determination 5.

Subd. 9. Stay of order; appeal. Expungement order issued under this section shall be stayed automatically for 60 days after order is filed and if order is appealed during appeal period. Person, agency, or jurisdiction whose records would be affected by order may appeal within 60 days of service of notice of filing of order.

**Statute Number:** 609A.025

**General Description:** No Petition-Prosecutor Agreement

**Eligibility for Expungment:** All cases covered by 609A.02, subd. 3 are eligible with prosecutor consent.

**Mechanism for Expungment**: With agreement of prosecutor expungment can be ordered without filing petition and court will grant petition unless it determines that interests of public and public safety in keeping record public outweigh disadvantages to subject of record in not sealing it.

Before agreeing to sealing of record under this section prosecutor shall make good faith effort to notify any identifiable victims of offense of intended agreement and opportunity to object to agreement.

Agreement of prosecutor to sealing of records for person described in section 609A.02, subd. 3(a)(2), may occur before or after criminal charges are dismissed.

**Data Practices Classification of Expunged Record:** Same as orders issued under 609A.03, subd. 7 or 7a.

**Authority to Disclose Records:** Same as orders issued under 609A.03, subd. 7 or 7a.

**Other Comments and Considerations:**

This section allows prosecutor authority to all executive branch records under sole authority of prosecutor subject only to court rejecting agreement. If court rejects agreement and petitioner desires expungment petitioner must file petition under 609A.03. Once order is entered granting expungment records are for all purposes treated same as any other court ordered expungment under 609A.03.

**Statute Number:** 609A.035

**General Description:** Pardon Extraordinary- No Petition

**Eligibility for Expungment:** Notwithstanding section 609A.02 if Board of Pardons grants pardon pursuant to section 638.17, it shall file copy of pardon extraordinary with district court of county in which conviction occurred. District court shall issue expungement order sealing all records wherever held relating to arrest, indictment or information, trial, verdict, and pardon for pardoned offense without filing of petition and send expungement order to each government entity whose records are affected.

**Mechanism for Expungment:**

District court shall issue expungement order sealing all records wherever held relating to arrest, indictment or information, trial, verdict, and pardon for pardoned offense without filing of petition and send expungement order to each government entity whose records are affected.

**Data Practices Classification of Expunged Record:** Statute is silent but with reference to court order likely classified as confidential consistent with Minn. Stat. 609A.03, subd. 7a.

**Authority to Disclose Records:** The statute does not expressly address this subject so it is likely subject to disclosure as provided in Minn. Stat. 609A.03, subd. 7a.

**Other Comments and Considerations:** This provision was enacted in 2023 so there is no current case law to provide guidance.

**Statute Number**: 609A.055

**General Description:** Certain Cannabis Offenses (And Other Non-Felony Conviction Drugs)-Automatic

**Eligibility for Expungment:** person is eligible for expungement: upon dismissal and discharge of proceedings against person under section 152.18, subd. 1, for violation of section 152.024, 152.025, or 152.027; if person was convicted of or received stayed sentence for violation of section 152.027, subd. 3 or 4; if person was arrested and all charges were dismissed prior to determination of probable cause for charges under section 152.021, subd. 2(a)(6); 152.022, subd. 2(a)(6); 152.023, subd. 2(a)(5); 152.024, subd. 2(2); 152.025, subd. 2(1); or 152.027, subd. 3 or 4; or if all pending actions or proceedings were resolved in favor of the person for charges under section 152.021, subd. 2(a)(6); 152.022, subd. 2(a)(6); 152.023, subd. 2(a)(5); 152.024, subd. 2(2); 152.025, subd. 2(1); or 152.027, subd. 3 or 4.

For purposes of this section verdict of not guilty by reason of mental illness is not resolution in favor of person and action or proceeding is resolved in favor of person if person received order under section 590.11 determining that person is eligible for compensation based on exoneration.

**Mechanism for Expungment:**

BCA shall identify BCA records that qualify for expungement. BCA shall notify judicial branch of name and date of birth of each person whose case is eligible for order of expungement court file number of eligible case.

BCA shall grant expungement relief to each qualifying person whose records BCA possesses and seal BCA's records without requiring application, petition, or motion. BCA shall seal records related to expungement within 60 days after BCA sent notice of expungement to judicial branch unless order of judicial branch prohibits sealing records or additional information establishes that records are not eligible for expungement.

BCA shall inform judicial branch of all cases that are granted expungement relief pursuant to this section. Upon receiving notice of expungement judicial branch shall seal all related records, including records of person's arrest, indictment, trial, verdict, and dismissal or discharge of case. Upon receiving notice of expungement the judicial branch shall issue any order necessary to seal related records. Judicial branch shall not order Department of Health or the Department of Human Services to seal records under this section.

BCA shall inform each arresting or citing law enforcement agency or prosecutorial office with records affected by grant of expungement relief. BCA shall notify each agency or office of expungement within 60 days after BCA sent notice of expungement to judicial branch. Upon receiving notification of expungement agency or office shall seal all records related to expungement including records of person's arrest, indictment, trial, verdict, and dismissal or discharge of case.

(g) Section 609A.03, subd. 6, applies to an order issued under this section sealing the record of proceedings under section 152.18.

(h) The limitations under section 609A.03, subd. 7a(b) do not apply to order issued under this section.

(i) The subject whose record qualifies for expungement shall be given access to copies of the records of arrest, conviction, or incarceration for any purposes, including immigration purposes.

**Data Practices Classification of Expunged Record**

Nonpublic criminal records maintained by BCA and subject to grant of expungement relief must display notation stating "expungement relief granted pursuant to section 609A.055."

Data on person whose offense has been expunged under this subdivision including any notice sent are private data on individuals as defined in section 13.02, subd. 12.

**Authority to Disclose Records:** Section 609A.03, subd. 6, applies to order issued under this section sealing record of proceedings under section 152.18.

Limitations under section 609A.03, subd. 7a(b) do not apply to order issued under this section.

Subject whose record qualifies for expungement shall be given access to copies of records of arrest, conviction, or incarceration for any purposes, including immigration purposes.

**Other Comments and Considerations:**

Relief granted under this subdivision shall not impact ability of petitioner to file for relief under section 590.01.

Department of Public Safety, Commissioner of Public Safety, BCA, superintendent of BCA, and all employees of BCA shall not be held civilly liable when acting in good faith to exercise the powers granted by this section or for acts or omissions occurring within the scope of the performance of their duties under this section.

Minnesota Supreme Court Order ADM09-8010 issued on June 20, 2025, superseded an Order issued May 1, 2024. Order applies only to court records and does not affect executive branch records. Court will not seal court records based on individual charges so will only seal case file if all charges are eligible for sealing. Court will not seal court file for person found incompetent to stand trial or not guilty by reason of mental illness to facilitate access for gun permit checks. Court will not seal court files with outstanding financial balance, active warrant or active Domestic Abuse No Contact Order. Court order states court staff are authorized to answer questions from defendant or juvenile subject of case or prosecutorial office about status of their cases, including when necessary, acknowledging existence of expunged case and confirming it has been expunged and provide copies.

BCA counsel email of October 17, 2025 states that BCA notice is sent only to agency based on ORI associated with record to be sealed.

**Statute Number:** 609A.06

**General Description:** Felony Cannabis

**Eligibility for Expungment:** Determined by Cannabis Expungment Board (CEB)

Person is eligible for expungement or resentencing to lesser offense if person was convicted of, or adjudication was stayed for, violation of any of following involving sale or possession of marijuana or tetrahydrocannabinols: section 152.021, subd. 1(6); section 152.021, subd. 2(6); section 152.022, subd. 1(5) or (7)(iii); section 152.022, subd. 2(6); section 152.023, subd. 1(5); section 152.023, subd. 2(5); section 152.024, subd. (4); or section 152.025, subd. 2(1); offense did not involve dangerous weapon, intentional infliction of bodily harm on another, attempt to inflict bodily harm on another, or act committed with intent to cause fear in another of immediate bodily harm or death; act on which charge was based would either be lesser offense or no longer be crime after August 1, 2023; and person did not appeal conviction, any appeal was denied, or deadline to file appeal has expired.

"Lesser offense" mean nonfelony offense if person was charged with felony.

BCA shall identify convictions and sentences where adjudication was stayed that qualify for review. BCA shall notify Cannabis Expungement Board of name and date of birth of person whose record is eligible for review and court file number of eligible conviction or stay of adjudication.

For purposes of identifying background studies records that may be expunged or resentenced BCA shall share information provided to CEB with Department of Human Services.

Identification of eligible misdemeanor and petty misdemeanor records. CEB shall identify violations of section 152.027, subd. 3 and 4, that were not automatically expunged pursuant to section 609A.055. CEB shall notify judicial branch that any identified records are eligible for expungement.

Notice to judicial branch and offenders. CEB shall identify any conviction or stay of adjudication that qualifies for order of expungement or resentencing to lesser offense and notify judicial branch of name and date of birth of person whose conviction or stay of adjudication is eligible for order of expungement or resentencing to lesser offense; court file number of eligible conviction or stay of adjudication; whether person is eligible for expungement; if person is eligible for expungement, whether person's conviction should be vacated and charges should be dismissed; if person is eligible for expungement, whether there is good cause to restore offender's right to possess firearms and ammunition; if person is eligible for expungement, whether limitations under section 609A.03, subd. 7a(b)(5), apply; and if person is eligible for resentencing to lesser offense, lesser sentence to be imposed.

CEB shall make reasonable and good faith effort to notify any person whose conviction or stay of adjudication qualifies for order of expungement that offense qualifies and notice is being sent to judicial branch. Notice shall inform person that following order of expungement any records of arrest, conviction, or incarceration should not appear in any background check or study.

**Mechanism for Expungment:**

Notwithstanding chapter 13 or any law to contrary CEB shall have free access to records, including but not limited to all matters, files, documents, and papers incident to arrest, indictment, information, trial, appeal, or dismissal and discharge that relate to charge and conviction or stay of adjudication for sale or possession of controlled substance held by law enforcement agencies, prosecuting authorities, and court administrators. CEB may issue subpoenas for and compel production of books, records, accounts, documents, and papers. If any person fails or refuses to produce any books, records, accounts, documents, or papers material in matter under consideration after having been lawfully required by order or subpoena, judge of district court in any county of state where order or subpoena was made returnable on application of commissioner of management and budget or commissioner of administration, as the case may be, shall compel obedience or punish disobedience as for contempt as in case of disobedience of similar order or subpoena issued by such court.

CEB shall review all available records to determine whether conviction or stay of adjudication is eligible for expungement or resentencing to lesser offense. Expungement is presumed to be in public interest unless there is clear and convincing evidence that expungement or resentencing to lesser offense would create risk to public safety. If CEB determines that expungement is in public interest board shall determine whether person's conviction should be vacated and charges should be dismissed.

If CEB determines that expungement is in public interest board shall determine whether limitations under section 609A.03, subd. 5a apply.

If CEB determines that expungement is in public interest board shall determine whether limitations under section 609A.03, subd.7a(b)(5) apply.

If CEB determines that expungement is not in public interest board shall determine whether person is eligible for resentencing to lesser offense.

CEB shall consider nature and severity of underlying crime, including but not limited to total amount of marijuana or tetrahydrocannabinols possessed by person and whether offense involved dangerous weapon, intentional infliction of bodily harm on another, attempt to inflict bodily harm on another, or act committed with intent to cause fear in another of immediate bodily harm or death; whether expungement or resentencing person to lesser offense would increase risk, if any, person poses to other individuals or society; if person is under sentence, whether expungement or resentencing to lesser offense would result in release of person and whether release earlier than date that person would be released under sentence currently being served would present danger to public or would be compatible with welfare of society; aggravating or mitigating factors relating to underlying crime, including person's level of participation and context and circumstances of underlying crime; statements from victims and law enforcement, if any; if expungement or resentencing person to lesser offense is considered, whether there is good cause to restore person's right to possess firearms and ammunition; if expungement is considered, whether expunged record of conviction or stay of adjudication may be opened for purposes of background check required under section 122A.18, subd. 8; and other factors deemed relevant by CEB. CEB shall not consider impact expungement would have on offender based on any records held by Department of Health; Department of Children, Youth, and Families; or Department of Human Services.

Upon receiving notice that offense qualifies for expungement court shall issue order sealing all records relating to arrest, indictment or information, trial, verdict, or dismissal and discharge for offense. Courts shall not order Department of Health; Department of Children, Youth, and Families; or Department of Human Services to seal records. If CEB determined that person's conviction should be vacated and charges should be dismissed order shall vacate and dismiss charges.

If CEB determined there is good cause to restore person's right to possess firearms and ammunition court shall issue order pursuant to section 609.165, subd. 1d.

If CEB determined that expunged record of conviction or stay of adjudication may not be opened for purposes of background check required under section 122A.18, subd. 8 court shall direct order specifically to Professional Educator Licensing and Standards Board.

Court administrator shall send copy of expungement order to each agency and jurisdiction whose records are affected by terms of order and send letter to last known address of person whose offense has been expunged identifying each agency to which order was sent.

If CEB determined there is good cause to restore person's right to possess firearms and ammunition, court shall, as necessary, issue order pursuant to section 609.165, subd. 1d.

**Data Practices Classification of Expunged Record**

All data collected, created, received, maintained, or disseminated by Cannabis Expungement Board in which each victim of crime and person whose conviction or stay of adjudication that Cannabis Expungement Board reviews is or can be identified as subject of data is classified as private data on individuals, as defined in section 13.02, subd.12.

Data on the person whose offense has been expunged in a letter sent under this subdivision are private data on individuals as defined in section 13.02, subdivision 12.

**Authority to Disclose Records:** Statute does not expressly provide classification. Because it references the CEB requiring court to issue an order release **may** be governed by 609A.03, subd. 7a. Statute is also unclear what will be done if case file also has elements that do not qualify for expungment.

**Other Comments and Considerations:** As of this date there is no case law guidance. CEB was delayed and started processing cases in early 2025. It could take several years to complete review based on current pace.

**Statute Number:** Court Inherent Authority- No Statute citation Exists

**General Description:** Judicial Records Only

**Eligibility for Expungment:** Under separation of powers and court inherent authority court may seal any judicial record but may only seal executive branch records as allowed by statutes. State v. M.D,T, 831 N. W.2d 276 (Minn. 2013) and State v. S.L.H., 755 N.W.2d 271 (Minn. 2008).

**Mechanism for Expungment:** Typically order issued after service of petition under 609A.03, but court could act without notice or hearing if it elected to do so.

**Data Practices Classification of Expunged Record:** Court classifies as confidential for court records. Order has no effect on executive branch records so records retain classification possessed prior to order being issued.

**Authority to Disclose Records:** Records disclosed consistent with provisions on Minn. Stat. Chpt. 13, recognizing for adults they are presumed to be public data.

**Other Comments and Considerations:** In dicta, which means non-binding comments, in above cases Supreme Court has stated there may be situations where court can exercise inherent authority to expunge executive branch records but as of the date of this writing Court of Appeals and Supreme Court have not affirmed such actions in reported decision.