



MINNESOTA EXPUNGEMENT LAW HAS CHANGED!

Governor Dayton signed into law new juvenile and criminal records expungement legislation which took effect on Jan. 1, 2015. The new law is extremely important to Minnesotans who are struggling to overcome burdens imposed by past criminal records which often make it very difficult to find employment and safe housing.

The law fixes a major gap that had existed in Minnesota's expungement law which prevented judges from sealing records held by the BCA and other executive branch agencies. Because the BCA is primary source of information for employment and housing background checks, most people were left without an effective remedy even after they had proven to the court that their past was behind them and they were deserving of a second chance.

Under the new law a full expungement- which seals both court records and executive branch records – may be granted in the following situations:

1. All records related to juvenile delinquency can be expunged.
2. The case was resolved in the individuals favor, either by acquittal or dismissal,
3. The case resulted in diversion or stay of adjudication; 1 year after completion of sentence if crime free,
4. The case resulted in a petty misdemeanor or misdemeanor conviction; 2 years after completion of sentence if crime free,
5. The case resulted in a gross misdemeanors conviction; 4 years after completion of sentence if crime free,
6. The case resulted in a low-level, non-violent felony conviction; 5 years after completion of sentence if crime free. For a list of eligible felonies click [here](#).

Importantly, if the case resulted in a conviction, a person must be able to prove to the court that the need to have their record sealed outweighs any public safety concerns in order to have their expungement petition granted.

The law has a number of other important provisions as well. It protects employers and landlords from liability based on expunged records, it requires private business screening services to delete expunged records, and it allows for housing eviction records to be sealed when there is a finding in favor of the tenant.

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These important changes went into effect on January 1st, 2015. Domestic violence related convictions could be expungeable as of July 15th, 2015 .

The Council on Crime and Justice will be working with other organizations and agencies to help meet the increased demand this new law will create. It may be difficult to determine your eligibility without the advice of an attorney. For assistance please call our criminal records information line at 612-353-3024.

If you want to read the actual statute, click [here](#).

For a list of Expungement Eligible Felonies, which will take effect in January of 2015, click here [here](#).

The Council on Crime and Justice provides free informational seminars on the first Tuesday of every month. For more information, see our flier: **Free Criminal Expungement Seminar - First Tuesdays of the Month (PDF)**

CCJ partners with the U of M Law School to provide free monthly workshops for people seeking to obtain and understand their Minnesota criminal record. Attorneys and students will also help participants learn to explain their record to employers and landlords. **Second Chance Saturdays - Third Saturday of each Month(PDF)**

Both events provide an opportunity for you to sit down with an attorney for a review of your record. For that purpose it is best if you can obtain copies of both your court records and your BCA records ahead of time.

To receive a copy of your criminal record from the Bureau of Criminal Apprehension(BCA), you may complete and submit to the BCA the following sample request form: **BCA Record Request Form (PDF)**

Please also bring a copy of your Minnesota Court Informational Systems (MNCIS) record. To obtain your MNCIS record, go to any state courthouse and request your records. Usually, you will have to pay for each record. If you cannot afford copies of your full record, at least get your Case Records Search Results Page, which will list all of your cases and case numbers. The court records you get from the courts' website are complete, so we ask you to get your complete history directly from the courthouse.

For expungement filing information broken down by individual Minnesota county, please see this document compiled by attorneys at the Volunteer Lawyers Network: **Expungement Filing Information by County (PDF)**

What is an expungement?

Expungement is the Court-ordered sealing of the government-held criminal records of an individual. It is not the destruction of the records.

Records can still be opened for future investigation and prosecution, law enforcement positions, and Department of Human Services (DHS) background studies unless DHS is included in the Order.

There are two types of expungements in Minnesota

Statutory (Minn. Stat. 609A)



To Help Crime Victims!

Volunteer as a crime victim advocate on the Council's 24 hour crisis hotline. You can work at home or in our office. Flexible schedules.



Upcoming Volunteer Advocate Trainings:

June Orientation
Thu 6/18/2015 8:30am-3pm
Fri 6/19/2015 8:30am-3pm
(Lunch provided)

July Orientation
Wed 7/22/2015 3pm-9pm
Fri 7/24/2015 3pm-9pm
(Dinner provided)



Framework opinion paper by Mindy Thopson Fullilove, Robert E. Fullilove, & Rodrick Wallace, "Where is Home?: Mass Incarceration in the Context of Incessant Displacement"

Framework opinion paper by Robert Sykora, "Our New Permanent Punishment Machine"

Framework opinion paper by Er S. Janus, "The criminal justice system, the mental health system, and the preventive state"

Those records described under the new law above.

herent authority of the courts

All records that do not qualify under the statute (most conviction records and /stays that require admission of guilt).

Current case law may limit a judge's ability to order records sealed at the Bureau of Criminal Apprehension and other executive branch agencies where employers and landlords can still access them.

ther important information

That you must prove: That expungement would yield a benefit to the you equal to the disadvantages to the public and public safety of: (1) sealing the record; and (2) burdening the court and public authorities to issue, enforce, and monitor an expungement order.

All expungement petitions, including for dismissed charges, must be filed in the county of record, require victim notification and allow victim statements, and require notice to all record holders.

Offenses with a predatory registration requirement are not eligible.

Expunged records may still appear in commercial databases available to employers and others.

The subject of the record needs a court order to get access to the sealed record.

expungement assistance options*

ou must file for expungement in the county (or state) where charged. Records in other states are subject to that state's expungement laws. There is no expungement remedy for federal cases. Individuals still on probation or parole, with pending cases, or who owe fines or restitution are unlikely to be granted an expungement.

MN Courts website - Instructions and Forms on how to petition court for expungement. <http://www.mncourts.gov/selfhelp/?page=276>

Hennepin County Self-Help Center, skyway level of the Hennepin County Government Center, for Hennepin cases (612) 348-9399

Legal Aid (SMRLS) (651) 222-5863 Ramsey and southeast metro counties

Neighborhood Justice Center (651) 222-4703 Ramsey County

ouncil on Crime and Justice and Volunteer Lawyers Network Services provide monthly seminars located in Minneapolis (see above). The Expungement Seminar Information line is (612) 353-3024..

In other counties try contacting the Volunteer Lawyers Network, public defender's office, legal assistance organizations where you reside, or a private attorney.

Availability of services is subject to change and the qualification requirements of each agency.

*"Justice is truth in action."
- Benjamin Disraeli, 185*

RESOURCES

» Racial Disparity Initiative

Reducing Racial Disparity
and Enhancing Public Safety
in the Judicial System
» more info

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Services/Resources

Crime Victims Hotline:
612-340-5400

Expungement Line:

Weekly
» more info

- » Criminal Records Project
- » Community Resources

Current Newsletter
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