

STATE OF MINNESOTA

Office of Governor Tim Pawlenty

130 State Capitol ♦ 75 Rev. Dr. Martin Luther King Jr. Boulevard ♦ Saint Paul, MN 55155

May 13, 2010

The Honorable James Metzen
President of the Senate
322 State Capitol Building
St. Paul, Minnesota 55155

Dear President Metzen,

I have vetoed and am returning Chapter 335, Senate File 2790.

The bill relaxes the current permanent disqualification standards for persons with violent criminal histories who want to work in DHS-licensed positions. In 2005, new protections were part of significant public safety legislation regarding sex offender management.

Changing those provisions takes the state backwards, by permitting people with the most serious criminal histories to work directly with children and vulnerable adults in licensed settings and unlicensed personal care attendant situations. The extensive list of crimes involved includes: first, second, and third degree murder; first and second degree manslaughter; criminal sexual predatory conduct; criminal sexual conduct in the first, second, third, fourth, and fifth degree; aggravated robbery; drive-by shootings; first and second degree assault; kidnapping; and first degree arson.

The bill also unwisely relaxes current expungement law. Expungements should remain an extraordinary remedy. The bill permits the sealing of not merely a conviction record but "any type of delinquency or criminal record relating to a juvenile matter" and allows for sealing of all records relating to an arrest, indictment or information, trial, or verdict if the petitioner has successfully completed the terms of a diversion program or stay of adjudication and has not been charged with a new crime for at least one year since completion of the diversion or stay. The bill waives the filing fee in a great number of situations and excludes the public from hearings on petitions to expunge "any type" of record relating to a juvenile matter.

President Metzen/SF 2790

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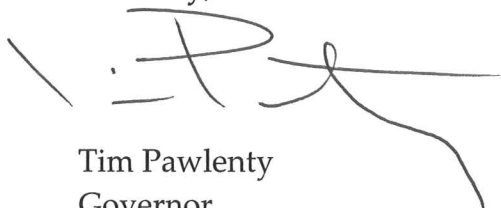
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These changes to the expungement law would allow persons to receive expungements for very serious crimes (such as crimes requiring registration under the predatory offender registration statute). Current law does not allow such expungements.

Furthermore, in cases involving stays of adjudication or diversions, this bill would direct the courts to seal the record without even requiring the filing of a petition. In many situations, this bill would place the burden of proof for expungement on prosecutors rather than offenders – where it should be. Also, individuals currently pay a filing fee when seeking an expungement of criminal records, and in most cases make their cases in open court. This bill would change those practices.

This legislation is dangerous and misguided. The bill would potentially expose children and vulnerable adults to violent, dangerous sex offenders and it represents a serious step backwards for public safety in Minnesota. The bill is vetoed as a result.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tim Pawlenty', is written over a horizontal line. The signature is fluid and cursive, with a long, sweeping tail that extends to the right.

Tim Pawlenty
Governor

cc: Representative Margaret Anderson Kelliher, Speaker of the House
Senator Lawrence J. Pogemiller, Majority Leader
Senator David Senjem, Minority Leader
Senator Mee Moua
Representative Kurt Zellers, Minority Leader
Representative John Lesch
Mr. Peter S. Wattson, Secretary of the Senate (Legislative)
Mr. Albin Mathiowetz, Chief Clerk of the House of Representatives
Mr. Mark Ritchie, Secretary of State