

202.5 Section 1. Minnesota Statutes 2022, section 609A.01, is amended to read:

202.6 **609A.01 EXPUNGEMENT OF CRIMINAL RECORDS.**

202.7 This chapter provides the grounds and procedures for expungement of criminal records
202.8 under section 13.82; 152.18, subdivision 1; 299C.11, where a petition is authorized under
202.9 section 609A.02, subdivision 3; expungement is automatic under section 609A.05;
202.10 expungement is considered by a panel under section 609A.06; or other applicable law. The
202.11 remedy available is limited to a court order sealing the records and prohibiting the disclosure
202.12 of their existence or their opening except under court order or statutory authority. Nothing
202.13 in this chapter authorizes the destruction of records or their return to the subject of the
202.14 records.

202.15 **EFFECTIVE DATE.** This section is effective August 1, 2023.

202.16 Sec. 2. Minnesota Statutes 2022, section 609A.03, subdivision 5, is amended to read:

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

202.21 (1) sealing the record; and

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

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

200.10 of a criminal investigation, prosecution, or sentencing. Upon receiving notice that the
200.11 proceedings were dismissed, the Bureau of Criminal Apprehension shall notify the arresting
200.12 or citing law enforcement agency and direct that agency to seal the agency's records related
200.13 to the dismissed charge. Upon request by law enforcement, prosecution, or corrections
200.14 authorities, the bureau shall notify the requesting party of the existence of the not public
200.15 record and the right to seek a court order to open it pursuant to this section. The court shall
200.16 forward a record of any discharge and dismissal under this subdivision to the bureau which
200.17 shall make and maintain the not public record of it as provided under this subdivision. The
200.18 discharge or dismissal shall not be deemed a conviction for purposes of disqualifications
200.19 or disabilities imposed by law upon conviction of a crime or for any other purpose.

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

200.22 Sec. 2. Minnesota Statutes 2022, section 609A.01, is amended to read:

200.23 **609A.01 EXPUNGEMENT OF CRIMINAL RECORDS.**

200.24 This chapter provides the grounds and procedures for expungement of criminal records
200.25 under section 13.82; 152.18, subdivision 1; 299C.11, where a petition is authorized under
200.26 section 609A.02, subdivision 3; expungement is automatic under section 609A.05;
200.27 expungement is considered by a panel under section 609A.06; or other applicable law. The
200.28 remedy available is limited to a court order sealing the records and prohibiting the disclosure
200.29 of their existence or their opening except under court order or statutory authority. Nothing
200.30 in this chapter authorizes the destruction of records or their return to the subject of the
200.31 records.

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

201.1 Sec. 3. Minnesota Statutes 2022, section 609A.03, subdivision 5, is amended to read:

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

201.6 (1) sealing the record; and

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

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

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

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

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

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

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

203.4 (5) aggravating or mitigating factors relating to the underlying crime, including the

203.5 petitioner's level of participation and context and circumstances of the underlying crime;

203.6 (6) the reasons for the expungement, including the petitioner's attempts to obtain

203.7 employment, housing, or other necessities;

203.8 (7) the petitioner's criminal record;

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

203.10 (9) the recommendations of interested law enforcement, prosecutorial, and corrections

203.11 officials;

203.12 (10) the recommendations of victims or whether victims of the underlying crime were

203.13 minors;

203.14 (11) the amount, if any, of restitution outstanding, past efforts made by the petitioner

203.15 toward payment, and the measures in place to help ensure completion of restitution payment

203.16 after expungement of the record if granted; and

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

203.18 (d) Notwithstanding section 13.82, 13.87, or any other law to the contrary, if the court

203.19 issues an expungement order it may require that the criminal record be sealed, the existence

203.20 of the record not be revealed, and the record not be opened except as required under

203.21 subdivision 7. Records must not be destroyed or returned to the subject of the record.

203.22 (e) Information relating to a criminal history record of an employee, former employee,

203.23 or tenant that has been expunged before the occurrence of the act giving rise to the civil

203.24 action may not be introduced as evidence in a civil action against a private employer or

203.25 landlord or its employees or agents that is based on the conduct of the employee, former

203.26 employee, or tenant.

203.27 **EFFECTIVE DATE.** This section is effective [August 1, 2023](#), and applies to crimes

203.28 committed on or after that date.

203.29 Sec. 3. Minnesota Statutes 2022, section 609A.03, subdivision 9, is amended to read:

203.30 Subd. 9. **Stay of order; appeal.** An expungement order issued under this section shall

203.31 be stayed automatically for 60 days after the order is filed and, if the order is appealed,

204.1 during the appeal period. A person or an agency or jurisdiction whose records would be

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

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

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

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

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

201.20 (5) aggravating or mitigating factors relating to the underlying crime, including the

201.21 petitioner's level of participation and context and circumstances of the underlying crime;

201.22 (6) the reasons for the expungement, including the petitioner's attempts to obtain

201.23 employment, housing, or other necessities;

201.24 (7) the petitioner's criminal record;

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

201.26 (9) the recommendations of interested law enforcement, prosecutorial, and corrections

201.27 officials;

201.28 (10) the recommendations of victims or whether victims of the underlying crime were

201.29 minors;

202.1 (11) the amount, if any, of restitution outstanding, past efforts made by the petitioner

202.2 toward payment, and the measures in place to help ensure completion of restitution payment

202.3 after expungement of the record if granted; and

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

202.5 (d) Notwithstanding section 13.82, 13.87, or any other law to the contrary, if the court

202.6 issues an expungement order it may require that the criminal record be sealed, the existence

202.7 of the record not be revealed, and the record not be opened except as required under

202.8 subdivision 7. Records must not be destroyed or returned to the subject of the record.

202.9 (e) Information relating to a criminal history record of an employee, former employee,

202.10 or tenant that has been expunged before the occurrence of the act giving rise to the civil

202.11 action may not be introduced as evidence in a civil action against a private employer or

202.12 landlord or its employees or agents that is based on the conduct of the employee, former

202.13 employee, or tenant.

202.14 **EFFECTIVE DATE.** This section is effective [January 1, 2025](#), and applies to crimes

202.15 committed on or after that date.

202.16 Sec. 4. Minnesota Statutes 2022, section 609A.03, subdivision 9, is amended to read:

202.17 Subd. 9. **Stay of order; appeal.** An expungement order issued under this section shall

202.18 be stayed automatically for 60 days after the order is filed and, if the order is appealed,

202.19 during the appeal period. A person or an agency or jurisdiction whose records would be

204.2 affected by the order may appeal the order within 60 days of service of notice of filing of
204.3 the order. An agency or jurisdiction or its officials or employees need not file a cost bond
204.4 or supersedeas bond in order to further stay the proceedings or file an appeal.

204.5 **EFFECTIVE DATE.** This section is effective August 1, 2023.

204.6 Sec. 4. **[609A.05] AUTOMATIC EXPUNGEMENT OF CERTAIN CANNABIS**
204.7 **OFFENSES.**

204.8 Subdivision 1. **Eligibility; dismissal, exoneration, or conviction of nonfelony cannabis**
204.9 **offenses.** (a) A person is eligible for an order of expungement:

204.10 (1) upon the dismissal and discharge of proceedings against a person under section
204.11 152.18, subdivision 1, for violation of section 152.024, 152.025, or 152.027 for possession
204.12 of marijuana or tetrahydrocannabinols;

204.13 (2) if the person was convicted of or received a stayed sentence for a violation of section
204.14 152.027, subdivision 3 or 4;

204.15 (3) if the person was arrested for possession of marijuana or tetrahydrocannabinols and
204.16 all charges were dismissed prior to a determination of probable cause for charges under
204.17 section 152.021, subdivision 2, paragraph (a), clause (6); 152.022, subdivision 2, paragraph
204.18 (a), clause (6); 152.023, subdivision 2, paragraph (a), clause (5); 152.024, subdivision 2,
204.19 clause (2); 152.025, subdivision 2, clause (1); or 152.027, subdivision 3 or 4; or

204.20 (4) if all pending actions or proceedings involving the possession of marijuana or
204.21 tetrahydrocannabinols were resolved in favor of the person for charges under section 152.021,
204.22 subdivision 2, paragraph (a), clause (6); 152.022, subdivision 2, paragraph (a), clause (6);
204.23 152.023, subdivision 2, paragraph (a), clause (5); 152.024, subdivision 2, clause (2); 152.025,
204.24 subdivision 2, clause (1); or 152.027, subdivision 3 or 4.

204.25 (b) For purposes of this section:

204.26 (1) a verdict of not guilty by reason of mental illness is not a resolution in favor of the
204.27 person; and

204.28 (2) an action or proceeding is resolved in favor of the person if the person received an
204.29 order under section 590.11 determining that the person is eligible for compensation based
204.30 on exoneration.

205.1 Subd. 2. **Bureau of Criminal Apprehension to identify eligible individuals.** (a) The
205.2 Bureau of Criminal Apprehension shall identify records that qualify for an order of
205.3 expungement pursuant to subdivision 1.

205.4 (b) The Bureau of Criminal Apprehension shall notify the judicial branch of:

205.5 (1) the name and date of birth of an individual whose record is eligible for an order of
205.6 expungement; and

202.20 affected by the order may appeal the order within 60 days of service of notice of filing of
202.21 the order. An agency or jurisdiction or its officials or employees need not file a cost bond
202.22 or supersedeas bond in order to further stay the proceedings or file an appeal.

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

202.24 Sec. 5. **[609A.05] AUTOMATIC EXPUNGEMENT OF CERTAIN CANNABIS**
202.25 **OFFENSES.**

202.26 Subdivision 1. **Eligibility; dismissal, exoneration, or conviction of nonfelony cannabis**
202.27 **offenses.** (a) A person is eligible for expungement:

202.28 (1) upon the dismissal and discharge of proceedings against a person under section
202.29 152.18, subdivision 1, for violation of section 152.024, 152.025, or 152.027 for possession
202.30 of marijuana or tetrahydrocannabinols;

203.1 (2) if the person was convicted of or received a stayed sentence for a violation of section
203.2 152.027, subdivision 3 or 4;

203.3 (3) if the person was arrested for possession of marijuana or tetrahydrocannabinols and
203.4 all charges were dismissed after a case was filed, unless the dismissal was based on a finding
203.5 that the defendant was incompetent to proceed; or

203.6 (4) if all pending actions or proceedings involving the possession of marijuana or
203.7 tetrahydrocannabinols were resolved in favor of the person.

203.8 (b) For purposes of this section:

203.9 (1) a verdict of not guilty by reason of mental illness is not a resolution in favor of the
203.10 person; and

203.11 (2) an action or proceeding is resolved in favor of the person if the person received an
203.12 order under section 590.11 determining that the person is eligible for compensation based
203.13 on exoneration.

203.14 Subd. 2. **Bureau of Criminal Apprehension to identify eligible individuals.** (a) The
203.15 Bureau of Criminal Apprehension shall identify bureau records that qualify for expungement
203.16 pursuant to subdivision 1.

203.17 (b) The Bureau of Criminal Apprehension shall notify the judicial branch of:

203.18 (1) the name and date of birth of each person whose case is eligible for an order of
203.19 expungement; and

205.7 (2) the case number of the eligible record.

205.8 (c) The Bureau of Criminal Apprehension shall grant an expungement to each qualifying
 205.9 person whose records the bureau possesses and shall seal the bureau's records without
 205.10 requiring an application, petition, or motion. The bureau shall seal records related to an
 205.11 expungement within 60 days after the bureau sent notice of the expungement to the judicial
 205.12 branch pursuant to paragraph (b) unless an order of the judicial branch prohibits sealing the
 205.13 records or additional information establishes that the records are not eligible for expungement.

205.14 (d) Nonpublic criminal records maintained by the bureau and subject to a grant of
 205.15 expungement relief must display a notation stating "expungement relief granted pursuant
 205.16 to section 609A.05."

205.17 (e) The bureau shall inform each arresting or citing law enforcement agency with records
 205.18 affected by the grant of expungement relief issued pursuant to paragraph (c) that expungement
 205.19 has been granted. The bureau shall notify each arresting or citing law enforcement agency
 205.20 of an expungement within 60 days after the bureau sent notice of the expungement to the
 205.21 judicial branch. The bureau may notify each law enforcement agency using electronic means.
 205.22 Upon receiving notification of an expungement, a law enforcement agency shall seal all
 205.23 records related to the expungement, including the records of the person's arrest, indictment,
 205.24 trial, verdict, and dismissal or discharge of the case.

205.25 (f) The Bureau of Criminal Apprehension shall make a reasonable and good faith effort
 205.26 to notify any person whose record qualifies for an order of expungement or a grant of
 205.27 expungement that the offense qualifies and notice is being sent to the judicial branch. Notice
 205.28 sent pursuant to this paragraph shall inform the person that, following the order of
 205.29 expungement, any records of an arrest, conviction, or incarceration should not appear on
 205.30 any background check or study performed in Minnesota. Notice must also clearly state that
 205.31 an order of expungement or a grant of expungement may not change a person's immigration
 205.32 status and any person with questions about the effect on the person's immigration status
 205.33 should consult with an immigration attorney.

206.1 (g) On a schedule and in a manner established by the commissioner of human services,
 206.2 the bureau shall send the commissioner of human services a list identifying the name and

203.20 (2) the court file number of the eligible case.

203.21 Subd. 3. **Expungement relief; notification requirements.** (a) The Bureau of Criminal
 203.22 Apprehension shall grant expungement relief to each qualifying person and seal the bureau's
 203.23 records without requiring an application, petition, or motion. The bureau shall seal records
 203.24 related to an expungement within 60 days after the bureau sent notice of the expungement
 203.25 to the judicial branch pursuant to subdivision 2, paragraph (b), unless an order of the judicial
 203.26 branch prohibits sealing the records or additional information establishes that the records
 203.27 are not eligible for expungement.

203.28 (b) Nonpublic criminal records maintained by the bureau and subject to a grant of
 203.29 expungement relief must display a notation stating "expungement relief granted pursuant
 203.30 to section 609A.05."

203.31 (c) The bureau shall inform the judicial branch of all cases that are granted expungement
 203.32 relief pursuant to this section. The bureau may notify the judicial branch using electronic
 204.1 means and may notify the judicial branch immediately or in a monthly report. Upon receiving
 204.2 notice of an expungement, the judicial branch shall seal all related records, including records
 204.3 of the person's arrest, indictment, trial, verdict, and dismissal or discharge of the case. Upon
 204.4 receiving notice of an expungement, the judicial branch shall issue any order necessary to
 204.5 seal related records.

204.6 (d) The bureau shall inform each arresting or citing law enforcement agency or
 204.7 prosecutorial office with records affected by the grant of expungement relief issued pursuant
 204.8 to paragraph (a) that expungement has been granted. The bureau shall notify each agency
 204.9 or office of an expungement within 60 days after the bureau sent notice of the expungement
 204.10 to the judicial branch. The bureau may notify each agency or office using electronic means.
 204.11 Upon receiving notification of an expungement, an agency or office shall seal all records
 204.12 related to the expungement, including the records of the person's arrest, indictment, trial,
 204.13 verdict, and dismissal or discharge of the case. Notice must also clearly state that persons
 204.14 who are noncitizens may need copies of these records for immigration purposes, explain
 204.15 how they can obtain these copies after expungement or other granted relief, and state that
 204.16 a noncitizen should consult with an immigration attorney.

206.3 case number or, if no case number is available, the citation number of each person who
206.4 received a grant of expungement.

206.5 (h) Data on a person whose offense has been expunged under this subdivision, including
206.6 any notice sent pursuant to paragraph (e), (f), or (g), are private data on individuals as defined
206.7 in section 13.02, subdivision 12.

206.8 Subd. 3. **Order of expungement.** (a) Upon receiving notice that an offense qualifies
206.9 for expungement, or upon entering an order dismissing charges prior to a determination of
206.10 probable cause, the court shall issue an order vacating the conviction, if any, discharging
206.11 the person from any form of supervision, dismissing the proceedings against that person,
206.12 and sealing all records relating to an arrest, indictment or information, trial, verdict, or
206.13 dismissal and discharge for an offense described in subdivision 1.

206.14 (b) Section 609A.03, subdivision 6, applies to an order issued under this section sealing
206.15 the record of proceedings under section 152.18.

206.16 (c) The limitations under section 609A.03, subdivision 7a, paragraph (b), do not apply
206.17 to an order issued under this section.

206.18 (d) The court administrator shall send a copy of an expungement order issued under this
206.19 section to each agency and jurisdiction whose records are affected by the terms of the order
206.20 and send a letter to the last known address of the person whose offense has been expunged
206.21 identifying each agency to which the order was sent. The courts shall not order the
206.22 Department of Health or Human Services to seal records under this section.

206.23 (e) In consultation with the commissioner of human services, the court shall establish a
206.24 schedule on which the court shall provide the commissioner of human services and the
206.25 Professional Educator Licensing and Standards Board a list identifying the name and case
206.26 number or if no case number is available, the citation number of each person who received
206.27 an expungement order issued under this section.

206.28 (f) Data on the person whose offense has been expunged contained in a letter or other
206.29 notification sent under this subdivision are private data on individuals as defined in section
206.30 13.02.

204.17 (e) Data on a person whose offense has been expunged under this subdivision, including
204.18 any notice sent pursuant to paragraph (d), are private data on individuals as defined in section
204.19 13.02, subdivision 12.

204.20 (f) In any subsequent prosecution of a person with a prior expunged criminal record, a
204.21 prosecutor may include the person's expunged criminal record in a complaint or other
204.22 charging document if permitted by applicable law and the rules of criminal procedure.

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

204.26 (h) Relief granted under this subdivision shall not impact the ability of a petitioner to
204.27 file for relief under section 590.01.

206.31 Subd. 4. **Report.** The Bureau of Criminal Apprehension shall issue a report to the
206.32 legislative committees and divisions with jurisdiction over public safety policy and finance
206.33 upon completion of the work required under subdivision 2. The report shall contain summary
207.1 data and must include the total number of expungements granted by the Bureau of Criminal
207.2 Apprehension.

207.3 **EFFECTIVE DATE.** This section is effective August 1, 2023.

207.4 Sec. 5. **[609A.06] EXPUNGEMENT AND RESENTENCING OF FELONY**
207.5 **CANNABIS OFFENSES.**

207.6 Subdivision 1. **Cannabis Expungement Board.** (a) The Cannabis Expungement Board
207.7 is created with the powers and duties established by law.

207.8 (b) The Cannabis Expungement Board is composed of the following members:

207.9 (1) the chief justice of the supreme court or a designee;

207.10 (2) the attorney general or a designee;

207.11 (3) one public defender, appointed by the governor upon recommendation of the state
207.12 public defender;

207.13 (4) the commissioner of one department of the state government as defined in section
207.14 15.01, appointed by the governor; and

207.15 (5) one public member with experience as an advocate for victim's rights, appointed by
207.16 the governor.

207.17 (c) The Cannabis Expungement Board shall have the following powers and duties:

207.18 (1) to obtain and review the records, including but not limited to all matters, files,
207.19 documents, and papers incident to the arrest, indictment, information, trial, appeal, or
207.20 dismissal and discharge, which relate to a charge for possession of a controlled substance;

207.21 (2) to determine whether a person committed an act involving the possession of cannabis
207.22 flower or cannabinoid products that would either be a lesser offense or no longer be a crime
207.23 after August 1, 2023;

207.24 (3) to determine whether a person's conviction should be vacated, charges should be
207.25 dismissed, and records should be expunged, or whether the person should be resentenced
207.26 to a lesser offense; and

207.27 (4) to notify the judicial branch of individuals eligible for an expungement or resentencing
207.28 to a lesser offense.

207.29 (d) The Cannabis Expungement Board shall complete the board's work by June 30, 2028.

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

204.29 Sec. 6. **[609A.06] EXPUNGEMENT AND RESENTENCING OF FELONY**
204.30 **CANNABIS OFFENSES.**

204.31 Subdivision 1. **Cannabis Expungement Board.** (a) The Cannabis Expungement Board
204.32 is created with the powers and duties established by law.

204.33 (b) The Cannabis Expungement Board is composed of the following members:

205.1 (1) the chief justice of the supreme court or a designee;

205.2 (2) the attorney general or a designee;

205.3 (3) one public defender, appointed by the governor upon recommendation of the state
205.4 public defender;

205.5 (4) the commissioner of one department of the state government as defined in section
205.6 15.01, appointed by the governor; and

205.7 (5) one public member with experience as an advocate for victim's rights, appointed by
205.8 the governor.

205.9 (c) The Cannabis Expungement Board shall have the following powers and duties:

205.10 (1) to obtain and review the records, including but not limited to all matters, files,
205.11 documents, and papers incident to the arrest, indictment, information, trial, appeal, or
205.12 dismissal and discharge, which relate to a charge for possession of a controlled substance;

205.13 (2) to determine whether a person committed an act involving the possession of cannabis
205.14 flower or cannabis products that would either be a lesser offense or no longer be a crime
205.15 after August 1, 2023;

205.16 (3) to determine whether a person's conviction should be vacated, charges should be
205.17 dismissed, and records should be expunged, or whether the person should be resentenced
205.18 to a lesser offense; and

205.19 (4) to notify the judicial branch of individuals eligible for an expungement or resentencing
205.20 to a lesser offense.

205.21 (d) The Cannabis Expungement Board shall complete the board's work by June 30, 2028.

208.1 Subd. 2. **Eligibility; possession of cannabis.** (a) A person is eligible for an expungement
208.2 or resentencing to a lesser offense if:

208.3 (1) the person was convicted of, or adjudication was stayed for, a violation of any of the
208.4 following involving the possession of marijuana or tetrahydrocannabinols:

208.5 (i) section 152.021, subdivision 2, clause (6);

208.6 (ii) section 152.022, subdivision 2, clause (6);

208.7 (iii) section 152.023, subdivision 2, clause (5); or

208.8 (iv) section 152.025, subdivision 2, clause (1).

208.9 (2) the offense did not involve a dangerous weapon, the intentional infliction of bodily
208.10 harm on another, an attempt to inflict bodily harm on another, or an act committed with the
208.11 intent to cause fear in another of immediate bodily harm or death;

208.12 (3) the act on which the charge was based would either be a lesser offense or no longer
208.13 be a crime after August 1, 2023; and

208.14 (4) the person did not appeal the sentence, any appeal was denied, or the deadline to file
208.15 an appeal has expired.

208.16 (b) For purposes of this subdivision, a "lesser offense" means a nonfelony offense if the
208.17 person was charged with a felony.

208.18 Subd. 3. **Bureau of Criminal Apprehension to identify eligible records.** (a) The
208.19 Bureau of Criminal Apprehension shall identify convictions and sentences where adjudication
208.20 was stayed that qualify for review under subdivision 2, paragraph (a), clause (1).

208.21 (b) The Bureau of Criminal Apprehension shall notify the Cannabis Expungement Board
208.22 of:

208.23 (1) the name and date of birth of a person whose record is eligible for review; and

208.24 (2) the **case** number of the eligible conviction or stay of adjudication.

208.25 Subd. 4. **Access to records.** The Cannabis Expungement Board shall have free access
208.26 to records, including but not limited to all matters, files, documents, and papers incident to
208.27 the arrest, indictment, information, trial, appeal, or dismissal and discharge that relate to a
208.28 charge and conviction or stay of adjudication for possession of a controlled substance held
208.29 by law enforcement agencies, prosecuting authorities, and court administrators. The Cannabis
208.30 Expungement Board may issue subpoenas for and compel the production of books, records,
208.31 accounts, documents, and papers. If any person fails or refuses to produce any books, records,
209.1 accounts, documents, or papers material in the matter under consideration after having been
209.2 lawfully required by order or subpoena, any judge of the district court in any county of the
209.3 state where the order or subpoena was made returnable, on application of the commissioner
209.4 of management and budget or commissioner of administration, as the case may be, shall

205.22 Subd. 2. **Eligibility; possession of cannabis.** (a) A person is eligible for an expungement
205.23 or resentencing to a lesser offense if:

205.24 (1) the person was convicted of, or adjudication was stayed for, a violation of any of the
205.25 following involving the possession of marijuana or tetrahydrocannabinols:

205.26 (i) section 152.021, subdivision 2, clause (6);

205.27 (ii) section 152.022, subdivision 2, clause (6);

205.28 (iii) section 152.023, subdivision 2, clause (5); or

205.29 (iv) section 152.025, subdivision 2, clause (1).

206.1 (2) the offense did not involve a dangerous weapon, the intentional infliction of bodily
206.2 harm on another, an attempt to inflict bodily harm on another, or an act committed with the
206.3 intent to cause fear in another of immediate bodily harm or death;

206.4 (3) the act on which the charge was based would either be a lesser offense or no longer
206.5 be a crime after August 1, 2023; and

206.6 (4) the person did not appeal the sentence, any appeal was denied, or the deadline to file
206.7 an appeal has expired.

206.8 (b) For purposes of this subdivision, a "lesser offense" means a nonfelony offense if the
206.9 person was charged with a felony.

206.10 Subd. 3. **Bureau of Criminal Apprehension to identify eligible records.** (a) The
206.11 Bureau of Criminal Apprehension shall identify convictions and sentences where adjudication
206.12 was stayed that qualify for review under subdivision 2, paragraph (a), clause (1).

206.13 (b) The Bureau of Criminal Apprehension shall notify the Cannabis Expungement Board
206.14 of:

206.15 (1) the name and date of birth of a person whose record is eligible for review; and

206.16 (2) the **court file** number of the eligible conviction or stay of adjudication.

206.17 Subd. 4. **Access to records.** The Cannabis Expungement Board shall have free access
206.18 to records, including but not limited to all matters, files, documents, and papers incident to
206.19 the arrest, indictment, information, trial, appeal, or dismissal and discharge that relate to a
206.20 charge and conviction or stay of adjudication for possession of a controlled substance held
206.21 by law enforcement agencies, prosecuting authorities, and court administrators. The Cannabis
206.22 Expungement Board may issue subpoenas for and compel the production of books, records,
206.23 accounts, documents, and papers. If any person fails or refuses to produce any books, records,
206.24 accounts, documents, or papers material in the matter under consideration after having been
206.25 lawfully required by order or subpoena, any judge of the district court in any county of the
206.26 state where the order or subpoena was made returnable, on application of the commissioner
206.27 of management and budget or commissioner of administration, as the case may be, shall

209.5 compel obedience or punish disobedience as for contempt, as in the case of disobedience
 209.6 of a similar order or subpoena issued by such court.

209.7 Subd. 5. **Meetings; anonymous identifier.** (a) The Cannabis Expungement Board shall
 209.8 hold meetings at least monthly and shall hold a meeting whenever the board takes formal
 209.9 action on a review of a conviction or stay of adjudication for an offense involving the
 209.10 possession of marijuana or tetrahydrocannabinols. All board meetings shall be open to the
 209.11 public and subject to chapter 13D.

209.12 (b) Any victim of a crime being reviewed and any law enforcement agency may submit
 209.13 an oral or written statement at the meeting, giving a recommendation on whether a person's
 209.14 record should be expunged or the person should be resentenced to a lesser offense. The
 209.15 board must consider the victim's and the law enforcement agency's statement when making
 209.16 the board's decision.

209.17 (c) Section 13D.05 governs the board's treatment of not public data, as defined by section
 209.18 13.02, subdivision 8a, discussed at open meetings of the board. Notwithstanding section
 209.19 13.03, subdivision 11, the board shall assign an anonymous, unique identifier to each victim
 209.20 of a crime and person whose conviction or stay of adjudication the board reviews. The
 209.21 identifier shall be used in any discussion in a meeting open to the public and on any records
 209.22 available to the public to protect the identity of the person whose records are being
 209.23 considered.

209.24 Subd. 6. **Review and determination.** (a) The Cannabis Expungement Board shall review
 209.25 all available records to determine whether the conviction or stay of adjudication is eligible
 209.26 for an expungement or resentencing to a lesser offense. An expungement under this section
 209.27 is presumed to be in the public interest unless there is clear and convincing evidence that
 209.28 an expungement or resentencing to a lesser offense would create a risk to public safety.

209.29 (b) If the Cannabis Expungement Board determines that an expungement is in the public
 209.30 interest, the board shall determine whether a person's conviction should be vacated and
 209.31 charges should be dismissed.

209.32 (c) If the Cannabis Expungement Board determines that an expungement is in the public
 209.33 interest, the board shall determine whether the limitations under section 609A.03, subdivision
 209.34 5a, apply.

210.1 (d) If the Cannabis Expungement Board determines that an expungement is in the public
 210.2 interest, the board shall determine whether the limitations under section 609A.03, subdivision
 210.3 7a, paragraph (b), clause (5), apply.

210.4 (e) If the Cannabis Expungement Board determines that an expungement is not in the
 210.5 public interest, the board shall determine whether the person is eligible for resentencing to
 210.6 a lesser offense.

206.28 compel obedience or punish disobedience as for contempt, as in the case of disobedience
 206.29 of a similar order or subpoena issued by such court.

206.30 Subd. 5. **Meetings; anonymous identifier.** (a) The Cannabis Expungement Board shall
 206.31 hold meetings at least monthly and shall hold a meeting whenever the board takes formal
 206.32 action on a review of a conviction or stay of adjudication for an offense involving the
 207.1 possession of marijuana or tetrahydrocannabinols. All board meetings shall be open to the
 207.2 public and subject to chapter 13D.

207.3 (b) Any victim of a crime being reviewed and any law enforcement agency may submit
 207.4 an oral or written statement at the meeting, giving a recommendation on whether a person's
 207.5 record should be expunged or the person should be resentenced to a lesser offense. The
 207.6 board must consider the victim's and the law enforcement agency's statement when making
 207.7 the board's decision.

207.8 (c) Section 13D.05 governs the board's treatment of not public data, as defined by section
 207.9 13.02, subdivision 8a, discussed at open meetings of the board. Notwithstanding section
 207.10 13.03, subdivision 11, the board shall assign an anonymous, unique identifier to each victim
 207.11 of a crime and person whose conviction or stay of adjudication the board reviews. The
 207.12 identifier shall be used in any discussion in a meeting open to the public and on any records
 207.13 available to the public to protect the identity of the person whose records are being
 207.14 considered.

207.15 Subd. 6. **Review and determination.** (a) The Cannabis Expungement Board shall review
 207.16 all available records to determine whether the conviction or stay of adjudication is eligible
 207.17 for an expungement or resentencing to a lesser offense. An expungement under this section
 207.18 is presumed to be in the public interest unless there is clear and convincing evidence that
 207.19 an expungement or resentencing to a lesser offense would create a risk to public safety.

207.20 (b) If the Cannabis Expungement Board determines that an expungement is in the public
 207.21 interest, the board shall determine whether a person's conviction should be vacated and
 207.22 charges should be dismissed.

207.23 (c) If the Cannabis Expungement Board determines that an expungement is in the public
 207.24 interest, the board shall determine whether the limitations under section 609A.03, subdivision
 207.25 5a, apply.

207.26 (d) If the Cannabis Expungement Board determines that an expungement is in the public
 207.27 interest, the board shall determine whether the limitations under section 609A.03, subdivision
 207.28 7a, paragraph (b), clause (4) or (5), apply.

207.29 (e) If the Cannabis Expungement Board determines that an expungement is not in the
 207.30 public interest, the board shall determine whether the person is eligible for resentencing to
 207.31 a lesser offense.

210.7 (f) In making a determination under this subdivision, the Cannabis Expungement Board
210.8 shall consider:

210.9 (1) the nature and severity of the underlying crime, including but not limited to the total
210.10 amount of marijuana or tetrahydrocannabinols possessed by the person and whether the
210.11 offense involved a dangerous weapon, the intentional infliction of bodily harm on another,
210.12 an attempt to inflict bodily harm on another, or an act committed with the intent to cause
210.13 fear in another of immediate bodily harm or death;

210.14 (2) whether an expungement or resentencing the person a lesser offense would increase
210.15 the risk, if any, the person poses to other individuals or society;

210.16 (3) if the person is under sentence, whether an expungement or resentencing to a lesser
210.17 offense would result in the release of the person and whether release earlier than the date
210.18 that the person would be released under the sentence currently being served would present
210.19 a danger to the public or would be compatible with the welfare of society;

210.20 (4) aggravating or mitigating factors relating to the underlying crime, including the
210.21 person's level of participation and the context and circumstances of the underlying crime;

210.22 (5) statements from victims and law enforcement, if any;

210.23 (6) if an expungement or resentencing the person to a lesser offense is considered,
210.24 whether there is good cause to restore the person's right to possess firearms and ammunition;

210.25 (7) if an expungement is considered, whether an expunged record of a conviction or stay
210.26 of adjudication may be opened for purposes of a background check required under section
210.27 122A.18, subdivision 8; and

210.28 (8) other factors deemed relevant by the Cannabis Expungement Board.

210.29 (g) In making a determination under this subdivision, the Cannabis Expungement Board
210.30 shall not consider the impact the expungement would have on the offender based on any
210.31 records held by the Department of Health or Human Services.

210.32 (h) The affirmative vote of three members is required for action taken at any meeting.

211.1 Subd. 7. **Annual report.** Until the board completes its work, the board shall issue a
211.2 report by January 15 of each year to the legislative committees and divisions with jurisdiction
211.3 over public safety policy and finance upon completion of the work required under subdivision
211.4 2. The report shall contain summary data and must include:

211.5 (1) the total number of cases reviewed in the previous year;

207.32 (f) In making a determination under this subdivision, the Cannabis Expungement Board
207.33 shall consider:

208.1 (1) the nature and severity of the underlying crime, including but not limited to the total
208.2 amount of marijuana or tetrahydrocannabinols possessed by the person and whether the
208.3 offense involved a dangerous weapon, the intentional infliction of bodily harm on another,
208.4 an attempt to inflict bodily harm on another, or an act committed with the intent to cause
208.5 fear in another of immediate bodily harm or death;

208.6 (2) whether an expungement or resentencing the person a lesser offense would increase
208.7 the risk, if any, the person poses to other individuals or society;

208.8 (3) if the person is under sentence, whether an expungement or resentencing to a lesser
208.9 offense would result in the release of the person and whether release earlier than the date
208.10 that the person would be released under the sentence currently being served would present
208.11 a danger to the public or would be compatible with the welfare of society;

208.12 (4) aggravating or mitigating factors relating to the underlying crime, including the
208.13 person's level of participation and the context and circumstances of the underlying crime;

208.14 (5) statements from victims and law enforcement, if any;

208.15 (6) if an expungement or resentencing the person to a lesser offense is considered,
208.16 whether there is good cause to restore the person's right to possess firearms and ammunition;

208.17 (7) if an expungement is considered, whether an expunged record of a conviction or stay
208.18 of adjudication may be opened for purposes of a background study under section 245C.08;

208.19 (8) if an expungement is considered, whether an expunged record of a conviction or stay
208.20 of adjudication may be opened for purposes of a background check required under section
208.21 122A.18, subdivision 8; and

208.22 (9) other factors deemed relevant by the Cannabis Expungement Board.

208.23 (g) The affirmative vote of three members is required for action taken at any meeting.

211.6 (2) the total number of cases in which the board determined that an expungement is in
211.7 the public interest;

211.8 (3) the total number of cases in which the board determined that resentencing to a lesser
211.9 offense is appropriate, the original sentence in those cases, and the lesser offense
211.10 recommended by the board;

211.11 (4) the total number of cases in which the board determined that no change to the original
211.12 sentence was appropriate; and

211.13 (5) the total number of cases remaining to be reviewed.

211.14 Subd. 8. **Notice to judicial branch and offenders.** (a) The Cannabis Expungement
211.15 Board shall identify any conviction or stay of adjudication that qualifies for an order of
211.16 expungement or resentencing to a lesser offense and notify the judicial branch of:

211.17 (1) the name and date of birth of a person whose conviction or stay of adjudication is
211.18 eligible for an order of expungement or resentencing to a lesser offense;

211.19 (2) the case number of the eligible conviction or stay of adjudication;

211.20 (3) whether the person is eligible for an expungement;

211.21 (4) if the person is eligible for an expungement, whether the person's conviction should
211.22 be vacated and charges should be dismissed;

211.23 (5) if the person is eligible for an expungement, whether there is good cause to restore
211.24 the offender's right to possess firearms and ammunition;

211.25 (6) if the person is eligible for an expungement, whether the limitations under section
211.26 609A.03, subdivision 7a, paragraph (b), clause (5), apply; and

211.27 (7) if the person is eligible for resentencing to a lesser offense, the lesser sentence to be
211.28 imposed.

211.29 (b) The Cannabis Expungement Board shall make a reasonable and good faith effort to
211.30 notify any person whose conviction or stay of adjudication qualifies for an order of
211.31 expungement that the offense qualifies and notice is being sent to the judicial branch. Notice
212.1 sent pursuant to this paragraph shall inform the person that, following the order of
212.2 expungement, any records of an arrest, conviction, or incarceration should not appear on
212.3 any background check or study.

212.4 Subd. 9. **Data classification.** All data collected, created, received, maintained, or
212.5 disseminated by the Cannabis Expungement Board in which each victim of a crime and
212.6 person whose conviction or stay of adjudication that the Cannabis Expungement Board
212.7 reviews is or can be identified as the subject of the data is classified as private data on
212.8 individuals, as defined by section 13.02, subdivision 12.

208.24 Subd. 7. **Notice to judicial branch and offenders.** (a) The Cannabis Expungement
208.25 Board shall identify any conviction or stay of adjudication that qualifies for an order of
208.26 expungement or resentencing to a lesser offense and notify the judicial branch of:

208.27 (1) the name and date of birth of a person whose conviction or stay of adjudication is
208.28 eligible for an order of expungement or resentencing to a lesser offense;

208.29 (2) the case number of the eligible conviction or stay of adjudication;

208.30 (3) whether the person is eligible for an expungement;

209.1 (4) if the person is eligible for an expungement, whether the person's conviction should
209.2 be vacated and charges should be dismissed;

209.3 (5) if the person is eligible for an expungement, whether the limitations under section
209.4 609A.03, subdivision 7a, clause (4) or (5), apply; and

209.5 (6) if the person is eligible for resentencing to a lesser offense, the lesser sentence to be
209.6 imposed.

209.7 (b) The Cannabis Expungement Board shall make a reasonable and good faith effort to
209.8 notify any person whose conviction or stay of adjudication qualifies for an order of
209.9 expungement that the offense qualifies and notice is being sent to the judicial branch. Notice
209.10 sent pursuant to this paragraph shall inform the person that, following the order of
209.11 expungement, any records of an arrest, conviction, or incarceration should not appear on
209.12 any background check or study.

209.13 Subd. 8. **Data classification.** All data collected, created, received, maintained, or
209.14 disseminated by the Cannabis Expungement Board in which each victim of a crime and
209.15 person whose conviction or stay of adjudication that the Cannabis Expungement Board
209.16 reviews is or can be identified as the subject of the data is classified as private data on
209.17 individuals, as defined by section 13.02, subdivision 12.

212.9 Subd. 10. **Order of expungement.** (a) Upon receiving notice that an offense qualifies
 212.10 for expungement, the court shall issue an order sealing all records relating to an arrest,
 212.11 indictment or information, trial, verdict, or dismissal and discharge for an offense described
 212.12 in subdivision 1. The courts shall not order the Department of Health or Human Services
 212.13 to seal records under this section. If the Cannabis Expungement Board determined that the
 212.14 person's conviction should be vacated and charges should be dismissed, the order shall
 212.15 vacate and dismiss the charges.

212.16 (b) If the Cannabis Expungement Board determined that there is good cause to restore
 212.17 the person's right to possess firearms and ammunition, the court shall issue an order pursuant
 212.18 to section 609.165, subdivision 1d.

212.19 (c) If the Cannabis Expungement Board determined that an expunged record of a
 212.20 conviction or stay of adjudication may not be opened for purposes of a background check
 212.21 required under section 122A.18, subdivision 8, the court shall direct the order specifically
 212.22 to the Professional Educator Licensing and Standards Board.

212.23 (d) The court administrator shall send a copy of an expungement order issued under this
 212.24 section to each agency and jurisdiction whose records are affected by the terms of the order
 212.25 and send a letter to the last known address of the person whose offense has been expunged
 212.26 identifying each agency to which the order was sent.

212.27 (e) Data on the person whose offense has been expunged in a letter sent under this
 212.28 subdivision are private data on individuals as defined in section 13.02.

212.29 Subd. 11. **Resentencing.** (a) If the Cannabis Expungement Board determined that a
 212.30 person is eligible for resentencing to a lesser offense and the person is currently under
 212.31 sentence, the court shall proceed as if the appellate court directed a reduction of the conviction
 212.32 to an offense of lesser degree pursuant to rule 28.02, subdivision 12 of the Rules of Criminal
 212.33 Procedure.

213.1 (b) If the Cannabis Expungement Board determined that a person is eligible for
 213.2 resentencing to a lesser offense and the person completed or has been discharged from the
 213.3 sentence, the court may issue an order amending the conviction to an offense of lesser degree
 213.4 without holding a hearing.

213.5 (c) If the Cannabis Expungement Board determined that there is good cause to restore
 213.6 the person's right to possess firearms and ammunition, the court shall, as necessary, issue
 213.7 an order pursuant to section 609.165, subdivision 1d.

213.8 **EFFECTIVE DATE.** This section is effective August 1, 2023.

209.18 Subd. 9. **Order of expungement.** (a) Upon receiving notice that an offense qualifies
 209.19 for expungement, the court shall issue an order sealing all records relating to an arrest,
 209.20 indictment or information, trial, verdict, or dismissal and discharge for an offense described
 209.21 in subdivision 1. If the Cannabis Expungement Board determined that the person's conviction
 209.22 should be vacated and charges should be dismissed, the order shall vacate and dismiss the
 209.23 charges.

209.24 (b) If the Cannabis Expungement Board determined that there is good cause to restore
 209.25 the person's right to possess firearms and ammunition, the court shall issue an order pursuant
 209.26 to section 609.165, subdivision 1d.

209.27 (c) If the Cannabis Expungement Board determined that an expunged record of a
 209.28 conviction or stay of adjudication may not be opened for purposes of a background study
 209.29 under section 245C.08, the court shall direct the order specifically to the commissioner of
 209.30 human services.

209.31 (d) If the Cannabis Expungement Board determined that an expunged record of a
 209.32 conviction or stay of adjudication may not be opened for purposes of a background check
 210.1 required under section 122A.18, subdivision 8, the court shall direct the order specifically
 210.2 to the Professional Educator Licensing and Standards Board.

210.3 (e) The court administrator shall send a copy of an expungement order issued under this
 210.4 section to each agency and jurisdiction whose records are affected by the terms of the order
 210.5 and send a letter to the last known address of the person whose offense has been expunged
 210.6 identifying each agency to which the order was sent.

210.7 (f) Data on the person whose offense has been expunged in a letter sent under this
 210.8 subdivision are private data on individuals as defined in section 13.02.

210.9 Subd. 10. **Resentencing.** (a) If the Cannabis Expungement Board determined that a
 210.10 person is eligible for resentencing to a lesser offense and the person is currently under
 210.11 sentence, the court shall proceed as if the appellate court directed a reduction of the conviction
 210.12 to an offense of lesser degree pursuant to rule 28.02, subdivision 12 of the Rules of Criminal
 210.13 Procedure.

210.14 (b) If the Cannabis Expungement Board determined that a person is eligible for
 210.15 resentencing to a lesser offense and the person completed or has been discharged from the
 210.16 sentence, the court may issue an order amending the conviction to an offense of lesser degree
 210.17 without holding a hearing.

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

210.19 Sec. 7. **[609A.07] RESTORATION OF FIREARMS RIGHTS.**
210.20 Any person who is prohibited from possessing a firearm or ammunition based on a prior
210.21 adjudication or conviction for a cannabis-related offense who receives an expungement or
210.22 other relief under section 609A.05 or 609A.06 shall have their right to possess firearms and
210.23 ammunition restored if the person is otherwise eligible to possess the item.