



Tip of the Month February 2025

Minnesota Criminal Expungement Update February 2025

by Elizabeth Fowlds, VLN Criminal Expungement Program Manager

You may have noticed that criminal expungements have been featured in the news again recently. This Tip of the Month provides updates on what we know so far about the implementation of new laws, progress of the Minnesota Cannabis Expungement Board, and the expansion of the Hennepin County Attorney's Help Seal My Record Program.

It should be noted that records not eligible for the expungement options described below may still be eligible to petition for statutory expungement under Minnesota Statute Secs. 609A.02 or 260B.198, subd. 6.

Clean Slate Act Automatic Expungements:

The Clean Slate Act's Automatic Expungement law under Minn. Stat. Sec. 609A.015 took effect on January 1, 2025. The law requires the Minnesota Bureau of Criminal Apprehension (BCA) to review their records to determine which records are eligible for automatic expungement and, after notifying the court, to seal those records. Although the effective date of the law was January 1st, according to the BCA's website, it is not anticipated that the record review and sealing process on all eligible records will be completed until mid-May.

Minnesota Statute 609A.015 details the levels, type of charges, dispositions, convictions that are eligible for or are excluded from automatic expungement. It also details the applicable waiting periods assigned to disposition type or severity level of conviction.

While automatic expungements will seal many records, it will not make expungement by petition unnecessary, as more types of records are eligible to petition for expungement under Minnesota Statute Sec. 609A.02 than those that are eligible for automatic expungement. Another reason to petition for expungement is that automatic expungements do not apply to records held by the commissioners of children, youth, and families, health, and human services.

Additionally, some automatically expunged records may be opened for DHS, Department of Health, and Professional Educator's Licensing and Standards Board background checks. A person with concerns about their record impacting them with these agencies will need to petition for expungement relief.

There may also be issues with what is accessible in other states. The BCA Website states: "Minnesota is part of the National Crime Prevention and Privacy Compact, which requires the records remain visible in other states unless a petition is filed, and the court orders the record sealed at the BCA."

The Minnesota Cannabis Expungement Board Progress

The Minnesota Cannabis Expungement Board was created by the Minnesota Adult Cannabis Use Act. Minnesota Statute 609A.06 created the board to review potentially eligible felony and misdemeanor cannabis-related convictions, stays of adjudication for expungement, or resentencing eligibility. The Cannabis Expungement Board's Website reports that it began reviewing felony cases at the meeting held on December 27, 2024.

The Expansion Hennepin County Attorney's Help Seal My Record Program

The Hennepin County Attorney's Help Seal My Record Program (HSMR) has been expanded to include some juvenile delinquency matters. HSMR is a prosecution-led expungement program authorized by Minnesota Statute Sec. 609A.025. To be eligible for the Hennepin County Attorney's HSMR expungement, the case must have been prosecuted by the Hennepin County Attorney's Office and it must meet the program's criteria for eligibility. When someone is eligible for this program, the prosecution prepares and submits the paperwork and there is no court appearance. Applications for both juvenile delinquency records and adult records can be made online at the Hennepin County Attorney Help Seal My Record Portal. This portal can also be accessed by selecting "Hennepin County" on the Minnesota Attorney General's site, [HelpSealMyRecord.org](https://www.hennepincountyattorney.org/HelpSealMyRecord.org)