



SF560/HF891

AS AMENDED

- Preserves current expungement (records sealing) law.
- Gives statutory authority for sealing of stays of adjudication, if petitioner has not been charged with any new crimes for one year following discharge from probation, if the prosecutor agreed to the stay of adjudication. Currently in most cases only court and probation records (judicial branch) are able to be sealed; this allows all records (including executive branch).
- Gives statutory authority for sealing of plea-diversions, if petitioner has not been charged with any new crimes for one year following discharge from the diversion program, if the prosecutor agreed to the diversion. Currently only court and probation records (judicial branch) are able to be sealed; this allows all records (including executive branch).
- Administrative sealing. Removes expungement hearing requirement for stays of adjudication and diversion programs if the prosecutor agrees to the expungement and makes a good-faith effort to inform any victims. The prosecutor can agree before or after charges are dismissed (i.e. at sentencing/disposition).
- Petitioner /Defendant must attach a copy of the complaint or police reports to the petition when practicable.
- Makes access to previously sealed records easier for prosecution and law enforcement by not requiring a court order.
- **Requires prosecutorial agreement and allows for prosecutorial discretion.**
- **Saves money by reducing the number of court hearings.**
- **Only involves cases where all charges were ultimately dismissed.**
- **Does not expand expungement, rather allows for *complete* sealing in these particular non-conviction cases.**

This legislation is supported by the Minnesota County Attorneys Association AND the Minnesota Association of Criminal Defense Lawyers.

Contact Information:

Mark Haase
Director of Public Policy and Advocacy
Council on Crime and Justice
612-353-3020
haasem@crimeandjustice.org