



2010 Juvenile Records Reform Act

“The purpose of the laws relating to children alleged or adjudicated to be delinquent is to promote the public safety and reduce juvenile delinquency...This purpose should be pursued through means that are fair and just, that recognize the unique characteristics and needs of children, and that give children access to opportunities for personal and social growth.” Minn. Stat. § 260B.001(2).

Current Minnesota juvenile delinquency records law unnecessarily inhibits access to opportunities for personal and social growth for thousands of our youngest citizens. It should be amended in the following ways:

Limit Peace Officer Record Release with Informed Consent

Although the BCA and the courts are restricted from releasing private juvenile records in response to informed consent requests, there are no such limitations on the release of peace officer juvenile records. The release of these records through informed consent to prospective employers and landlords can have major negative impacts on young people.

Phone calls to a dozen different police departments in both the metro area and Greater Minnesota revealed that some departments release private juvenile records with informed consent and some do not, resulting in inconsistent and unfair treatment for young people across the state.

The proposed legislative change does not attempt to modify the release of juvenile records for background checks required by statute or inter-agency governmental access to juvenile records for those who “need to know.” It would simply make private juvenile peace officer records comport with BCA records law, prohibiting release with informed consent.

Reduce Public Records for 16 and 17 Year-Olds

Currently, court proceedings for 16 and 17 year-olds charged with *any* felony level offense are public and the resulting records are public, even if the charges are later dismissed or reduced.

This provision should be changed to limit public hearings to 16 and 17 year-olds charged with a felony level offense that the court determines is serious and violent enough to justify a public hearing. This will continue to provide for public safety but prevent many young people from being limited in their future opportunities.



Set Asides for Permanent Bars Based on Juvenile Records

The Department of Human Services (DHS) Background Studies Act includes permanent disqualification for individuals with certain serious criminal histories, without any opportunity for a set-aside or waiver of the disqualification. This bar does not make a distinction between individuals who were adults or those who were juveniles at the time of the disqualifying offense. A juvenile record should not have the same collateral consequences as an adult record.

This problem should be addressed by allowing DHS to grant a set-aside or variance if the Commissioner of DHS determines that the applicant, after they reach 21 years of age, has provided sufficient evidence to demonstrate that they no longer pose a risk of harm and they engaged in the conduct while they were under age 18, unless they were convicted of a crime following certification to district court.

Clarify Juvenile Records Sealing

Minnesota's criminal expungement (record sealing) statute (Chapter 609A) does not have any provision for the sealing of juvenile records other than when the juvenile was certified to adult court. There is a juvenile records expungement statute, Minn. Stat. § 260B.198, that states "...the court may expunge the adjudication of delinquency at any time that it deems advisable." But it offers an inadequate remedy for sealing juvenile records because it provides no guidance to petitioners, judges, and attorneys regarding guidelines and procedures. There is confusion and ambiguity in the law about whether judges have the authority to seal executive branch records when sealing a juvenile record so many judges rely on their interpretation of the limited inherent authority of the court and will only seal court records.

Juvenile records should be added to § 609A.02 to provide those with a juvenile record the opportunity to overcome barriers created by the record and give them adequate access to opportunities for personal and social growth.

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