

# Expungement

## What is expungement?

Expungement is the legal process to seal both court records and executive branch records from public viewing. Records will remain available to courts & police for consideration in future convictions.

A [new expungement law](#) went into effect January 1, 2015. The goal of the law is to expunge old records that have hampered people from access to employment, housing and other key opportunities for successful living.

## How to obtain expungement

To expunge convictions, the person:

- Must have completed their sentence, includes parole or other court ordered stipulations
- Must have completed the designated waiting period after completion of sentence
- Must not have any active crimes on their records

Expungement may be granted if:

1. All records related to juvenile delinquency can be expunged.
2. The case was resolved in the individuals favor, either by acquittal or dismissal.
3. The case resulted in diversion or stay of adjudication — one year after completion of sentence, if crime-free.
4. The case resulted in a petty misdemeanor or misdemeanor conviction — 2 years after completion of sentence, if crime free.
5. The case resulted in a gross misdemeanors conviction — 4 years after completion of sentence, if crime free.
6. The case resulted in a low-level, non-violent felony conviction — 5 years after completion of sentence, if crime free.

Preparing for the Petition process includes collecting information on the crimes you are petitioning and then building a case for removal.

- How has the record caused a burden – limiting access to jobs and housing opportunities? (outline opportunities they were turned away from)
- Why is the person not a threat more than anyone else?
- How is the person no longer a threat?
- Explain how, with the barrier removed, the person would have opportunities for success.

In addition, the Expungement Petition must be entered in the county of the conviction.

Knowing your client's history and assessing the likelihood of a successful petition is important.

- Review your client's complete criminal record from the [Bureau of Criminal Apprehension](#)
- Request a Copy in person (same day) or via mail (2 weeks). Cost \$8
- CJIS Criminal History Access Unit, Bureau of Criminal Apprehension  
1430 Maryland Ave. East, St. Paul, MN 55106

## Steps

1. Know the criminal record
2. Review if expungement is possible
3. If possible, create a case for why the person's record should be expunged.
4. Meet with an attorney to build the case for expungement as part of the petition
5. The petition for expungement is written
6. The petition is entered into the court where the conviction occurred - the person can represent themselves or an attorney may represent them.
7. Court process— 4 to 6 months
  - 60 day waiting period allows people to be notified and send objections
  - In court
  - 60 day waiting period
  - Order in effect

### For civil suits review the state court records

- [www.mncourts.gov/district/10/?page=4498](http://www.mncourts.gov/district/10/?page=4498)

### Legal fees & expungement filing fees assistance:

- Request the court charge one fee for all counts on the expungement petition.
- Fees may be waived by filing an In forma Pauperis with the Court.

## Resources

### [MN Council on Crime & Justice - expungement resource page](#)

includes links to:

- BCA Background check form
- Court contact and processes per County
- Expungement Seminar info., First Tuesday of the month
- The Expungement Seminar Information line is (612) 353-3024

## Reduced Cost Legal Services

### [Southern MN Regional Legal Services](#)

- Ramsey and southeast metro
- for civil, if assisted already, (651) 222-4731

### [Neighborhood Justice Center](#)

(651) 222-4703, Ramsey & Washington County

- Contact only if expungement is likely
- Fee based on Income Poverty Guidelines

### [Volunteer Lawyers Network](#)

- Provide legal services in most types of civil issues, such as housing, bankruptcy, family, criminal expungement and debt collection.
- Client intake line: (612) 752-6677, Dakota County, Ramsey, Hennepin
- Includes partner links.

### [The Center for Crime & Justice](#)

- Partners with the U of M Law School to provide free monthly workshops for people seeking to obtain and understand their Minnesota criminal record.
- Attorneys and students will also help participants learn to explain their record to employers and landlords.
- Second Chance Saturdays, third Saturday of each Month

### [Central Minnesota Legal Services](#)

- Expungement Clinics Available, Anoka County & Stearns County

### In other counties

- Contact the Volunteer Lawyers Network, public defenders' office, your County's Law Library, and other legal assistance organizations or a private attorney.