

Minnesota expands expungement relief

Written by Karen Mohrlant
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As a defense attorney, one of the most common questions I get is: "how long will this be on my record?" It is easy to see why people are so concerned about their records. Background checks are increasingly common. You may be asked to submit to a record check to secure a job, housing, a loan, or government benefits. Computers and the internet have made it much easier and cheaper to find records – even very old records.

Until recently, the answer used to be that if you plead guilty or are found guilty, the record of your case will probably be there forever. Although the court could seal records through a process called expungement, the cases which qualified and the relief the courts could provide were limited.

This spring a new law was enacted greatly expanding the availability of expungement. For those cases which fall within the new law, the court can seal not only its own records, but records maintained by criminal justice organizations such as police departments, prosecutorial offices, and the Minnesota Bureau of Criminal Apprehension. The new law also requires business screening services to delete expunged records.

Although the new law does not go into effect until January, 2015, there are things you can do today to begin the process. Specifically, you can:

- Determine whether your case falls within the expanded list of those eligible for expungement under the statute;
- Gather records you will use to support your petition; and
- Begin drafting the petition.

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Alternatively, you can hire an attorney to do these things for you.

A lawyer is not required to file a petition for expungement, but can be an invaluable advocate for you, particularly as the courts and criminal justice agencies are getting used to the new law. A criminal defense attorney has the training and experience to put together a professional petition for expungement, to respond to any objections raised by the police or prosecutor and any concerns expressed by the judge, and to give you the best chance to have your record expunged.

Everyone makes mistakes, and sometimes those mistakes also violate the law. Minnesota's expansion of expungement relief will allow individuals who are not career criminals but have made such mistakes – especially small mistakes long ago – to ask the court to seal the record, opening opportunities for employment, housing, and education which had previously been closed.

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