



Expungements Related to Clean Slate and Adult-Use Cannabis Legislation

The Minnesota Legislature enacted two statutes during the 2023 session that will require automatic expungement of certain BCA criminal history records and expand the list of eligible offenses to petition the courts for an expungement order.

- **The Clean Slate Act** ([Article 7, SF2909](#)) requires automatic expungement of certain records from the BCA's Criminal History System (CHS) that currently require the subject to petition the court for an expungement order. Other criminal history records will continue to require a petition and court order. The Clean Slate Act goes into effect Jan. 1, 2025.
- **The Adult-Use Cannabis Act** ([Article 5, HF100](#)) requires automatic expungement of certain cannabis-related records from CHS. The Cannabis Expungement Board will review certain felony level cannabis-related records to determine eligibility for expungement. The Adult-Use Cannabis Act goes into effect on Aug. 1, 2023; however, these records will remain available on an individual's criminal history record until the BCA implements technical and programmatic changes in CHS. This will likely occur closer to August 2024. An estimated 66,000 records in CHS are eligible for automatic expungement; an additional 230,000 records would be eligible for review.

What records are eligible for expungement?

The Clean Slate Act identifies three types of records that qualify for automatic expungement: Dismissals/exonerations, diversions/stays of adjudication, and certain convictions. The convictions range from petty misdemeanors to felonies. All require that the subject of the record has not been charged with or convicted of a new offense other than a petty misdemeanor. Additional felony records maintained by the BCA are eligible for expungement under the court petition process.

The Adult-Use Cannabis Act identifies certain cannabis-related records that qualify for automatic expungement. The BCA will refer certain felony records identified in the Adult-Use Cannabis Act to the newly created Cannabis Expungement Board. Upon review, Board will notify the Minnesota Judicial Branch of records that qualify for an order of expungement or resentencing to a lesser offense. The courts must issue expungement orders or resentence as determined by the Board. The BCA must expunge records based on court orders as usual.

How will the expungement process work?

Both the Clean Slate Act and the Adult-Use Cannabis Act apply to records held by the BCA. Both also require the judicial branch to seal its records upon notice from the BCA. The Adult-Use Cannabis Act similarly requires law enforcement agencies to seal their records upon notice from the BCA. The legislation identifies specific processes that the BCA must follow regarding qualifying BCA criminal history records.

- Review records within 30 days of the end of the applicable waiting or annually for those not initially eligible (Clean Slate Act offenses only).
- Notify the Minnesota Judicial Branch of identified records either real-time or in a monthly report.
- Seal records in the BCA Criminal History System within 60 days of notifying the courts.
- Inform the appropriate local law enforcement agency that it may hold records that have been sealed at the BCA.

Records sealed at the BCA will remain visible in other states per the [National Crime Prevention and Privacy Compact](#) unless the BCA receives a court order. This will require the BCA to develop a split sealing process that will allow records to be sealed in Minnesota but remain visible in other states.

How will the public know the status of their records?

Notations will be attached to BCA criminal history records indicating that records may be eligible for automatic expungement under the Clean Slate Act or the Adult-Use Cannabis Act. This notation will be visible to the subject of the record. Qualifying non-public records will include the notation: expungement relief granted pursuant to 609A.055.