

- The process illustrated here is to expunge one case in one county. Individuals often have several cases in different counties, which may mean filing petitions in each county and increasing the costs.
- The period of time you have to wait before you can file for expungement relates to the charge you want to expunge. On average, these periods are at least two years for misdemeanors, four years for gross misdemeanors, and five years for qualifying felonies. For more information, check out MN House of Representatives Research.*
- Expungement processes can vary by county. This overview highlights the process in Hennepin County.

Highlighting some structural barriers:

Criminal expungement is the act of sealing criminal records, making them unavailable to individuals and agencies at certain levels. Criminal expungement is an important part of reintegrating into society after leaving the criminal justice system. It can allow individuals to access housing, employment, and some public benefits. Roughly one in three American adults have a criminal record, making access to expungement incredibly important. The process of expungement is lengthy and it can take up to one year for one case to be decided. Additionally, the process is complicated, mistakes are likely, and it is important to pay attention to detail. If you make a mistake, you have to start over. Because of this, many individuals who could benefit the most from expungement are unable to access it.

Written by:
Sasha Hulsey, MPP/MPH
Kshitz Karki, MPP
Liv Reyes, MPP
Alyssa Scott, MPP
Artwork by Khou Vue



A High-Level Overview



Why Criminal Expungement Matters

This overview demonstrates how the criminal expungement process is lengthy and complicated. Criminal expungement is unfairly biased and not set up to support the reentry of certain groups of individuals with criminal records. One such group is individuals impacted by sexual exploitation who inspired the creation of this overview. They often fall through the cracks and are ignored and retraumatized when engaging with the system to improve their chances at a better life. Systemic racism within the criminal justice system also means that Black, Indigenous, and people of color are policed, arrested, charged, incarcerated, and live with criminal records at higher rates. Expungement is fundamental to how society functions because criminal records impact individuals beyond their punishment for the crime and keep them from living a good life. It is a basic miscarriage of justice that expungement is not functioning the way it should. The intention of this overview is to provide individuals interested in criminal expungement with the information and resources they need.

***Resources referenced in the steps above in order of first appearance:**

- MN House of Representatives Research (<https://www.house.leg.state.mn.us/hrd/pubs/expgrecc.pdf>)
- Pro Bono Attorneys:
 - Legal Rights Center (<https://www.legalrightscenter.org/>)
 - Mid-Minnesota Legal Aid (<https://mylegalaid.org/>)
 - Southern Minnesota Regional Legal Services (<https://www.smrls.org/#>)
 - Volunteer Lawyers Network (<https://www.vlnmn.org/>)
- Fee Waiver (<http://www.mncourts.gov/Help-Topics/Fee-Waiver-IFP.aspx>)
- Bureau of Criminal Apprehension (<https://dps.mn.gov/divisions/bca/Pages/criminal-history-search.aspx>)
- Self-Help Center (<http://www.mncourts.gov/Help-Topics/Self-Help-Centers.aspx>)
- Volunteer Lawyers Network (<https://www.vlnmn.org/>)
- Self-Help Center Expungement Form (<http://www.mncourts.gov/GetForms.aspx?c=14>)
- Find Your Court (<http://www.mncourts.gov/Find-Courts.aspx>)
- Expungement Filing Fee (<http://www.mncourts.gov/Help-Topics/Court-Fees/District-Court-Fees.aspx?c=all&cookieCheck=true>)
- Fee Waiver (<http://www.mncourts.gov/Help-Topics/Fee-Waiver-IFP.aspx>)
- Court of Appeals (<http://www.mncourts.gov/CourtOfAppeals.aspx>)

Additional resources to help fill out the petition forms:

- Self-Help Center Criminal Expungement Videos (https://www.youtube.com/playlist?list=PLomt_dFtXFonsN45MSBMfLpkkhjAFneau)
- Volunteer Lawyers Network Step-by-Step Expungement Guide (https://www.lawhelpmn.org/sites/default/files/2019-02/criminal-expungement-in-minnesota_step-by-step.pdf)





1 OBTAIN YOUR CRIMINAL HISTORY⁺

You will need a copy of your full criminal history from the Bureau of Criminal Apprehension (BCA).^{*} You can request this either by mail or in person. BCA requires a personal check, money order, cashier's check, certified or business check for \$8.00 made out to the BCA.



2 DETERMINE ELIGIBILITY

There is a required wait time before you are eligible for expungement depending on the level of the crime (see page 1). The time only starts after you have completed probation without being convicted of another crime. To find out if you are eligible, contact the Self-Help Center and Volunteer Lawyers Network.^{*}



5 SERVE AGENCIES

Agencies that have your criminal record need to be informed you are seeking expungement. You need to serve 6-10 government agencies, some of which are listed below. Make copies of all petition forms, keeping one for yourself. You will likely need 11 copies of the petition forms, which will cost approximately \$165.00.

- Minnesota Bureau of Criminal Apprehension (BCA)
- Office of the Minnesota Attorney General
- Minnesota Department of Corrections
- County Attorney's Office
- County Department of Corrections
- County Sheriff's Office
- City Attorney's Office
- City Police Department



3 FILL OUT PETITION FORM

Fill out the expungement petition forms. Seeking pro bono legal support can be helpful.^{*} You can find the petition forms on the Self-Help Center's website or your district court's website.^{*}

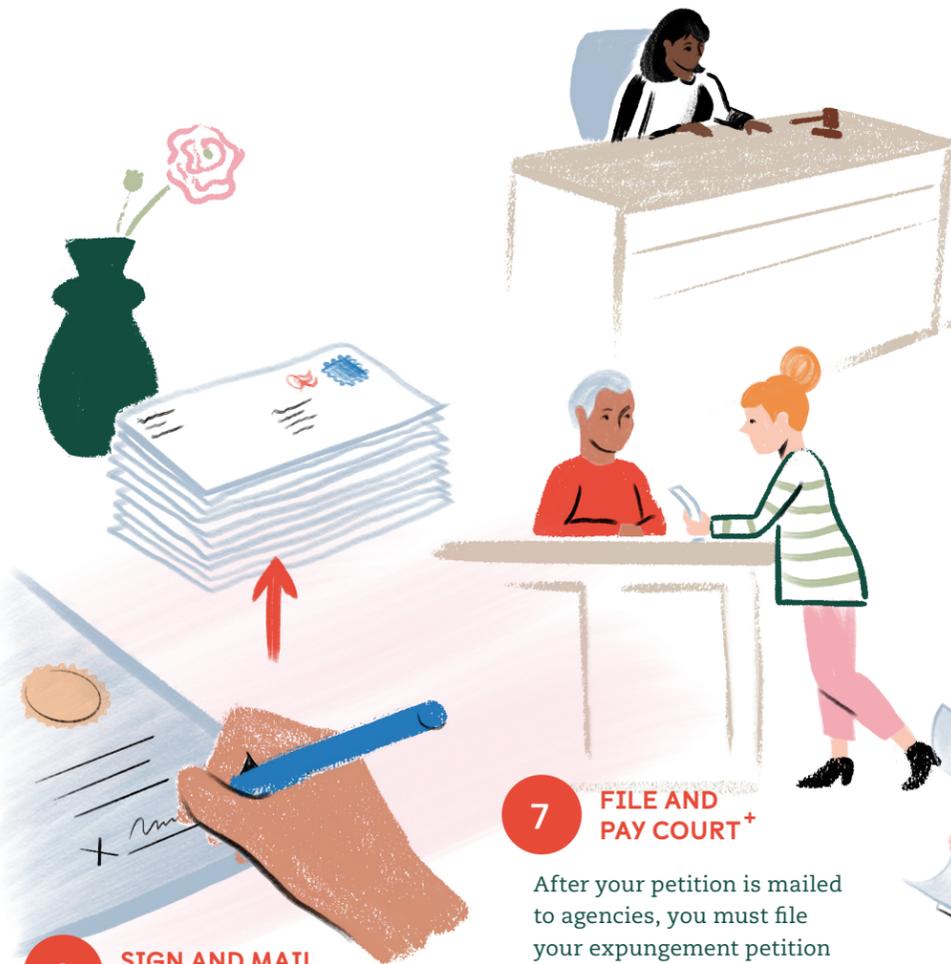


4 SCHEDULE COURT DATE FOR HEARING

You will need to schedule a court date to complete your expungement petition form. Call the court administrator for the county/city where your case took place and ask to schedule an expungement hearing.

+ retraumatization might occur | * go to page 4 for resources.

Steps for Seeking Criminal Expungement



8 COURT HEARING⁺

Attend your court hearing. Bring copies of your petition forms. Consider also bringing additional documents to support your case. For example, if you were denied housing or employment due to your criminal record, or certificates and personal letters of support for your rehabilitation. The judge might tell you to start your petition again if you did not properly serve an agency or another mistake was made.



7 FILE AND PAY COURT⁺

After your petition is mailed to agencies, you must file your expungement petition forms with the district court where you scheduled your hearing. You will need to pay the filing fee for each case you want expunged if you were convicted, found guilty, or pled guilty to the case. The cost varies by county—in Hennepin County it is \$297.00.^{*} To try to waive the fee, ask the clerk for a fee waiver.^{*}



9 WAIT FOR COURT DECISION

Wait up to 90 days to hear the judge's decision about your expungement in the mail.

10 60-DAY WINDOW

There is a 60-day window for appeals.
10a: If expungement is approved, agencies served might appeal the court's decision if they disagree.
10b: If expungement is denied, you can appeal the court's decision. Contact your district court for more information or go to the Court of Appeals website.^{*}

6 SIGN AND MAIL PETITION

Another adult has to mail your petition forms to agencies on your behalf. The cost of postage and envelopes is about \$27.00.



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Steps for Seeking Criminal Expungement