

**Subject** Expungement of records for individuals not guilty of crime as a result of identity theft or mistaken identity

**Authors** Frazier and others

**Analyst** Ben Johnson (ben.johnson@house.mn.gov)

**Date** February 10, 2023

### Overview

Minnesota law permits certain criminal records to be expunged. In most cases, a person must petition for that expungement. In some cases where a prosecutor agrees to the expungement, no petition is required.

This bill establishes that records may be expunged when a person is charged with a crime as the result of identity theft or mistaken identity. In cases where the prosecutor agrees to the expungement, no petition is required.

### Summary

Section	Description
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<b>1</b>	<b>Identity theft or mistaken identity.</b>
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Provides that records of a criminal case are eligible for expungement if the charges are dismissed based on a conclusion that the defendant was misidentified as a result of mistaken identity or identity theft. Provides that records of an arrest may be destroyed or sealed in cases where: (1) charges are dismissed prior to a determination of probable cause or the prosecutor declined to file charges and a grand jury did not return an indictment; or (2) all criminal actions or proceedings are determined in favor of the arrested person. States that the purpose of the order is to return the person to the status the person occupied before the arrest or charge. Defines mistaken identity to include any misidentification or other mistake in identifying a suspect on the part of a witness or law enforcement.

<b>2</b>	<b>No petition required in certain cases with prosecutor agreement and notification.</b>
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Establishes that a person does not need to file an expungement petition in cases where the prosecutor agrees to the expungement and the basis for the expungement is that the person was charged as the result of identity theft or mistaken identity and the charges were dismissed or the criminal action was determined in favor of the arrested person.



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