

**SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION**

S.F. No. 402

(SENATE AUTHORS: CHAMPION)

DATE
01/28/2021

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Introduction and first reading
Referred to Civil Law and Data Practices Policy

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to public safety; authorizing sealing of criminal records upon granting a
1.3 pardon extraordinary; amending Minnesota Statutes 2020, section 638.02,
1.4 subdivision 3.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2020, section 638.02, subdivision 3, is amended to read:

1.7 Subd. 3. **Pardon extraordinary; filing; copies sent.** Upon granting a pardon
1.8 extraordinary, the Board of Pardons shall file a copy of it with the district court of the county
1.9 in which the conviction occurred, ~~and the court shall order the conviction set aside and~~
1.10 ~~include a copy of the pardon in the court file.~~ The court shall order all records wherever
1.11 held relating to the arrest, indictment or information, trial, verdict, and pardon sealed and
1.12 prohibit the disclosure of the existence of the records or the opening of the records except
1.13 under court order or pursuant to section 609A.03, subdivision 7a, paragraph (b), clause (1).
1.14 The court shall send a copy of its order and the pardon to the Bureau of Criminal
1.15 Apprehension and all other government entities that hold affected records.