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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FOURTH SESSION

H. F. No. 3762

02/26/2026 Authored by Witte and Novotny The bill was read for the first time and referred to the Committee on Public Safety Finance and Policy

1.1 A bill for an act
1.2 relating to public safety; authorizing chiefs of police and sheriffs to open certain
1.3 expunged records to determine eligibility to purchase, receive, or carry a firearm;
1.4 amending Minnesota Statutes 2024, section 260B.198, subdivision 6; proposing
1.5 coding for new law in Minnesota Statutes, chapter 609A.

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

1.7 Section 1. Minnesota Statutes 2024, section 260B.198, subdivision 6, is amended to read:

1.8 Subd. 6. Expungement. (a) The court may expunge all records relating to delinquency
1.9 at any time if the court determines that expungement of the record would yield a benefit to
1.10 the subject of the record that outweighs the detriment to the public and public safety in
1.11 sealing the record and the burden on the court and public agencies or jurisdictions in issuing,
1.12 enforcing, and monitoring the order.

1.13 (b) In making a determination under this subdivision, the court shall consider:

1.14 (1) the age, education, experience, and background, including mental and emotional
1.15 development, of the subject of the record at the time of commission of the offense;

1.16 (2) the circumstances and nature and severity of the offense, including any aggravating
1.17 or mitigating factors in the commission of the offense;

1.18 (3) victim and community impact, including age and vulnerability of the victim;

1.19 (4) the level of participation of the subject of the record in the planning and carrying out
1.20 of the offense, including familial or peer influence in the commission of the offense;

1.21 (5) the juvenile delinquency and criminal history of the subject of the record;

2.1 (6) the programming history of the subject of the record, including child welfare, school  
2.2 and community-based, and probation interventions, and the subject's willingness to participate  
2.3 meaningfully in programming, probation, or both;

2.4 (7) any other aggravating or mitigating circumstance bearing on the culpability or  
2.5 potential for rehabilitation of the subject of the record; and

2.6 (8) the benefit that expungement would yield to the subject of the record in pursuing  
2.7 education, employment, housing, or other necessities.

2.8 (c) A record expunged under this subdivision prior to January 1, 2015, may not be opened  
2.9 or exchanged. A record expunged under this subdivision on or after January 1, 2015, is  
2.10 sealed and access only allowed pursuant to paragraph (d) or (f).

2.11 (d) Notwithstanding paragraph (a), a record that is expunged under this subdivision on  
2.12 or after January 1, 2015, may be opened, used, or exchanged between criminal justice  
2.13 agencies in the same manner as a criminal record under section 609A.03, subdivision 7a,  
2.14 paragraph (b).

2.15 (e) Section 609A.03, subdivision 3, paragraph (d), applies to the disclosure of private  
2.16 or confidential data in a proceeding under this subdivision. Section 609A.03, subdivision  
2.17 9, applies to an appeal of an order under this subdivision.

2.18 (f) Notwithstanding paragraph (a), a record that is expunged under this subdivision on  
2.19 or after January 1, 2015, may be opened, used, or exchanged to determine if a person is  
2.20 eligible to purchase, receive, or carry a firearm under section 609A.037.

2.21 Sec. 2. **[609A.037] FIREARMS.**

2.22 (a) Notwithstanding the issuance of an expungement order under this chapter, an  
2.23 expunged record of a conviction may be opened and used by a chief of police or sheriff and  
2.24 exchanged between chiefs of police and sheriffs without a court order for purposes of:

2.25 (1) performing an investigation pursuant to section 624.7131, subdivision 2; 624.7132,  
2.26 subdivision 2; or 624.714, subdivision 4, to determine if a person is eligible to purchase,  
2.27 receive, or carry a firearm; and

2.28 (2) providing notice of a denial or disqualification to the chief of police or sheriff with  
2.29 joint jurisdiction over the applicant's residence.

2.30 (b) If the contents of an expunged record are not a basis to deny issuance of a permit,  
2.31 disqualify a transferee, or deny an application, a chief of police or sheriff receiving an

3.1 expunged record must maintain and store the record in a manner that restricts the use of the  
3.2 record to the investigation for which it was obtained.

3.3 (c) If the contents of an expunged record are used as a basis to deny issuance of a permit,  
3.4 disqualify a transferee, or deny an application, the chief of police or sheriff must notify the  
3.5 person that an expunged record establishes the specific factual basis justifying the denial  
3.6 or disqualification. Upon request, the chief of police or sheriff must provide the person with  
3.7 a copy of the expunged record. If a person appeals a denial of a transferee permit,  
3.8 determination that a person is prohibited from possessing a pistol or semiautomatic  
3.9 military-style assault weapon, or denial or revocation of a permit to carry, an expunged  
3.10 record may be opened, used, or exchanged for the purposes of the appeal.

3.11 (d) Except as otherwise provided in this section, an expunged record that is opened or  
3.12 exchanged under this subdivision remains subject to the expungement order in the hands  
3.13 of the person receiving the record.