

# Minnesota



The letter grades reflect Polaris' evaluation of existing laws designed to provide survivors of human trafficking with a realistic pathway to clear their criminal records. For more information on the criteria graded, please read [here](#) and examples of model legislation for each criteria can be found [here](#). If you have any questions or issues, please contact [policy@polarisproject.org](mailto:policy@polarisproject.org).

Minnesota does not currently have a trafficking-specific criminal record relief statute. However, there is a clause in their general criminal record relief law that applies to all crime victims. This clause states that if the underlying circumstances of the crime are related to the individual's status as a crime victim, then the court will expunge their record and seal the record of the proceeding. To obtain this, the crime victim may need a sworn statement from a staff member of a state-funded victim services organization or licensed health care provider to show their status as a crime victim.

This law, as written, could help some trafficking survivors, but including trafficking survivors explicitly is important for several reasons. For example, in Minnesota, there is no language ensuring confidentiality through this process, which is vital for keeping trafficking survivors safe. Additionally, a statute that keeps trafficking survivors at the forefront tends to eliminate problematic provisions general vacature/expungement laws include. For example, Minnesota requires an applicant to take responsibility for the crime or displaying how they have rehabilitated and this factors into the judge's decision on whether a person is granted criminal record relief. A statute that keeps trafficking survivors who are petitioning for relief at the forefront removes factors that impose real safety concerns, factors that cause retraumatization, while expressing that the petitioner should never have been punished by the criminal legal system.

We did not grade this law because it is not specific to human trafficking survivors and therefore does not align with the other laws we are tracking. Therefore, we strongly recommend that Minnesota enact legislation that would help human trafficking survivors with criminal records in the state to move forward with their lives without the additional barrier of a criminal-legal record.

### Survivor-centered legislation does the following:

- Returns the survivor to pre-record status. That means that for all practical purposes, once the process is complete, it is as if the offense never happened.
- Records destruction/relief should be in the same proceeding, so survivors are not still faced with having to nullify, reverse, or void records even after relief is granted.
- Includes the broadest range of offenses, as well as arrests, adjudications, and non-prosecuted cases.
- Establishes the connection to trafficking to be the least burdensome, "as a result" of trafficking.
- Includes "preponderance of the evidence" as the burden of proof which is more straightforward and helpful to trafficking survivors and those petitioning on their behalf.
- Has no time restrictions on when a survivor can apply and no hearing requirements. If hearings are required, the legislation allows for alternative methods, such as remote appearance by video or representation by an attorney, so survivors are not forced to travel to hearings in person. Hearings are expensive and dangerous depending on where a survivor's convictions are and if their trafficker is in the area.
- Has an automatic mechanism that places the survivor's petition for relief and any records of the proceedings under seal, so survivors are protected when applying for and receiving relief.
- Includes language that removes any financial burdens survivors may face when applying for relief - by not charging survivors to apply to access relief and by returning any fees and fines they paid as part of their original conviction.



Statute: [MN 609A.03](#)