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Court of Appeals of Minnesota.

In the Matter of the
WELFARE OF **P.R.N.**

No. A11-919. | Feb. 6, 2012.

Washington County District Court, File No.
J8218317Y.

Attorneys and Law Firms

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Considered and decided by KALITOWSKI,
Presiding Judge; ROSS, Judge; and
STAUBER, Judge.

Opinion

UNPUBLISHED OPINION

KALITOWSKI, Judge.

*1 Appellant Washington County contends that the district court erred by ordering the expungement of respondent **P.R.N.'s** juvenile-delinquency records retained by executive-branch agencies pursuant to Minn.Stat. § 260B.198, subd. 6 (2010). We affirm.

DECISION

In 2002, 16-year-old **P.R.N.** was arrested in connection with two incidents of theft from a golf course. **P.R.N.** pleaded guilty to two counts of felony theft under Minn.Stat. §§ 609.52, subd. 2(5)(i) (2008), 609.52, subd. 2(1) (2000) and was adjudicated delinquent.

On October 28, 2010, **P.R.N.** filed a petition in juvenile court seeking expungement of all records of the offenses, stating that he was pursuing a career in the health-care field and expungement would assist him in obtaining Minnesota Department of Human Services (DHS) and Minnesota Department of Health licensing. *See* Minn.Stat. §§ 245C.08, subd. 1(a)(3), (b) (providing that, for purposes of a background study conducted by DHS, the commissioner shall review juvenile-court records, unless an expungement order is “directed specifically to the commissioner”), .14, subds. 1(a)(1), .15, 2(a) (2010) (listing felony theft as an offense that disqualifies an individual from “any position allowing direct contact with persons receiving services” for 15 years). The district court granted **P.R.N.'s** petition and, pursuant to Minn.Stat. § 260B.198, subd. 6, ordered that all official records held by the Washington County District Court, Washington County Sheriff, Washington County Attorney, Washington

County Probation, Minnesota Bureau of Criminal Apprehension (BCA), and the Office of the Minnesota Attorney General, except nonpublic records retained by the BCA, be sealed.

The county asserts that the district court erred because Minn.Stat. § 260B.198, subd. 6, does not authorize the district court to expunge records retained by executive-branch agencies. We disagree.

The proper construction of an expungement statute is a question of law that we review de novo. *State v. Ambaye*, 616 N.W.2d 256, 258 (Minn.2000). Our primary object when construing a statute is to ascertain and effectuate the intent of the legislature. Minn.Stat. § 645.16 (2010); *State v. Stevenson*, 656 N.W.2d 235, 238 (Minn.2003). And if the statutory language is unambiguous, we apply its plain meaning. *State v. Kelbel*, 648 N.W.2d 690, 701–02 (Minn.2002).

Minn.Stat. § 260B.198, subd. 6, provides, “Except when legal custody is transferred under the provisions of subdivision 1, clause (4), the court may expunge the adjudication of delinquency at any time that it deems advisable.” See also Minn.Stat. § 260B.198, subd. 1(4) (providing that if the district court finds a child delinquent, it may transfer legal custody by commitment to the commissioner of corrections). Section 260B.198, subdivision 6, falls within chapter 260B, which governs juvenile delinquency. See Minn.Stat. § 260B.001 (2010).

The county contends that the phrase “adjudication of delinquency” refers only to judicial records. We disagree. In *In re J.J.P.*,

— N.W.2d —, —, 2012 WL 171407, at *6–7 (Minn.App. Jan. 23, 2012), this court recently held that section 260B.198, subdivision 6, authorizes the expungement of records retained by the executive branch. We reasoned that the unambiguous statutory language—“the court may expunge the adjudication of delinquency at any time that it deems advisable”—does not restrict the reach of a district court’s expungement order to judicial records. *Id.* at *5–6.

*2 The county also argues that section 260B.198, subdivision 6, should be construed with reference to the criminal-records expungement statute, Minnesota Statutes chapter 609A, and because the juvenile-expungement statute is less detailed than chapter 609A, the legislature intended that the juvenile-expungement statute offer a narrower remedy. But *J.J.P.* rejects this argument. *Id.* at *1–7. In light of the legislature’s demonstrated ability to impose “detailed procedural requirements and restrictions in other expungement statutes,” we concluded that “[i]f the legislature intended to restrict the reach of an expungement order under section 260B.198, subdivision 6, it easily could have done so.” *Id.*; see Minn.Stat. §§ 609A.02, .03 (2010) (setting forth grounds for a petition for expungement of criminal records, and listing contents of the petition and required procedures).

Furthermore, because chapter 609A governs the expungement of “criminal records,” it is inapplicable to the expungement of juvenile records, which the legislature has explicitly determined are not criminal records. *J.J.P.*, 2012 WL 171407, at *9–10; see Minn.Stat. §§ 609A.01 (“This chapter provides the grounds

and procedures for expungement of criminal records....”), 260B.245, subd. 1(a) (2010) (“No adjudication upon the status of any child in the jurisdiction of the juvenile court shall operate to impose any of the civil disabilities imposed by conviction, nor shall any child be deemed a criminal by reason of this adjudication, nor shall this adjudication be deemed a conviction of crime....”).

As we recognized in *J.J.P.*, the legislature's creation of a separate juvenile-court system was based on the public policy that children should be afforded access to opportunities for personal and social growth. 2012 WL 171407, at *11; see Minn.Stat. § 260B.001, subd. 2 (providing that the laws relating to juvenile courts should be applied “through means that are fair and just, that recognize the unique characteristics and needs of children, and that give children access to opportunities for personal and social growth”). To that end, the legislature has repeatedly authorized broader remedies for juvenile delinquents than for adult offenders. *J.J.P.*, 2012 WL 171407, at *11–12. Accordingly, unlike its statutory authority to expunge criminal records, “the district court's statutory authority to expunge a juvenile-delinquency adjudication is, for the most part, unrestricted.” *Id.* at *12.

Moreover, juveniles certified as adults and convicted of crimes may petition for expungement of their records, including records retained by executive-branch agencies, under chapter 609A. *Id.* at *6–7; see Minn.Stat. § 609A.02, subd. 2 (providing that a juvenile who has been certified as an adult and convicted of a crime may petition for expungement under chapter 609A);

State v. M.L.A., 785 N.W.2d 763, 769 (Minn.App.2010) (Johnson, J., concurring specially) (explaining that the chapter 609A “statutory expungement scheme expressly contemplates a remedy that is broad enough to reach records possessed by the executive branch”). We presume that the legislature did not intend the absurd result that juveniles certified as adults and convicted of more serious crimes may obtain broader relief than juveniles remaining in the jurisdiction of the juvenile court. *J.J.P.*, 2012 WL 171407, at *6; see Minn.Stat. § 645.17 (2010) (instructing the courts to presume that “the legislature does not intend a result that is absurd ... or unreasonable”). Accordingly, the remedy afforded by section 260B.198, subdivision 6, must reach as far as that afforded by chapter 609A.

*3 Finally, the county argues that the district court's expungement order unduly encroaches on executive-branch authority. But this argument is inapposite because separation-of-powers concerns are inapplicable when expungement is ordered pursuant to statutory authority. *J.J.P.*, 2012 WL 171407, at *8. “[T]he separation-of-powers principles that otherwise restrict the judiciary's inherent authority to grant an expungement are inapplicable when determining a request for expungement under section 260B.198, subdivision 6.” *Id.*

Because Minn.Stat. § 260B.198, subd. 6, authorizes the expungement of juvenile-delinquency records retained by executive-branch agencies, we conclude that the district court did not err.

Affirmed.

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