



OFFICE OF THE WASHINGTON COUNTY ATTORNEY  
PETER J. ORPUT COUNTY ATTORNEY

October 19, 2012

MN Sentencing Guidelines Commission  
309 Administration Bldg.  
50 Sherburne Avenue  
Saint Paul, MN 55155

RE: Expungement and Criminal History Records

Dear Commission:

My responsibilities of the Washington County Attorney's Office include representing the County in expungement proceedings. I write to you for clarification to determine if information recently provided to me by a probation officer is or is not accurate. The question relates to expunged convictions and how they are to be used in calculation of criminal history scores as your office so interprets the matter.

My specific inquiries that I was advised recently that one or more probation officers has been informed by members of your staff that if an individual has a felony conviction that has been sealed by the court such a conviction may not be used to calculate that person's criminal history score in the event of subsequent convictions. Even if the conviction would otherwise not have decayed or be subject to include in the calculations. Please advise me as to whether or not that statement is correct. When the information was provided to me I confess that I told the probation officer I doubt it that you would take that position since it is clearly a Minnesota law that the simple sealing of a conviction does not have the affect of setting the conviction aside as would a pardon or other proceeding of a similar nature. However I also committed to the officers who raised the question that I would raise this inquiry with you and that is the purpose of this letter.

Thank you for your attention in this matter and your courtesy.

Very truly yours,

PETE ORPUT, COUNTY ATTORNEY  
WASHINGTON COUNTY, MINNESOTA

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