This opinion is nonprecedential except as provided by Minn. R. Civ. App. P. 136.01, subd. 1(c).

STATE OF MINNESOTA
IN COURT OF APPEALS
A25-1893

State of Minnesota,
Respondent,

vs.

M. M. K.,
Respondent,

Commissioner of Public Safety,
Appellant.

Filed August 10, 2026
Reversed
Schmidt, Judge

Ramsey County District Court
File No. 62-CR-08-7585

Beau D. McGraw, McGraw Law Firm, P.A., Lake Elmo, Minnesota (for respondent M. M. K.)

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Considered and decided by Beane, Presiding Judge; Smith, Judge; and Schmidt, Judge.

NONPRECEDENTIAL OPINION

SCHMIDT, Judge

Appellant Minnesota Commissioner of Public Safety challenges the district court's order expunging respondent M.M.K.'s executive-branch records. We reverse.

FACTS

In 2009, M.M.K. pleaded guilty to felony false imprisonment. The district court entered a stay of imposition and placed M.M.K. on probation for three years. The sentencing order did not articulate the requirement for M.M.K. to register as a predatory offender. In 2012, M.M.K. was discharged from probation and his conviction was deemed a misdemeanor pursuant to Minnesota Statutes section 609.13, subdivision 1(2) (2010).

M.M.K. alleges that he first learned that he was required to register as a predatory offender in 2020 when the Minnesota Bureau of Criminal Apprehension ("BCA") sent him a letter. After receiving the letter, M.M.K. registered as a predatory offender.

In 2022, M.M.K. petitioned the district court to expunge all records relating to his false-imprisonment conviction. The district court determined that M.M.K. was not eligible for a statutory expungement. The district court did, however, exercise its inherent authority to grant an expungement of judicial-branch records.

In 2023, the Minnesota Legislature amended the expungement statute to allow for expungement for records of a felony offense that is later deemed a gross misdemeanor or misdemeanor when the petitioner has not been convicted of a new crime for at least five years since the sentence of the underlying crime had been discharged. *See* 2023 Minn. Laws ch. 52, art. 7, § 14, at 938. In 2024, the legislature amended the predatory-offender-registration statute to remove false imprisonment from the list of offenses for which registration is required. *See* 2024 Minn. Laws ch. 123, art. 7 § 2, at 2297 (codified at Minn. Stat. § 243.166, subd. 1b (2024)). The 2024 amendment applies to offenses that occurred on or after July 1, 2024, or to convictions not yet final as of that date. *Id.* at 2298.

In 2025, M.M.K. again petitioned for expungement of his executive-branch records. The district court reasoned that it had the statutory authority to expunge M.M.K.'s executive-branch records because the predatory-offender-registration statute did not require registration for M.M.K.'s offense at the time he petitioned for expungement. The district court granted M.M.K.'s petition under its statutory authority and did not analyze M.M.K.'s petition under its inherent authority.

The commissioner appeals.

DECISION

The commissioner argues that the district court abused its discretion in granting M.M.K.'s petition to expunge his felony-false-imprisonment offense from the executive-branch records. The commissioner contends that the expungement order violated separation-of-powers principles because "[t]he function of preparing and maintaining criminal records is a unique constitutional function of the executive branch." *State v. T.M.B.*, 590 N.W.2d 809, 812 (Minn. App. 1999), *rev. denied* (Minn. June 16, 1999).

We review a district court's decision to expunge criminal records for an abuse of discretion. *State v. C.W.N.*, 906 N.W.2d 549, 551 (Minn. App. 2018). Whether a district court has the authority to expunge records is a question of law that we review de novo. *State v. N.G.K.*, 770 N.W.2d 177, 181 (Minn. App. 2009).

The commissioner contends that the district court had neither (1) the statutory authority, nor (2) the inherent authority to expunge M.M.K.'s executive-branch records. We address each argument in turn.

I. The district court lacked the statutory authority to grant M.M.K.'s petition for expungement of his executive-branch records.

The commissioner first argues that the district court did not have the statutory authority to expunge M.M.K.'s executive-branch records. We agree.

Unlike the prior version of the statute, the 2024 version does not require a person convicted of felony false imprisonment to register as a predatory offender. *Compare* Minn. Stat. § 243.166, subd. 1b(2)(ii) (2022) (listing false imprisonment as an offense for which registration is required), *with* Minn. Stat. § 243.166, subd. 1b (2024) (omitting false imprisonment). But the relevant session law for the 2024 legislation does not apply to convictions that were final before July 1, 2024. 2024 Minn. Laws ch. 123, art. 7, § 2, at 2298. Since M.M.K.'s conviction was final before July 1, 2024, the district court lacked the statutory authority to expunge the executive-branch records.

M.M.K. contends that *Tapia v. Leslie*, 950 N.W.2d 59 (Minn. 2020) requires us to hold otherwise. *Tapia* concerned an applicant's eligibility to obtain a permit to carry a firearm and the definition of a "crime of violence." *Id.* at 63. The Minnesota Supreme Court held that the definition in place at the time the application was filed controlled, rather than the definition in place at the time the conviction was adjudicated. *Id.* That holding was based, in part, upon the effective-date provision in the applicable session law. *Id.* at 61 (citing 2014 Minn. Laws ch. 260, § 1, at 937).

Here, the legislature used more restrictive language in the effective-date provision of the relevant session law in the 2024 version of the predatory-offender registration statute than the effective-date provision in the session law at issue in *Tapia*. *Compare id.*, *with*

2024 Minn. Laws ch. 123, art. 7, § 2, at 2298. The effective-date provision here expressly does not apply to convictions that were final before July 1, 2024. Since M.M.K.'s felony-false-imprisonment conviction was final prior to July 1, 2024, the district court erred in determining that the legislature had statutorily empowered the courts to expunge M.M.K.'s records held by the executive branch.

II. M.M.K. is not entitled to expungement of his executive-branch records under a court's inherent authority.

Despite our reversal of the district court's statutory-expungement analysis, M.M.K. argues that he is, nonetheless, entitled to an expungement of his executive-branch records under the court's inherent authority.[1] The judiciary maintains the inherent authority to expunge executive-branch records when necessary to correct a constitutional violation. *State v. A.S.E.*, 835 N.W.2d 513, 517 (Minn. App. 2013). The supreme court has, however, urged courts to exercise this authority cautiously when asked to expunge executive-branch records. *See State v. M.D.T.*, 831 N.W.2d 276, 280 (Minn. 2013) ("[W]hen a question arises regarding the scope of the judiciary's inherent authority, courts must resolve all reasonable doubts in favor of a co-ordinate branch." (quotation omitted)).

M.M.K. argues that the judicial branch has the inherent authority to expunge his executive-branch records in order to correct two constitutional violations. First, M.M.K. argues that the BCA violated his due-process rights when it failed to provide him with timely notice that he would be required to register. Second, M.M.K. argues that requiring

[1] M.M.K.'s brief did not request a remand to the district court to address these issues in the first instance. Instead, M.M.K. argues that we should affirm on these alternative, inherent-authority grounds.

him to register 11 years after he pleaded guilty violated his double jeopardy rights. Because M.M.K.'s constitutional arguments fail, we need not decide whether the judiciary has the inherent authority to expunge executive-branch records under these circumstances.

A. M.M.K. received due process.

M.M.K. argues that his procedural due process rights were violated when the BCA failed to give him notice that he needed to register as a predatory offender for an additional ten-year period. We review constitutional questions de novo. *State v. Holloway*, 916 N.W.2d 338, 344 (Minn. 2018).

Both the U.S. Constitution and the Minnesota Constitution provide that no person shall be deprived of life, liberty, or property without due process of law. U.S. Const. amend. XIV, § 1; Minn. Const. art. I, § 7. When a person who is required to register as a predatory offender asserts a procedural due-process claim, the supreme court has directed us to analyze two questions: "First, is there a liberty or property interest with which the state has interfered?" *Werlich v. Schnell*, 958 N.W.2d 354, 372 (Minn. 2021) (quotation omitted). If a liberty or property interest is at stake, then we must consider the second question: "were the procedures used constitutionally sufficient?" *Id.*

Minnesota courts follow the "stigma-plus" test to ascertain if there is a liberty interest at stake when a person who is required to register as a predatory offenders make a due-process challenge. *Boutin v. LaFleur*, 591 N.W.2d 711, 718-19 (Minn. 1999); *Werlich*, 958 N.W.2d at 362 (reaffirming use of the "stigma-plus" test). In *Boutin*, the supreme court recognized that the requirement to register caused stigma, but it did not result in "the loss of some other recognizable interest[s]." *Boutin*, 591 N.W.2d at 718.

Without the loss of some other recognizable interests, the stigma-plus test cannot be satisfied. *Id.*

M.M.K. does not specifically identify a tangible, recognizable interest. Instead, M.M.K. broadly contends that the lack of timely notice of the requirement to register violated his procedural due process rights. In *Bedeau v. Evans*, we rejected a similar argument because appellant had not demonstrated a tangible interest sufficient to satisfy the stigma-plus doctrine. 926 N.W.2d 425, 432 (Minn. App. 2019). Thus, following the reasoning in *Bedeau*, we conclude that M.M.K. has not met his burden to demonstrate the loss of a tangible interest sufficient to satisfy the stigma-plus doctrine. *Id.*

Additionally, M.M.K.'s due-process rights were honored during the underlying criminal proceedings, thus there is no procedural-due-process violation in later requiring registration based on that conviction. *See Conn. Dep't of Pub. Safety v. Doe*, 538 U.S. 1, 6-7 (2003); *see also Bedeau*, 926 N.W.2d at 431-33 (holding defendant received procedural due process during her criminal proceedings related to the registration obligation). M.M.K. had the opportunity to challenge the probable-cause determination prior to pleading guilty. But, while represented by counsel, M.M.K. chose to plead guilty. Under these circumstances, we conclude that M.M.K. has not demonstrated that his procedural due-process rights were violated.

B. Requiring M.M.K. to register did not violate double jeopardy.

M.M.K. argues that the BCA requiring him to register as a predatory offender in 2020 violates the Double Jeopardy Clause. We review M.M.K.'s constitutional challenge de novo. *Holloway*, 916 N.W.2d at 344.

"The Double Jeopardy Clauses of the United States and Minnesota Constitutions provide that no person shall be twice put in jeopardy . . . for the same offense." *Davis v. State*, 15 N.W.3d 635, 643 (Minn. 2025) (citing U.S. Const. amend. V; Minn. Const. art. I. § 7). M.M.K.'s double-jeopardy argument fails because the supreme court has held that the predatory-offender-registration statute is not punitive. *Boutin*, 591 N.W.2d at 717; *see also Taylor v. State*, 887 N.W.2d 821, 825-26 (Minn. 2016) (holding that predatory-offender registration is a civil-regulatory consequence). Under supreme court precedent, requiring M.M.K. to register was not a "punishment" that could trigger the Double Jeopardy Clause. As such, M.M.K.'s double-jeopardy argument fails.

Since there are no constitutional violations that need correcting, we conclude that M.M.K. has not demonstrated that he is entitled to expungement of the executive-branch records of his felony conviction for false imprisonment under the court's inherent authority.

Reversed.