

HF1084 - 0 - Pardon Extraordinary Records Sealed

Chief Author: **Cedrick Frazier**
 Committee: **Public Safety Finance & Policy**
 Date Completed: **2/14/2023 10:02:49 AM**
 Agency: **Supreme Court**

State Fiscal Impact	Yes	No
Expenditures		X
Fee/Departmental Earnings		X
Tax Revenue		X
Information Technology		X
Local Fiscal Impact		X

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions shown in the parentheses.

State Cost (Savings)	Biennium			Biennium		
	Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-	-
Biennial Total			-			-

Full Time Equivalent Positions (FTE)	Biennium			Biennium		
		FY2023	FY2024	FY2025	FY2026	FY2027
Total	-	-	-	-	-	-

LBO Analyst's Comment

I have reviewed this fiscal note for reasonableness of content and consistency with the LBO's Uniform Standards and Procedures.

LBO Signature: Karen McKey **Date:** 2/14/2023 10:02:49 AM
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State Cost (Savings) Calculation Details

This table shows direct impact to state government only. Local government impact, if any, is discussed in the narrative. Reductions are shown in parentheses.

*Transfers In/Out and Absorbed Costs are only displayed when reported.

State Cost (Savings) = 1-2		Biennium			Biennium	
Dollars in Thousands	FY2023	FY2024	FY2025	FY2026	FY2027	
Total	-	-	-	-	-	-
Biennial Total			-			-
1 - Expenditures, Absorbed Costs*, Transfers Out*						
Total	-	-	-	-	-	-
Biennial Total			-			-
2 - Revenues, Transfers In*						
Total	-	-	-	-	-	-
Biennial Total			-			-

Bill Description

HF1084 amends Minn. Stat. § 638.02, subdivision 3 (Pardon extraordinary; filing; copies sent) to delete the requirement that the court order the conviction set aside and include a copy of the pardon in the court file, and to add a requirement that the court shall order all records wherever held relating to the case sealed and prohibit the disclosure of the existence of the records except by court order under section 609A.03, subdivision 7a(b)(1) (limitations of expungement order), and shall send a copy of the order to all government entities that hold affected records.

Assumptions

It is assumed that based on the provisions of this bill the pardon board and the court will revert to the practices employed before the statute was amended in 1991 and 1992. See 1991 Minn. Laws ch. 319, § 26 (eliminating from section 638.02, subdivision 3 the language requiring the court to seal conviction records upon the granting of a pardon extraordinary and ordering the conviction set aside); and 1992 Minn. Laws. ch. 569, § 32 (eliminating from section 638.02, subdivision 4 the language referring to sealing all records).

It is assumed that based on the provisions of the bill the pardon board will modify the proposed order, which it files with the court along with a copy of the pardon extraordinary, to include the additional required language regarding sealing the records. It is assumed that the pardon board will also include on the proposed order a list of entities that hold affected records and need to be provided a copy of the order.

It is assumed that if these changes in process are implemented by the pardon board, the court will process and distribute the pardon orders as required, which is similar to how it processes expungement orders. It is assumed that any additional work in processing and distributing orders as required by this bill will be absorbed by the court.

Expenditure and/or Revenue Formula

This bill is not anticipated to have a significant fiscal impact on the judicial branch.

Long-Term Fiscal Considerations

None

Local Fiscal Impact

None

References/Sources

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