

1.1 **ARTICLE 9**

1.2 **CLEMENCY REFORM**

1.3 Section 1. Minnesota Statutes 2022, section 13.871, subdivision 8, is amended to read:

1.4 Subd. 8. ~~Board of Pardons~~ Clemency Review Commission records. Access to ~~Board~~  
1.5 ~~of Pardons~~ records of the Clemency Review Commission is governed by section ~~638.07~~  
1.6 638.20.

1.7 Sec. 2. Minnesota Statutes 2022, section 299C.11, subdivision 3, is amended to read:

1.8 Subd. 3. **Definitions.** For purposes of this section:

1.9 (1) "determination of all pending criminal actions or proceedings in favor of the arrested  
1.10 person" does not include:

1.11 (i) the sealing of a criminal record pursuant to section 152.18, subdivision 1, 242.31, or  
1.12 chapter 609A;

1.13 (ii) the arrested person's successful completion of a diversion program;

1.14 (iii) an order of discharge under section 609.165; or

1.15 (iv) a pardon granted under ~~section 638.02~~ chapter 638; ~~and~~

(2) "mistaken identity" means the person was incorrectly identified as being a different  
person:

(i) because the person's identity had been transferred, used, or possessed in violation of  
section 609.527; or

(ii) as a result of misidentification by a witness or law enforcement, confusion on the  
part of a witness or law enforcement as to the identity of the person who committed the  
crime, misinformation provided to law enforcement as to the identity of the person who  
committed the crime, or some other mistake on the part of a witness or law enforcement as  
to the identity of the person who committed the crime; and

1.16 ~~(2)~~ (3) "targeted misdemeanor" has the meaning given in section 299C.10, subdivision

1.1

1.17 Sec. 3. Minnesota Statutes 2022, section 638.01, is amended to read:

1.18 **638.01 BOARD OF PARDONS; ~~HOW CONSTITUTED; POWERS.~~**

1.19 The Board of Pardons ~~shall consist~~ consists of the governor, the chief justice of the  
1.20 supreme court, and the attorney general. The ~~board~~ governor in conjunction with the board

1.21 may grant ~~pardons and reprieves and commute the sentence of any person convicted of any~~  
1.22 ~~offense against the laws of the state, in the manner and under the conditions and rules~~  
1.23 ~~hereinafter prescribed, but not otherwise~~ clemency according to this chapter.

1.24 **EFFECTIVE DATE.** This section is effective the day following final enactment.

1.25 Sec. 4. **[638.011] DEFINITIONS.**

1.26 Subdivision 1. **Scope.** For purposes of this chapter, the terms defined in this section have  
1.27 the meanings given.

1.28 Subd. 2. **Board.** "Board" means the Board of Pardons under section 638.01.

2.1 Subd. 3. **Clemency.** Unless otherwise provided, "clemency" includes a pardon,  
2.2 commutation, and reprieve after conviction for a crime against the state except in cases of  
2.3 impeachment.

2.4 Subd. 4. **Commission.** "Commission" means the Clemency Review Commission under  
2.5 section 638.09.

2.6 Subd. 5. **Department.** "Department" means the Department of Corrections.

2.7 Subd. 6. **Waiver request.** "Waiver request" means a request to waive a time restriction  
2.8 under sections 638.12, subdivisions 2 and 3, and 638.19, subdivision 1.

2.9 **EFFECTIVE DATE.** This section is effective August 1, 2023.

2.10 Sec. 5. **[638.09] CLEMENCY REVIEW COMMISSION.**

2.11 Subdivision 1. **Establishment; duties.** (a) The Clemency Review Commission is  
2.12 established to:

2.13 (1) review each eligible clemency application and waiver request that it receives;

2.14 (2) recommend to the board, in writing, whether to grant or deny the application or  
2.15 waiver request, with each member's vote reported;

2.16 (3) recommend to the board, in writing, whether the board should conduct a hearing on  
2.17 a clemency application, with each member's vote reported; and

2.18 (4) provide victim support services, assistance to applicants, and other assistance as the  
2.19 board requires.

2.20 (b) Unless otherwise provided:

2.21 (1) the commission's recommendations under this chapter are nonbinding on the governor  
2.22 or the board; and

2.23 (2) chapter 15 applies unless otherwise inconsistent with this chapter.

2.24 Subd. 2. **Composition.** (a) The commission consists of nine members, each serving a  
2.25 term coterminous with the governor.

2.26 (b) The governor, the attorney general, and the chief justice of the supreme court must  
2.27 each appoint three members to serve on the commission and replace members when the  
2.28 members' terms expire. Members serve at the pleasure of their appointing authority.

2.29 Subd. 3. **Appointments to commission.** (a) An appointing authority is encouraged to  
2.30 consider the following criteria when appointing a member:

3.1 (1) expertise in law, corrections, victims' services, correctional supervision, mental  
3.2 health, and substance abuse treatment; and

3.3 (2) experience addressing systemic disparities, including but not limited to disparities  
3.4 based on race, gender, and ability.

3.5 (b) An appointing authority must seek out and encourage qualified individuals to apply  
3.6 to serve on the commission, including:

3.7 (1) members of Indigenous communities, Black communities, and other communities  
3.8 of color;

3.9 (2) members diverse as to gender identity; and

3.10 (3) members diverse as to age and ability.

3.11 (c) If there is a vacancy, the appointing authority who selected the vacating member  
3.12 must make an interim appointment to expire at the end of the vacating member's term.

3.13 (d) A member may continue to serve until the member's successor is appointed, but a  
3.14 member may not serve more than eight years in total.

3.15 Subd. 4. **Commission; generally.** (a) The commission must biennially elect one of its  
3.16 members as chair and one as vice-chair. The chair serves as the board's secretary.

3.17 (b) Each commission member must be:

3.18 (1) compensated at a rate of \$150 for each day or part of the day spent on commission  
3.19 activities; and

3.20 (2) reimbursed for all reasonable expenses actually paid or incurred by the member while  
3.21 performing official duties.

3.22 (c) Beginning January 1, 2025, and annually thereafter, the board may set a new per  
3.23 diem rate for commission members, not to exceed an amount ten percent higher than the  
3.24 previous year's rate.

3.25 Subd. 5. **Executive director.** (a) The board must appoint a commission executive director  
3.26 knowledgeable about clemency and criminal justice. The executive director serves at the  
3.27 pleasure of the board in the unclassified service as an executive branch employee.

3.28 (b) The executive director's salary is set in accordance with section 15A.0815, subdivision  
3.29 3.

3.30 (c) The executive director may obtain office space and supplies and hire administrative  
3.31 staff necessary to carry out the commission's official functions, including providing  
4.1 administrative support to the board and attending board meetings. Any additional staff serve  
4.2 in the unclassified service at the pleasure of the executive director.

4.3 **EFFECTIVE DATE.** This section is effective August 1, 2023.

4.4 Sec. 6. **[638.10] CLEMENCY APPLICATION.**

4.5 Subdivision 1. **Required contents.** A clemency application must:

4.6 (1) be in writing;

4.7 (2) be signed under oath by the applicant; and

4.8 (3) state the clemency sought, state why the clemency should be granted, and contain  
4.9 the following information and any additional information that the commission or board  
4.10 requires:

4.11 (i) the applicant's name, address, and date and place of birth, and every alias by which  
4.12 the applicant is or has been known;

4.13 (ii) the applicant's demographic information, including race, ethnicity, gender, disability  
4.14 status, and age, only if voluntarily reported;

4.15 (iii) the applicant's convicted crime for which clemency is requested, the date and county  
4.16 of conviction, the sentence imposed, and the sentence's expiration or discharge date;

4.17 (iv) the names of the sentencing judge, the prosecuting attorney, and any victims of the  
4.18 crime;

4.19 (v) a brief description of the crime and the applicant's age at the time of the crime;

4.20 (vi) the date and outcome of any prior clemency application, including any application  
4.21 submitted before July 1, 2024;

4.22 (vii) to the best of the applicant's knowledge, a statement of any past criminal conviction  
4.23 and any pending criminal charge or investigation;

4.24 (viii) for an applicant under the department's custody, a statement describing the  
4.25 applicant's reentry plan should clemency be granted; and

4.26 (ix) an applicant statement acknowledging and consenting to the disclosure to the  
4.27 commission, board, and public of any private data on the applicant in the application or in  
4.28 any other record relating to the clemency being sought, including conviction and arrest  
4.29 records.

5.1 Subd. 2. **Required form.** (a) An application must be made on a commission-approved  
5.2 form or forms and filed with the commission by commission-prescribed deadlines. The  
5.3 commission must consult with the board on the forms and deadlines.

5.4 (b) The application must include language informing the applicant that the board and  
5.5 the commission will consider any and all past convictions and that the applicant may provide  
5.6 information about the convictions.

5.7 Subd. 3. **Reviewing application for completeness.** The commission must review an  
5.8 application for completeness. An incomplete application must be returned to the applicant,  
5.9 who may then provide the missing information and resubmit the application within a  
5.10 commission-prescribed period.

5.11 Subd. 4. **Notice to applicant.** After the commission's initial investigation of a clemency  
5.12 application, the commission must notify the applicant of the scheduled date, time, and  
5.13 location that the applicant must appear before the commission for a meeting under section  
5.14 638.14.

5.15 Subd. 5. **Equal access to information.** Each board and commission member must have  
5.16 equal access to information under this chapter that is used when making a clemency decision.

5.17 Sec. 7. **[638.11] THIRD-PARTY NOTIFICATIONS.**

5.18 Subdivision 1. **Notice to victim; victim rights.** (a) After receiving a clemency  
5.19 application, the commission must make all reasonable efforts to locate any victim of the  
5.20 applicant's crime.

5.21 (b) At least 30 calendar days before the commission meeting at which the application  
5.22 will be heard, the commission must notify any located victim of:

5.23 (1) the application;

5.24 (2) the meeting's scheduled date, time, and location; and

5.25 (3) the victim's right to attend the meeting and submit an oral or written statement to the  
5.26 commission.

5.27 (c) The commission must make all reasonable efforts to ensure that a victim can:

5.28 (1) submit an oral or written statement; and

5.29 (2) receive victim support services as necessary to help the victim submit a statement  
5.30 and participate in the clemency process.

6.1 Subd. 2. **Notice to sentencing judge and prosecuting attorney.** (a) At least 60 calendar  
6.2 days before the commission meeting at which the application will be heard, the commission  
6.3 must:

6.4 (1) notify the sentencing judge and prosecuting attorney, or their successors, of the  
6.5 application;

6.6 (2) provide a copy of the application to the judge and attorney; and

6.7 (3) solicit the judge's and attorney's written statements on whether to grant clemency.

6.8 (b) Unless otherwise provided in this chapter, "law enforcement agency" includes the  
6.9 sentencing judge and prosecuting attorney or their successors.

6.10 Subd. 3. **Notice to public.** At least 30 calendar days before the commission meeting at  
6.11 which the application will be heard, the commission must publish notice of an application  
6.12 in a qualified newspaper of general circulation in the county in which the applicant's crime  
6.13 occurred.

6.14 **Sec. 8. [638.12] TYPES OF CLEMENCY; ELIGIBILITY AND WAIVER.**

6.15 Subdivision 1. **Types of clemency; requirements.** (a) The board may:

6.16 (1) pardon a criminal conviction imposed under the laws of this state;

6.17 (2) commute a criminal sentence imposed by a court of this state to time served or a  
6.18 lesser sentence; or

6.19 (3) grant a reprieve of a sentence imposed by a court of this state.

(b) A pardon, after being granted and filed with the district court of the county in which  
the conviction and sentence were imposed, will also seal all records wherever held related  
to the arrest, indictment or information, trial, verdict, and pardon.

6.20 (c) A grant of clemency must be in writing and has no force or effect if the governor or  
6.21 a board majority duly convened opposes the clemency. Every conditional grant of clemency

6.22 must state the terms and conditions upon which it was granted, and every commutation  
6.23 must specify the terms of the commuted sentence.

6.24 (d) A granted pardon sets aside the conviction and purges the conviction from an  
6.25 individual's criminal record. The individual is not required to disclose the conviction at any  
6.26 time or place other than:

6.27 (1) in a judicial proceeding; or

6.28 (2) during the licensing process for peace officers.

6.29 Subd. 2. **Pardon eligibility; waiver.** (a) Except as provided in paragraphs (b) and (c),  
6.30 an individual convicted of a crime in a court of this state may apply for a pardon of the  
6.31 individual's conviction on or after five years from the sentence's expiration or discharge  
date.

8.7 (b) An individual convicted before August 1, 2023, of a violation of section 609.19,  
8.8 subdivision 1, clause (1), under the theory of liability for crimes of another may apply for  
8.9 a pardon upon the sentence's expiration or discharge date if the individual:

8.10 (1) was charged with a violation of section 609.185, paragraph (a), clause (3), and:

8.11 (i) thereafter pled guilty to a violation of section 609.19, subdivision 1, clause (1);

8.12 (ii) did not cause the death of a human being; and

8.13 (iii) did not intentionally aid, advise, hire, counsel, or conspire with or otherwise procure  
8.14 another with the intent to cause the death of a human being; or

8.15 (2) was charged with a violation of section 609.19, subdivision 2, and:

8.16 (i) thereafter pled guilty to a violation of section 609.19, subdivision 1, clause (1);

8.17 (ii) did not cause the death of a human being; and

8.18 (iii) was not a major participant, as defined in section 609.05, subdivision 2a, paragraph  
8.19 (c), in the underlying felony and did not act with extreme indifference to human life.

7.1 (c) An individual may request the board to waive the waiting period if there is a showing  
7.2 of unusual circumstances and special need.

7.3 (d) The commission must review a waiver request and recommend to the board whether  
7.4 to grant the request. When considering a waiver request, the commission is exempt from  
7.5 the meeting requirements under section 638.14 and chapter 13D.

7.6 (e) The board must grant a waiver request unless the governor or a board majority opposes  
the waiver.

7.8 Subd. 3. **Commutation eligibility.** (a) An individual may apply for a commutation of  
7.9 an unexpired criminal sentence imposed by a court of this state, including an individual  
7.10 confined in a correctional facility or on probation, parole, supervised release, or conditional  
7.11 release. An application for commutation may not be filed until the date that the individual  
7.12 has served at least one-half of the sentence imposed or on or after five years from the  
7.13 conviction date, whichever is earlier.

7.14 (b) An individual may request the board to waive the waiting period if there is a showing  
7.15 of unusual circumstances and special need.

7.16 (c) The commission must review a waiver request and recommend to the board whether  
7.17 to grant the request. When considering a waiver request, the commission is exempt from  
7.18 the meeting requirements under section 638.14 and chapter 13D.

7.19 (d) The board must grant a waiver request unless the governor or a board majority  
7.20 opposes the waiver.

7.21 **Sec. 9. [638.13] ACCESS TO RECORDS; ISSUING SUBPOENA.**

7.22 Subdivision 1. **Access to records.** (a) Notwithstanding chapter 13 or any other law to  
7.23 the contrary, upon receiving a clemency application, the board or commission may request  
7.24 and obtain any relevant reports, data, and other information from state courts, law  
7.25 enforcement agencies, or state agencies. The board and the commission must have access  
7.26 to all relevant sealed or otherwise inaccessible court records, presentence investigation  
7.27 reports, police reports, criminal history reports, prison records, and any other relevant  
7.28 information.

7.29 (b) State courts, law enforcement agencies, and state agencies must promptly respond  
7.30 to record requests from the board or the commission.

7.31 Subd. 2. **Issuing subpoena.** The board or the commission may issue a subpoena requiring  
7.32 the presence of any person before the commission or board and the production of papers,  
8.1 records, and exhibits in any pending matter. When a person is summoned before the  
8.2 commission or the board, the person may be allowed compensation for travel and attendance  
8.3 as the commission or the board considers reasonable.

8.4 **Sec. 10. [638.14] COMMISSION MEETINGS.**

8.5 Subdivision 1. **Frequency.** The commission must meet at least four times each year for  
8.6 one or more days at each meeting to hear eligible clemency applications and recommend

8.7 appropriate action to the board on each application. One or more of the meetings may be  
8.8 held at a department-operated correctional facility.

8.9 Subd. 2. **When open to the public.** All commission meetings are open to the public as  
8.10 provided under chapter 13D, but the commission may hold closed meetings:

8.11 (1) as provided under chapter 13D; or

8.12 (2) as necessary to protect sensitive or confidential information, including (i) a victim's  
8.13 identity, and (ii) sensitive or confidential victim testimony.

8.14 Subd. 3. **Recording.** When possible, the commission must record its meetings by audio  
8.15 or audiovisual means.

8.16 Subd. 4. **Board attendance.** The governor, attorney general, and chief justice, or their  
8.17 designees, may attend commission meetings as ex-officio nonvoting members, but their  
8.18 attendance does not affect whether the commission has a quorum.

8.19 Subd. 5. **Applicant appearance; third-party statements.** (a) An applicant for clemency  
8.20 must appear before the commission either in person or through available forms of  
8.21 telecommunication.

8.22 (b) The victim of an applicant's crime may appear and speak at the meeting or submit a  
8.23 written statement to the commission. The commission may treat a victim's written statement  
8.24 as confidential and not disclose the statement to the applicant or the public if there is or has  
8.25 been an order for protection, harassment restraining order, or other no-contact order  
8.26 prohibiting the applicant from contacting the victim.

8.27 (c) A law enforcement agency's representative may provide the agency's position on  
8.28 whether the commission should recommend clemency by:

8.29 (1) appearing and speaking at the meeting; or

8.30 (2) submitting a written statement to the commission.

9.1 (d) The sentencing judge and the prosecuting attorney, or their successors, may provide  
9.2 their positions on whether the commission should recommend clemency by:

9.3 (1) appearing and speaking at the meeting; or

9.4 (2) submitting their statements under section 638.11, subdivision 2.

9.5 Sec. 11. **[638.15] COMMISSION RECOMMENDATION.**

9.6 **Subdivision 1. Grounds for recommending clemency.** (a) When recommending whether  
9.7 to grant clemency, the commission must consider any factors that the commission deems  
9.8 appropriate, including but not limited to:

9.9 (1) the nature, seriousness, and circumstances of the applicant's crime; the applicant's  
9.10 age at the time of the crime; and the time that has elapsed between the crime and the  
9.11 application;

9.12 (2) the successful completion or revocation of previous probation, parole, supervised  
9.13 release, or conditional release;

9.14 (3) the number, nature, and circumstances of the applicant's other criminal convictions;

9.15 (4) the extent to which the applicant has demonstrated rehabilitation through  
9.16 postconviction conduct, character, and reputation;

9.17 (5) the extent to which the applicant has accepted responsibility, demonstrated remorse,  
9.18 and made restitution to victims;

9.19 (6) whether the sentence is clearly excessive in light of the applicant's crime and criminal  
9.20 history and any sentence received by an accomplice and with due regard given to:

9.21 (i) any plea agreement;

9.22 (ii) the sentencing judge's views; and

9.23 (iii) the sentencing ranges established by law;

8.25 (7) whether the applicant was convicted before August 1, 2023, of a violation of section  
8.26 609.19, subdivision 1, clause (1), under the theory of liability for crimes of another and, if  
8.27 so, whether the applicant:

8.28 (i) was charged with a violation of section 609.185, paragraph (a), clause (3), and:

8.29 (A) thereafter pled guilty to a violation of section 609.19, subdivision 1, clause (1);

9.1 (B) did not cause the death of a human being; and

9.2 (C) did not intentionally aid, advise, hire, counsel, or conspire with or otherwise procure  
9.3 another with the intent to cause the death of a human being; or

9.4 (ii) was charged with a violation of section 609.19, subdivision 2, and:

9.5 (A) thereafter pled guilty to a violation of section 609.19, subdivision 1, clause (1);

9.6 (B) did not cause the death of a human being; and

9.7 (C) was not a major participant, as defined in section 609.05, subdivision 2a, paragraph  
9.8 (c), in the underlying felony and did not act with extreme indifference to human life;

9.24 (8) whether the applicant's age or medical status indicates that it is in the best interest  
9.25 of society that the applicant receive clemency;

9.26 (9) the applicant's asserted need for clemency, including family needs and barriers to  
9.27 housing or employment created by the conviction;

9.28 (10) for an applicant under the department's custody, the adequacy of the applicant's  
9.29 reentry plan;

10.1 (11) the amount of time already served by the applicant and the availability of other  
10.2 forms of judicial or administrative relief;

10.3 (12) the extent to which there is credible evidence indicating that the applicant is or may  
10.4 be innocent of the crime for which they were convicted; and

10.5 (13) if provided by the applicant, the applicant's demographic information, including  
10.6 race, ethnicity, gender, disability status, and age.

10.7 (b) Unless an applicant knowingly omitted past criminal convictions on the application,  
10.8 the commission or the board must not prejudice an applicant for failing to identify past  
10.9 criminal convictions.

10.10 **Subd. 2. Recommending denial of commutation without hearing.** (a) At a meeting  
10.11 under section 638.14, the commission may recommend without a commission hearing that  
10.12 the board deny a commutation application without a board hearing if:

10.13 (1) the applicant is challenging the conviction or sentence through court proceedings;

10.14 (2) the applicant has failed to exhaust all available state court remedies for challenging  
10.15 the conviction or sentence; or

10.16 (3) the commission determines that the matter should first be considered by the parole  
10.17 authority.

10.18 (b) A commission recommendation to deny an application under paragraph (a) must be  
10.19 sent to the board along with the application.

10.20 **Subd. 3. Considering public statements.** When making its recommendation on an  
10.21 application, the commission must consider any statement provided by a victim or law  
10.22 enforcement agency.

10.23 Subd. 4. **Commission recommendation; notifying applicant.** (a) Before the board's  
10.24 next meeting at which the clemency application may be considered, the commission must  
10.25 send to the board:

10.26 (1) the application;

10.27 (2) the commission's recommendation on whether the board should grant or deny  
10.28 clemency;

10.29 (3) the commission's recommendation on whether the board should or should not hold  
10.30 a hearing on the application;

10.31 (4) any recording of the commission's meeting related to the application; and

11.1 (5) all statements from victims and law enforcement agencies.

11.2 (b) No later than 14 calendar days after its dated recommendation, the commission must  
11.3 notify the applicant in writing of its recommendations under this subdivision.

11.4 **Sec. 12. [638.16] BOARD MEETINGS.**

11.5 Subdivision 1. **Frequency.** (a) The board must meet at least two times each year to  
11.6 consider and vote on clemency applications.

11.7 (b) If the commission recommends that an application receive a hearing, the board must  
11.8 hold a hearing on the application unless all the board members decline a hearing.

11.9 (c) If the commission recommends that an application not receive a hearing, the board  
11.10 must not hold a hearing on the application unless at least one board member requests a  
11.11 hearing.

11.12 Subd. 2. **When open to the public.** All board meetings are open to the public as provided  
11.13 under chapter 13D, but the board may hold closed meetings:

11.14 (1) as provided under chapter 13D; or

11.15 (2) as necessary to protect sensitive or confidential information, including (i) a victim's  
11.16 identity, and (ii) sensitive or confidential victim testimony.

11.17 Subd. 3. **Executive director; attendance required.** Unless excused by the board, the  
11.18 executive director and the commission's chair or vice-chair must attend all board meetings.

11.19 Subd. 4. **Considering statements.** (a) Applicants, victims, law enforcement agencies,  
11.20 and the public may submit oral or written statements at a board meeting only if the application  
11.21 is subject to a hearing under subdivision 1.

11.22 (b) The board must take into account any statements provided to the commission when  
11.23 considering a clemency application.

11.24 **Sec. 13. [638.17] BOARD DECISION; NOTIFYING APPLICANT.**

11.25 Subdivision 1. **Board decision.** (a) At each meeting, the board must render a decision  
11.26 on each clemency application considered at the meeting or continue the matter to a future  
11.27 board meeting. If the board continues consideration of an application, the commission must  
11.28 notify the applicant in writing and explain why the matter was continued.

11.29 (b) If the commission recommends no hearing and denial of an application and no board  
11.30 member requests a hearing on the application, it is presumed that the board concurs with  
12.1 the commission's recommendation and that the application has been considered and denied  
12.2 on the merits.

12.3 Subd. 2. **Notifying applicant.** The commission must notify the applicant in writing of  
12.4 the board's decision to grant or deny clemency no later than 14 calendar days from the date  
12.5 of the board's decision.

12.6 **Sec. 14. [638.18] FILING COPY OF CLEMENCY; COURT ACTION.**

12.7 Subdivision 1. **Filing with district court.** After clemency has been granted, the  
12.8 commission must file a copy of the pardon, commutation, or reprieve with the district court  
12.9 of the county in which the conviction and sentence were imposed.

12.10 Subd. 2. **Court action; pardon.** (a) For a pardon, the court must:

12.11 (1) order the conviction set aside;

12.12 (2) include a copy of the pardon in the court file;

(3) order all records wherever held relating to the arrest, indictment or information, trial,  
verdict, and pardon sealed and prohibit the disclosure of the existence of the records or the  
opening of the records except under court order or pursuant to section 609A.03, subdivision  
7a, paragraph (b), clause (1), (7), or (8); and

12.13 (4) send a copy of the order and the pardon to the Bureau of Criminal Apprehension and  
all other government entities that hold affected records.

(b) Consistent with section 609A.03, subdivision 8, the court administrator shall send a  
copy of the expungement order to each government entity whose records are affected by  
the order, including but not limited to the Department of Corrections, the Department of  
Public Safety, and law enforcement agencies.

12.14 Subd. 3. **Court action; commutation.** For a commutation, the court must:  
12.15 (1) amend the sentence to reflect the specific relief granted by the board;  
12.16 (2) include a copy of the commutation in the court file; and  
12.17 (3) send a copy of the amended sentencing order and commutation to the commissioner  
12.18 of corrections and the Bureau of Criminal Apprehension.

12.19 **Sec. 15. [638.19] REAPPLYING FOR CLEMENCY.**

12.20 Subdivision 1. **Time-barred from reapplying; exception.** (a) After the board has  
12.21 considered and denied a clemency application on the merits, an applicant may not file a  
12.22 subsequent application for five years after the date of the most recent denial. This paragraph  
12.23 applies if an application is denied according to section 638.17, subdivision 1, paragraph  
12.24 (b).

12.25 (b) An individual may request permission to reapply before the five-year period expires  
12.26 based only on new and substantial information that was not and could not have been  
12.27 previously considered by the board or commission.

12.28 (c) If a waiver request contains new and substantial information, the commission must  
12.29 review the request and recommend to the board whether to waive the time restriction. When  
13.1 considering a waiver request, the commission is exempt from the meeting requirements  
13.2 under section 638.14 and chapter 13D.

13.3 (d) The board must grant a waiver request unless the governor or a board majority  
13.4 opposes the waiver.

13.5 Subd. 2. **Applying for pardon not precluded.** An applicant who is denied or granted  
13.6 a commutation is not precluded from later seeking a pardon of the criminal conviction once  
13.7 the eligibility requirements of this chapter have been met.

13.8 **Sec. 16. [638.20] COMMISSION RECORD KEEPING.**

13.9 Subdivision 1. **Record keeping.** The commission must keep a record of every application  
13.10 received, its recommendation on each application, and the final disposition of each  
13.11 application.

13.12 Subd. 2. **When open to public.** The commission's records and files are open to public  
13.13 inspection at all reasonable times, except for:

13.14 (1) sealed court records;

13.15 (2) presentence investigation reports;

13.16 (3) Social Security numbers;

13.17 (4) financial account numbers;

13.18 (5) driver's license information;

13.19 (6) medical records;

13.20 (7) confidential Bureau of Criminal Apprehension records;

13.21 (8) the identities of victims who wish to remain anonymous and confidential victim

13.22 statements; and

13.23 (9) any other confidential data on individuals, private data on individuals, not public

13.24 data, or nonpublic data under chapter 13.

13.25 **Sec. 17. [638.21] LANGUAGE ACCESS AND VICTIM SUPPORT.**

13.26 Subdivision 1. **Language access.** The commission and the board must take reasonable

13.27 steps to provide meaningful language access to applicants and victims. Applicants and

13.28 victims must have language access to information, documents, and services under this

13.29 chapter, with each communicated in a language or manner that the applicant or victim can

13.30 understand.

14.1 Subd. 2. **Interpreters.** (a) Applicants and victims are entitled to interpreters as necessary

14.2 to fulfill the purposes of this chapter, including oral or written communication. Sections

14.3 546.42 to 546.44 apply, to the extent consistent with this section.

14.4 (b) The commission or the board may not discriminate against an applicant or victim

14.5 who requests or receives interpretation services.

14.6 Subd. 3. **Victim services.** The commission and the board must provide or contract for

14.7 victim support services as necessary to support victims under this chapter.

14.8 **Sec. 18. [638.22] LEGISLATIVE REPORT.**

14.9 Beginning February 15, 2025, and every February 15 thereafter, the commission must

14.10 submit a written report to the chairs and ranking minority members of the house of

14.11 representatives and senate committees with jurisdiction over public safety, corrections, and

14.12 judiciary that contains at least the following information:

14.13 (1) the number of clemency applications received by the commission during the preceding

14.14 calendar year;

14.15 (2) the number of favorable and adverse recommendations made by the commission for  
 14.16 each type of clemency;

14.17 (3) the number of applications granted and denied by the board for each type of clemency;

14.18 (4) the crimes for which the applications were granted by the board, the year of each  
 14.19 conviction, and the individual's age at the time of the crime; and

14.20 (5) summary data voluntarily reported by applicants, including but not limited to  
 14.21 demographic information on race, ethnicity, gender, disability status, and age, of applicants  
 14.22 recommended or not recommended for clemency by the commission.

14.23 Sec. 19. **[638.23] RULEMAKING.**

14.24 (a) The board and commission may jointly adopt rules, including amending Minnesota  
 14.25 Rules, chapter 6600, to:

14.26 (1) enforce their powers and duties under this chapter and ensure the efficient processing  
 14.27 of applications; and

14.28 (2) establish a process for expedited review of applications requesting clemency for a  
 14.29 nonviolent crime.

15.1 (b) A rule adopted under paragraph (a), clause (2), must specify the types of nonviolent  
 15.2 crimes eligible for expedited review and the level of support needed from the sentencing  
 15.3 judge or successor, the prosecuting attorney or successor, and any victims of the crime for  
 15.4 the board to consider the application under the expedited review process.

15.5 (c) The time limit to adopt rules under section 14.125 does not apply.

15.6 Sec. 20. **TRANSITION PERIOD.**

15.7 Subdivision 1. **Definition.** For purposes of this section, "transition period" means the  
 15.8 period after the effective date of this section through June 30, 2024.

15.9 Subd. 2. **Governing provisions.** A pardon, commutation, or reprieve granted during the  
 15.10 transition period is governed according to Minnesota Statutes 2022, sections 638.02,  
 15.11 subdivisions 2 to 5, and 638.03 to 638.08.

15.12 Subd. 3. **Department administrative assistance.** Beginning August 1, 2023, through  
 15.13 February 29, 2024, the Department of Corrections must provide the Clemency Review  
 15.14 Commission with administrative assistance, technical assistance, office space, and other  
 15.15 assistance necessary for the commission to carry out its duties under sections 4 to 20.

15.16 Subd. 4. **Granting clemency applications.** (a) The Board of Pardons may grant pardons,  
15.17 commutations, and reprieves on applications received during the transition period.

15.18 (b) A pardon, commutation, or reprieve that is granted during the transition period has  
15.19 no force or effect if the governor or a board majority duly convened opposes the clemency.

15.20 Subd. 5. **Clemency applications; commission review.** Beginning July 1, 2024, the  
15.21 Clemency Review Commission must begin reviewing applications for pardons,  
15.22 commutations, and reprieves in accordance with Minnesota Statutes, chapter 638.

15.23 Subd. 6. **Application forms.** By July 1, 2024, the commission must develop application  
15.24 forms in consultation with the board.

15.25 **EFFECTIVE DATE.** This section is effective the day following final enactment.

15.26 Sec. 21. **REPEALER.**

15.27 Minnesota Statutes 2022, sections 638.02; 638.03; 638.04; 638.05; 638.06; 638.07;  
15.28 638.075; and 638.08, are repealed.

15.29 **EFFECTIVE DATE.** This section is effective the day following final enactment.

16.1 Sec. 22. **EFFECTIVE DATE.**

16.2 Sections 1, 2, and 6 to 19 are effective July 1, 2024.