

1.1 moves to amend H.F. No. 2788, the first engrossment, as follows:

1.2 Page 1, before line 9, insert:

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

1.16 (2) "targeted misdemeanor" has the meaning given in section 299C.10, subdivision 1."

1.17 Page 2, delete subdivision 6 and insert:

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

1.20 Page 2, line 13, delete "or" and insert "and waiver" and delete the second "and"

1.21 Page 2, line 15, before "request" insert "waiver" and delete the period and insert "; and"

2.1 Page 2, after line 15, insert:

2.2 "(3) recommend to the board, in writing, whether the board should conduct a hearing
2.3 on a clemency application, with each member's vote reported."

2.4 Page 2, line 24, delete "and" and insert a period

2.5 Page 2, delete line 25

2.6 Page 3, line 9, delete "previous incumbent" and insert "vacating member"

2.7 Page 3, delete lines 15 to 20 and insert:

2.8 "(b) Each commission member must be:

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

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

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

2.16 Page 4, line 16, after "crime" insert "and the applicant's age at the time of the crime"

2.17 Page 5, delete subdivision 4 and insert:

2.18 "Subd. 4. **Notice to applicant.** After the commission's initial investigation of a clemency
2.19 application, the commission must notify the applicant of the scheduled date, time, and
2.20 location that the applicant must appear before the commission for a meeting under section
2.21 638.14."

2.22 Page 5, line 16, delete "section" and insert "chapter"

2.23 Page 5, line 18, delete everything after "receiving" and insert "a clemency application"

2.24 Page 5, line 19, delete "pardon or commutation"

2.25 Page 5, delete lines 21 to 27 and insert:

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

2.28 (1) the application;

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

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

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

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

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

3.7 Page 5, line 31, delete "views" and insert "written statements"

3.8 Page 6, delete lines 1 to 4 and insert:

3.9 "Subd. 3. **Notice to public.** At least 30 days before the commission meeting at which
3.10 the application will be heard, the commission must publish notice of an application in a
3.11 local newspaper of the county in which the applicant's crime occurred."

3.12 Page 6, line 16, after "conviction" insert "at any time or place other than"

3.13 Page 6, line 17, delete "at any time or place other than"

3.14 Page 7, line 19, delete "and" and insert "the sentencing judge or successor, the prosecuting
3.15 attorney or successor, and"

3.16 Page 8, after line 4, insert:

3.17 "(d) The governor, attorney general, and chief justice, or their designees, may attend
3.18 commission meetings as ex officio nonvoting members, but their attendance does not affect
3.19 whether the commission has a quorum."

3.20 Page 8, after line 15, insert:

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

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

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

3.25 Page 8, line 20, delete everything after the first "the" and insert "nature, seriousness,
3.26 and circumstances of the applicant's crime; the applicant's age at the time of the crime; and
3.27 the time that has elapsed between the crime and the application;"

3.28 Page 9, after line 17, insert:

4.1 "Subd. 2. **Recommending denial of commutation without hearing.** (a) At a meeting
4.2 under section 638.14, the commission may recommend denying a commutation application
4.3 without a board hearing if:

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

4.5 (2) the applicant has failed to exhaust all available state court remedies for challenging
4.6 the sentence; or

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

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

4.11 Renumber the subdivisions in sequence

4.12 Page 9, line 20, after "judge" insert "or successor" and after "attorney" insert "or
4.13 successor"

4.14 Page 9, delete lines 23 to 25 and insert "send to the board:"

4.15 Page 9, before line 26, insert:

4.16 "(1) the application;

4.17 (2) the commission's recommendation;

4.18 (3) any recording of the commission's meeting related to the application; and

4.19 (4) all statements from victims, the sentencing judge or successor, the prosecuting
4.20 attorney or successor, and law enforcement agencies."

4.21 Page 9, line 30, delete "a"

4.22 Page 10, delete lines 1 and 2 and insert "recommendations under section 638.09,
4.23 subdivision 1, paragraph (a), clauses (2) and (3), from the commission and any other
4.24 applications for which at least one board member seeks consideration. Any board member
4.25 may request a hearing on any application."

4.26 Page 10, delete lines 9 to 12 and insert:

4.27 "Subd. 2. **Considering statements.** (a) Applicants, victims, the sentencing judge or
4.28 successor, the prosecuting attorney or successor, and law enforcement agencies may not
4.29 submit oral or written statements at a board meeting unless:

4.30 (1) a board member requests a hearing on an application; or

5.1 (2) the commission has recommended a hearing on an application.

5.2 (b) The board must consider any statements provided to the commission when
5.3 determining whether to consider a clemency application."

5.4 Page 11, line 13, after "a" insert "waiver"

5.5 Page 13, delete lines 8 to 10 and insert:

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

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

5.10 (2) allow for expedited review of applications if there is unanimous support from the
5.11 sentencing judge or successor, the prosecuting attorney or successor, and any victims of the
5.12 crime."

5.13 Page 13, line 16, delete "2 to 19" and insert "4 to 21"

5.14 Page 14, line 10, delete "4 to 17" and insert "1, 2, and 6 to 19"

5.15 Renumber the sections in sequence and correct the internal references

5.16 Correct the title numbers accordingly