

One Minnesota Budget

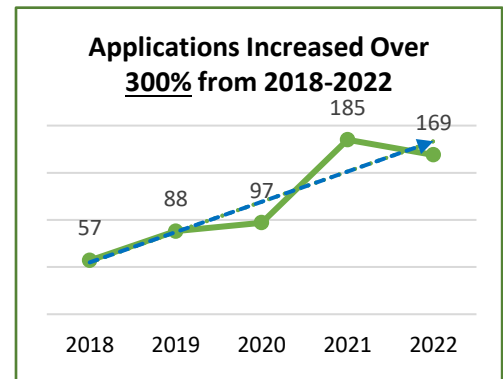
CLEMENCY REVIEW COMMISSION

HF 2788 / SF 2908



The Governor recommends **\$986,000 a year ongoing to establish a Clemency Review Commission** to enhance equity and access when considering applications for clemency. The Minnesota Board of Pardons is comprised of the Governor, the Attorney General, and the Chief Justice, three of the State's busiest leaders. The Board hears applications for clemency (pardons, commutations, and reprieves). Currently, the Commissioner of Corrections serves as the Board's Secretary.

The bill establishes a nine-member clemency commission – each Board of Pardons member appointing three members – with full-time staff to provide administrative support for the process, conduct hearings, and provide recommendations to the board. A clemency commission would **improve the process and increase access** by expanding capacity. Additional capacity is needed because applications are rapidly increasing. The DOC expects that **applications could double this year** due to a greater awareness of the clemency process, resulting in 370 or more applications being considered annually. The bill also **centers equity** by codifying accessibility provisions, requiring victim support and protection, and funding community outreach about clemency.



The bill makes clemency **more accessible and attainable** by changing the vote threshold to grant clemency. Currently, the Board of Pardons needs to vote unanimously to grant a pardon – a statute more than a century old. The bill changes this antiquated unanimity requirement to a **majority vote (with the governor in the majority)** for all forms of clemency. This is consistent with a recent Minnesota Supreme Court decision that clarified that the voting requirement can be set by the legislature. Minnesota is the only state in the country requiring a unanimous vote. In many states, clemency is solely within the purview of the governor; in others, a majority vote by a pardon board is required.

The bill is supported by victim coalitions and national clemency experts and includes:

- \$200K for education and outreach grants to community organizations
- A requirement that the clemency commission provide victim services
- An executive director appointed by the board and knowledgeable about clemency and criminal justice
- Six FTEs to support the work of clemency commission and the Board of Pardons
- Replacing the Commissioner of Corrections with the commission chair as the Board's secretary
- Ensuring translation and interpretive services
- Maintaining full constitutional authority of the Board of Pardons to grant or deny clemency