

Subject Board of Pardons

Authors Long

Analyst Jeff Diebel

Date March 6, 2020

## Overview

This bill modifies the Board of Pardons' operations as well as the petition review and disposition process. The bill creates a Clemency Review Commission to make recommendations on petitions to the Board of Pardons and requires a majority vote, with the governor required to vote in the majority, on petitions. (Currently a unanimous vote is required.)

## Summary

Section	Description
1	<b>Board of Pardons; how constituted; duties.</b> Grants additional voting authority to the governor in pardon board votes. Currently, the three members of the board—chief justice, attorney general, and governor—have equal authority in the board's decisions.
2	<b>Clemency Review Commission.</b> Establishes a nine member Clemency Review Commission to screen petitions submitted to the board and make disposition recommendations on the petitions to the board. The governor, attorney general, and chief justice each appoint three members.
3	<b>Pardons and commutations.</b> Establishes standards, eligibility criteria, filing requirements, and reapplication procedures for pardons and commutations. (The language in this section is a revised version of current law, which is repealed in section 12.)
4	<b>Applications.</b> Establishes standards and requirements for applications for pardons and commutations.

<b>Section</b>	<b>Description</b>
5	<b>Notifications.</b> Requires notice of pardon and commutation applications be provided to victims, the sentencing judge, and the prosecuting attorney.
6	<b>Meetings.</b> <b>Subd. 1. Commission meetings.</b> Requires the commission to meet at least four times per year to review petitions. Mandates that meetings be open to the public. Requires applicants to appear in person before the commission. Directs the commission to notify applicants of the commission's decision within ten working days of the hearing. <b>Subd. 2. Board meetings.</b> Requires the commission to meet at least two times per year to review referred petitions. Mandates that meetings be open to the public. Prohibits live testimony unless a board member requests testimony beyond what was provided to the commission. Directs the board to notify applicants of the board's decision within ten working days of the hearing.
7	<b>Grounds for recommending clemency.</b> Establishes the factors for the commission to consider in reviewing applications. Establishes grounds for the commission to reject an application without a hearing.
8	<b>Access to records; issuance of process.</b> Grants the board and the commission the authority to (1) access relevant documents held by the courts, prosecutors, and state agencies, and (2) to require the presence of persons and officers with information that is necessary for the commission to resolve pending matters.
9	<b>Rules.</b> Grants the board and commission rule making authority.
10	<b>Records.</b> Establishes record retention standards.
11	<b>Annual reports to legislature.</b> Directs the commission to assume responsibility for filing the mandated report to the legislature and expands the list of information that must be addressed in the report.
12	<b>Repealer.</b> Repeals most of the current statutes governing the pardon board.



**MN HOUSE  
RESEARCH**

*Minnesota House Research Department provides nonpartisan legislative, legal, and information services to the Minnesota House of Representatives. This document can be made available in alternative formats.*

[www.house.mn/hrd](http://www.house.mn/hrd) | 651-296-6753 | 600 State Office Building | St. Paul, MN 55155