

State Clemency Resources

Which form(s) of clemency does the state offer?

- Pardons
- Pardons extraordinary
- Reprieves
- Commutations

Decisionmaker

The Minnesota Board of Pardons (Governor, AG, Chief Justice of MN Supreme Court)

Resources:

- mn.gov/doc/about/pardon-board

Constitutional and statutory authority

- **Constitutional Authority:**
Minn. Const. Art. V § 7
- **Statutory Authority:**
Minn. Stat. § 638.01 Minn. Stat. § 638.02

Eligibility Criteria

■ Pardon and Commutation Criteria:

- (1) The applicant must still be serving the sentence for the crime in question. Once a criminal sentence has been completed, an applicant may only apply for a pardon extraordinary after satisfying the required waiting period.
- (2) The application must concern a criminal conviction. In Minnesota, petty misdemeanors and juvenile delinquency adjudications are not considered crimes. Likewise, criminal charges that were dismissed or did not result in a conviction through a stay of adjudication, a diversion program, or deferral of prosecution are not criminal convictions. The Board also does not have the authority to grant relief from civil matters or penalties, such as tax liabilities, civil commitments, harassment restraining orders, civil forfeitures or fines, or the like.
- (3) The criminal conviction must have been imposed in Minnesota state court.
- (4) The applicant must not have been previously denied a pardon or commutation, including through exclusion of a prior pardon or commutation application. Prior applications that were simply deemed ineligible do not count. People convicted impeachment are ineligible for pardons and commutations (see, Minn. Const. Art. V, § 7)

- **Pardons Extraordinary Criteria:** Generally speaking, persons are not eligible to apply for a pardon extraordinary until five years have passed since their most recent criminal sentence has expired, or ten years if they have been convicted of a felony crime of violence as defined in Minn. Stat. 624.712, subd. 5. Please note that felony drug convictions are considered crimes of violence under Minnesota law.

- (1) Persons who have not been convicted of a crime of violence may apply for a pardon extraordinary five years after the sentence expired or has been discharged. During that time, the person must not have been convicted of any other misdemeanor or felony offense.
- (2) Persons who have been convicted of a crime of violence, including a felony drug offense, may apply for a pardon extraordinary ten years after the sentence expired or has been discharged. During that time, the person must not have been convicted of any other misdemeanor or felony offense.

If a person commits a new crime during the waiting period, the waiting period is reset and starts over again from the time the sentence for the new crime has expired or been discharged. Typically, that means that the waiting period effectively runs from the expiration of person's most recent criminal sentence.

Even though the Board only has jurisdiction over Minnesota criminal convictions, a conviction in any jurisdiction, including other states, will be considered in determining the waiting period. Non-criminal offenses, such as petty misdemeanors in Minnesota, do not affect the waiting period. The waiting period must be fully completed at the time you appear before the Board unless a waiver of the waiting period has been requested and granted.

Application Process

- To apply for a pardon, pardon extraordinary, or commutation, you must submit the appropriate application to the Board of Pardons. Each application includes information on supporting documents you must submit with your application, and the address to which you must submit the completed application.
- The Board of Pardons meets twice each year, in the spring and fall. Applications considered at the spring meeting must be received by December 1 of the preceding year and applications considered at the fall meeting must be received by June 1.

Applications for pardon extraordinary are thoroughly investigated. The county attorney and judge involved in your case and any victims who are still available will be asked for their input on your application. Applicants must disclose all criminal convictions, including those in other jurisdictions, in the application...Notice will be published in a newspaper in the county where you were convicted indicating your crime and conviction date, and that you have applied for a pardon extraordinary... Information provided in the application and gathered during the investigation into your case, including data classified as private, will be given to board members, and may be made available to the public.

- Applicants still serving an active criminal sentence may request a pardon or commutation. Applications for a pardon or commutation relating to an active criminal sentence are prescreened by the Board's secretary to determine whether they are deserving of further review by the Board and, if not, they are excluded from the meeting agenda. A summary of excluded applications and the reasons for exclusion are forwarded to the Board members, who are given an opportunity to express any disagreement with an exclusion decision and request that an excluded application be placed on a future meeting agenda for further consideration.

APPLICATION LINKS

mn.gov/doc/about/pardon-board/application-forms