

SENATE  
STATE OF MINNESOTA  
NINETY-FOURTH SESSION

S.F. No. 3432

(SENATE AUTHORS: LATZ, Oumou Verbeten, Dibble and Johnson Stewart)

DATE	D-PG	OFFICIAL STATUS
04/24/2025	3928	Introduction and first reading Referred to Judiciary and Public Safety
04/25/2025	4012	Author added Gustafson
05/09/2025	4859	Author added Oumou Verbeten
04/21/2026		Comm report: To pass as amended and re-refer to Finance Pursuant to Senate Concurrent Resolution No. 6, referred to Rules and Administration Author stricken Gustafson Authors added Dibble; Johnson Stewart Senate Concurrent Resolution 6 Suspended adopt previous committee report

1.1 A bill for an act

1.2 relating to public safety; modifying provisions relating to clemency applications;

1.3 appropriating money; amending Minnesota Statutes 2024, sections 638.09, by

1.4 adding a subdivision; 638.12, subdivision 2; 638.14, subdivision 5; 638.16,

1.5 subdivision 1.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2024, section 638.09, is amended by adding a subdivision

1.8 to read:

1.9 Subd. 6. Panel of members; prescreening applications. (a) The commission may

1.10 appoint panels of three members to prescreen clemency and waiver applications. Each panel

1.11 must be comprised of a member appointed by the governor, the attorney general, and the

1.12 chief justice of the supreme court.

1.13 (b) A panel's meeting must be open to the public. The third-party notification provisions

1.14 of section 638.11 do not apply to panel meetings. The applicant is not required to attend

1.15 the panel meeting where the panel reviews the applicant's application. In addition to the

1.16 information contained in the application, the panel may consider any other statements or

1.17 information submitted by an interested party.

1.18 (c) Except as otherwise provided for in paragraph (d), a panel may take one of the

1.19 following actions:

1.20 (1) recommend that the board deny the application without a commission hearing, if the

1.21 vote is unanimous; or

1.22 (2) refer the application to the commission for a hearing.

2.1 (d) Panels may be used to review requests for expedited processing of pardon applications  
2.2 if the commission and board adopt rules that establish objective criteria for determining  
2.3 which applications are eligible for expedited processing. A panel may take one of the  
2.4 following actions on applications eligible for expedited processing:

2.5 (1) recommend that the board deny the application without a commission hearing, if the  
2.6 vote is unanimous;

2.7 (2) refer the application to the commission for a hearing; or

2.8 (3) recommend that the board grant the application without a hearing, if the vote is  
2.9 unanimous.

2.10 Sec. 2. Minnesota Statutes 2024, section 638.12, subdivision 2, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

3.6 Sec. 3. Minnesota Statutes 2024, section 638.14, subdivision 5, is amended to read:

3.7 Subd. 5. **Applicant appearance; third-party statements.** (a) Except as provided for  
3.8 in paragraph (e), an applicant for clemency must appear before the commission either in  
3.9 person or through available forms of telecommunication.

3.10 (b) The victim of an applicant's crime may appear and speak at the meeting or submit a  
3.11 written statement to the commission. The commission may treat a victim's written statement  
3.12 as confidential and not disclose the statement to the applicant or the public if there is or has  
3.13 been an order for protection, harassment restraining order, or other no-contact order  
3.14 prohibiting the applicant from contacting the victim. At the request of the victim, the  
3.15 commission may treat a victim's written statement as confidential and not disclose the  
3.16 statement to the public.

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

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

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

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 (e) The governor may waive the hearing requirement under paragraph (a) if:

3.26 (1) the applicant's petition requires immediate review by the board;

3.27 (2) waiver of the hearing serves a significant public interest;

3.28 (3) the applicant has previously appeared before the board; or

3.29 (4) the applicant provides good cause to do so.

4.1 Sec. 4. Minnesota Statutes 2024, section 638.16, subdivision 1, is amended to read:

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

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

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

4.9 (d) Pursuant to section 638.09, subdivision 6, if a panel of the commission recommends  
4.10 granting or denying an application without a full commission hearing, the board may:

4.11 (1) adopt the panel's recommendation; or

4.12 (2) direct the full commission to conduct a hearing on the application.

4.13 (e) If the governor waives the hearing requirement for an application pursuant to section  
4.14 638.14, subdivision 5, paragraph (e), the board must hold a hearing on that application.

4.15 Sec. 5. **APPROPRIATION.**

4.16 \$375,000 in fiscal year 2027 is appropriated from the general fund to the Clemency  
4.17 Review Commission to increase the commission's capacity to process clemency petitions.