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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 1474

02/22/2021 Authored by Franson

The bill was read for the first time and referred to the Committee on Public Safety and Criminal Justice Reform Finance and Policy

1.1 A bill for an act
1.2 relating to state government; voiding fines and penalties arising out of a violation
1.3 of an executive order; appropriating money.

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

1.5 Section 1. **EMERGENCY ORDER VIOLATIONS DISMISSED.**

1.6 Subdivision 1. Reversal and refund. The state shall not enforce and shall reverse any
1.7 prior violation of an executive order issued under a peacetime emergency related to the
1.8 COVID-19 pandemic, hereafter referred to as "executive order." To this end, the state shall:

1.9 (1) void and refund if already paid any fines issued as a result of a violation of an
1.10 executive order;

1.11 (2) void, or direct the attorney general to request the court to void, any enforcement
1.12 action and cease enforcement of any adverse action, as well as release all parties from any
1.13 restrictions in a settlement agreement related to the executive orders;

1.14 (3) restore any suspended or revoked license or permit where the action was related to
1.15 a violation of the executive order; and

1.16 (4) seal or expunge any record or written warning for any act under clause (1) to (3),
1.17 and render such findings or actions inadmissible in any subsequent proceeding.

1.18 Subd. 2. Annulment of criminal record. Any person convicted of a criminal offense
1.19 arising from a violation of an executive order issued under a peacetime emergency related
1.20 to the COVID-19 pandemic may at any time petition the court in which the person was
1.21 convicted or arrested to annul the arrest record, court record, or both. The person shall be
1.22 entitled to an annulment of such conviction upon application to the court and shall not be

2.1 subject to any filing fee. The only permitted basis for denial of an annulment request brought
2.2 under this section is a written finding by the court that the conviction was not for conduct
2.3 in violation of an executive order. As part of an annulment under this subdivision, the court
2.4 shall direct the appropriate agency to expunge any underlying administrative record and
2.5 reimburse the petitioner for any fine or penalty previously paid.

2.6 Subd. 3. **Refund; appropriation.** To the extent practicable, any reimbursement of civil
2.7 or criminal penalties paid for violation of an executive order issued under a peacetime
2.8 emergency related to the COVID-19 pandemic shall be from the same source of funds into
2.9 which the fine or penalty was deposited. When reimbursement is made from the general
2.10 fund, the amount necessary to refund the civil or criminal penalty is hereby appropriated to
2.11 the appropriate agency.

2.12 **EFFECTIVE DATE.** This section is effective the day following final enactment.