

CHAPTER 638

BOARD OF PARDONS

638.02 Pardons.
638.04 Meetings.

638.05 Application for pardon.
638.06 Action on application.

638.02 PARDONS.

[For text of subs 1 and 2, see M.S.1990]

Subd. 3. Upon granting a pardon extraordinary the board of pardons shall file a copy thereof with the district court of the county in which the conviction occurred, and the court shall order the conviction set aside and include a copy of the pardon in the court file.

[For text of subs 4 and 5, see M.S.1990]

History: 1991 c 319 s 26

NOTE: Subdivision 3, as amended by Laws 1991, chapter 319, section 26, is effective August 1, 1992, and applies to pardons extraordinary granted on or after the effective date. See Laws 1991, chapter 319, section 32.

638.04 MEETINGS.

The board of pardons shall hold meetings at least twice each year and shall hold a meeting whenever it takes formal action on an application for a pardon or commutation of sentence. All board meetings shall be open to the public as provided in section 471.705.

The victim of an applicant's crime has a right to submit an oral or written statement at the meeting. The statement may summarize the harm suffered by the victim as a result of the crime and give the victim's recommendation on whether the application for a pardon or commutation should be granted or denied. In addition, any law enforcement agency may submit an oral or written statement at the meeting, giving its recommendation on whether the application should be granted or denied. The board must consider the victim's and the law enforcement agency's statement when making its decision on the application.

History: 1991 c 292 art 8 s 15; 1991 c 319 s 27

638.05 APPLICATION FOR PARDON.

Every application for a pardon or commutation of sentence shall be in writing, addressed to the board of pardons, signed by the convict or someone in the convict's behalf, shall state concisely the grounds upon which the pardon or commutation is sought, and in addition shall contain the following facts:

- (1) The name under which the convict was indicted, and every alias by which known;
- (2) The date and terms of sentence, and the names of the offense for which it was imposed;
- (3) The name of the trial judge and the county attorney who participated in the trial of the convict, together with that of the county of trial;
- (4) A succinct statement of the evidence adduced at the trial, with the endorsement of the judge or county attorney who tried the case that the same is substantially correct; if such statement and endorsement are not furnished, the reason thereof shall be stated;
- (5) The age, birthplace, and occupation and residence of the convict during five years immediately preceding conviction;
- (6) A statement of other arrests, indictments, and convictions, if any, of the convict.

Every application for a pardon or commutation of sentence shall contain a statement by the applicant consenting to the disclosure to the board of any private data concerning the applicant contained in the application or in any other record relating to the grounds on which the pardon or commutation is sought.

History: 1991 c 292 art 8 s 16; 1991 c 319 s 28

638.06 ACTION ON APPLICATION.

Every such application shall be filed with the clerk of the board of pardons. If an application for a pardon or commutation has been once heard and denied on the merits, no subsequent application shall be filed without the consent of two members of the board endorsed thereon. The clerk shall, immediately on receipt of any application, mail notice thereof, and of the time and place of hearing thereon, to the judge of the court wherein the applicant was tried and sentenced, and to the prosecuting attorney who prosecuted the applicant, or a successor in office. The clerk shall also make all reasonable efforts to locate any victim of the applicant's crime. The clerk shall mail notice of the application and the time and place of the hearing to any victim who is located. This notice shall specifically inform the victim of the victim's right to be present at the hearing and to submit an oral or written statement to the board as provided in section 638.04.

History: 1991 c 292 art 8 s 17; 1991 c 319 s 29