

Applying for Clemency

Clemency is an act of mercy or compassion shown toward someone who has committed a crime.

The most common types of clemency are pardons and commutations.

- **A pardon is for people whose sentences are complete and no longer active.** A pardon sets aside a criminal conviction, restoring a person's rights and removing many consequences of that conviction.
- **A commutation is for people that are still serving part of their sentence.** Commutations change a criminal sentence to be less severe. An example of the relief a commutation provides is reducing the amount of time someone is in prison, on supervised release, or on probation.

Pardon Eligibility

To be eligible for a pardon:

- An individual must have been **convicted of a crime in a Minnesota state court**.
 - This includes felonies and misdemeanors.
 - If the charges were dismissed or they were never convicted, there is no crime to pardon.
- Juvenile delinquency and petty misdemeanors are not considered crimes, so individuals cannot apply for a pardon for these offenses.
- It must be at least **five years since the expiration or discharge date of the sentence**. If five years have not passed, a waiver of the initial five-year waiting period may be requested if the applicant can show there is a special need and unusual circumstances.
- If an individual previously applied for a pardon and was denied or excluded, they must wait **five years from the date of the denial** to reapply. If five years have not passed since the most recent clemency request, an applicant may apply for permission to reapply early based on the existence of new and substantial information.

Commutation Eligibility

To be eligible for a commutation:

- An individual must have been **convicted of a crime in a Minnesota state court** and the **sentence must be active**. This includes someone who is currently:
 - in jail or prison; or
 - on probation, supervised release, or another type of post-conviction supervision.
- It must be at least **five years since the date of conviction, or the individual must have served at least one-half of the sentence**, whichever comes first. If the individual can show special need and unusual circumstances, they may apply for a waiver of the initial waiting period.
- If an individual previously applied for a commutation and was denied or excluded, they must wait **five years from the date of the denial** to reapply. If five years have not passed since the most recent clemency request, an applicant may apply for permission to reapply early based on the existence of new and substantial information.

Applying for Clemency

To request a pardon or commutation, applicants must complete an application and send it to the Clemency Review Commission by e-mail or mail. The application form will ask the individual to provide information about the conviction they want pardoned/commuted and other questions about their criminal history. The applicant must provide their version of the facts of the crime and explain why they are a good candidate for a pardon/commutation. For incarcerated individuals seeking a commutation, they must also provide details on their reentry plan. Applicants may include letters of support and other documents evidencing their suitability for clemency. Applicants should take into consideration the fact that all applications are public, which means that others may see what they write in their application and any other documents they attach.

After Applying

Clemency Review Commission staff determine the eligibility of the application and thoroughly review all eligible applications, including verifying relevant court and police records. Furthermore, the prosecuting attorney and sentencing judge of the case(s) in question will be contacted, as well as any victims, and asked whether or not they support a pardon/commutation.

In Minnesota, the Clemency Review Commission will hold a hearing to consider the clemency request and vote to make a recommendation to the Board of Pardons about whether the pardon/commutation should be approved or denied. The applicant is required to attend the hearing and address the commissioners.

The Board of Pardons then makes the final decision to grant or deny the pardon/commutation.

The applicant is notified of all decisions taken by the Commission and the Board of Pardons.

Considerations for Granting or Denying Clemency

The Commission must consider any factors it deems appropriate when recommending a grant or denial of a clemency application, including: the nature, seriousness, and circumstances of the applicant's crime; the successful completion of probation; factors related to the applicant's criminal history; the applicant's age at the time of the crime; rehabilitative efforts of the applicant; whether the applicant has accepted responsibility; and whether the sentence is clearly excessive. There are many other factors that may be considered by the Commission. Please see Minnesota Statutes § 638.15 for more information on other factors the Commission may consider.

How long does the clemency process take?

The clemency process takes at least six months to complete. Sometimes it can take a year or more depending on how many applications are on the calendar and when the Commission and Board are scheduled to meet.

Questions?

For more information, please visit mn.gov/crc or contact the Clemency Review Commission at 651-539-2610 or clemency.review.commission@state.mn.us.