

## CHAPTER 6600

### BOARD OF PARDONS

### PROCEDURAL RULES

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#### **6600.0200 APPLICATION DEADLINE.**

The secretary of the Board of Pardons shall receive all applications for pardons, commutations, and pardons extraordinary. Applications for a pardon or commutation must be received 60 days before the meeting of the board at which consideration is desired. Applications for pardon extraordinary must be received 30 days before the meeting of the board at which consideration is desired.

**Statutory Authority:** *MS s 14.06; 638.02*

#### **6600.0300 APPLICATION FORM.**

Applications for relief shall be made on forms approved by the board and supplied by the secretary to the applicant. The forms shall request information as required by Minnesota Statutes, section 638.05 and a list of witnesses who will appear on behalf of the person for whom relief is being sought, including a brief synopsis or statement of the testimony or facts or evidence which they will submit or present and their correct addresses.

**Statutory Authority:** *MS s 14.06; 638.02*

#### **6600.0400 APPLICATIONS FOR PARDONS AND COMMUTATIONS.**

Applications for pardons and commutations shall also include:

A. A statement of legal actions undertaken or pending on behalf of the party for whom relief is being sought. The statement should identify the grounds upon which relief was sought and the outcome or current status. If the court has acted upon the case in the previous five years, then the name, most recent address, and telephone number of the attorney handling the matter should be included.

B. A specific statement of the relief sought and an explanation of why it should be granted. Examples of specific statements for relief should include pardon on grounds of innocence (supported by evidence not otherwise assessable in a court of law) and commutation to time served, commutation to a lesser sentence, commutation to reduce or remove a minimum sentence, a conditional commutation to achieve substantial equity with an accomplice, or commutation in light of recent decisions from court or the legislature on relevant matters.

To assist with the discussion of rationale for relief, the application shall contain a checklist of the most frequently used rationale supporting an application. For example:

(1) the crime and trial: innocence, entrapment, inadequate counsel, unfair trial, prejudicial jury;

(2) sentence: excessive in light of plea bargain or in comparison to that given an accomplice, harsh in light of criminal history;

(3) institutional adjustment: model prisoner, unusual educational achievements, religious conversion, recovery from chemical dependency, threats to life while in prison, no chance for rehabilitation in prison setting;

(4) personal situation: medical complications, total rehabilitation, desperate family need.

C. A statement of the current status of proceedings before the executive officer - adult release, including whether the relief requested has been sought from the executive officer - adult release and when and what decision the executive officer - adult release made.

**Statutory Authority:** *MS s 14.06; 638.02*

## **6600.0500 EXCLUSION OF APPLICATIONS.**

The secretary of the Board of Pardons shall prescreen all applications. Applications for pardon or commutation deemed undeserving by the secretary for further review by the board shall not be included on the ensuing calendar. The secretary shall inform the applicant why the matter was not placed on the calendar. Grounds justifying exclusion may include but are not limited to: failure to exhaust all judicial remedies; solely an appeal from a negative decision by the parole board; preferably a matter for (initial) consideration by the parole board; premature in light of recent violation of parole; unwarranted appeal from previous action by the pardon board because no new and substantial evidence is presented.

**Statutory Authority:** *MS s 14.06; 638.02*

## **6600.0600 PREMATURE APPLICATION.**

If an application for pardon extraordinary is received by the secretary prior to the applicant's being discharged from sentence for a period of at least 18 months, then the secretary may inform the applicant that the matter is premature.

**Statutory Authority:** *MS s 14.06; 638.02*

**History:** *17 SR 1279*

## **6600.0700 CALENDAR FOR PARDON BOARD MEETING.**

The secretary of the Board of Pardons shall prepare the calendar for each pardon board meeting. Those matters requesting a pardon or commutation shall be prepared and distributed to the members at least 14 days before the hearing. Included in the calendar shall be a summary of applications which were received by the secretary but deemed unworthy for inclusion on the calendar. That summary shall include a brief explanation of the relief sought, the grounds, and the rationale for the secretary's decision. The secretary shall prepare recommendations for each case to be heard by the board. The recommendation shall be to either grant relief or a modification of it, reject the application, or review the matter closely.

**Statutory Authority:** *MS s 14.06; 638.02*

## **6600.0800 CALENDAR FOR PARDONS EXTRAORDINARY.**

The calendar for pardons extraordinary shall be prepared and distributed to the members five days before the hearing. The secretary shall note those applications which the secretary found to be premature by identifying the nature of the crime, the underlying reasons supporting a need to grant relief, and time since discharge from sentence.

**Statutory Authority:** *MS s 14.06; 638.02*

**History:** *17 SR 1279*

## **6600.0900 APPLICANT'S APPEARANCE AT HEARING.**

If an applicant for a pardon extraordinary has been convicted of only one crime which is a felony classified as a level IV or less severe crime under the Sentencing Guidelines Commission standard, the applicant has been discharged for at least five years, and the applicant has no negative comments to the request for relief, then the secretary may inform the applicant that the applicant has the option of not appearing at the hearing. On being informed of the option of not appearing at the hearing, the applicant shall also be told that if at the hearing the members of the board feel the applicant's presence is necessary, then

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action on the application will be delayed for approximately 90 days until the next meeting of the board.

**Statutory Authority:** *MS s 14.06; 638.02*

**History:** *17 SR 1279*

## 6600.1000 ELIGIBILITY TO APPLY FOR PARDON OR COMMUTATION OF SENTENCE.

In all cases where a prisoner has violated parole or probation or other field supervision and has been returned or committed to imprisonment, he/she shall not be eligible to apply for pardon or commutation of sentence until he/she has been considered by the Minnesota Department of Corrections or has served at least 12 months from and after the date of return for commitment to imprisonment, all judicial remedies having been first exhausted.

**Statutory Authority:** *MS s 14.06; 638.02*

**History:** *L 1983 c 274 s 18; 17 SR 1279*

## 6600.1100 APPLICATION FOR REHEARING.

No application for rehearing on a matter which has been considered by the Board of Pardons and denied on its merits shall be granted except as follows. The application must contain new and substantiated facts not previously considered by the board. If the application contains new and substantiated facts, then the secretary of the board may include the application on a rehearing calendar. If, after consideration, at least two members of the board consent to a new review, then the new application shall be scheduled for hearing at the meeting of the board next following the meeting at which such consent was given.

**Statutory Authority:** *MS s 14.06; 638.02*