



MINNESOTA

CANNABIS EXPUNGEMENT
BOARD

Overview and SF 204

Jim Rowader – Executive Director

Mark Haase – Deputy Director & General Counsel

Purpose

- Cannabis Expungement Board (CEB) was created by the Adult-Use Cannabis Act of 2023
- Bureau of Criminal Apprehension has identified 98,000 cases for review
- The Board's purpose is to review records to determine if a felony case is eligible for expungement or resentencing
- The CEB will operate until all records have been reviewed, and the Board has determined its work is complete

Board Members

The Cannabis Expungement Board is comprised of

- Chief Justice of the Minnesota Supreme Court or designee
- Minnesota Attorney General or designee
- Commissioner of Corrections or designee
- One public defender
- One public member with victims' rights advocacy experience

Progress

April 2024	Executive Director began
May 2024	First board meeting
June – October 2024	Evaluated case management systems Identified organizational structure Began hiring
November 2024	Key leadership staff on board
December 2024	Board action to expunge first records
February 2025	Contracted for case management system
June 2025	Anticipate go-live with our case management system and be fully staffed (35 FTEs)



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Statute & Process

609A.06 Eligibility Determination (subd. 3)

1. Eligible Statute – Felony Cannabis Convictions
2. Did not involve dangerous weapon or violent acts/threats
3. Act on which charge was based no longer a crime or nonfelony

609A.06 Review and Determination (subd. 7)

1. Is expungement in the public interest?
 - Presumption unless clear and convincing evidence of public safety risk
 - 6 Part analysis required (next slide)
2. Should conviction be vacated and charges dismissed?
3. Restoration of gun rights?
4. Sealing records with Professional Educator Licensing and Standards Board?
5. If not in public interest, eligible for resentencing?

Required Analysis

1. Nature and severity of crime
2. Increase risk to others or society
3. Danger of release from sentence
4. Aggravating or mitigating factors
5. Statements from victims or law enforcement
6. Other factors deemed relevant



PHASE-1

5th Degree Possession

- Faster processing due to inherently low level of cases
- Quality control measures and Board review
- 46 cases at March Board meeting
- Anticipate 100 cases per month with existing staff and scaling up as more staff are brought on
- Review requests handled concurrently
- Developing process with Judicial Branch

Technical Changes

- To address oversight of some past cannabis crimes not covered
- To address Courts not sealing multi-count cases

Court Order

Supreme Court Administrative Order

Automatic Cannabis Expungement

May 1, 2024

“The judicial branch shall only expunge cases if the entire case qualifies for automatic expungement.”

- Affects 25,000 cases
- CEB cases will be treated the same.

Judicial branch staff authorized to provide information and records to the subject of expunged records without prior judicial approval.

Prohibits sealing cases that include a finding of incompetency.



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Thank You