



S.F. No. 204 – Cannabis-Related Expungements (as amended by the A-5 amendment)

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S.F. No. 204 (as amended by SCS0204A-5) addresses expungements of certain cannabis-related offenses.

In 2023, the legislature established the Cannabis Expungement Board to review certain past convictions relating to cannabis sales or possession. The board was required to review records of past offenses, determine whether a person committed an act that would be a lesser offense or no longer a crime following the legalization of recreational cannabis, and direct the courts to take appropriate action (including vacating convictions, dismissing charges, expunging records, or resentencing persons to lesser offenses). Among other criteria for eligibility for this, the underlying offense could not have involved dangerous weapons or infliction of bodily harm. The prior crimes eligible for favorable action were restricted to citations to specific crimes that were in law at the time of the changes being enacted (but some of which, following enactment, are no longer on the books or are codified differently).

As amended, **S.F. No. 204** modifies the offenses eligible for expungements or resentencings to include any controlled substance crime involving the sale or possession of marijuana or tetrahydrocannabinols (assuming it meets the other eligibility requirements of the statute) existing as of the date the recreational cannabis law became effective and any prior versions of these or any other laws that criminalized the possession, sale, transportation, or cultivation of marijuana or tetrahydrocannabinols.

In addition, the bill authorizes expungements for other offenses charged along with the underlying controlled substance crime if the charge was dismissed or eligible for automatic expungement under Minnesota Statutes, section 609A.055.

