



2024 Annual Report to the Legislature

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Cannabis Expungement Board
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As requested by Minnesota Statute 3.197: This report cost approximately \$825 to prepare including staff time.

Upon request, this material will be made available in an alternative format such as print, large print, Braille, or audio recording.

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I. BACKGROUND

The Adult-Use Cannabis Act, enacted in 2023 and amended in 2024, legalized the sale of certain cannabis products and eliminated or reduced the offense level for certain cannabis-related criminal offenses. The Act established the Cannabis Expungement Board (CEB), which is tasked with reviewing past convictions and stays of adjudication for certain cannabis possession and sale offenses and determining whether the convictions should be expunged or recommend that the offender be resentenced to a lesser offense. See Minn. Stat. § 609A.06 (2024).

II. BOARD OF DIRECTORS AND STAFF

The CEB consists of five members. As designated in the statute, the board members include the Chief Justice of the Minnesota Supreme Court or designee; the Minnesota Attorney General or designee; one public defender appointed by the Governor upon recommendation of the State Public Defender; the Commissioner of Corrections or designee; and one public member appointed by the Governor with relevant experience as an advocate for victim's rights.

Jim Rowader was appointed as executive director by Governor Tim Walz in April 2024. At that time, the executive director began the work of standing up the agency. Together with the board, the executive director determined an appropriate organizational structure and began working with human resources to develop position descriptions, post position openings, and hire candidates. Initial projections anticipate approximately 35 staff members to complete the work of the board.

As of January 1, 2025, the executive director of the CEB has hired several key staff, including a deputy director/chief legal counsel, chief communications and external engagement officer, two managing attorneys and two supervisory paralegals. A total of eight staff attorneys and 16 paralegals along with additional support staff are projected to be hired in 2025.

III. CASE REVIEW AND PROTOCOLS

There are approximately 98,000 individual cases, per data pulled by the Minnesota Bureau of Criminal Apprehension (BCA), that need to be reviewed by the CEB to determine eligibility.

Staff have drafted and implemented protocols for case review and case management, have created a standardized format to present cases to the board, and have created a process to report its determinations to the Minnesota Judicial Branch. Staff have regular meetings with the judicial branch and with the Minnesota Bureau of Criminal Apprehension to facilitate and streamline processes.

The Department of Corrections was able to provide efficient access to conviction records for persons who are currently incarcerated or were recently released from incarceration. For this and other reasons, the CEB began its work by reviewing the cannabis convictions of this group of offenders.

IV. DATA AND CASE MANAGEMENT

The CEB has identified and, with the assistance of Minnesota IT Services (MNIT) and legal counsel, is contracting for and deploying a case management system that will enable the CEB to store and review records for the thousands of cases to be reviewed and analyzed.

With support from MNIT, CEB staff evaluated several case management systems and selected a vendor. The system should be fully implemented by mid-2025.

In addition, CEB staff have worked to identify the numerous state and local agencies who hold the records needed to allow the CEB to conduct a thorough review of cases for eligibility and consideration by the Board. CEB staff is in the process of working with those agencies and the courts for the most efficient means of accessing those records.

V. BOARD MEETINGS

Per the statute, the CEB meets monthly to conduct the business of the board. Meetings are open to the public. The first meeting was held on May 14, 2024. Sufficient staff were hired, and processes developed to allow the Board to consider and make determinations about eligibility for expungement or resentencing at its December 2024 meeting.

Standing board meetings will be held on the second Wednesday of each month beginning in February 2025.

VI. ANNUAL REPORTING DATA

In 2024, the CEB reviewed the convictions of eight offenders, who each had one cannabis-related conviction eligible for consideration by the board. The board voted to expunge all eight convictions. The offenders in these cases would remain incarcerated despite the expungement of the cannabis offense because they were serving sentences for other convictions or were already on release from incarceration when their case was presented to the board. None of the cases were deemed appropriate for resentencing. There are over 98,000 cases remaining to be reviewed.