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Cannabis Expungement Board

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<https://mn.gov/ceb/>

AT A GLANCE

- Created by the Adult-Use Cannabis Act of 2023, the Cannabis Expungement Board (CEB) was created to review eligible felony and certain misdemeanor level cannabis-related convictions and stays of adjudication records to determine eligibility for expungement or resentencing.
- Intended to positively impact people with cannabis-related criminal records whose convictions are no longer considered a criminal offense.
- Responsible for reviewing a minimum of 90,000 cannabis related felony cases.

PURPOSE

With the passage of the Adult-Use Cannabis Act of 2023 - which legalized the use, sale, and possession of adult-use cannabis flower and cannabinoid products - the Cannabis Expungement Board (CEB) was established to review criminal records to determine whether a person's felony offense would either be a lesser offense or no longer be a crime after August 1, 2023.

The Bureau of Criminal Apprehension has determined that, at a minimum, 90,000 individuals have a criminal record for a cannabis-related offense that is no longer a crime. The Department of Corrections has determined that 21 individuals are currently incarcerated for offenses that may no longer be a felony.

The Board's purpose is to review all relevant records to determine if a felony case is eligible for expungement or resentencing. It then must determine whether a person's conviction should be vacated, charges should be dismissed, and records should be expunged, or whether the person should be resentenced to a lesser offense. Finally, it must then notify the Minnesota Judicial Branch of the appropriate actions to be taken.

The Cannabis Expungement Board is comprised of:

- The Chief Justice of the Supreme Court or a designee;
- The Attorney General or a designee;
- One public defender, appointed by the Governor upon recommendation of the State Public Defender;
- The Commissioner of Corrections or a designee; and
- One public member with relevant experience, appointed by the Governor.

The Board is led by an Executive Director and a team of attorneys, paralegals, and others. The CEB will operate until all records have been reviewed and the Board has determined it has completed its work.

BUDGET

The Cannabis Expungement Board began operations in fiscal year 2024 with a \$5.871 million appropriation from the state's general fund.

STRATEGIES

The CEB is in the processes of establishing and evaluating strategies it will use to accomplish its purpose. The following are strategies identified in law:

- Review case records to determine if a felony offense is eligible for expungement or resentencing ([MS 609A.06, subd. 3](#));
- Determine if expungement or resentencing is in the public interest ([MS 609A.06, subd. 7](#));

- Determine, if expungement is in the public interest, whether a conviction should be vacated and charges dismissed ([MS 609A.06, subd. 7b](#));
- Determine, if expungement is in the public interest, whether any limitations apply ([MS 609A.06, subd 7c and d](#));
- Determine, if expungement is not in the public interest, whether the person is eligible for resentencing to a lesser offense ([MS 609A.06, subd 7e](#)); and
- Consider, when making a determination of expungement or resentencing, a variety of factors around the nature and severity of the underlying crime and the impact that expungement or resentencing would have, including statements from victims and law enforcement ([MS 609A.06, subd. 7](#)).

In addition to the above legal requirements, the CEB is dedicated to a community engagement effort to educate communities throughout Minnesota about the nature and purpose of its work. In particular, the CEB will strive to directly engage the community through expungement clinics, public meetings and an accessible intake process so that community members can ask about, and have addressed, cannabis-related felonies that may be eligible for expungement or resentencing.

Finally, the CEB is committed to an open and transparent process and will hold public meetings at least monthly and whenever the board takes formal action on a review of a conviction or stay of adjudication. In addition, the CEB shall assign an anonymous, unique identifier to each victim of a crime and person whose conviction or stay of adjudication the board reviews. The identifier shall be used in any discussion in a meeting open to the public and on any records available to the public to protect the identity of the person whose records are being considered.

RESULTS

Measure name	Measure type	Measure data source	Historical trend	Most recent data
Percent of cases reviewed	Quantity	CEB data	N/A	N/A
Number of cases where record was expunged	Results	CEB data	N/A	N/A
Number of cases where sentence was reduced	Results	CEB data	N/A	N/A
Expungements by race, compared to the cases	Results	CEB data and BCA data	N/A	N/A

Performance Measure Notes: The above measures will continue to be evaluated during the first few years of operation to determine the best metrics to demonstrate the Board’s effectiveness.

M.S. 609A (<https://www.revisor.mn.gov/statutes/cite/609A>) provides the legal authority for the Cannabis Expungement Board.

(Dollars in Thousands)

	Actual FY22	Actual FY23	Actual FY24	Estimate FY25	Forecast Base	
					FY26	FY27

Expenditures by Fund

1000 - General			77	11,150	5,356	5,356
Total			77	11,150	5,356	5,356
Biennial Change				11,227		(515)
Biennial % Change						(5)

Expenditures by Program

Cannabis Expungement Board			77	11,150	5,356	5,356
Total			77	11,150	5,356	5,356

Expenditures by Category

Compensation			45	4,005	4,205	4,305
Operating Expenses			32	7,135	1,141	1,041
Other Financial Transaction				10	10	10
Total			77	11,150	5,356	5,356

Full-Time Equivalents

			0.24	35.00	35.00	35.00
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(Dollars in Thousands)

	Actual FY22	Actual FY23	Actual FY24	Estimate FY25	Forecast Base	
					FY26	FY27
1000 - General						
Balance Forward In				5,794		
Direct Appropriation			5,871	5,356	5,356	5,356
Balance Forward Out			5,794			
Expenditures			77	11,150	5,356	5,356
Biennial Change in Expenditures				11,227		(515)
Biennial % Change in Expenditures						(5)
Full-Time Equivalents			0.24	35.00	35.00	35.00

(Dollars in Thousands)

	FY25	FY26	FY27	Biennium 2026-27
Direct				
Fund: 1000 - General				
FY2025 Appropriations	5,356	5,356	5,356	10,712
Forecast Base	5,356	5,356	5,356	10,712