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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		Governor's Recommendation FY26 FY27	
<u>Expenditures by Fund</u>								
1000 - General			77	11,150	5,356	5,356	5,371	5,386
Total			77	11,150	5,356	5,356	5,371	5,386
Biennial Change				11,227		(515)		(470)
Biennial % Change						(5)		(4)
Governor's Change from Base								45
Governor's % Change from Base								0

Expenditures by Program

Cannabis Expungement Board			77	11,150	5,356	5,356	5,371	5,386
Total			77	11,150	5,356	5,356	5,371	5,386

Expenditures by Category

Compensation			45	4,005	4,205	4,305	4,220	4,335
Operating Expenses			32	7,135	1,141	1,041	1,141	1,041
Other Financial Transaction				10	10	10	10	10
Total			77	11,150	5,356	5,356	5,371	5,386

Full-Time Equivalent

			0.24	35.00	35.00	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		Governor's Recommendation FY26 FY27	
1000 - General								
Balance Forward In				5,794				
Direct Appropriation			5,871	5,356	5,356	5,356	5,371	5,386
Balance Forward Out			5,794					
Expenditures			77	11,150	5,356	5,356	5,371	5,386
Biennial Change in Expenditures				11,227		(515)		(470)
Biennial % Change in Expenditures						(5)		(4)
Governor's Change from Base								45
Governor's % Change from Base								0
Full-Time Equivalents			0.24	35.00	35.00	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
Change Items				
Operating Adjustment		15	30	45
Total Governor's Recommendations	5,356	5,371	5,386	10,757

Cannabis Expungement Board

FY 2026-27 Biennial Budget Change Item

Change Item Title: Operating Adjustment

Fiscal Impact (\$000s)	FY 2026	FY 2027	FY 2028	FY 2029
General Fund				
Expenditures	15	30	30	30
Revenues	0	0	0	0
Other Funds				
Expenditures	0	0	0	0
Revenues	0	0	0	0
Net Fiscal Impact = (Expenditures – Revenues)	15	30	30	30
FTEs	0	0	0	0

Recommendation:

The Governor recommends additional funding of \$15 thousand in FY 2026 and \$30 thousand in each subsequent year from the general fund to help address operating cost increases at the Cannabis Expungement Board.

Rationale/Background:

The cost of operations rises each year due to increases in employer-paid health care contributions, FICA and Medicare, along with other salary and compensation-related costs. Other operating costs, like rent and lease, fuel and utilities, and IT and legal services also grow. This cost growth puts pressure on agency operating budgets that remain flat year to year. This recommendation provides additional resources to help address these cost pressures and pay for agency operations.

Agencies face challenging decisions to manage these rising costs within existing budgets, while maintaining the services Minnesotans expect. From year to year, agencies find ways to become more efficient with existing resources. For FY 2026-27, agencies will need to continue to find additional efficiencies and leverage management tools to help address budget pressures. Holding open vacancies in certain programs or delaying hiring in other programs are examples of ways agencies manage through constrained operating budgets. Such decisions are difficult and must be weighed against a program’s ability to conduct business with less staffing and its impact to service delivery.

Proposal:

The Governor recommends increasing agency operating budgets to support current services. For the Cannabis Expungement Board, this funding will help cover expected growth in employee compensation and insurance, and other operating costs.

Dollars in Thousands

Net Impact by Fund	FY 26	FY 27	FY 26-27	FY 28	FY 29	FY 28-29
General Fund	15	30	45	30	30	60

Results:

This recommendation is intended to help the Cannabis Expungement Board address rising cost pressures and mitigate impacts to current levels of service and information to the public.