

Subject Board of Pardons; Clemency Review Commission

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Overview

This bill modifies the Board of Pardons' operations as well as the petition review and disposition process. The bill creates a Clemency Review Commission to make recommendations on petitions to the Board of Pardons and requires a majority vote, with the governor required to vote in the majority, on applications. (Currently a unanimous vote is required.)

Summary

Section	Description
1	Board of Pardons; how constituted; duties. Grants additional voting authority to the governor in pardon board votes. Currently, the three members of the board—chief justice, attorney general, and governor—have equal authority in the board's decisions.
2	Definitions. Defines terms for purposes of chapter 638.
3	Clemency Review Commission. Establishes a nine-member Clemency Review Commission to screen petitions submitted to the board and make disposition recommendations on the petitions to the board. The governor, attorney general, and chief justice each appoint three members.
4	Clemency applications. Establishes standards and requirements for applications for pardons and commutations.
5	Third-party notifications. Requires notice of pardon and commutation applications be provided to victims, the sentencing judge, and the prosecuting attorney.

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6	<p>Types of clemency; eligibility and waiver.</p> <p>Establishes the types of available clemency and the standards, eligibility criteria, filing requirements, and reapplication procedures for clemency. (The language in this section is a revised version of current law, which is repealed in section 20).</p>
7	<p>Access to records; issuance of subpoena.</p> <p>Grants the board and the commission the authority to: (1) access relevant documents held by the courts, prosecutors, and state agencies; and (2) require the presence of persons and officers with information that is necessary for the commission to resolve pending matters.</p>
8	<p>Commission meetings.</p> <p>Requires the commission to meet at least four times per year to review petitions. Mandates that meetings be open to the public. Requires applicants to appear in person before the commission. Directs the commission to notify applicants of the commission's decision within ten working days of the hearing.</p>
9	<p>Commission recommendations.</p> <p>Establishes the grounds for the commission recommending clemency.</p>
10	<p>Board meetings.</p> <p>Requires the commission to meet at least two times per year to review referred petitions. Mandates that meetings be open to the public. Prohibits live testimony unless a board member requests testimony beyond what was provided to the commission. Directs the board to notify applicants of the board's decision within ten working days of the hearing.</p>
11	<p>Board decision; notifying applicant.</p> <p>Provides for an automatic approval by the board of a denial recommendation from the commission. Requires notice of the board's decision be provided to the applicant within 14 days.</p>
12	<p>Filing copy of clemency; court action.</p> <p>Requires the board file copy of a pardon with the court. Directs the court to take specified steps in response to notice of pardons and commutations.</p>
13	<p>Reapplying for clemency.</p> <p>Provides the timelines and guidelines for reapplying for clemency after a denial.</p>
14	<p>Commission record keeping.</p> <p>Establishes record retention standards for the commission.</p>

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15	Language access and victim support. Provides guidance on providing language access and victim support.
16	Legislative report. Directs the commission to assume responsibility for filing the mandated report to the legislature and expands the list of information that must be addressed in the report.
17	Rulemaking. Grants the board and commission rulemaking authority.
18	Transition period. Establishes a transition period for the Commission to begin reviewing applications.
19	Appropriation. Appropriates unspecified amounts to fund the commission and for the Office of Justice Programs to administer a grant program.
20	Repealer. Repeals most of the current statutes governing the Board of Pardons.
21	Effective date. Establishes a July 1, 2024, effective date for sections 4 to 17 and 20.



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