

**ARIZONA BOARD OF EXECUTIVE CLEMENCY  
BOARD POLICY #109**

<b>Policy Title: Pardon Hearing and Process</b>	<b>Draft Date: November 17, 2014</b>	<b>Policy #109</b>
	<b>Effective Date: November 26, 2014</b>	
	<b>Previous/New: 1-27-14</b>	<b>Pages: 2</b>

**Purpose:**

The purpose of this policy and procedure is to establish guidelines for conducting Pardon Hearings and the Pardon process.

**Authority**

**A.R.S. §§31-233; 31-402; 31-401; 31-441; 31-442; 31-443; 31-444; 31-445; 31-446  
RULE: R5-4-201**

**Procedure:**

109.01 Application and Instructions

- 1.1 Any individual who was convicted of an Arizona felony offense may apply for a pardon unless otherwise exempted by law. To apply for a pardon, an applicant must supply the following documents:
  - 1.1.1 Original pardon application, with signature page notarized and one (1) copy of the notarized application.
  - 1.1.2 Two (2) recent set of fingerprints.
  - 1.1.3 One copy of the presentence report and court sentencing documents (minute entries, plea agreement etc.) for cause number (s) of which the pardon is sought.
  - 1.1.4 Documentation that all court fees and/or restitution has been paid related to pardon matter.
  - 1.1.5 If obtained, a copy of the Absolute Discharge, Restoration of Civil Rights, and/or Conviction Set Aside Court Orders related to the matter.
  - 1.1.6 A minimum of 3 letters of support with only 1 reference from a family member who is related by blood or marriage to the applicant.
- 1.2. If the applicant is applying for a Pardon while imprisoned, they must comply with the following in accordance with A.R.S. 31-442:
  - 1.2.1 At least ten days before the Board of Executive Clemency acts upon an application for a pardon, written notice of intention to apply therefore, signed by the person applying, shall be serve on the count attorney of the county where the applicant was convicted. Proof of the service must be

presented to the board by affidavit. Green card return receipts shall be included in the Pardon application package from the certified mailing to the Prosecutor in county of the conviction. Unless dispensed with by the Governor, a copy of the notice shall also be published for thirty days from the first publication, in a paper in the county in which the conviction was had. The provisions of this section shall not apply:

1.2.1.1 When there is imminent danger of the death of the person convicted or imprisoned.

1.2.1.2 When the term of imprisonment of the applicant is within ten days of expiration.

1.3 Upon receiving a fully completed application and required documentation, the Executive Director shall schedule a date for the Board to conduct a hearing.

#### 109.02 Pardon Hearing:

1.1 A Pardon Hearing is conducted in a similar manner to a Parole Hearing. (See Board Policy - #101) At the conclusion of the hearing, the Board shall take one of the following actions:

1.1.1 Recommend the pardon to the Governor.

1.1.2 Deny the request for pardon.

1.2 If the Board decides not to recommend a Pardon, the applicant shall be notified of the Board's decision within ten business days. The applicant may resubmit a Pardon application three years from the date of the last hearing.

1.3. If the Board, by majority decision, recommends a Pardon, the Panel Chair shall designate a Board member, from the majority body, to prepare the letter for submittal to the Governor. This letter shall have affixed to it the signatures of all majority Board members who voted in the affirmative. Dissenting Board members may also send a letter to the Governor outlining their reasons for dissenting.

1.2 If the Governor denies a Pardon, the Board shall notify the applicant in writing of the Governor's decision within 10 working days after receiving notice of the decision. The applicant may reapply for a Pardon three years from the date of the Board's decision.

#### **Implementation:**

This policy was adopted by the Arizona Board of Executive Clemency in accordance with law.