

**ARIZONA BOARD OF EXECUTIVE CLEMENCY  
BOARD POLICY #106**

<b>Policy Title: Two Member Board Panels</b>	<b>Draft Date: January 14, 2014</b>	<b>Policy #106</b>
	<b>Effective Date: January 29, 2014</b>	
	<b>Previous/New: February 27, 1998 (300.05)</b>	<b>Pages: 2</b>

**Purpose:**

The purpose of this policy and procedure is to establish the criteria by which the Chairman may designate that the presence of two Board Members constitutes a quorum for conducting, revocation, parole, work furlough, modification and home arrest hearings.

**Policy:**

It is the policy of the Arizona Board of Executive Clemency to conduct revocation, parole, work furlough, modification and home arrest hearings with at least three board members present. The Chairman may designate that the presence of two members of the Board constitutes a quorum for conducting designated statutory mandated hearings in accordance with A.R.S. §31-401.I.

**Authority:**

ARS § 31-401  
ARS §§ 41-1604.09; .11; .13  
ARS § 31-412.A and B  
ARS §41-1604.13

**Procedure:**

- The Chairman is vested with the authority to designate that the presence of two members of the Board constitutes a quorum for conducting certain statutory mandated hearings.
- Two member Board panels shall be authorized to conduct only the following hearings:
  - 1) Revocation;
  - 2) Work Furlough;
  - 3) Parole;
  - 4) Home Arrest;
  - 5) Modification
  - 6) Commutation (except those associated with the provisions of A.R.S. §§13-751; 13-752)

- The Chair may declare that the presence of two members of the Board constitutes a quorum only for the following reasons:
  - 1) other board members are on approved leave;
  - 2) other board members are ill;
  - 3) other board member/s has a sudden emergency such as an accident or illness;
  - 4) in cases where the high volume of hearings demands two member board panels in order to conduct the hearings within mandated timeframes; or
  - 5) other board members are otherwise unavailable
  
- When the two member panel concurs on the action under consideration, the disposition shall be considered final and processed through normal channels, except for serious offenders requiring a third vote. If a third vote is required, the chairman, if he is not one of the two members constituting a quorum and after reviewing the information considered by the two members, shall cast the deciding vote. The chairman, upon making his determination, shall announce that decision to the Board at a regular scheduled hearing day of the Board. If the chairman is one of the two members constituting a quorum at a hearing and there is not concurrence on the action under consideration, the action fails.

**Implementation:**

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