

State Clemency Resources


Which form(s) of clemency does the state offer?

- Commutations
- Pardons
- Reprieves (a delay or temporary suspension of the carrying out of punishment)

Decisionmaker

The Arkansas Parole Board screens applications and sends the governor a recommendation for each applicant. The governor makes the final decision.

Recommendations from the Board regarding commutations or pardons are not binding. In capital cases, a quorum of board members is required to preside over the clemency hearing (see, ABA Arkansas Capital Clemency Memo, 3).

 **Resources:**
doc.arkansas.gov/parole-board

Constitutional and statutory authority

- **Constitutional Authority:**
Arkansas. Ark. Const. Art. 6 § 18
- **Statutory Authority:**
Ark. Code Ann. §§ 16-93-204, 16-90-506

Eligibility Criteria

Any person serving a term of any number of years, life, life without parole, or a sentence of death may apply for executive clemency. A person who is not presently incarcerated may also apply. (see, Arkansas Department of Public Safety website)

Application Process

- **Commutation and Pardon Process:** To apply for a commutation or pardon, you must fill out a form for either form of relief and submit it to the Board of Parole. The forms are on the Board's website, and the address to which you should send each form is on the form itself.
 - (1) Any person making a request for clemency must first have their application processed by the Board of Parole in what is called a screening. This will determine if there is any merit to the application. A victim can only make written recommendations to the Board of Parole during this step of the process.
 - (2) If the application is found to have merit, it will most likely be scheduled for a hearing before the Board of Parole. A victim will be notified (if they have requested these notifications) when a hearing is scheduled and can contact the Board of Parole about providing written or oral recommendations. Once the hearing is complete the Board will vote on a recommendation to send to the Governor for final action.
 - (3) The Governor will review the application, the recommendation of the Board of Parole, and all other pertinent materials before making his decision. If the Governor intends to grant the application for clemency, he will announce his intent and allow a 30 day period for public comment. If the Governor decides to deny the application it will be announced and no further action will be taken.

- **Reprieve Process:** A prisoner facing a death sentence must request a reprieve (or any other form of clemency), after which a clemency hearing will be scheduled by the Board of Parole. A quorum of Board members must be present at the hearing; the prisoner's record will be investigated prior to the hearing and a recommendation will be made to the governor. An application for capital clemency must be filed no later than forty days prior to the execution date. Once filed, the Board will conduct a hearing at least thirty days prior to the execution date (see, ABA Arkansas Capital Clemency Memo, 4). The governor makes the final decision regarding reprieves. If they grant a reprieve or any other form of clemency to a death sentence prisoner, details regarding the name of the petitioner, [their] crimes, and the reason for clemency must be given to the State Senate and the State House of Representatives (see, ABA Arkansas Capital Clemency Memo, 3). For more information, see Ark. Code Ann. §16-90-506 and capitalclemency.org/resource/arkansas-capital-clemency-memo)

APPLICATION LINK

- 🔗 [doc.arkansas.gov/parole-board/executive-clemency/
executive-clemency-applications/](http://doc.arkansas.gov/parole-board/executive-clemency/executive-clemency-applications/)