

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 Arizona Board of Executive Clemency reviews clemency requests before sending them to the governor, who makes the final decision.

 **Resources:** boec.az.gov

Constitutional and statutory authority

- **Constitutional Authority:**
Ariz. Const. Art. 5 § 5
- **Statutory Authority:**
Ariz. Rev. Stat. Ann. §§ 31-402(A), 31-443

Eligibility Criteria

- **Commutation of Sentence:** Prisoners may apply for a commutation if (1) they have a sentence of more than three years and have served at least two years of the sentence at the time of application, including jail credits applied to the sentence; (2) the sentencing judge issued a special order. Arizona Revised Statute 13-603(L) allows the court to issue a special order at time of sentencing only if it believes that a sentence is clearly excessive. The order will allow the person sentenced to petition the Board for a commutation of sentence with ninety days after they are committed to the DOC; (3) the prisoner is terminally ill with less than four months to live, or (4) they are facing imminent execution. Pardon: Anyone convicted of a felony in Arizona can apply for a pardon. The Governor may grant a reprieve upon recommendation of the Board (see, A.R.S. §31-402).

Application Process

- **Commutation Process:** Applications must be submitted through the Arizona Department of Corrections (ADC) and are then screened for eligibility by ADC's Time Computation Unit. If deemed eligible, it will be transferred to the Board of Executive Clemency and the Board's staff will compile the necessary information, schedule a hearing date and make required notifications based on statute, including to victim's or victim's family, the county attorney and the sentencing judge.
- **Pardon Process:** To apply for a pardon, you must make a request directly to the Board of Executive Clemency or complete its pardon application. You can find the form on the Board's website. Upon receipt of the request, the Board staff will provide you a packet of information detailing the requirements and the application. [You should] read the instructions carefully and obtain all the required [documents]. You will not be scheduled for a hearing until all the required documentation has been received. For more information, please review the Board's detailed instructions on its website at www.azboec.gov and in the application package.

- **Reprive Process:** A prisoner facing a death sentence may request a pardon or reprieve. Once they make this request, the Board of Executive Clemency will be notified. If the prisoner also requests a clemency hearing, the Board will schedule the hearing. The Board will provide the prisoner's attorney with a Hearing Attendance Form, which indicates whether the prisoner is asking for a pardon or reprieve, and whether they will be present at their hearing. If the prisoner has chosen to have a hearing, their hearing date will be set no earlier than one day and no later than seven days after their set execution date. Once a hearing date has been set, letters will be sent to all concerned parties, including the prisoner, their victim(s), the defense attorney, the governor, and others. An official public notice will be posted at the Board's office and on its website. The hearing will be held, during which the prisoner will have an opportunity to speak to the Board. A decision will be made at the hearing. For more detailed information, please consult with the Board's Policy #107, regarding warrants of execution: boec.az.gov/sites/default/files/documents/files/107-Warrant%20of%20Execution.pdf

APPLICATION LINKS

- 🔗 **Pardons:** boec.az.gov/sites/default/files/2023-01/Pardon%20Application%20Rev%2001_04_2023.pdf
- 🔗 **Commutation:** boec.az.gov/sites/default/files/2023-01/Commutation%20Application%20Rev%2001_23_2023.pdf