

# State Clemency Resources

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

The only form of executive clemency available for applicants who are no longer incarcerated is a pardon to restore civil rights.

Applicants who are still incarcerated may wish to apply for one of the following forms of relief: (1) a commutation of all or some of a remaining sentence imposed by a court; (2) a conditional release; or (3) a reprieve.

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## Decisionmaker

Applications must be sent to the Parole Board for review. If accepted, the Governor makes the final decision.

### Resources:

- 🔗 [governor.state.nm.us/contact-the-governor/apply-for-clemency](https://governor.state.nm.us/contact-the-governor/apply-for-clemency)
- 🔗 [governor.state.nm.us/wp-content/uploads/2022/02/Executive-Clemency-Application-Instructions-2022.pdf](https://governor.state.nm.us/wp-content/uploads/2022/02/Executive-Clemency-Application-Instructions-2022.pdf)
- 🔗 [governor.state.nm.us/wp-content/uploads/2019/05/Executive-Clemency-Guidelines\\_Final.pdf](https://governor.state.nm.us/wp-content/uploads/2019/05/Executive-Clemency-Guidelines_Final.pdf)

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## Constitutional and statutory authority

- **Constitutional Authority:**  
The people of New Mexico have granted exclusive authority to the Governor to issue pardons and other forms of clemency through Article V, Section 6 of the New Mexico Constitution
- **Statutory Authority:**  
N.M. Stat. Ann. Chapter 31 Section 21

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## Eligibility Criteria

- Commutation of sentence will normally be considered only in cases of unusual meritorious service by the prisoner, the Governor's pardon power permits her to grant a conditional release in situations of extreme personal hardship, and reprieves are reserved for emergency situations.

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## Application Process

- Applicants should address their requests to the Governor and identify the type of executive clemency (i.e., pardon, commutation of sentence, conditional release) they are seeking. The Governor may refer requests to the Parole Board for investigation and recommendation. The Parole Board will examine the request to determine whether it meets the criteria for consideration set forth in these guidelines. If it does not, the Parole Board will notify the applicant and the Governor, and no further action will be taken. If it does, the Parole Board will call for a field investigation by the Corrections Department. Parole Board recommendations are not binding on the Governor and are used solely to assist the Governor in performing her non-delegable duties. The Parole Board or the Governor may also request pertinent input from the sentencing judge and/or prosecuting attorney involved in the relevant conviction. After reviewing all the reports, other materials, and recommendations provided, the Governor will decide whether to grant executive clemency.

### APPLICATION LINKS

- 🔗 [governor.state.nm.us/wp-content/uploads/2022/02/Executive-Clemency-Application-2022.pdf](https://governor.state.nm.us/wp-content/uploads/2022/02/Executive-Clemency-Application-2022.pdf)