

State Clemency Resources



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

The most common types of clemency are pardons and commutations. There are also youth pardons. Other forms of clemency offered are sealing a conviction and certificate of relief from disabilities/good conduct.

Decisionmaker

Prisoners must complete the application and submit it to the Executive Clemency Bureau, after compiling a complete file, the Bureau sends the application to the Governor for the final decision.

Resources:

-  ny.gov/services/apply-clemency
-  doccs.ny.gov/system/files/documents/2022/01/greca-12-21.pdf

Constitutional and statutory authority

- **Constitutional Authority:** Clemency, as defined by the State Constitution (Article IV, Section 4), provides the Governor the power to grant reprieves, commutations and pardons after convictions for all offenses except treason and cases of impeachment, upon such conditions and with such restrictions and limitations.
- **Statutory Authority:** N.Y. Exec. Law Chapter 18 Article 12-B

Eligibility Criteria

- **Clemency:** Clemency is an extraordinary form of relief. Typically, clemency will only be considered in circumstances where there is no other administrative process that can provide the type of relief a clemency applicant is seeking.
- **Pardon:** Anyone who has been convicted of a crime under New York State law can apply for a pardon. However, pardons are typically only considered for applicants who have successfully completed all court-imposed requirements connected to their conviction and sentence. Other factors considered are rehabilitation, time, and need.
- **Youth Pardon:** Youth pardon is offered to applicants who were convicted of a non-violent crime at age 16 or 17. The seven requirements to be eligible for a youth pardon are:
 - (1) At least 10 years have passed since you were either convicted of the crime, or released from a period of incarceration for that crime, if applicable.
 - (2) You have been conviction-free since that time.
 - (3) You have been convicted of a non-violent offense.
 - (4) You were not convicted of a sex offense.
 - (5) You are currently a New York State resident.
 - (6) You have paid taxes on any income.
 - (7) You are a productive member of your community, meaning that you are working, looking for work, in school or legitimately unable to work.
- **Commutation of Sentence:** Except for extraordinary circumstances, a commutation of sentence will typically be considered only if an applicant meets the following eligibility criteria:
 - (1) The incarcerated person's minimum term of imprisonment is more than one year;
 - (2) The incarcerated person has served at least one-half of their minimum prison term; and
 - (3) The incarcerated person is not eligible for release or parole within one year of the date of their application for clemency.

■ Other Forms of Relief:

- ▶ **Sealing a Conviction:** If you have no more than two misdemeanor convictions or one felony and one misdemeanor conviction, you may be eligible to have those convictions sealed after a 10-year waiting period. Additionally, some drug-related felony and misdemeanor convictions can be conditionally sealed if you have completed a drug treatment program.
- ▶ **Certificate of Relief from Disabilities/Good Conduct:** A certificate of relief from disabilities or certificate of good conduct can restore certain rights and privileges that may have been automatically lost under New York State law due to your conviction(s), including rights and privileges related to employment and licensing opportunities.

Application Process

To be considered for clemency, you need to submit an application to the Executive Clemency Bureau. Your attorney, or another representative such as a family member, can also submit an application to the Executive Clemency Bureau on your behalf. The Executive Clemency Bureau is a unit within the New York State Department of Corrections and Community Supervision that assists the Governor's Office with clemency applications. The Executive Clemency Bureau receives applications and begins a review process, which includes compiling past criminal and correctional facility records. The Bureau then sends completed applications to the Governor's Office for review.

APPLICATION LINKS

- 🔗 **Pardon Application:** ny.gov/sites/default/files/atoms/files/StandardPardon.pdf
- 🔗 **Youth Pardon Application:** ny.gov/sites/default/files/atoms/files/Pardon_Crime_at%20Age_16_or_17.pdf
- 🔗 **Commutation Application:** ny.gov/sites/default/files/2022-07/Commutation_Application.pdf
- 🔗 **Sealing a Record Information:** nycourts.gov/courthelp/Criminal/sealedAfter10years.shtml and <https://nycourts.gov/courthelp/Criminal/sealedDrugCases.shtml>
- 🔗 **Certificate of Relief from Disabilities/Good Conduct Information:** doccs.ny.gov/certificate-relief-good-conduct-restoration-rights