

State Clemency Resources

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

Pardons, which is a grant of forgiveness from the Governor that can restore certain civil rights and privileges and relieve some legal disabilities.

Decisionmaker

After a hearing, the Board will vote either to recommend an applicant for pardon or not. If the applicant is recommended by a majority of the Board members present, the Governor then reviews that application and makes the final decision on whether to grant a pardon or not. If an applicant does not receive a majority vote of the Board, then that application is not forwarded to the Governor for consideration, and the applicant is denied.

Resources:

 evers.wi.gov/pages/pardon-information.aspx

Constitutional and statutory authority

■ Constitutional Authority:

■ Wis. Const. art V, § 6

■ Statutory Authority:

■ Wis. Stat. Chapter 304

Eligibility Criteria

You are eligible for a pardon only if all of the following conditions apply to you:

- (1) You are seeking a pardon for a Wisconsin felony conviction.
- (2) It has been at least five years since you finished any criminal sentence. This means you:
 - (a) Completed all confinement; and
 - (b) Completed all supervised release (e.g., probation, parole, or extended supervision).
- (3) You do not have any pending criminal cases or charges in any jurisdiction.
- (4) You are not currently required to register as a sex offender.

Eligibility criteria are mandatory and cannot be waived. Each Governor determines who is eligible to apply for a pardon and what evaluation criteria will be used. At the time of this writing, before Governor Tony Evers requires an applicant to complete a nine-page notarized pardon application form, and meet the following eligibility requirements:

- Pardon for a Felony. An applicant must seek a pardon for a Wisconsin felony conviction.
- Five Years "Off Paper." An applicant must have completed all confinement and probation, parole, or extended supervision at least five years ago.
- No New Crimes. An applicant cannot have been convicted of any new criminal offense and cannot be subject to any pending charges.
- Not a Sex Offender. An applicant cannot be a registered sex offender.

Governor Evers created two paths to a pardon:

- (1) a standard process involving a Pardon Advisory Board; and
- (2) an expedited process involving the Chairperson of the Board.

The first process is available for any pardon applicant who meets the four criteria listed above. The second process is available only for applicants who meet the four criteria, who committed a nonviolent offense, and for whom sufficient time has elapsed so as not to depreciate the severity of the offense.

Application Process

How does the pardon review process work? (from evers.wi.gov/pages/pardon-information.aspx)

- **Initial Review:** Applications are first reviewed for eligibility and completeness. Applicants are notified if they are ineligible. If their applications are incomplete, they are provided an opportunity to submit the missing materials. Due to the large volume of applications, this may take several months.
- **Supplemental Review:** If an applicant is eligible and their application is complete, their application is placed in line to be considered by the Pardon Advisory Board. During this time, applications receive a second, more thorough review. It is possible that a person initially deemed eligible can be identified as ineligible after supplemental review. In that case, the applicant is notified that their application will no longer be considered.
- **Hearing:** Most applicants will be scheduled for a hearing in front of the Board. This typically has taken about 13-14 months from the date the application is received. Applicants will be notified about a month in advance that they have been scheduled for a hearing and will be provided with the logistical details. Hearings are open to the public and may be held virtually or in-person. Applicants must be present for their hearing and may appear for virtual hearings by video or telephone. If an applicant has an unavoidable conflict, the hearing may be rescheduled to a later month. Each applicant will appear before the Board for approximately 15 minutes. Board members may ask the applicant questions about the offense, how their sentence went, what they have done since the completion of their sentence, and why they think they should receive a pardon, as well as for further information about anything revealed in background checks or disclosed on the application.
- **Final Decision:** After a hearing, the Board will vote either to recommend an applicant for pardon or not. If the applicant is recommended by a majority of the Board members present, the Governor then reviews that application and makes the final decision on whether to grant a pardon or not. If an applicant does not receive a majority vote of the Board, then that application is not forwarded to the Governor for consideration, and the applicant is denied. Applicants are notified of the final decision on their application about a month after their hearing.
- **Expedited Review:** Select applications for older, low-level felony offenses may be placed on an expedited review track. These applications undergo the same thorough review process but are not scheduled for a hearing. Instead, upon the recommendation for pardon by the Chair of the Board, these applications are sent directly to the Governor for consideration. If the Chair does not recommend a pardon, the applicant is scheduled for a hearing and their application will proceed through the standard review process. Similarly, select applications involving violent or repeat offenses may be placed on an expedited review track and denied without a hearing. Expedited applicants will be notified of the final decision.
- **Reapplying:** There is no appeal process for denials or ineligibility determinations. However, a denied applicant can reapply 18 months after their denial. Ineligible applicants may reapply once they are eligible.

APPLICATION LINKS

evers.wi.gov/Documents/PardonApp_Aug2021.pdf