

# State Clemency Resources

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

The Pardon Advisory Board with concurrence of the Governor has the authority to grant the following:

- Commutation
- Conditional Pardon
- Pardon
- Remission of fine
- Reprieve

## Decisionmaker

The Pardon Advisory Board makes a recommendation to the Governor who makes the final decision.

### Resources:

- [doctr.nd.gov/sites/www/files/documents/parole\\_pardon/1A-14\\_0.pdf](https://doctr.nd.gov/sites/www/files/documents/parole_pardon/1A-14_0.pdf)
- [doctr.nd.gov/pardon-advisory-board](https://doctr.nd.gov/pardon-advisory-board)

## Constitutional and statutory authority

- **Constitutional Authority:**  
N.D. Const. art. 5, § 7
- **Statutory Authority:**  
N.D. Cent. Code § 12-55.1-02  
The governor appoints the board members, but by statute, the Attorney General is one of the five members, as are two members of the Parole Board.

## Eligibility Criteria

- Cases eligible for Pardon Advisory Board review are individuals who have committed a crime and were convicted in a North Dakota court of law. (Excludes federal offenses, traffic offense, and tribal offenses.) Individuals who have a legal remedy through the Parole Board are not eligible for review by the Pardon Advisory Board until they have exhausted the Parole Board process.
- **Summary Pardon Application Eligibility:** Persons prosecuted for and convicted of Misdemeanor possession of marijuana, ingestion of marijuana, and possession of marijuana paraphernalia who have not had any other criminal convictions in the past five years may submit a Summary Pardon Application. Individuals who have been convicted of any Felony offense, are not eligible to submit a Summary Pardon Application and must use the Pardon Advisory Board application.

## Application Process

- The Pardon Advisory Board only meets on the second Wednesday of April and November. Applications must be submitted 90 days prior to the board meeting. Dates are listed on the website. Submit all documents 90 days prior to each board meeting by either mail, fax, or email:
  - ▶ Mail: Clerk, Pardon Advisory Board, P.O. Box 1898, Bismarck, ND 58502-1898
  - ▶ Fax: 701-328-6651
  - ▶ Email: pardonclerk@nd.gov

See the following document pages 6-8 for more detail on the application process:

- [doctr.nd.gov/sites/www/files/documents/parole\\_pardon/1A-14\\_0.pdf](https://doctr.nd.gov/sites/www/files/documents/parole_pardon/1A-14_0.pdf)

### APPLICATION LINKS

- [doctr.nd.gov/sites/www/files/documents/parole\\_pardon/Pardon/Applications/North%20Dakota%20Pardon%20Advisory%20Board%20Application.pdf](https://doctr.nd.gov/sites/www/files/documents/parole_pardon/Pardon/Applications/North%20Dakota%20Pardon%20Advisory%20Board%20Application.pdf)
- [doctr.nd.gov/sites/www/files/documents/sfn%2061663%20north%20dakota%20pardon%20advisory%20board%20application%20to%20pardon%20eligible%20marijuana%20offenses.pdf](https://doctr.nd.gov/sites/www/files/documents/sfn%2061663%20north%20dakota%20pardon%20advisory%20board%20application%20to%20pardon%20eligible%20marijuana%20offenses.pdf)