

Arizona provides compassionate release to eligible incarcerated individuals in “imminent danger of death” through the **Executive Clemency** process.¹

EXECUTIVE CLEMENCY

I. ELIGIBILITY

Medical Condition – An incarcerated individual may be eligible for Executive Clemency by receiving either a Commutation of Sentence² or a Pardon when the individual is in Imminent Danger of Death (IDD).³

To be eligible for a Commutation under IDD, an incarcerated individual must be diagnosed by a medical physician with a medical condition that will result in death.⁴ However, conflicting information is available on the timeframe determining imminent death.

- Department of Corrections, Rehabilitation, and Reentry (Department) policy requires a “reasonable medical certainty” the medical condition will result in death in four months.⁵ The Arizona Board of Executive Clemency (Board) website also says individuals are eligible when death is expected within four months.⁶
- Board policy and its *Commutation of Sentence Application* state an individual is eligible when there is a “reasonable medical certainty” the medical condition will result in death in six months.⁷

To be eligible for a Pardon under IDD, an incarcerated individual must be diagnosed by a medical physician with a medical condition and there is “reasonable medical certainty” the condition will result in death in four months.⁸

Additionally, Department policy states an individual must have served two years of their sentence and not be within one year of their parole eligibility date or earliest release date; both conditions may be waived by the Board.⁹

Exclusions – For Commutations under IDD, the Board can waive the usual exclusions, which are based on time served and time remaining to be served.¹⁰ There are no exclusions for applying for a Pardon.¹¹

II. APPLICATION OR REFERRAL

To be considered for Executive Clemency, an incarcerated individual must submit either a *Commutation of Sentence Application* or a *Pardon Application* to the Board.¹² Although the Governor has exclusive authority to grant Executive Clemency, the Board must make a recommendation first.¹³ Any applications sent directly to the Governor are forwarded to the Board for processing.¹⁴

If a medical provider believes an individual would qualify for a Commutation or Pardon under IDD and the individual is incapacitated and unable to apply on their own, and does not have family support, the Facility Health Administrator will have the assigned corrections officer complete the application and apply on behalf of the individual.¹⁵

The application for a Commutation requires the following information.

- The individual's name, Department number, date of birth, place of birth, gender, facility and unit location, presence of any detainers, and classification.¹⁶
- Information on the sentences for which a Commutation is being requested, including case number or count, name of offense, sentence received, and the exact number of years and months the individual is asking to reduce from their sentence.¹⁷
- The individual's marital status, number of minor children residing with the individual on release, and a list of people who will support the individual and their names, ages, and relationship to the individual.¹⁸
- Previous Commutation application history, including the month and year of previous applications, the sentences the application was for, if a Commutation was recommended to the Governor by the Board, and the final decision.¹⁹
- Offense information, including details of the individual's involvement in the offense, other people involved including victims, and actions and motives before and immediately after the offense.²⁰
- The purpose of the Commutation, including reasons the individual is requesting a Commutation, any mitigating or aggravating factors the court considered when sentencing the individual, details on any plea bargain, reasons to convince the Board and Governor the individual will remain crime free on release, achievements, and a list of specific factors to justify a Commutation.²¹
- Substance abuse and treatment, including details on addiction and use, recovery, and any programming or treatment completed.²²
- A list of all disciplinary write-ups and outcomes received in the last five years while incarcerated with explanations.²³
- The individual's work history, current work assignment or an explanation as to why they are not working, and a list of all education, classes, or programs completed in the last three years.²⁴

- A release plan, with information on the individual's residence, work, and reentry programming, treatment, or counseling after release.²⁵

The application for a Pardon requires the following information.

- The individual's name, date and place of birth, gender, address, phone numbers, and email address.²⁶
- The individual's marital status, name and contact information of their current spouse or partner, number of dependent children, if the individual is current in any required child support payments, explanation for any failure to make payments and a proposed agreement to meet future payments, and a list of all members in the individual's household with names, ages, and relationship to individual.²⁷
- A list of every name the individual has previously used, including maiden names, aliases, and nicknames, the dates of use, and the reason the name was used.²⁸
- Previous Pardon application history, including month and years of previous appearances before the Board and whether a Pardon was recommended.²⁹
- Information on the individual's citizenship, military service, and if the individual is requesting to have gun rights restored.³⁰
- The individual's educational background, including highest grade completed, any education or training received or currently receiving with names, dates of attendance, degrees, honors, type of training, and provider; the individual may also attach copies of certificates, diplomas, or transcripts for review.³¹
- Criminal history, including the individual's inmate number, any outstanding warrants with details, probation violations, and all felony and misdemeanor convictions received as an adult. For each conviction, the individual must provide the CR number, disposition date, sentence, a detailed account of the incident, and whether the individual is seeking a Pardon for that conviction.³²
- The individual's employment history including a list of their past three employers with contact information, total time worked at each job, hours per week for each job, reasons for leaving each job, reasons for any periods of unemployment, and permission for the Board to contact former employers.³³
- Substance abuse and treatment, including details on addiction and use, recovery, and treatment history with certificates of completion attached.³⁴
- The purpose of the Pardon including reasons the individual is requesting a

Pardon, changes the individual has made, specific factors to convince the Board and Governor that a Pardon is deserved, and anything else the individual would like the Board and Governor to consider when deciding.³⁵

- The requirement for the application to be notarized is waived for individuals who are incarcerated.³⁶

Note some aspects of the application may not align with the incarcerated individual's circumstances, as the application is also used by people applying for a Pardon after they have completed their sentence and been released.³⁷

III. DOCUMENTATION AND ASSESSMENT

Department Review – For all Executive Clemency requests, the Department's Time Computation Unit (TCU) first determines whether the incarcerated individual meets the statutory eligibility requirements.³⁸ TCU then forwards the application to the Medical Services Division Grievance Coordinator/Investigator (Coordinator) within one workday.³⁹ After ensuring the application is complete, the Coordinator forwards the application to the Medical Services Division Medical Director.⁴⁰ Within one workday from receipt, the Medical Director must review the application for medical eligibility and send it back to the Coordinator.⁴¹

Eligibility – If the Medical Director decides the incarcerated individual is **not** medically eligible, the Coordinator forwards the application with the individual's eligibility status back to the TCU and the Board within one workday.⁴² TCU forwards the "denied packet" to the assigned corrections officer who then notifies the individual of the determination.⁴³

If the Medical Director decides the individual is medically eligible, the Coordinator must request a medical evaluation and summary from the on-site medical provider within one workday.⁴⁴ The on-site provider must send the medical summary back to the Coordinator within one workday and include the individual's diagnosis, treatment plan, current medical status, prognosis, and any supporting documentation.⁴⁵

Within one workday of receiving the medical summary and other supporting information, the Coordinator sends the application and medical summary to the Medical Director who, within one workday, prepares an additional summary with the individual's prognosis that the medical condition will, with reasonable medical certainty, result in death; the Medical Director then sends the application and all materials back to the Coordinator.⁴⁶ The Coordinator then sends the application and materials to TCU and delivers the packet to the Board in person.⁴⁷ There is no appeal process for the Department's determination of eligibility.⁴⁸

Discharge Plan – The Coordinator also requests from the Facility Health Administrator a “detailed discharge plan” including residential housing plans, the names of those who are expected to live with and care for the individual, and any “continuity of care” planning.⁴⁹ Additionally, the Coordinator obtains the contact information of anyone participating in the Executive Clemency process, including the individual, the person who will be caring for the individual, the assigned corrections officers, and providers who are attending the hearing.⁵⁰

IV. DECISION-MAKING PROCESS

Decision-Maker – The Governor has exclusive authority to grant Executive Clemency, including Commutations and Pardons.⁵¹ However, the Governor may not grant Executive Clemency unless the Board first recommends Clemency be granted.⁵² Thus, although the Governor is the ultimate decision-maker, the Board has a key role in the decision.

Hearing – The Board must schedule a hearing date within one workday of receiving the application packet from the Coordinator.⁵³ Hearings are open to the public and are generally informal; the Board does not have to adhere to the rules of evidence required in judicial proceedings.⁵⁴ The Board must allow incarcerated individuals to be represented by counsel at the hearings.⁵⁵

Clemency hearings are normally held in two phases, however, the Board skip the first phase of hearings for Commutation under IDD.⁵⁶ Board policy states the Board’s Executive Director must make every effort to accommodate “priority scheduling” for hearing Commutation requests under IDD.⁵⁷ Phase II hearings include the participation of the individual, victims, and members of the public who wish to participate.⁵⁸ Upon request, the Department medical provider who prepared the clinical diagnosis will provide testimony before the Board.⁵⁹

The Board’s policy on Pardons does not include specific information on if or how hearings for Pardons under IDD differ from hearings generally.⁶⁰

Notice – Generally, certain government officials must receive notice ahead of Executive Clemency hearings.⁶¹ These requirements are waived for Executive Clemency cases under IDD.⁶² The Board must notify the Coordinator and required participants of the hearing date and ensure everyone is available.⁶³

Victim Rights – Victims have the right to be informed when an individual is released from custody and to be heard at any proceeding where a post-conviction release is considered.⁶⁴ A hearing for Executive Clemency may not be held until 15 days after notice of the hearing is given to the victim.⁶⁵ Victims may participate in a hearing in person, by phone or pre-recorded message, via a victim advocate or attorney, or with a written statement.⁶⁶ Victims are notified of the outcome within 15 days of the hearing.⁶⁷

Recommendation by Board – The Board decides whether to recommend Executive Clemency by majority vote.⁶⁸ When the Board recommends Executive Clemency, a Board member prepares a letter of recommendation that includes the following.

- Details of the offense and sentence being commuted.
- Criminal history.
- Reasons the individual is seeking Executive Clemency.
- The Board’s discussion.
- The Board’s conclusion.⁶⁹

Members of the Board who voted against a recommendation may write a letter of dissent to be included in the packet of materials sent to the Governor.⁷⁰

For Commutations under IDD, the Board forwards its recommendation and the application materials to the Governor within seven workdays.⁷¹ If the Board does not recommend a Commutation, the individual may reapply in three years, however, the Board may waive this condition for individuals applying under IDD.⁷²

For Pardons, no timeline is provided for the submission of materials to the Governor.⁷³ The Board notifies the individual of its Pardon decisions within 10 workdays.⁷⁴ If denied, the individual may reapply in three years.⁷⁵

Governor’s Decision – The Governor does not have a specified deadline to respond to Commutation recommendations.⁷⁶ Commutations recommended unanimously by the Board automatically become effective if the Governor does not act on the recommendation within 90 days of receipt.⁷⁷ There is no further information on the process the Governor uses to decide Executive Clemency cases.

Release Planning – Prior to release, the Department provides planning support to ensure continuity of care for individuals “requiring structured and immediate medical services.”⁷⁸ Medical Release Planners (MRPs) review an individual’s medical status and determine any special needs the individual will have on release and work with the assigned corrections officer and Community Correction to find an appropriate placement and transportation for release.⁷⁹

V. POST-DECISION

Denials and Appeals – For Commutations, the Board notifies the individual of the Governor’s decision in writing.⁸⁰ If the Governor does not grant a Commutation, the individual may reapply in three years, however, the Board may waive this restriction for applications under IDD.⁸¹ There is no appeal process for a

Commutation decision.

If the Governor denies a Pardon, the individual may apply again in three years from the date of the Board's decision and there is no exception for applications under IDD.⁸² The Board notifies the individual of the Governor's decision in writing within ten days of receipt.⁸³ There is no appeal process for a Pardon decision.

IV. REPORTING AND STATISTICS

Under Arizona law, the Governor must provide the legislature with information on each Executive Clemency case, including the individual's name, crime, sentence, date of clemency, and reason for granting clemency.⁸⁴ This report, if it is currently used, is not available to the public. The Governor is also required to publish each case and the reason for granting clemency in a newspaper in the convicting county and file a notice with the Arizona Secretary of State for publication in the administrative register.⁸⁵ The administrative register is published weekly and is publicly accessible.⁸⁶

- In 2025, the Governor had granted five Commutations based on IDD.⁸⁷
- In 2024, the Governor granted two Commutations based on IDD.⁸⁸

The Board publishes an annual report with data on its hearings and decisions.⁸⁹

- In 2025, the Board held seven Commutation hearings for IDD and recommended seven Commutations across all categories to the Governor.⁹⁰ The Board also held 15 Pardon hearings across all categories.⁹¹
- In 2024, the Board held three Commutation hearings for IDD and recommended seven Commutations across all categories to the Governor.⁹² The Board held 14 Pardon hearings across all categories.⁹³

Additionally, the Board's strategic plan reports that for fiscal years 2023 and 2024, all IDD cases were heard within five days of receipt of the application and recommendations were submitted to the Governor within five days of the Board's decision.⁹⁴

ARIZONA COMPASSIONATE RELEASE

PRIMARY LEGAL SOURCES

EXECUTIVE CLEMENCY

State Constitution

Arizona Constitution, Article V, § 5 (2026), available through the Arizona State Legislature, <https://www.azleg.gov/viewDocument/?docName=http://www.azleg.gov/const/5/5.htm>.

Statutes

Arizona Revised Statutes, § 31-402 (2026), available through the Arizona State Legislature, <https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/31/00402.htm> (start at source link <https://www.azleg.gov/arstitle/> then scroll and click link for “Title 31” and then scroll and click link “31-402” under “Chapter 3 Executive Clemency” and subheading “Article 1”).

Arizona Revised Statutes, § 31-403(D)(1) (2026), available through the Arizona State Legislature, <https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/31/00403.htm> (start at source link <https://www.azleg.gov/arstitle/> then scroll and click link for “Title 31” and then scroll and click link “31-403” under “Chapter 3 Executive Clemency” and subheading “Article 1”).

Arizona Revised Statutes, § 31-442(B)(1) (2026), available through the Arizona State Legislature, <https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/31/00442.htm> (start at source link <https://www.azleg.gov/arstitle/> then scroll and click link for “Title 31” and then scroll and click link “31-442” under “Chapter 3 Executive Clemency” and subheading “Article 3”).

Regulations

Arizona Administrative Code, Title 5, Chapter 4, Board of Executive Clemency (2026), available through the Arizona Secretary of State, https://apps.azsos.gov/public_services/Title_05/5-04.pdf (start at source link https://apps.azsos.gov/public_services/CodeTOC.htm#ID5 then scroll and click link for “Board of Executive Clemency” under heading “Title 5. Corrections”).

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Agency Policies

Arizona Board of Executive Clemency, Board Policy 109, *Pardon Hearings* (Sept. 1, 2023), <https://boec.az.gov/sites/default/files/2023-09/109%20-%20Pardon%20Hearings%20-%20Rev%2009.01.2023.pdf> (start at source link <https://boec.az.gov/resources> then click "Policies" link in "Resources" box on the right then navigate to link for "#109-Pardon Hearing and Process").

Arizona Board of Executive Clemency, Board Policy 114, *Commutation of Sentence* (Sept. 1, 2025), <https://boec.az.gov/sites/default/files/2025-09/114-Commutation%20of%20Sentence%20-%20Rev.%2009.01.25.pdf> (start at source link <https://boec.az.gov/resources> then click "Policies" link in "Resources" box on the right then navigate to link for "#114-Commutation of Sentence")

Arizona Department of Corrections, Rehabilitation, and Reentry, Department Order Manual 1002, *Inmate Release Eligibility System* (Nov. 27, 2021), <https://corrections.az.gov/sites/default/files/documents/policies/1000/DO%201001%20-%20Eff.%206-20-25.pdf> (start at source link <https://corrections.az.gov/department-orders-policy> and scroll to box "Chapter 1000-Releases/Community Supervision" and click link "1002").

NOTES

* *Id.* means see prior note. *Supra* means refer to specified note for full citation.

¹ Ariz. Const. art. V, § 5 (2026); Ariz. Rev. Stat. § 31-443 (2026). See also Ariz. Rev. Stat. §§ 31-403(D)(1) (2026), 31-442(B)(1) (2026).

Note Arizona law also provides for temporary release to receive medical treatment not available in prison; however, this policy is outside the scope of this memo because the release is temporary (Ariz. Rev. Stat. §§ 31-233(B) (2026), 41-1604.11(B) (2026)).

² Ariz. Rev. Stat. § 31-403(D)(1); Arizona Department of Corrections, Rehabilitation, and Reentry, Department Order Manual 1002 §§ 1.0, 1.11.3, *Inmate Release Eligibility System* (Nov. 27, 2021) [hereinafter *Eligibility System*], <https://corrections.az.gov/sites/default/files/documents/policies/1000/DO%201001%20-%20Eff.%206-20-25.pdf> (start at source link <https://corrections.az.gov/department-orders-policy> and scroll to box "Chapter 1000-Releases/Community Supervision" and click link "1002"); Arizona Board of Executive Clemency, Board Policy 114 § 114.3, *Commutation of Sentence* (Sept. 1, 2025) [hereinafter *Commutation*], <https://boec.az.gov/sites/default/files/2025-09/114-Commutation%20of%20Sentence%20-%20Rev.%2009.01.25.pdf> (start at source link <https://boec.az.gov/resources> then click "Policies" link in "Resources" box on the right then navigate to link for "#114-Commutation of Sentence").

³ Ariz. Rev. Stat. § 31-442(B)(1); *Eligibility System*, *supra* note 2, § 1.12.2; Arizona Board of Executive Clemency, Board Policy 109 § 109.01.2(a), *Pardon Hearings* (Sept. 1, 2023) [hereinafter *Pardon*], <https://boec.az.gov/sites/default/files/2023-09/109%20-%20Pardon%20Hearings%20-%20Rev%2009.01.2023.pdf> (start at source link <https://boec.az.gov/resources> then click "Policies" link in "Resources" box on the right then navigate to link for "#109-Pardon Hearing and Process").

⁴ Arizona Department of Corrections, Rehabilitation, and Reentry, *Glossary of Terms* 57 (Nov. 17, 2025) [hereinafter *Glossary*], <https://corrections.az.gov/sites/default/files/documents/policies/GLOSSARY%20OF%20TERMS.pdf> (start at source link <https://corrections.az.gov/department-orders-policy> and click "Glossary of Terms" box near top of page); *Commutation*, *supra* note 2, § 114.3.2.

⁵ *Glossary*, *supra* note 2.

Note the name of the "Department of Corrections" was changed to the Department of Corrections, Rehabilitation, and Reentry in 2020 in a speech by the state Governor (Bob Christie, *Arizona Governor to Close Prison, Calls for Veteran Tax Cut*, The Associated Press (Jan. 13, 2020), <https://apnews.com/general-news-2de6de412d39d2fe76f88ff89ffbc9d>).

⁶ Arizona Board of Executive Clemency, *Frequently Asked Questions* [hereinafter *FAQs*], <https://boec.az.gov/helpful-information/faq> (start at source link <https://boec.az.gov/> and then click "FAQ" under drop down menu "Helpful Information") (last accessed Nov. 21, 2025).

⁷ *Commutation*, *supra* note 2, § 114.3.2.1; Arizona Board of Executive Clemency, *Commutation of Sentence Application* (Sept. 1, 2025) [hereinafter *Commutation Application*], <https://boec.az.gov/sites/default/files/2025-09/Commutation%20Application%20-%20Rev.%2009.01.2025.pdf> (start at source link <https://boec.az.gov/resources> then click select "Forms" under drop down menu "Document Type" and click "Apply" button to the right, then click link for "Commutation of Sentence Application").

⁸ *Glossary*, *supra* note 4; Arizona Board of Executive Clemency, *Pardon Application* (Feb. 10, 2025) [hereinafter *Pardon Application*], https://boec.az.gov/sites/default/files/2025-02/Pardon%20Application_Rev%2002.10.2025.pdf (start at source link <https://boec.az.gov/resources> then click select "Forms" under drop down menu "Document Type" and click "Apply" button to the right, then click link for "Pardon Application").

Note Board policy does not provide a definition for "imminent danger of death."

⁹ *Eligibility System*, *supra* note 2, § 1.11.3.1.3-4.

Note these requirements are only present in Department policy and are not statutorily required or expressed in Board policy.

¹⁰ *Commutation*, *supra* note 2, § 114.3.1.

¹¹ Ariz. Admin. Code § R5-4-201(A) (2026); *Pardon*, *supra* note 3, § 109.01.1.

¹² *Commutation*, *supra* note 2, § 114.2.1; *Pardon*, *supra* note 3, § 109.01.1(a).

¹³ Ariz. Rev. Stat. Ann. § 31-402(A), (C).

¹⁴ *Id.* § 31-402(B).

¹⁵ *Eligibility System*, *supra* note 2, § 1.11.4.

¹⁶ *Commutation Application*, *supra* note 7, at 1-2.

¹⁷ *Id.*

¹⁸ *Id.* at 3.

¹⁹ *Id.*

²⁰ *Id.* at 4.

²¹ *Id.* at 5-8.

²² *Id.* at 9.

²³ *Id.* at 10.

²⁴ *Id.* at 11.

²⁵ *Id.* at 12.

²⁶ *Pardon Application*, *supra* note 8, at 3.

²⁷ *Id.*

²⁸ *Id.* at 4.

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

³² *Id.* at 4-5.

³³ *Id.* at 6.

³⁴ *Id.*

³⁵ *Id.* at 7.

³⁶ *Id.* at 8.

³⁷ *See id.*

³⁸ *Eligibility System*, *supra* note 2, §§ 1.11, 1.11.3.1.1.

Note that while the policy states incarcerated individuals must meet statutory eligibility requirements, there is no criteria given for eligibility in the statutes and it is unclear what requirements the policy is referencing.

Board policy states TCU must review and certify every Commutation application for statutory eligibility before the application is sent to the Board (*Commutation*, *supra* note 2, § 114.2.2).

³⁹ *Eligibility System*, *supra* note 2, § 1.11.3.2.

⁴⁰ *Id.* § 1.11.3.2.1.

⁴¹ *Id.* § 1.11.3.2.2.

⁴² *Id.* § 1.11.3.3.

⁴³ *Id.* § 1.11.3.3.1.

⁴⁴ *Id.* § 1.11.3.4.1.

Note the Coordinator makes these requests through the Facility Health Administrator.

⁴⁵ *Id.*

⁴⁶ *Id.* § 1.11.3.5.

⁴⁷ *Id.* § 1.11.3.6.

⁴⁸ *Id.* § 1.11.3.7.

⁴⁹ *Id.* § 1.11.3.4.2.

⁵⁰ *Id.* § 1.11.3.4.3.

⁵¹ Ariz. Const. art. V, § 5; Ariz. Rev. Stat. § 31-443.

⁵² Ariz. Rev. Stat. § 31-402(A)-(C).

⁵³ *Eligibility System*, *supra* note 2, § 1.11.3.6.1.

⁵⁴ Ariz. Admin. Code § R5-4-102(A)-(B).

⁵⁵ *Id.* § R5-4-102(C).

⁵⁶ *Commutation*, *supra* note 2, § 114.3.1.

⁵⁷ *Id.* § 114.3.2.3.

⁵⁸ *Id.* § 114.6.3.

⁵⁹ *Id.* § 114.3.2.2.

⁶⁰ *See generally Pardon*, *supra* note 4.

Pardon hearings are held in two phases (*Pardon*, *supra* note 4, § 109.02.1). In a Phase I hearing, Board members review the application packet and decide via a majority vote if a Phase II hearing will be held (*Id.* § 109.02.2). Individuals are not required to be present at Phase I hearings, and the hearings are not open to the public (*Id.*). If an application is not moved forward to a Phase II hearing, the Board notifies the individual in writing (*Id.* § 109.02.2(b)). Phase II hearings include the participation of the individual, victims, and the public (*Id.* § 109.02.3).

⁶¹ Ariz. Rev. Stat. §§ 31-411(H) (2026), 31-442(A); *Commutation*, *supra* note 2, § 114.5.1.

⁶² Ariz. Rev. Stat. §§ 31-411(I)(1), 31-442(B)(1); *Commutation*, *supra* note 2, § 114.5.4; *Pardon*, *supra* note 3, § 109.01.2(a); Arizona Board of Executive Clemency, Board Policy 115 § 115.2.2, *Victim Rights* [hereinafter *Victim Rights*] (Sept. 13, 2019), https://boec.az.gov/sites/default/files/documents/files/115-Victim%20Rights_1.pdf (start at source link <https://boec.az.gov/resources> then click "Policies" link in "Resources" box on the right then navigate to link for "#115-Victim Rights").

Note applications for a Pardon also generally require the individual to publish a notice in a newspaper in the county of conviction for 30 days; this requirement is waived for Pardons under IDD (Ariz. Rev. Stat. § 31-442).

⁶³ *Eligibility System*, *supra* note 2, § 1.11.3.6.2.

⁶⁴ Ariz. Const. art. II, § 2.1(2), (9) (2026); *Victim Rights*, *supra* note 60, § 115.2.1. *See also* Ariz. Rev. Stat. §§ 13-4411 (2026), 13-4414 (2026).

⁶⁵ Ariz. Rev. Stat. § 31-411(H); *Commutation*, *supra* note 2, § 114.5.2-3; *Victim Rights*, *supra* note 60, § 115.2.1.

Note the exemption for notice in Ariz. Rev. Stat. § 31-411 does not include notice for victims.

⁶⁶ *Victim Rights*, *supra* note 60, § 115.1.2.1.

⁶⁷ *Victim Rights*, *supra* note 60, § 115.2.7.

⁶⁸ *Commutation*, *supra* note 2, § 114.6.3.1; *Pardon*, *supra* note 3, § 109.02.3(a).

⁶⁹ *Commutation*, *supra* note 2, § 114.7.1. *See* Ariz. Admin. Code § R5-4-201(G); *Pardon*, *supra* note 3, § 109.03.1(a).

⁷⁰ Ariz. Admin. Code § R5-4-201(G); *Commutation*, *supra* note 2, § 114.7.1.3; *Pardon*, *supra* note 3, § 109.03.1(b).

⁷¹ *Commutation*, *supra* note 2, § 114.7.3.

⁷² *Commutation*, *supra* note 2, § 114.6.4.2(a).

The restrictions on reapplying after a denial found in Ariz. Rev. Stat. § 31-403 for offenses committed after January 1, 2006, do not apply to applications under IDD. *See* Ariz. Rev. Stat. § 31-403(D)(1).

⁷³ *See* Ariz. Admin. Code § R5-4-201; *Pardon*, *supra* note 3.

⁷⁴ Ariz. Admin. Code § R5-4-201(F).

Note *Pardon*, *supra* note 3, § 109.02.4 states the Board only notifies the individual if it does not recommend a Pardon.

⁷⁵ *Pardon*, *supra* note 3, § 109.02.4.

⁷⁶ *Commutation*, *supra* note 2, § 114.7.5.

⁷⁷ Ariz. Rev. Stat. § 31-402(D); *Commutation*, *supra* note 2, § 114.7.4.

⁷⁸ Arizona Department of Corrections, Rehabilitation, and Reentry, Department Order Manual 1001 §§ 5.0, 5.8.6.4, *Inmate Release System* (June 20, 2025) [hereinafter *Release Planning*], <https://corrections.az.gov/sites/default/files/documents/policies/1000/DO%201001%20-%20Eff.%206-20-25.pdf> (start at source link <https://corrections.az.gov/department-orders-policy> and scroll to box "Chapter 1000-Releases/Community Supervision" and click link "1001").

Note that "discharge planning" is also required as part of Department policy for release under IDD and it is not specified how medical release planning intersects with the continuity of care planning included in a discharge plan. *See Eligibility System*, *supra* note 2, § 1.11.3.4.2.

⁷⁹ *Release Planning*, *supra* note 81, § 5.8.2.

Medical release planning is required for individuals who need specific residential placement, such as assisted living, hospitalization, or skilled nursing care; clinical services, such as dialysis or chemotherapy; and chronic conditions that necessitate uninterrupted follow-up care, such as HIV/AIDS (*Id.* § 5.8.6.4.1-3).

⁸⁰ *Commutation*, *supra* note 2, § 114.7.6.

⁸¹ *Id.* § 114.7.7.3(a).

⁸² Ariz. Admin. Code § R5-4-201(I); *Pardon*, *supra* note 3, § 109.03.3.

⁸³ *Id.* § R5-4-201(H).

⁸⁴ Ariz. Rev. Stat. § 31-446 (2026).

⁸⁵ Ariz. Rev. Stat. § 31-445 (2026).

⁸⁶ Arizona Secretary of State, Arizona Administrative Register, <https://azsos.gov/rules/arizona-administrative-register> (last accessed Feb. 2, 2026).

⁸⁷ 31 Ariz. Admin. Reg. 869-70, 1016, 2640, 4234 (Dec. 26, 2026).

Note one individual received two commutations in 2025 where mental health was cited as a part of the clemency decision, however, it was not under the IDD criteria. *See id.* at 2340, 2679.

⁸⁸ 30 Ariz. Admin. Reg. 3718, 3787 (Dec. 27, 2024).

Note one individual received a commutation in 2024 where their physical health was cited as part of the clemency decision, however, it was not under the IDD criteria. *See id.* at 2000.

⁸⁹ *See* Arizona Board of Executive Clemency, *Annual Reports*, <https://boec.az.gov/resources/annual-reports> (last accessed Feb. 2, 2026).

Note the reports cite to Ariz. Rev. Stat. § 36-1944 as a statutory requirement for the creation of the annual reports, however, the statute makes no mention of the Board of Executive Clemency.

⁹⁰ Arizona Board of Executive Clemency, *Annual Report Fiscal Year 2025 15-16*, <https://boec.az.gov/sites/default/files/2025-09/FY25%20Annual%20Report%20-%20Board%20of%20Executive%20Clemency.pdf> (start at source link <https://boec.az.gov/resources> then click "Annual Reports" in the box "Resources" on the right and then scroll and navigate to the link for "2025 Annual Report") (last accessed Feb. 2, 2026).

⁹¹ *Id.* The Board does not report how many of these Pardon hearings were for IDD.

⁹² Arizona Board of Executive Clemency, *Annual Report Fiscal Year 2024 14-15*, <https://boec.az.gov/sites/default/files/2024-09/FY24%20Annual%20Report%20-%20Board%20of%20Executive%20Clemency.pdf> (start at source link <https://boec.az.gov/resources> then click "Annual Reports" in the box "Resources" on the right and then scroll and navigate to the link for "2024 Annual Report") (last accessed Nov. 20, 2025).

⁹³ *Id.* The Board does not report how many of these Pardon hearings were for IDD.

⁹⁴ Arizona Governor's Office of Strategic Planning & Budgeting, *State of Arizona Master List of State Government Programs: State Agencies' Five Year Strategic Plans and Cabinet Agencies' Strategic Plan Summaries* 331 (Nov. 2024), <https://corrections.az.gov/sites/default/files/documents/reports/Annual%20Reports/FY%202026%20Master%20List.pdf> (start at source link <https://corrections.az.gov/data-reports> and click green bar labeled "Annual Reporting," and then orange box "FY 2026" under "ADCRR Master List of Programs").