

State Clemency Resources

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

- Commutations
- Pardons
- Reprieves (a delay or temporary suspension of the carrying out of punishment)

Decisionmaker

Applications are sent to the governor's office, then the Board of Parole Hearings investigates each applicant, then the applications the Board has approved are sent back to the governor for final review.

Resources:

cdcr.ca.gov/bph
law.nyu.edu/sites/default/files/California%20Reprieve.pdf

Constitutional and statutory authority

- **Constitutional Authority:**
Cal. Const. Article V § 8(a)
- **Statutory Authority:**
CA Penal Code Part 3 Title 6

Eligibility Criteria

- **Commutation Eligibility:** Anyone who has been convicted of a crime in California is eligible for a commutation, except for government officials who have been impeached (see, California Constitution Article V, Section 8(a)).
- **Pardon Eligibility:** Applicants must demonstrate exemplary behavior following a conviction to be considered. Generally, you must be off probation or parole for at least 10 years with no further criminal activity to be considered (from Office of the Public Defender). The Governor cannot grant pardons to applicants with more than one felony conviction without the approval of the California Supreme Court. The Governor's Office requests this approval if needed. Those Not Eligible Certificate of Rehabilitation: you were convicted of certain serious sex offenses, you are currently serving in the military, you live outside California, you were convicted of a misdemeanor that is not one of the specified misdemeanor sex offenses, or you were originally convicted of a felony, but the judge later reduced it to a misdemeanor (sandiegocounty.gov/content/sdc/public_defender/certificate_of_rehabilitation.html#4)
- **Reprieve Eligibility:** The governor has plenary authority to grant reprieves to anybody serving a custodial sentence in California.

Application Process

- **Commutation Process:** To apply for a commutation for the first time, or if you previously applied for a commutation under a prior Governor and did not receive notice of a commutation grant:
 - (1) Submit a completed Commutation Application to the Governor's Office. You may, but are not required to, submit additional information or copies of relevant documents in support of your application, such as letters of support or certificates of achievement. Please do not send original documents because application materials cannot be returned.

- (2) Submit a completed Notice of Intent to Apply for Clemency to the District Attorney in the county of the conviction for your commitment offense.
- (3) Submit an authorization for release of medical information if you are applying for a commutation because you are suffering from a terminal illness or have a severe and chronic disability that would be substantially mitigated by release from prison or reduction of sentence. The forms are available on the governor's website.

■ **Pardon Process (direct pardon):** There are two ways to apply for a pardon in CA. Either by certificate of rehabilitation or direct pardon.

- (1) Submit a completed Pardon Application to the Governor's Office. You may but are not required to submit additional information or copies of relevant documents in support of your application, such as letters of support or certificates of achievement. Explain extraordinary circumstances that justify restoration of firearm rights. Please do not send original documents because application materials cannot be returned; and
- (2) Submit a completed Notice of Intent to Apply for Clemency to the district attorney(s) in the county or counties of the conviction(s) for the offense(s) for which you are requesting a pardon. The forms are available on the governor's website.

■ **Certificate of Rehabilitation:** When a court grants a petition for a Certificate of Rehabilitation, it becomes an automatic application for a pardon and the court is required to send the order to the Governor's Office.

Applicants who are eligible for a Certificate of Rehabilitation are encouraged to use that path to file a pardon application. Visit the Judicial Council's self-help website or contact the Public Defender's Office in your county of residence for information on how to petition for a Certificate of Rehabilitation. gov.ca.gov/pardons/

APPLICATION LINKS

- 🔗 **Commutation Application:** gov.ca.gov/wp-content/uploads/2023/05/Commutation-Application-FORM-1.23.pdf
- 🔗 **Notice of Intent to Apply for Clemency:** gov.ca.gov/wp-content/uploads/2019/03/Intent-to-Apply-for-Clemency_App-THREE.pdf
- 🔗 **Pardon Application:** gov.ca.gov/wp-content/uploads/2023/05/Pardon-Application-1.23.pdf