

State Clemency Resources

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


- Pardons
- Commutation of sentence

Decisionmaker

People must submit their applications to the Governor and Executive Council, who will decide whether to grant a pardon hearing. The pardon power (except in cases of impeachment) is vested in the governor, by and with the advice of [the executive] council.

According to the Office of the Attorney General, the constitutional requirement of "advice" has traditionally been interpreted to require the governor to obtain a supporting majority vote of the council before issuing a pardon.

Resources:

-  ccresourcecenter.org/state-restoration-profiles/new-hampshire-restoration-of-rights-pardon-expungement-sealing

Constitutional and statutory authority

- **Constitutional Authority:** N.H. Const. Pt. 2, Art. 52
- **Statutory Authority:** N.H. Rev. Stat. § 4:21-28

Eligibility Criteria

Persons eligible for "annulment" under N.H. Rev. Stat. Ann. § 651:5 will generally not be considered for a pardon. The governor may not grant a pardon before conviction.

Application Process

Statutorily required to contact the prosecutor and sentencing judge on your case, and request any recommendation they may wish to submit. Governor and Council rules require that we obtain a criminal records check from the New Hampshire State Police, and, if you are incarcerated, a report from the Superintendent of the facility of your time spent there. In addition, the rules require the prosecutor to contact the victim in your case and obtain their response to your pardon petition. Once all responses are received, the entire package — pardon petition application and recommendations submitted by you, together with recommendations received from the public officials and the results of our investigation — will be submitted to the Governor and Executive Council, who will decide whether to grant you a pardon hearing.

APPLICATION LINKS

-  **Pardon Petition Application:** doj.nh.gov/criminal/documents/pardon-petition-application.pdf