

# State Clemency Resources

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

Clemency includes:

- Simple pardons
- Conditional pardons
- Absolute pardons

Eligibility for clemency depends on the type of pardon you are seeking. Regardless of which type of pardon you are applying for, the convictions must have occurred in Virginia.

## Decisionmaker

People must send an application to the Governor.

### Resources:

- [commonwealth.virginia.gov/judicial-system/pardons/](https://www.commonwealth.virginia.gov/judicial-system/pardons/)
- [commonwealth.virginia.gov/media/governorvirginiagov/secretary-of-the-commonwealth/pdf/\\_-pardon-questionnaire-1-1-16.pdf](https://www.commonwealth.virginia.gov/media/governorvirginiagov/secretary-of-the-commonwealth/pdf/_-pardon-questionnaire-1-1-16.pdf)

## Constitutional and statutory authority

- **Constitutional Authority:**  
Const. art. V, § 12
- **Statutory Authority:**  
Va. Code § 53.1-229

## Eligibility Criteria

In order to be eligible for a **simple pardon**, you must:

- (1) Be free of all conditions set by the court (including any probation period, suspended time, or good time behavior) on all convictions followed by a waiting period of five years.
- (2) Have been granted your Restoration of Rights before petitioning for the pardon. This is only required for felony convictions.

In order to be eligible for a **conditional pardon**, you must be currently incarcerated. Includes:

- (1) **Medical:** In order to be considered for medical clemency, the individual must have a life expectancy of three months or less. Due to this shortened time frame, medical pardons are handled in an expedited process.
- (2) **Immigration:** In order to be considered for immigration related clemency, the individual must be facing deportation in 30 days or less. Due to this shortened time frame, immigration clemency requests are handled in an expedited process.

An **absolute pardon** may be granted when the Governor is convinced that the petitioner is innocent of the charge for which he or she was convicted. An absolute pardon is often a remedy of last resort. In order to be eligible for an absolute pardon, you must have:

- (1) Pled not guilty throughout the judicial process.
- (2) Exhausted all forms of judicial appeals and other remedies, including a Writ of Actual Innocence.

## Application Process

The petition process does not include a hearing, meeting or conference with the petitioner or persons on the petitioner's behalf. All information to be considered must be submitted to the Secretary of the Commonwealth's office in writing. If a petition is denied, the petitioner cannot appeal the decision, but the petitioner may file a new petition two years after the date of the denial letter.

### APPLICATION LINKS

- [solutions.virginia.gov/Pardons](https://solutions.virginia.gov/Pardons)