

Chart # 3 - CHARACTERISTICS OF PARDON AUTHORITIES

Note: The information in this chart is summarized in charts in Chapter 7 (“Models for the Administration of the Pardon Power,” and “Pardoning Practices in the States.”) In states where pardoning is characterized as “frequent and regular,” there is a regular pardon process with a high percentage of applications granted (30% or more); where pardoning is “sparing,” there is a regular process but a low grant rate; where pardons are infrequent, uneven, or rare, the chart will generally indicate numbers.

State	Type Of Administration	Type Of Process	Eligibility Requirements	Effect	Frequency of Grants	Alternative Restoration
AL	Independent board appointed by governor exercises pardon power, except governor has authority in capital cases. Ala. Const. amend. 38 (amending Art. V § 124); Ala. Code §§ 15-22-20 through 15-22-40. The board must make a full annual report to the governor. § 15-22-24(b).	Public hearings at regular intervals; 30 days’ notice must be given to the attorney general, prosecutor, sentencing judge, chief of police and the county sheriff, and the victim. Ala. Code § 15-22-231. Each board member gives reasons for vote. Process takes about one year.	Following completion of sentence, incl. fine, no pending charges, or after 3 years “permanent parole” unless pardon sought for actual innocence. Ala. Code § 15-22-36(c). Federal and out-of-state offenders eligible.	Only as specified in grant (full pardons rare); predicate unless expressly provided. Ala. Code § 15-22-36.	Frequent and Regular: More than 500 pardons granted annually; 2000+ restoration of rights.	None.
AK	Governor decides, parole board must be consulted but advice not binding. Alaska Const. art. III, § 21; Alaska Stat. § 33.20.080.	No formal regulations, no public hearing. Parole board staff investigates, consults with DA and court, prepares confidential recommendation to governor. Alaska Stat. § 33.20.080.	Parole board staff must find a person eligible to apply on merits.	Conviction set aside may not serve as predicate or be used by licensing board.	Rare: Only three pardons since 1995.	Judicial set aside after deferred sentencing. Alaska Stat. § 12.55.085 et seq.
AZ	Governor decides, may not act without affirmative clemency board recommendation. Ariz. Const. art. V, § 5; Ariz. Rev. Stat. § 31-402(A). Governor must publish reasons for each grant, and report regularly to legislature. Ariz. Rev. Stat. §§ 31-445, -446.	Board meets monthly; must publish application, hold public hearing, publish recommendation to governor with reasons. Ariz. Rev. Stat. §§ 31-401, 31-402.	Any Arizona felony offender. Ariz. Rev. Stat. § 31-402.	Pardon relieves legal consequences, but conviction must still be reported and is given predicate effect. 68 Ariz. Op. Att’y Gen. 17.	Infrequent: Pardons increasingly rare since 1990; Gov. Brewer has issued no pardons.	Judicial set-aside for non-serious offenders; court restores firearms. Ariz. Rev. Stat. §§ 13-905 through 13-907.

AR	Governor decides, parole board must be consulted but advice not binding. Ark. Const. art. VI, § 18; Ark. Code Ann. § 16-93-204(a). Governor must report to legislature on all grants with reasons. Ark. Const. art. VI, § 18.	No public hearing. Parole board must give 30 days' prior notice of favorable recommendation, and governor must give 30 days' public notice (including statement of reasons) to prosecutor and victim. Ark. Code Ann. §§ 5-4-607(d)(1);16-93-204(c)(1); 16-93-207(a).	No restrictions. Federal and out-of-state offenders are eligible to apply. Ark. Const. art. VI, § 18; Ark. Code Ann. § 16-93-204.	Relieves legal disabilities, grounds for expungement in most cases; firearms separately restored. No predicate or enhancement. Ark. Code Ann. §§ 16-93-301 to 16-93-303.	Frequent and Regular: About 100 grants each year, 300-500 applications annually.	Sealing for first offenders and probationers. Ark. Code Ann. § 16-93-1201 <i>et seq.</i> ; § 5-4-311.
CA	Governor decides, parole board may be consulted. For recidivists, board must be consulted, majority of supreme justices must recommend.. Cal. Const. art. V, § 8; Cal. Penal §§ 4800, 4812-4813, 4852.16. Governor report grants to legislature, including facts and reasons for grants. Cal. Const. art. V, § 8; Cal. Penal § 4852.16.	No provision for public hearing. Certificate of rehabilitation from court (PD representation), or direct application to board if non-resident or misdemeanor. Cal. Penal Code § 4852 <i>et seq.</i>	10 years after completion of sentence.	Described as “an honor,” restores civil rights and removes occupational bars, but no expungement; guns separately restored. Maybe used as predicate. Cal. Penal Code §§ 4852.15, 4853.	Frequent and regular: Very few pardons between 1990 and 2011, but Jerry Brown has granted 399 pardons through December April 2014.	Set-aside for probationers; certificate of relief. Cal. Penal Code § 1203.4(a).
CO	Governor decides (“subject to such regulation as may be prescribed by law relative to the manner of applying”). Colo. Const. art. IV, § 7. Non-statutory advisory scheme; Governor sends legislature “a transcript of the petition, all proceedings, and the reasons for his action.” Colo. Const. art. IV, § 7.	No hearing, governor as a matter of policy seeks views of corrections authorities, DA and judge. Colo. Rev. Stat. §§ 16-17-101; 16-17-102.	No eligibility restrictions.	Restores civil rights and firearms privileges, assists with licensing and employment, recognizes meritorious achievement and rewards exceptional citizenship.	Infrequent: Pardons infrequent since 1990s, although Governor Bill Ritter issued almost 30 pardons at the end of his term.	Drug convictions may be sealed after waiting periods from 3 to 10 yrs. Colo. Rev. Stat. § 24-72-308.6.

State	Type Of Administration	Type Of Process	Eligibility Requirements	Effect	Frequency of Grants	Alternative Restoration
CT	Independent board appointed by governor exercises pardon power. Conn. Gen. Stat. § 54-124a(f).	Public hearings at regular intervals at which applicant must be present, with reasons for denial given. Board may dispense with hearing in certain classes of cases. Process takes about one year. Conn. Gen. Stat. § 54-124a(e)–(k).	5 years following completion of sentence; misdemeanants may apply. Provisional pardon may be sought any time after sentencing. Conn. Gen. Stat. § 54-130e(b).	Relieves all legal disabilities, court may “erase” conviction; “erased;” may be predicate unless records destroyed. Provisional pardon relieves one or more “barriers and forfeitures.” Conn. Gen. Stat. § 54-142a(d).	Frequent and Regular: About 400 pardon grants annually, including provisional pardons (about 30% of applicants get hearing, most of those granted); more than half to misdemeanants.	None; law prohibits discrimination in licensing and employment. Conn. Gen. Stat. § 46a-80.
DE	Governor decides, may not act without affirmative clemency board recommendation. Del. Const. art. VII, § 1. Governor must report periodically to legislature. <i>Id.</i>	Pardon board, chaired by lieutenant governor, public hearings at regular intervals, recommendations and reasons announced. Favorable recommendations sent to governor. Process takes about six months. Del. Const. art. VII; Del. Code. Ann. tit. 11, § 4362.	3-5 years following completion of sentence, absent hardship; misdemeanants may apply.	Relieves disabilities ex. constitutional prohibition against holding state office or employment. May be used as predicate and to enhance subsequent sentence. Del. Code. Ann. tit. 11, § 4364.	Frequent and Regular: Over 200 pardons annually in recent years, (about 75% of applications received are granted). Applications have tripled since 2005.	Expungement for deferred adjudication and diversion, pardoned misdemeanor convictions. Del. Code Ann. tit. 11, §§ 4371-4375.
DC	President decides under a non-statutory advisory scheme. U.S. Const. art II, § 2.	Informal process described in 28 C.F.R. Part 1 and United States Attorneys Manual. No time limit, and applications may remain pending for years.	5 years after sentence or release from confinement. 28 C.F.R. Part 1.	Relieves legal disabilities and signifies rehabilitation and good character. May be used as predicate. 1995 WL 861618 (1995).	Rare: Only a handful of DC offenders have been pardoned by the president since 1980.	Expungement of minor D.C. Code offenses. D.C. Code § 16-801 <i>et seq.</i>

FL	Governor decides with concurrence of two cabinet officials. The governor and three cabinet officials act as pardon board. Fla. Const. art. IV, §8 (a); Fla. Stat. ch. 940.01, 940.05. Governor reports to legislature each restoration and pardon. <i>Id.</i> at 940.01.	Public hearing for pardon, and for restoration of rights for many offenders (offenses specified in clemency rules). Hearings are held on a quarterly basis, DA and victims notified. Separate process for firearms restoration.	Eligibility immediately following completion of sentence. Out-of-state and federal offenders eligible for ROR but not pardon (R. 9D).	ROR restores vote and other basic civil rights. (R. 4F). Pardon “unconditionally releases the person from punishment and forgives guilt.” <i>Id.</i> Restores firearms rights. <i>Id.</i> at 4A. May be used as predicate.	Spring: 20-40 pardon grants annually between 2006 and 2010; 20-30 firearms restoration grants annually (about half of applications). Restorations of rights number in thousands.	Sealing and expungement for misdemeanors and minor felonies. Fla. Stat. ch. 943.0585(1)(b)(1); 943.0585. Deferred adjudication. Fla. Stat. ch. 948.01(2).
GA	Independent board appointed by governor exercises pardon power. Ga. Const. art. IV, § 2, para. II. Board must report annually to legislature, the Attorney General and the Governor. Ga. Code Ann. § 42-9-19.	Paper review, no public hearing. Board decides cases by majority vote, and in a written opinion. Ga. Code Ann. §§ 42-9-42(a) and (b); 42-9-43.	5 years following discharge; out-of state offenses eligible for restoration of rights but not pardon. Drug and violent offenses ineligible to apply by Board policy.	Relieves all legal disabilities except return to public office. May be used as predicate. Ga. Code Ann. § 42-9-54; <i>Morris v. Hartsfield</i> , 197 S.E. 251 (Ga. 1938).	Frequent and Regular: Between 300-400 pardons w/o gun rights; 100 pardons w/ gun rights, several hundred “restoration of rights” (approx. 35% of applicants); immigration pardons.	Deferred adjudication and 'exoneration' for first offenders. Ga. Code Ann. § 42-8-60 et seq.
HI	Governor decides, parole board may be consulted. Haw. Const., art. V, § 5; Haw. Rev. Stat. § 353-72.	No public hearing; parole boards interviews applicant, recommends to AG’s office, which conducts independent investigation and makes recommendation to governor. Process takes 8 months. Haw. Rev. Stat. § 353-72.	No eligibility requirements.	A pardon will state that the person has been rehabilitated, relieves legal disabilities and prohibitions. No expungement, may be used as predicate. Haw. Rev. Stat. §§ 353-62, 353-72.	Spring: Gov. Lingle granted 132 pardons in 8 yrs., 55 in her last year (2010). About 50 applications filed per year.	Deferred adjudication and expungement; state FEP laws includes conviction. Haw. Rev. Stat. §§ 853-1; 831-3.
ID	Independent board appointed by governor decides all but violent and drug offenses, which must be approved by governor. Idaho Const. art. IV, § 7; Idaho Code Ann. §§ 20-210, 20-240.	Public hearing at regular intervals; reasons for each action must be filed with Secretary of State. Idaho Code §§ 20-210, 20-240; <i>see</i> IDAPA § 50.01.01.	Three years for non-violent offenses, five years for violent. Idaho Code § 18-310(3).	Relieves certain legal disabilities, including firearms. Idaho Code § 18-310.	Frequent and Regular: In recent years 10-20 grants annually, from 25-50% of applications filed.	Deferred adjudication but no expungement; ex. for some juvenile offenses. Idaho Code § 19-2601 <i>et seq.</i>

State	Type Of Administration	Type Of Process	Eligibility Requirements	Effect	Frequency of Grants	Alternative Restoration
IL	Governor decides, although “the manner of applying therefore may be regulated by law.” Ill. Const. art. V, § 12. Prisoner Review Board authorized to provide advice to governor. 730 Ill. Comp. Stat, Ann. 5/3-3-1(a)(3).	Public hearings at regular intervals before the Prisoner Review Board, which makes confidential recommendations to Governor. 730 Ill. Comp. Stat. 5/3-3-1 <i>et seq.</i>	No eligibility requirements.	Relieves legal disabilities; expungement may be authorized by the grant. <i>People v. Glisson</i> , 358 N.E.2d 35 (Ill. App. Ct. 1976).	Frequent and Regular: Between 2009 and April 2014 Gov. Quinn granted 1075 pardons, about half of those that applied. Board hears 800 applications each year.	Judicial certificates; sealing for certain misdemeanors and minor felonies. 730 Ill. Comp. Stat. 5/5-5.5-5 <i>et seq.</i> ; 20 Ill. Comp. Stat. 2630/5 <i>et seq.</i>
IN	Governor decides, “subject to such regulations as may be provided by law.” Ind. Const. art. 5, § 17. Parole board makes advisory recommendations to governor. Ind. Const. art. 5, § 17; Ind. Code §§ 11-9-2-1 to 11-9-2-3. Governor reports to legislature. Ind. Const. art. 5, § 17.	Public hearing; parole board notifies victim, court, and DA; conducts investigation and holds hearing at which petitioner and other interested parties are may present their position. Ind. Code § 11-9 <i>et. seq.</i>	Recent governors have required a 5-year waiting period and evidence of rehabilitation. 15 years for firearms restoration.	Pardon wipes out both the punishment and the guilt, basis for expungement. <i>Kelley v. State</i> , 185 N.E. 453 (Ind. 1933). <i>See also State v. Bergman</i> , 558 N.E.2d 1111 (Ind. Ct. App. 1990); Ind. Code § 35-47-2-20(a); § 11-9-2-4.	Sparing: Gov. Daniels: granted 62 pardons during his eight years in office, acting favorably on about half of those recommended by board.	Expungement for most offenses; sealing for misdemeanors, Class D felonies, and nonconviction records. Ind. Code § 35-38-9; § 10-13-3-27(a).
IA	Governor decides “subject to such regulations as may be provided by law.” Iowa Const. art. IV, § 16. Parole board authorized to provide advice. Iowa Code §§ 914.1-914.7. , Governor reports to legislature on pardons issued and reasons. Iowa Const. art. IV, § 16.	Paper review, no public hearing for pardon and restoration of rights. Separate firearms restoration procedure. Iowa Code § 914 <i>et seq.</i>	10 years for pardon, 5 years for firearms; no waiting period for restoration of rights. Out-of-state and federal eligible for ROR. Iowa Code § 914.2.	Pardon relieves of all legal disabilities (incl. public employment disabilities). <i>See Slater v. Olson</i> , 299 N.W. 879 (Iowa 1941). Restoration of rights restores right to vote and hold public office, may also restore firearms rights.	Frequent and Regular: Average of 35 full pardons each year between 2005 and 2011 (fewer since 2009), with another 30-60 grants to restore civil rights and firearms privileges	Restoration of gun rights by governor; Deferred adjudication and expungement for some first offenders. Iowa Code §§ 907.3; 914.7

KS	Governor decides, subject to regulations and restrictions by law. Kan. Const. art. I, § 7. The governor required to seek the advice of the prisoner review board, though not bound to follow it, Kan. Stat. Ann. § 22-3701(4). Reports to legislature on each pardon application but need not give reasons. Kan. Stat. Ann. § 22-3703.	Paper review. Applicant must publish a copy of the application in a newspaper in county of conviction at least 30 days before grant or pardon is void. Applicant must also provide notice of application to DA, judge and victim. Kan. Stat. Ann. § 22-3701 <i>et seq.</i>	No eligibility requirements, except that only Kansas state convictions are eligible to be pardoned or commuted. Kan. Stat. Ann. § 22-3701.	Pardon removes disabilities imposed under state law, but does not expunge conviction or lift bar to service as a law enforcement officer. <i>Cf.</i> Kan. Att’y Gen. Op. No. 85-165 (1985). May be used as predicate.	Rare: Pardons very rare, primarily for miscarriage of justice	Expungement for many felony offenses. Kan. Stat. Ann. § 21-4619 <i>et seq.</i>
KY	Governor decides, parole board may be consulted. Ky. Const. § 77. Governor may also restore rights of citizenship, office. <i>Id.</i> §§ 145, 150. Governor reports to legislature reasons for each grant. <i>Id.</i> § 77.	No public hearing. Pardon applications sent directly to the governor with reasons for seeking relief and letters of recommendation. Simplified ROR process administered by DOC. Ky. Rev. Stat. Ann. § 439 <i>et seq.</i>	For restoration of rights, expiration of sentence with no pending charges. For pardon 7-year waiting period. Federal and out-of-state offenders eligible for restoration of rights. <i>Arnett v. Stumbo</i> , 153 S.W.2d 889 (1941).	Restoration of citizenship restores a person’s right to vote and eligibility for jury service. A full pardon relieves additional legal disabilities. May be used as predicate. Ky. Const. § 145(1).	Rare: Pardons during term rare; ROR frequent	Misdemeanor expungement. Ky. Rev. Stat. Ann. § 431.078.
LA	“Upon favorable recommendation of the Board of Pardons,” the Governor may pardon “those convicted of offenses against the state.” La. Const. art. IV, § 5(E)(1); La. Rev. Stat. Ann. § 15:572(A).	Regular public hearings, approval by four of five board members; DA and victim notified by board, and by applicant through publication of application in newspaper. La. Const. art. IV, § 5(E)(2); La. Rev. Stat. Ann. 15:572.1.	Completion of sentence, plus payment of costs. La. Const. art. IV, § 5(E)(1); La. Rev. Stat. Ann. § 15:572(A); <i>see</i> Op. La. Att’y Gen. No. 04-0080 (2005).	Full pardon restores to “status of innocence,” conviction cannot be used to enhance punishment. <i>State v. Riser</i> , 30,201 (La. App. 2 Cir. 12/12/97).	Infrequent/uneven: In 4 years, Gov. Jindal issued 36 pardons and commuted one sentence in his first term. Previous governors granted 331 (in 4 years) and 476 (in 8 years). Edwin Edwards granted over 3,000 in 16 years.	Deferred adjudication and expungement. La. Const. art. IV, § 5(E)(1); La. Rev. Stat. Ann. § 15:572(B)(1).

State	Type Of Administration	Type Of Process	Eligibility Requirements	Effect	Frequency of Grants	Alternative Restoration
ME	Governor decides, subject to regulation “relative to the manner of applying.” Non-statutory advisory scheme. Me. Const. art. V, pt. 1, § 11.	Public hearings at regular intervals; board makes confidential recommendations to governor. Parole board conducts investigation. Applicant notifies DA, publishes notice of hearing in a newspaper 4 weeks beforehand. Me. Rev. Stat. Ann. tit. 34-A, § 5210(4); tit. 15, § 2161.	5 years following completion of sentence.	Relieves legal disabilities. Me. Rev. Stat. Ann. tit. 16, §§ 611-622.	Infrequent/uneven: As of April 2012, Gov. Lepage had granted no pardons. Between 2002 and 2010, Governor Baldacci granted 131 pardons, 51 in his final year. In past about 50 hearings each year, 25% result in pardon.	No other relief provided
MD	Governor decides, parole board may be consulted. Md. Const. art. II, § 20; Md. Code Ann., Correctional Services § 7-206(3)(ii). Constitution requires governor to publish notice of intention to grant, and to report grants to legislature with reasons. Md. Const. art. II, § 20.	Paper review by Parole Commission, whose recommendations to the governor are not binding. Md. Code Ann. § 7-206(3)(ii).	Felony convictions must have 10 crime-free years to be eligible (seven if Parole Commission waiver granted); misdemeanants must have 5 crime-free years. 20-year wait for crimes of violence and drugs (or 15 if waiver granted).	Pardon lifts all disabilities and penalties imposed. Firearms privileges must be specifically restored in pardon document.	Sparing: Governor O’Malley granted 105 pardons in his first six years in office, Ehrlich (2003-2007) granted 228 pardons out of a total of 439 applications.	Probation before judgment and expungement. Md. Code Ann., Crim. Proc. § 6-220(b)(1); § 10-105(a)(8).

MA	Governor may not act without affirmative recommendation of Governor’s Council. Mass. Const. pt. 2, ch. II, sec. I, art. VIII. Governor must report to legislature annually with a list of pardons granted, but not required to give reasons. Mass. Gen. Laws ch. 127, § 152 (2011).	Petitions filed with Parole Board, which recommends to Governor and Council. Mass. Gen. Laws ch. 127, § 152 (2011). Public hearing, referral to AG, DA, court, notice to victim. 120 Mass. Code Regs. 902.02-.12 (2011). Public report to governor and Council. Mass. Gen. Laws ch. 127, § 154 (2011).	15 years after conviction or release from prison for felonies, 10 years for misdemeanors. Governor’s Executive Clemency Guidelines (April 22, 2003) at 2.	The governor, upon granting a pardon, orders the records of a state conviction sealed; thereafter, the records of the conviction may not be accessed by the public, and existence may be denied. Mass. Gen. Laws ch. 127, § 152 (2011). May be used as predicate.	Rare: Pardons infrequent since early 1990s, none at all under Govs. Patrick and Romney.	Sealing available for felonies after 5 years, misdemeanors after 10. Mass. Gen. Laws ch. 276, § 100A.
MI	Governor decides, parole board must be consulted but advice not binding. Mich. Const. Art. 5, § 14; Mich. Comp. Laws §§ 791.243, 791.244. Must inform the legislature annually of pardons and reasons. Const. Art. 5, § 14.	All applications referred to the board; if board decides to hold hearing, relevant officials must be notified. Recommendation of the board is a matter of public record. Mich. Comp. Laws § 791.244.	No eligibility criteria	Pardon “releases the punishment and blots out of existence the guilt, so that in the eye of the law the offender is as innocent as if he had never committed the offense.” <i>People v. Van Heck</i> , 651 N.W.2d 174, 179 (Mich. App. 2002).	Rare: Post-sentence pardons rare in recent years (only 34 pardons between 1969 and 2006). Gov. Granholm granted 20 pardons, 100 commutations; as of September 2013 her successor had granted no pardons.	First offender set-aside; probation before judgment for drug offenders. Mich. Comp. Laws § 780.6211; § 333.7411.
MN	Governor and high officials (attorney general, chief justice) act as board exercising power. Minn. Const. art. V, § 7. Board required to report to legislature by February 15 each year. Minn. Stat. § 638.075.	Commissioner of corrections screens applications, decides which cases should be heard by board. Minn. Stat. § 638.07. Public hearing, notice to officials and victim, decision announced at conclusion of hearing.	For “pardon extraordinary,” 5 crime-free years from final discharge for nonviolent crimes, or 10 crime-free years from final discharge for “violent” offenses. Minn. Stat. §638.02.	A “pardon extraordinary” restores all rights, including firearms rights, and has “the effect of setting aside and nullifying the conviction,” so that it need not be disclosed. Minn. Stat. § 638.02. Does not seal or expunge the record, may be used as predicate.	Sparing: 10-25 pardons each year, about half of those whose cases are heard. Many more apply than get hearings.	Common law and (narrow) statutory expungement. Minn. Stat. § 609A.

State	Type Of Administration	Type Of Process	Eligibility Requirements	Effect	Frequency of Grants	Alternative Restoration
MS	Governor decides, parole board may be consulted. Miss. Const. art. 5, § 124. Miss. Code Ann. § 47-7-5(3).	Applicants publish notice 30 days before applying, stating reasons. Miss. Const. art. 5, § 124. Facially meritorious cases sent to the parole board, which investigates and holds hearing. Board reports to Governor and legislature annually. Miss. Code Ann. § 47-7-15.	Seven years since completion of sentence by governor's office policy.	Pardon restores civil rights and removes employment disabilities, gun restrictions, obligation to register. No expungement.	Infrequent/uneven No regular process. Almost 200 post-sentence pardons at end of Barbour's term considered irregular and unusual.	First misdemeanor and a few minor felony convictions may be expunged. Miss. Code Ann. § 99-19-71.
MO	Governor grants reprieves and pardons, subject to rules and regulations prescribed for "the manner of applying." Mo. Const. art. IV, § 7. Parole board must be consulted, but advice not binding. Mo. Rev. Stat. § 217.800.2.	Applications referred to board for investigation and recommendation. <i>See</i> Mo. Rev. Stat. § 217.800.2. No provision for public hearing. Board meetings on clemency matters may be closed to public. Mo. Rev. Stat. § 217.670.5.	If still in jail, apply at any time. If out, eligible three years from discharge.	Pardon "obliterates" conviction, relieves of all obligations associated with the conviction (including obligation to register as sex offender). No predicate effect. No expungement.	Infrequent: Very few in recent years, although the number of applications has increased dramatically, in part because of extension of firearms restrictions to long guns in 2008.	Bad check convictions, some public order misdemeanors, and first-time minor alcohol offenses may be expunged. Mo. Rev. Stat. §§ 610.140, § 577.054(1). Sealing of some cases sentenced to probation. § 311.326.
MT	Governor may not act without affirmative recommendation of board of pardons and paroles, except in capital cases. Mont. Const. art. VI, § 12; Mont. Code Ann. §§ 46-23-104(1), 46-23-301(3). Must report grants to legislature including reasons. Mont. Code Ann. § 46-23-316.	Board may hold a hearing in meritorious cases where all sides are heard and a record made, but is not required to do so. <i>See</i> Mont. Code Ann. § 46-23-302.	No eligibility criteria.	Pardon removes "all legal consequences" of conviction, including licensing bars, and is grounds for expungement.	Infrequent: No pardons granted since 2009. Between 2005 and 2009, 22 individuals pardoned.	Deferred adjudication and expungement. Mont. Code Ann. § 46-18-201.

NE	Governor and high officials (secretary of state and attorney general) act as board of pardon which exercises power. Neb. Const. art. IV, § 13. Governor chairs board.	Public hearings held quarterly, victims notified. No reasons given. Board of Parole may advise the Board of Pardon “on the merits of any application . . . but such advice shall not be binding on them.” Neb. Const. art. IV, § 13. Process takes about one year.	Informal rule of 10 years following completion of sentence for felonies, 3 years for misdemeanors.	Restores civil rights other than vote; gun rights must be separately restored. Neb. Rev. Stat. § 83-1,130.	Frequent and Regular: Over 100 pardons granted each year between 2002 and 2013, plus reprieves from driver’s license revocations. About 70% of grantees also regained firearms privileges. 50% of applicants are granted, 1/3 misdemeanants.	Set-aside for probationers, no sealing.
NV	Governor and high officials (justices of state supreme court, and attorney general) act as board exercising power. Nev. Const. art. 5, § 14. Governor must report to the legislature at the beginning of each session every clemency action (no reasons necessary). Nev. Const. art. 5, § 13.	Public hearings at regular intervals, at which applicant must attend; ex. non-violent first offenders may be considered on a paper record. County attorney, court and victim notified 30 days before hearing. Decision by majority (must include governor). One-year process. Nev. Rev. Stat. §§ 213.010, 213.020.	Variable, between five and twelve years from release from prison or discharge from parole. Waivable with consent of a board member. Nev. Admin. Code § 213.065.	Removes all disabilities, including gun disabilities and licensing bars, but does not “erase conviction” and licensing boards may condition licensure on finding of good moral character. May serve as predicate. Nev. Rev. Stat. § 213.090.	Frequent and Regular: An average of 20 grants each year since 2005, about half of those that apply.	Sealing for most convictions after eligibility period of 7-15 years.
NH	Governor acts upon the advice of the Executive Council. N.H. Const. pt. 2, art. 52. Governor traditionally will not act without majority recommendation from Council.	Notice to state’s attorney. N.H. Rev. Stat. Ann. § 4.21. Hearing at direction of Governor. N.H. Rev. Stat. Ann. § 4.28.	Persons eligible for “annulment” under N.H. Rev. Stat. Ann. § 651:5 will generally not be considered for a pardon.	A pardon eliminates all consequences of conviction, but it does not expunge record. <i>Doe v. State</i> , 328 A.2d 784 (N.H. 1974).	Rare: The Attorney General’s office receives about 25 applications for clemency per year, but only two pardons and two sentence commutations since 1996.	Annulment available for most felony convictions. N.H. Rev. Stat. Ann. § 651:5.
NJ	Governor decides, parole board may be consulted. N.J. Const. art. V, § 2, ¶ 1. Governor must report annually to the legislature the particulars of each grant, with the reasons. N.J. Stat. Ann. § 2A:167-3.1.	The Governor may refer applications for pardon to the Parole Board for recommendation. N.J. Stat. Ann. § 2A:167-7, but the recommendation does not bind Governor.	No eligibility criteria.	Restores rights and make eligible for expungement. <i>In the Matter of the Petition of L.B.</i> , 848 A.2d 899, 900 (N.J. Super. 2004).	Infrequent: Recent governors have granted relatively few pardons, and generally only at end of their terms.	First offender set-aside. N.J. Stat. Ann. §§ 2C: 52-1–32.

State	Type Of Administration	Type Of Process	Eligibility Requirements	Effect	Frequency of Grants	Alternative Restoration
NM	Governor decides, (“[s]ubject to such regulations as may be prescribed by law”). N.M. Const. art. V, § 6. Parole board may be consulted. N.M. Stat. Ann. § 31-21-17.	Governor may send application to parole board for investigation. N.M. Stat. Ann. § 31-21-17. Board seeks recommendation from attorney general, judge, prosecuting attorney, and/or the corrections secretary. The victim must be notified.	Completion of sentence (by statute). Gov. guidelines require lengthy waiting periods depending on offense; no first degree felonies, DV or sex offenses, or multiple convictions.	Restores rights of citizenship and relieves other legal disabilities under state law, but does not expunge records, or preclude use of conviction as predicate offense and to enhance subsequent sentence.	Infrequent: Pardons granted only in “extraordinary circumstances.” Relatively infrequent (Gov. Martinez has issued no pardons; Gov. Richardson issued 80 pardons in 10 years).	Expungement for first offender drug possession; deferred adjudication but conviction remains on record. N.M. Stat. Ann § 30-31-28.
NY	Governor decides, subject to regulation in “the manner of applying for pardons.” N.Y. Const. art. IV, § 4. Governor must report annually to legislature on pardons but not his reasons for granting them. <i>Id.</i>	Board of Parole must advise the governor on clemency cases if requested. N.Y. Exec. Law § 259-c (8). Absent exceptional or compelling circumstances, a pardon will not be considered if there is an adequate administrative remedy available.	No eligibility criteria	A pardon addresses unusual circumstances when adequate relief cannot be obtained by certificate; effect to “exempt from further punishment.” May serve as predicate.	Rare: Governor Cuomo has granted only three pardons, two to avoid deportation. Governor Paterson granted 33 immigration pardons in 2010.	Certificates of relief from disabilities and certificates of good conduct.
NC	Governor’s power unlimited, subject only to regulation in the manner of applying. N.C. Const. art. III, § 5(6). Post Release Supervision and Parole Commission has authority to assist the Governor in exercising his power. N.C. Gen. Stat. § 143B-720(a).	Applications must be submitted to the governor in writing, with statement of reasons. Governor’s office of executive clemency (OEC) processes requests, oversees investigations by Parole Commission, and prepares reports. Victim may present a written statement. N.C. Gen. Stat. § 15A-838. DA must also be notified.	General waiting period of 5 years after completion of sentence, per executive policy.	3 types of pardon: pardon of forgiveness (useful in seeking employment); pardon of innocence; and unconditional pardon (“granted primarily to restore an individual’s right to own or possess a firearm”).	Rare: Pardons in recent years have been rare – only six pardons since 2001, all granted for innocence. Pardon applications average about 150 annually.	Minor nonviolent felonies and misdemeanors eligible for expungement after 15 years, N.C. Gen Stat. § 15A-145.5.

ND	Governor decides, N.D. Const. art. V, § 7, and may appoint a “pardon advisory board,” consisting of the state attorney general, two members of the parole board, and two citizens. N.D. Cent. Code § 12-55.1-02.	No public hearing; board meets twice a year, applications must be filed 90 days in advance; DA notified.	Inmates who are not eligible for parole can apply to the pardon board; as may non-incarcerated offenders or others who demonstrate “compelling need.”	Relieves collateral penalties, but no expungement; may serve as predicate. N.D. Cent. Code § 12-55.1-01.	Infrequent: Between 2005 and 2009, 163 applications received but only six pardons granted.	Deferred sentencing; reduction of minor felony offenses to misdemeanors. N.D. Cent. Code § 12.1-32-07.
OH	Governor decides in consultation with parole board. Must report to legislature details of each commutation and pardon granted, and reasons for each. Ohio Const. art. III, § 11; Ohio Rev. Code Ann. § 2967.07.	Application to Parole Board, which conducts investigation. Ohio Rev. Code Ann. § 2967.07. Prior notice to court, prosecutor, victim. Ohio Rev. Code Ann. § 2967.12. Meritorious cases may be granted a hearing, and a recommendation made to governor.	Eligibility at any time.	Pardon “erases” the conviction, and entitles recipient to have court records sealed. Ohio Rev. Code Ann. § 2967.04.	Infrequent/uneven Gov. Kasich has granted 22 pardons through 2013. Gov. Strickland granted 290 pardons in four years, mostly to minor non-violent offenses.	First offender sealing.
OK	Governor decides, may not act without affirmative recommendation of board of pardons and parole. Okla. Const. art. VI, § 10. The governor must report to the legislature on each grant at regular session, though not required to give reasons. <i>Id.</i>	Public hearings at regular intervals, but applicant generally does not appear; favorable recommendations announced publicly and sent to governor; no reasons given. Process generally takes about six months.	Following completion of sentence or 5 years under supervision; misdemeanants eligible.	Relieves legal disabilities, including firearms. Okla. Stat. tit. 21, § 1283A. Grounds for expungement for non-violent first offenders 10 years after conviction. Okla. Stat. tit. 22, § 18.	Frequent and Regular: About 100 pardon grants annually (80% of those that apply).	Judicial sealing for first offender misdemeanants after 10 years. Okla. Stat. tit. 22, § 18.
OR	Governor decides with no provision for advice. Or. Const. art. V, § 14. Governor must report to the legislature each grant of clemency, including the reasons for the grant. Or. Rev. Stat. § 144.660.	Applications filed with governor’s office, copy to DA and correctional officials; review by governor’s legal staff. By statute, governor may not act for 30 days after receipt of application. Or. Rev. Stat. § 144.650(4).	Generally governor will not consider misdemeanors and minor felonies, for which set-aside is available.	Relieves legal disabilities.	Infrequent: Between 2005 and January 2011, Gov. Kulongoski granted 20 pardons out of several hundred applications.	Set-aside for misdemeanor and minor felonies. Or. Rev. Stat. § 137.225.

State	Type Of Administration	Type Of Process	Eligibility Requirements	Effect	Frequency of Grants	Alternative Restoration
PA	Governor decides, may not act without affirmative recommendation of pardon board chaired by lieutenant governor. Pa. Const. art. IV, § 9(a).	Public hearings at regular intervals; notice published prior to hearing. 37 Pa. Cons. Stat. 81.233. Favorable recommendations are announced publicly and sent to governor; no reasons given. 37 Pa. Cons. Stat. § 81.301.	No eligibility requirements.	Relieves all legal disabilities, including employment and licensing bars; provides grounds for expungement. <i>Commonwealth v. C.S.</i> , 534 A.2d 1053 (Pa. 1987),	Frequent and Regular: Of 500-600 applications, Board recommends about 150 favorably each year, most of which are granted; 20% to misdemeanors and summary offenses.	Expungement for “violations”; law prohibits discrimination in employment and licensing. 18 Pa. Cons. Stat. § 9124.
RI	Governor pardons “by and with the advice and consent of the senate.” R.I. Const. art. IX, § 13.	No process specified.	No requirements.	Restores right to hold public office and lifts occupational and licensing bars.	Rare: No pardon issued to a living person in ten years.	First offender expungement after 10 yrs for felonies, 5 for misdemeanors. R.I. Gen. Laws § 12-1.3-3.
SC	Independent board appointed by governor exercises pardon power except in capital cases (where governor retains power). S. C. Const. art. IV, § 14; S.C. Code Ann. § 24-21-920.	Board required to hold hearings at least four times a year, and in recent years every two months, at which it is required to allow the applicant to appear.	Following completion for sentence, or after 5 years under supervision, payment of restitution in full; state offenders only. S.C. Code Ann. § 24-21-950.	Erases legal effect of conviction, including obligation to register and use as predicate. S.C. Code Ann. §§ 24-21-990, 1000. Does not expunge, and conviction must be reported on applications.	Frequent and Regular: Board issues 300-400 grants per year, hearing about 80-85 cases every two months; grants 60-65% of applicants. Few misdemeanants.	Various expungement authorities for minor offenses.

SD	Governor decides, Board of Pardons and Paroles may be consulted. S.D. Const. Article IV, § 3. Board must recommend pardon in order to obtain sealing relief. S.D. Codified Laws § 24-14-11.	Public hearings at regular intervals, recommendations sent to governor. Applicant must notify DA and sentencing judge, and must publish notice of application in a newspaper once a week for three weeks. Typically, six months to process a case. S.D. Codified Laws §§ 24-14-3, 4. Expedited procedure for misdemeanants implemented in 2014.	No eligibility period except 5-year waiting period after release for first offenders to apply for “exceptional pardon.” S.D. Codified Laws § 24-14-8. Expedited process for misdemeanants requires waiting period of 5 and 10 years.	Persons released from all disabilities, including firearms if specified. Record sealed and conviction denied, unless pardon was issued by governor alone. S.D. Codified Laws § 24-14-11. No predicate effect.	Frequent and Regular: Between 60 and 70 applications filed annually, about 60% recommended to the governor, who grants most of those recommended.	Deferred adjudication and judicial sealing for first offenders
TN	Governor has the power to pardon. Tenn. Const. art. III, § 6. Governor advised by the parole board. Tenn. Code Ann. § 40-28-104. Must report grants and reasons to legislature “when requested.” Tenn. Code Ann. §§ 40-27-101, 107.	Public hearing and notice to prosecutor is required. Board must send names of those it is recommending and those it is not to legislative committees. Governor must notify AG and DA before grant is made public; they notify victim. Tenn. Code Ann. § 40-27-110.	Completion of sentence; additional period of good conduct and demonstration of rehabilitation and need.	Pardon has limited legal effect, and does not restore civil or other rights, for which one must go to court. Tenn. Code. Ann. § 40-29-105(c).	Infrequent: In January 2011, Gov. Bredesen granted 22 pardons (“collected over his eight years in office”), 16 of which were recommended by the Board.	Expungement of certain less serious non-violent offenses after 5 yrs. Judicial restoration of rights.
TX	Governor decides, may not act without affirmative recommendation of Board of Pardons and Paroles. Tex. Const. art. IV, § 11(b).	No public hearing, informal review process.	Upon completion of sentence, including misdemeanants. Tex. Admin. Cod. §§ 143.2, 143.10. First offender restoration to federal and foreign offenders. Tex. Admin. Code § 143.7.	Restores civil rights, and removes barriers “to some, but not all, types of employment and professional licensing.” Basis for expungement. Predicate effect.	Sparing: Eight to ten pardons annually most years since 2001, and 1/3 of those recommended. 200 applications are received annually.	Expungement of pardoned convictions; deferred adjudication and nondisclosure.

State	Type Of Administration	Type Of Process	Eligibility Requirements	Effect	Frequency of Grants	Alternative Restoration
UT	Independent board appointed by the governor. Utah Const. art. VII, § 12; Utah Code Ann. § 77-27-5(1).	Public hearing at regular intervals, notice to DA and victim, majority vote, with reasons given. Utah Code Ann. § 77-27-5(2).	Five years after expiration of sentence; offenses for which expungement not available. Utah Admin Code r. 671-315.	Restores civil rights.	Infrequent: Board receives only three to five requests for pardon a year, and only about 10 pardons have been granted in the past decade (availability of expungement makes less necessary).	Expungement for many offenses.
VT	Governor decides, parole board may be consulted. Vt. Const. ch. II, § 20.	No hearing; parole board investigates and recommends. Vt. Stat. Ann. tit. 28, § 453.	Generally 10 years, must show rehabilitation and employment-related need, benefit to society.	Restores rights, relieves disabilities, including firearms.	Infrequent: Governor Shumlin has granted only two pardons since taking office in 2011. In his nearly 8 years in office (2003-2011), Governor Douglas granted thirteen pardons, fewer than two a year.	Deferred adjudication and expungement.
VA	Governor decides, parole board may be consulted. Va. Const. art. V, § 12. Constitution also requires governor to make annual report to the legislature setting forth “the particulars of every case” of pardon or commutation granted, with reasons. <i>Id.</i>	No hearing, paper review by parole board. Restoration of rights applications processed in 60-days by Secretary of the Commonwealth.	5-yr eligibility waiting period for restoration of rights after violent or drug crime, 2-yr for non-violent crime; ROR available for out-of-state and federal offenders.	“Simple” pardon does not expunge the record, but helps with employment, education, and self-esteem. No expungement, has predicate effect.	Sparing: Gov. McConnell has restored rights generously, but through August 2013 had pardoned only seven individuals. He also commuted two sentences retroactively to avoid deportation. Governor Kaine pardoned 108 individuals in his four years in office.	Deferred adjudication but no expungement; judicial restoration of firearms.
WA	Governor decides “under such regulations and restrictions as may be prescribed by law.” Wash. Const. art. III, §§ 9. Clemency board may be consulted. Wash. Rev. Code §§ 9.94A.885 (1), 10.01.120. Governor reports to legislature with reasons. Wash. Const. art. III, § 11.	Public hearing, DA and victims must be notified. Wash. Rev. Code § 9.94A.885 (3).	None	Vacates conviction, relieves all legal disabilities; conviction need not be reported, no predicate effect. Wash. Rev. Code § 994A.030 (11)(b).	Sparing: About 35 petitions each year, 8-10 of which go to hearing. From 2006 through January 2011, Gov. Gregoire granted 27 pardons, two conditional, and two to avoid deportation.	Judicial vacatur for most convictions; separate firearms restoration procedure.

WV	Governor decides, may seek advice from parole board. W. Va. Const. art. 7, § 11; W. Va. Code § 5-1-16. Governor reports facts of grants with reasons. W. Va. Const. art. 7, § 11; W. Va. Code § 5-1-16.	No public hearing; board must notify DA and judge 10 days before making recommendation to governor. As a matter of policy, governor always seeks recommendation from board.	None	Lifts most legal barriers, but does not restore firearms rights. <i>Perito v. County of Brooke</i> , 597 SE 2d 311, 321 (W. Va. 2004). May be given predicate effect.	Rare: Governor receives from 50-100 applications each year, but pardon grants are rare (only 121 in 36 years, by nine governors).	Misdemeanor first offender expungements.
WI	Governor decides under a non-statutory pardon advisory board. Wis. Const. art. V, § 6. Governor must communicate annually with legislature each case of clemency and the reasons. Wis. Const. art. V, § 6.	Public hearings at regular intervals for those applicants that show “a demonstrated need for a pardon.” Applicant must publish notice in county paper or on courthouse door, and deliver to DA, judge and victim. Wis. Stat. §§ 304.09–.10.	Five-year eligibility waiting period; misdemeanants ineligible unless waiver granted.	Relieves legal disabilities and signals rehabilitation, but does not expunge or seal the conviction. May be given predicate effect.	Infrequent/uneven: Governor Walker has granted no pardons to date, and has stated an intent to accept no applications. Gov. Doyle granted 293 pardons overall, 176 in his final year, mainly for dated minor offenses, representing 15% of applicants, all with Board recommendation. Few misdemeanants.	Expungement or sealing of certain adult misdemeanor convictions. Wis. Stat. § 973.015.
WY	Governor decides, subject to legislative controls on the manner of applying. Wyo. Const. art. 4, § 5. Governor must report every two years to legislature on grants, with the reasons for each one. <i>Id.</i>	Statutory application process involves review by governor’s staff. Process takes 4-6 weeks. Notice to DA three weeks prior to acting, and DA must provide details of offense. Wyo. Stat. Ann. § 7-13-801 et seq.	10 years after sentence for pardon, 5 years for restoration of rights. Excludes sex offenses.	Relieves legal disabilities but does not expunge. Maybe given predicate effect.	Sparing: Current governor has issued no pardons. From 2005 to 2010, 22 pardons and 28 restorations of rights (25% of applications filed).	Governor also grants restoration of rights upon recommendation of parole board. Federal and state offenders eligible.
FD	President decides under a non-statutory advisory scheme. U.S. Const. art. II, § 2; 28 CFR Part 1. No reporting requirement, no notice.	Informal process described in 28 C.F.R. Part 1 and United States Attorneys Manual. No time limit, and applications may remain pending for years.	5 years after sentence or release from confinement. 28 C.F.R. § 1.2. Generally not eligible if on parole. <i>Id.</i>	Relieves legal disabilities signifies rehabilitation. Does not expunge, has predicate effect.	Sparing: Only about 10-15 pardons per year over the past twenty years, representing less than 5% of those who apply. President Obama has issued only 52 pardons in five years and denied more than 1300 applications with more than 800 awaiting decision.	None

