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## Summary of the Provisions of the Constitution and Statutes of the Several States Relating to Pardons

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# SUMMARY OF THE PROVISIONS OF THE CONSTITUTION AND STATUTES OF THE SEVERAL STATES RELAT- ING TO PARDONS

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COMPILED BY ANN NEAL AND BEATRICE HAGER<sup>1</sup>

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## I. SUMMARY

### A. STATUS OF PARDON BOARDS IN THE SEVERAL STATES

1. *States in which there are pardon boards:*

Alabama, Arizona, California, Connecticut, Delaware, Idaho, Illinois, Indiana, Iowa, Louisiana, Massachusetts, Minnesota, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont and Wyoming—29.

2. *States in which pardon boards are provided for in the Constitution:*

Alabama, Delaware, Idaho, Indiana, Louisiana, Minnesota, Montana, Nebraska, Nevada, New Jersey, North Dakota, Pennsylvania, South Carolina, South Dakota and Utah—15.

3. *States in which pardon boards are created by statute:*

Arizona, California, Connecticut, Illinois, Iowa, Massachusetts, Missouri, New Mexico, Ohio, Oklahoma, Tennessee, Texas, Vermont and Wyoming—14.

4. *Pardon boards with power to grant pardons* (In all these states the Governor is one member of the board, but has only the same vote as other members of the pardon board):

Connecticut, Idaho, Minnesota, Nebraska, Nevada, New Jersey, North Dakota and Utah—8.

5. *States in which the Governor may not pardon except upon the recommendation of the pardon board:*

Alabama, Arizona, Delaware, Indiana, Iowa, Louisiana, Montana, New Mexico, Pennsylvania, South Dakota and Utah—11.

6. *States in which the pardon boards are merely advisory to the Governor:*

California, Illinois, Massachusetts, Missouri, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Vermont and Wyoming—11.

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<sup>1</sup>Wisconsin Legislative Reference Library.

7. *States which have substantially the same constitutional provision regarding pardons as Wisconsin and yet provide by statute for advisory pardon boards:*

California, Missouri, Ohio, Oklahoma, Tennessee, Texas and Wyoming—7.

8. *States in which there are no pardon boards but in which the Governor has been given employes to assist him in the discharge of his duties in connection with pardon (usually a commissioner of pardons, or of pardons and paroles):*

Kentucky, Maryland, Michigan, New York, North Carolina—5.

#### B. COMPOSITION AND ORGANIZATION OF PARDON BOARDS

1. *Pardon boards of which the Governor himself is one member:*

Connecticut, Idaho, Minnesota, Nebraska, Nevada, New Jersey, North Dakota and Utah—8.

2. *Pardon boards composed of state officers other than the Governor:*

Alabama, California, Delaware, Louisiana, Montana, Pennsylvania, South Dakota—7.

3. *Pardon boards composed of certain state officers ex officio and of other members appointed by the governor:*

Arizona—1.

4. *Pardon boards all of whose members are appointees of the Governor:*

Indiana, Iowa, South Carolina, Texas and Vermont. (Judges of Supreme Court selected by Governor)—5.

5. *Duties of the pardon boards exercised by the state department in charge of the penal institutions:*

Illinois, Massachusetts, Missouri, New Mexico, Ohio, Oklahoma, Tennessee and Wyoming—8.

6. *Summary by states:*

*Alabama*—The constitution provides for a pardon board consisting of the attorney-general, secretary of state and state auditor.

*Arizona*—The statutes provide for a board of pardons and paroles consisting of the state superintendent of public instruction, attorney-general and a third or citizen member selected by these two. The citizen member is chairman and the parole clerk of the state prison acts as secretary of the board. The board meets quarterly and oftener if necessary.

*California*—An advisory pardon board, provided for by statute, consists of the lieutenant governor, who is chairman, the attorney-general and the wardens of the two state prisons. The board is authorized to employ a full time secretary.

*Connecticut*—By statute there is a board of pardons consisting of the Governor, a judge of the supreme court of errors to be designated by the judges of that court, and four other persons, one of whom must be a physician, appointed biennially by the Governor. The board is required to hold at least two sessions annually. It is empowered to employ a clerk.

*Delaware*—The constitution establishes a board of pardons consisting of the chancellor, lieutenant governor, secretary, state treasurer and auditor.

*Idaho*—The constitution provides for a board of pardons consisting of the Governor, secretary of state and attorney-general. The governor presides and the secretary of state is the secretary thereof. By statute the board is required to meet at least four times annually.

*Illinois*—By statute the Department of Public Welfare performs the duties formerly exercised by the state board of pardons.

*Indiana*—The constitution authorizes the establishment of a council, without whose advice and consent the governor shall not have power to grant pardons. By statute there is a board of pardons composed of three members appointed by the governor for terms of four years. The board organizes by electing one member president and one as secretary. It is authorized to employ a full time clerk and extra stenographers.

*Iowa*—By statute the board of parole acts as a board of pardons. It consists of three electors appointed by the governor for terms of six years. The board is authorized to appoint a secretary and other employes.

*Louisiana*—By the constitution the lieutenant governor, attorney-general and presiding judge of the court before which the conviction was had, act as a board of pardons.

*Massachusetts*—By statute the board of parole in the Department of Corrections acts as an advisory board of pardons. The board consists of a deputy commissioner designated by the commissioner of corrections and two members appointed by the governor with the approval of the council for terms of two years. The governor selects one member as chairman. The appointive members receive a salary.

*Minnesota*—A constitutional board of pardons consists of the governor, attorney-general and chief justice of the supreme court. By statute the board is authorized to employ a clerk and a secretary.

*Missouri*—By statute the state prison board performs the duties of a pardon board. The board is composed of three full-time members

appointed for terms of six years by the governor with the approval of the senate. It is authorized to employ necessary clerical assistants.

*Montana*—By the constitution the board of pardons consists of the secretary of state, attorney-general and the state auditor.

*Nebraska*—By the constitution the governor, attorney-general, and secretary of state constitute a board of pardons. The governor is chairman and the secretary of state is secretary thereof.

*Nevada*—By the constitution the governor, justice of the supreme court and attorney-general constitute a board of pardons.

*New Jersey*—The constitution provides for a court of pardons consisting of the governor, the chancellor, and the six judges of the court of errors and appeals.

*New Mexico*—By statute the board of penitentiary commissioners performs the duties of a board of pardons. This board is composed of three members appointed by the governor for terms of four years. The state treasurer is ex officio treasurer of the board and it elects a president and a secretary. No member may hold any other state office. It is required to hold six regular meetings each year.

*North Dakota*—The constitution provides for a board of pardons consisting of the governor, attorney-general, chief justice of the state supreme court and two electors appointed by the governor. By statute the governor's private secretary or, in his absence, the executive clerk acts as clerk of the board without additional compensation. The board is required to hold two regular meetings in each year.

*Ohio*—By statute the Department of Public Welfare performs the duties formerly performed by the board of pardons.

*Oklahoma*—By statute the board of prison control performs duties of a board of pardons. The board is composed of three members appointed by the governor, with the approval of the senate, to hold office during the term of the governor. The secretary to the governor is secretary of the board. It is required to convene at the office of the governor at least once a month.

*Pennsylvania*—The constitution provides for a board of pardons consisting of the lieutenant governor secretary of the commonwealth, attorney-general and secretary of internal affairs or any three of them. The board is authorized by statute to appoint a secretary.

*South Carolina*—The constitution authorizes an advisory board of pardons. By statute the board of pardons consists of three citizens appointed by the governor for terms of three years to give their full time to the duties of the office. The board is required to hold at least four sessions per year.

*South Dakota*—The constitution provides for a board of pardons consisting of the presiding judge of the supreme court, secretary of state and attorney-general.

*Tennessee*—By statute the board of parole acts as a board of pardons at the governor's request.

*Texas*—The governor is authorized by statute to appoint a board of pardon advisers composed of two members.

*Utah*—A constitutional board of pardons consists of the governor, justices of the supreme court and the attorney-general.

*Vermont*—Governor authorized by law to call not more than three justices of the supreme court, of his selection, to sit with him at hearings of applications for pardons and counsel and advise with him.

*Wyoming*—By statute the board of pardons consists of the members of the state board of charities and reform. Term, four years. The governor is president, and the secretary is elected from among the membership and serves without compensation.

## II. DETAILED DIGEST BY STATES

### *Alabama*—Code, 1923

The Governor is empowered to grant reprieves, paroles, commutations of sentence and pardons, after conviction, except in cases of impeachment. The attorney-general, secretary of state, and state auditor constitute a board of pardons, who meet on the call of the Governor, and before whom must be laid all recommendations or petitions in cases of felony. The board hears such petitions and gives its opinion thereon in writing to the governor, after which or on the failure of the board to advise for more than 60 days, the Governor may grant or refuse to grant the commutation, parole or pardon as he sees fit. The Governor is required to communicate to the legislature at each session every reprieve, commutation, parole, or pardon with reasons therefor and the opinion of the board. (Constitution, sec. 14, statutes, secs. 2778, 2779, 5127.)

The pardoning board is authorized to call upon any judge, or solicitor, or other public officer of the state for any information or recommendation to aid them in their investigation of an application referred to them by the Governor. (Sec. 2780.) The board is required to make an annual report to the Governor. (Sec. 2781.)

In all cases in which any application is made to the Governor for pardon, the applicant is required to first give two weeks' notice by publication to that effect in a newspaper of the county, or if there is none published in the county, then by notice in writing, posted at the courthouse door, or at three other public places in the county. A copy

of such notice and proof of its publication must accompany the application. (Sec. 5128.)

*Arizona*—Constitution, Art. V, Sec. 5.

Session Laws, 1915—Referendum, p. 3.

The Governor is authorized by the constitution to grant reprieves, commutations and pardons, after convictions, for all offenses except treason and cases of impeachment, upon such conditions, and with such restrictions as may be provided by law. (Const. Art. V, Sec. 5).

By statute it is provided that the Governor may suspend the execution of the sentence, upon a conviction for treason, until the case can be reported to the legislature at its next session. Neither the Governor nor the legislature have authority to grant pardons or commutations of sentence in any case where the convict has been twice convicted of felony, except upon a written recommendation of a majority of the judges of the supreme court.

No reprieve, commutation, parole or pardon may be granted by the Governor without the recommendation of the board of pardons and paroles. Such board is composed of the state superintendent of public instruction, the attorney-general and a third member to be selected by those two, known as the citizen member. The citizen member is chairman and the parole clerk of the state prison acts as secretary. The board is required to meet quarterly and oftener if necessary. It has exclusive powers to pass upon and recommend reprieves, pardons, commutations, and paroles. All applications made therefor to the governor are required to be at once transmitted by him to the board. In case of an application for pardon, the board may require the judge of the court before whom the conviction was had, or the county attorney to furnish a statement of the facts proved in the trial and other information.

At least ten days before the board acts upon an application for a pardon, written notice of attention to apply therefor, signed by the applicant must be served on the county-attorney of the county where the conviction was had. Unless dispensed with by the governor, a copy of the notice must be published for thirty days in a paper in the county. Notice is not required in case of imminent danger of death of the applicant, or when the term of imprisonment of the applicant is within ten days of its expiration.

The governor is required to communicate to the legislature each case of pardon, reprieve or commutation with the reasons for his decision thereon. (Laws of Arizona, 1915, Referendum measures, p. 3.)  
*Arkansas*—Digest of Statutes, 1921. (Crawford & Moses)

The Governor has the power to grant reprieves, pardons and commutations after conviction for all offenses, except treason and cases of impeachment. Upon conviction for treason he may suspend execution of the sentence until the matter is reported to the general assembly at its next session, when the general assembly shall either pardon, commute the sentence, direct the execution or grant a further reprieve. The Governor is required to communicate to the general assembly, at each session concerning each case of pardon, reprieve or commutation granted. (Const. Art. VI, sec. 9; Stats. secs. 4384, 3369.)

It is provided in sections 3369 and 4384 of the statutes that the Governor shall have power in the case of treason with the approval of the senate to grant reprieves and pardons.

The Governor is prohibited from granting any application for pardon, until there is filed in his office a certificate of the county clerk, or the affidavit of two creditable persons, that notice by publication has been given of intention to make such application. (Sec. 3370-73).

*California*—General laws, 1923 (Deering)

Constitution, Art. VII.

The constitution empowers the Governor to grant reprieves, pardons and commutations of sentence, after conviction, for all offenses except treason and cases of impeachment upon such conditions, and with such restrictions and limitations, as he may think proper, subject to such regulations as may be provided by law, relative to the manner of applying for pardons. Upon conviction of treason, the Governor has authority to suspend the execution of the sentence until the case can be reported to the legislature at its next meeting, when the legislature shall either pardon, direct the execution, or grant a further reprieve. Neither the Governor nor the legislature have the power to grant pardons, or commutations of sentence in any case where the convict has twice been convicted of a felony, unless upon a written recommendation of a majority of the judges by the supreme court. (Const. Art. VI.)

The statutes provide for an advisory pardon board consisting of the lieutenant-governor, who is chairman, the attorney-general and the wardens of the two state prisons. The board is authorized to appoint a secretary. The secretary is required to keep a record of all applications received by the board and the action taken thereon. The board is required to meet at least once in every two months. Upon request of the Governor the board is required to investigate and report on all applications for reprieves, pardons and commutations and to make such recommendations to the Governor with reference thereto as it



may seem advisable. To that end the board must examine and consider all applications so referred. It is empowered to take testimony and to examine witnesses and do all other things necessary to make its investigation. (Act. 1908, pp. 604-5.)

*Colorado*—Constitution, Art. IV, sec. 7.

The governor is empowered to grant reprieves, commutations and pardons after conviction, for all offenses except treason and except in case of impeachment, subject to such regulations as may be provided by law relative to applications, but he must in every case send to the general assembly at its first session thereafter, a transcript of all petitions and the reasons therefor.

By statute it is provided that the governor may commute the sentence in a capital case to imprisonment for life, or for a term of not less than ten years at hard labor. (Statutes, 1921, sec. 809.)

*Connecticut*—General Statutes, 1918.

The Governor is authorized to grant reprieves after conviction, in all cases except those of impeachment, until the end of the next session of the legislature and no longer. (Constitution, Art. IV, sec. 10.)

The statutes provide for a board of pardons consisting of the Governor, a judge of the supreme court of errors to be designated by the judges of that court, and four other persons, one of whom must be a physician. If the judge so designated has tried or heard any case that may come before the board, or if any member of the board has formed an opinion, neither such judge nor such member are permitted to act concerning such case. In the case of the absence of any member of the board, the governor is authorized to appoint a substitute. (Sec. 2012.)

The Governor is required to appoint biennially two members of the board of pardons, with the approval of the senate, for terms of four years. Not more than two of the four members so appointed shall belong to the same political party. (Sec. 2013.)

The board is authorized to grant commutations of punishment, and releases conditioned or absolute, from the state prison, and also commutations of the penalty of death, and paroles only to convicts imprisoned for offenses committed prior to August 1, 1901. (Sec. 2014.)

The board is required to hold at least two sessions annually. A decision to be operative must be unanimous. (Sec. 2015.)

It has authority to employ a clerk, to compel the attendance of witnesses, and to institute inquiries concerning any prisoner. (Secs. 2015, 2016, 2022.) It is the duty of prosecuting officers, judges and other persons to give such board, upon request, any information which they possess with reference to the prisoner. (Sec. 2022.)

The clerk of the board has the authority to issue process to the warden of the state prison, and to the jailors of the several counties of the state, requiring them to have before the board the bodies of the prisoners named, in the process who are confined in such prison or in any of such jails. (Sec. 2018.)

*Delaware*—Revised Code, 1915, sec. 571.

Constitution, Art. VII.

The Governor is authorized to grant reprieves, commutations of sentences and pardons, except in cases of impeachment. But no pardon or reprieve for more than six months, may be granted, nor sentence commuted, except upon the recommendation of a majority of the board of pardons. Such board is composed of the chancellor, lieutenant governor, secretary of state, state treasurer, and auditor. The recommendations of the board are required to be filed in the office of the secretary of state, who must notify the governor thereof. The board is authorized to require information from the attorney-general upon any subject relating to its duties.

The Governor is required to report to the general assembly at its next session the grounds for all reprieves, pardons and commutations. (Const. Art. VII.)

By statute the board is authorized to compel the attendance of witnesses. (Sec. 571.)

*Georgia*—Constitution, Art. V, Par. 12.

The Governor is authorized to grant reprieves and pardons, and to remit any part of a sentence for offenses against the state, after conviction, except in cases of treason and impeachment subject to such regulations as may be provided by law relative to applications. Upon conviction for treason he may suspend the execution of the sentence till the case can be reported to the next meeting of the legislature. He is required to report to each session of the legislature each case of reprieve, pardon or commutation granted with reasons therefor.

*Idaho*—Compiled Statutes, 1919.

The Governor, secretary of state and attorney-general constitute the board of pardons. Such board is authorized to grant commutations and pardons after conviction, either absolutely or conditional, in all cases of offenses against the state except treason, or conviction on impeachment. No commutation or pardon may be granted except by the decision of a majority of the board, after a full hearing in open session, and until notice of such hearing has been given by publication in some newspaper of general circulation at least once a week for four weeks. The proceedings and decisions of the board are required to

be filed in the office of the secretary of state. The governor is authorized to grant reprieves in all cases of convictions for offenses against the state, except treason or conviction on impeachment, but such reprieves shall not extend beyond the next session of the board of pardons. In cases of treason and impeachment the governor is authorized to suspend the execution of the sentence until the case can be reported to the legislature at its next regular session. The governor is required to communicate to the legislature, at each regular session, each case of commutation, pardon and reprieve granted with reasons therefor. (Constitution, Art. IV, sec. 7.)

By statute the board is required to meet four times each year. The governor presides and the secretary of state is the secretary thereof. Applications for pardons, etc., are required to be made to the board by written petition, accompanied by proof of the required publication of notice, and by proof that a copy of such notice has been served on the district judge, prosecuting attorney, and chairman of the board of county commissioners of the county where the conviction was had. In considering the application the board is authorized to make such examination outside the application and accompanying documents as they see fit. Any member of the board may administer oaths. (Secs. 9198-9206.)

*Illinois*—Revised Statutes, 1925.

The constitution empowers the governor to grant reprieves, commutations and pardons, after conviction, for all offenses, subject to such regulations as may be provided by law relative to the manner of applying therefor. (Const. Art. V, sec. 13.)

It is provided by statute that applications for pardon must be made to the Governor. Such applications, before their actual presentation to the Governor, are filed with the Department of Public Welfare. This department is required, upon the giving of a three weeks' notice by publication in a newspaper of the county, to conduct a full hearing to each application and then report its conclusions and recommendations to the governor. Such report is advisory only. (Ch. 104a.)

In an application made directly to the governor for a reprieve in the case of a death sentence the governor is empowered to initially hear such application, in order to give the department of Public Welfare time to investigate the case. (Chap. 104a, sec. 11.)

*Indiana*—Burns Annotated Indiana Statutes, 1926.

The constitution empowers the governor to grant reprieves, commutations and pardons, after conviction, for all offenses, excepting treason and cases of impeachment, subject to such regulations as may

be provided by law. The general assembly is authorized to provide by law for a council; without whose advice and consent the Governor shall not have power to grant pardons. (Const. Art. V, sec. 150.)

By statute and pursuant to the constitution, there exists a state board of pardons composed of 3 members appointed by the governor for terms of four years. It is the duty of the board to investigate the merits of all petitions presented to the governor for pardon of any person convicted by any court of the state of Indiana, or by any court martial held under and by the authority of the laws of Indiana, and to report to the governor their conclusions and recommendations in each case; such report to be signed by at least two members of the board. Such board is empowered to compel the attendance of witnesses and to punish for contempt. It is required to keep a record of its proceedings. It is required also to meet at least four times a year. (Secs. 13829-13833.)

*Iowa*—Code, 1927, secs. 3812-3828.

Constitution Art. IV, sec. 16.

The Governor has authority to grant reprieves, commutations and pardons, after conviction, for all offenses except treason and cases of impeachment, subject to such regulations as may be provided by law. In case of treason he may suspend the execution of the sentence until the case can be reported to the legislature at its next meeting, when the legislature may grant a pardon, commute the sentence, direct the execution of the sentence, or grant a further reprieve. The governor is required to report to the legislature at its next meeting each case of pardon, etc., granted and the reasons therefor. (Const. Art. IV, sec. 16.)

After conviction for a felony, no pardon may be granted by the governor until he has obtained the advice of the board of parole, but he may commute a death sentence to imprisonment for life without such advice. The board of parole consists of three electors of the state appointed by the governor for terms of six years. It is the duty of the board to investigate applications before filing its recommendations with the governor. Before presenting an application for pardon to the board for its action, where the sentence is death or imprisonment for life, the governor is required to cause a notice relating thereto to be published in two newspapers of general circulation, once each week for four successive weeks, the last publication to be at least 20 days prior to the time of presenting the application to the board.

Upon receipt of an application, the governor may require the judge of the court or the county attorney or attorney-general by whom

the action was prosecuted to furnish him with the minutes of the evidence taken on the trial and other facts.

The governor is authorized to grant certificates of restoration to citizenship.

*Kansas*—Revised Statutes, 1923.

The constitution invests the pardoning power in the governor, under regulations and restrictions prescribed by law. (Const. Art. 1, sec. 7.)

The regulations and restrictions provided by statutes are as follows:

The governor is empowered to pardon, parole or commute the sentence of any person convicted in any court in this state of any offense against any law thereof, and upon such terms and conditions as he may prescribe in the pardon, parole or commutation. No such pardon, parole, or commutation shall be granted except upon notice to the trial judge and prosecuting attorney of the county in which the conviction was had, nor until after notice has first been given for 30 days for such application by publication in the official county paper. Upon the granting of a pardon, parole or commutation of sentence, a certified copy thereof must be sent to the clerk of the district court of the particular county. The governor is required to make report to the legislature of all pardons granted.

In capital cases the governor may grant reprieves for a limited time. (Secs. 62-2215.)

*Kentucky*—Carroll's Kentucky Statutes, 1922.  
Supplement, 1926.

The constitution empowers the governor to commute sentences, grant reprieves and pardons, except in cases of impeachment. In cases of treason he is authorized to grant reprieves until the end of the next session of the general assembly, in which body the power of pardoning is vested. He is required to file with each application for pardon, etc., a statement of the reason for his decision thereon, and such application and statement must always be open to public inspection. (Constitution, sec. 77.)

The statutes authorize the governor to appoint a commissioner of pardons whose duty is to assist the governor in connection with applications for pardons, etc. Such commissioner holds office at the pleasure of the governor. He is authorized to employ a stenographer. (Sec. 4357h-1, 4357h-2.)

*Louisiana*—Constitution, Art. 70.

The governor is empowered to grant reprieves for all offenses against the state, and, except in cases of impeachment, or treason upon

the recommendation in writing of the lieutenant governor, attorney-general, and presiding judge of the court before which the conviction was had, or of any two of them, to grant pardons and commute sentences, after conviction. In case of treason he may grant reprieves until the end of the next session of the general assembly, in which body the power of pardoning is vested.

*Maine*—Revised Statutes, 1916.

The constitution authorizes the governor, with the approval of the council, to grant reprieves, commutations and pardons except in cases of impeachment, upon such conditions, and with such restrictions and limitations as may be deemed proper, subject to such regulations as may be prescribed by law, relative to the manner of applying for pardons. The governor is required to report to the legislature each case of reprieve, pardon or commutation of sentence. (Const. Art. V, sec. 11.)

The council consists of seven persons chosen annually by the legislature to advise the governor. (Const. Art. V, part I.)

It is provided by statute that on all petitions to the governor for pardons or commutation of sentences, written notice thereof must be given to the county attorney for the county where the case was tried at least three weeks before the time of the hearing thereon, and three weeks' notice in some newspaper printed and published in the county. (Ch. 140, sec. 1, p. 1582.)

The governor may, with the approval of the council, grant conditional pardons and may issue his warrant to all proper officers to carry such pardon into effect. (Sec. 3, p. 1582.)

*Maryland*—Annotated Code, 1924 (Bagley).

The governor is authorized to grant reprieves and pardons, except in cases of impeachment. Before granting a pardon he is required to give notice in one or more newspapers of the application therefor, and of the day on or after which his decision will be made. He is required also to report to the legislature every case in which he exercises the pardoning power, whenever required. (Const. Art. II, sec. 20.)

The governor is authorized upon giving the notice required by the constitution to commute any sentence of death into confinement in the penitentiary or in the house of correction or banishment for such period as he thinks expedient. On giving such notice he may commute or change the sentence of any person from imprisonment in the penitentiary to imprisonment in the house of correction. On giving notice he may grant conditional pardons. (Art. 41, Sec. 51, p. 1503.)

It is the duty of the commissioner of paroles to advise the governor concerning the granting of conditional pardons. To this end he is required to collect information and to make investigations. It is the duty of the governor to act upon the recommendation of the commissioner within 60 days after the receipt thereof. (Art. 41, Sec. 54.)

The parole commissioner is appointed by the governor with the approval of the senate for the term of two years. (Art. 41, Sec. 47.)

*Massachusetts*—General laws, 1921.

Cumulative Statutes, 1927.

The power of pardoning offenses, after conviction, except in the case of impeachment, is vested in the governor, with the advice of the council. (Constitution, Sec. 64.)

The council for advising the governor in executive matters consists of the lieutenant governor and nine persons chosen annually by the legislature from among the persons returned for councillors and senators. (Constitution, Secs. 73, 74.)

The governor is required to annually transmit to the general court a list of pardons granted by him. (Statutes chap. 127, Sec. 152.)

The board of parole, in the Department of Corrections, acts as an advisory board of pardons. The board of parole consists of a deputy commissioner designated by the commissioner of corrections and two members appointed by the governor with the approval of the council for terms of two years. It is the duty of the board of parole, acting as advisory board of pardons, to consider the merits of all petitions for pardon or commutation of sentence referred to it by the governor, and to make to him a written report containing its conclusions and recommendations. No such report may be made without the concurrence of a majority of its members. Before considering any petition for pardon or commutation of sentence, if the conviction was had in the superior court, the board is required to notify the district attorney, who shall report the facts of the case and his recommendation. If the prisoner is serving a sentence in the state prison the attorney general must also be notified. If the conviction was in a district court the justice thereof shall make to the board a similar report and recommendation. The attorney-general, district attorney or justice, as the case may be, are required to be notified of the hearing upon the petition for pardon. The board is authorized to summon witnesses and administer oaths or affirmations. (Chap. 127, Sec. 154) Supp. 1927, Chap. 27, Sec. 5.

In all cases of petitions for pardon referred to the executive council by the governor, where the petitioner is serving a sentence

in the state prison, the executive secretary is required to notify the attorney general and also the district attorney and they may be present at the hearing on the petition by the pardon committee of the executive council. (Chap. 127, Sec. 133.)

*Michigan*—Compiled laws, 1915.

Supplement, 1922.

The governor is authorized to grant reprieves, commutations and pardons after convictions, for all offenses except treason and cases of impeachment, upon such conditions and with such restrictions, and limitations as he may think proper, subject to regulation provided by law, relative to the manner of applying for pardons. Upon conviction for treason, he may suspend the execution of the sentence until the case can be reported to the legislature at its next session. The governor is required to transmit to the legislature at each session, information of each case of reprieve, commutation or pardon granted. (Constitution Art. VI, Sec. 9.)

The statutes provide for a commissioner of pardons and paroles appointed by and holding office during the pleasure of the governor. All applications for pardon, reprieve, or parole are required to be filed with the commissioner. Upon receipt of any such application, it is the duty of the commissioner to notify the governor thereof, and to make such investigation and report as the governor may require. The governor and the commissioner are authorized to require any state or county officer to furnish information concerning the applicant. If so directed by the governor, it is the duty of the commissioner, upon receipt of an application for pardon or commutation of sentence, to notify the judge of the court by whom such applicant was sentenced and the prosecuting attorney of such application. It is the duty of the judge or prosecuting attorney, within ten days after the receipt of such notice to give their opinions as to the advisability of granting the application, together with any facts which may aid the governor in making his decision.

The commissioner is required to devote his entire time to the duties of his office. He is authorized to have such assistants as may be necessary. (Supp. Secs. 182 (1) to 182 (5).)

*Minnesota*—Masons Statutes, 1927.

The constitution provides that the governor in conjunction with the board of pardons, of which the governor shall be ex-officio a member, and the other members of which shall consist of the attorney-general and the chief justice of the state supreme court, shall have power to grant reprieves and pardons after conviction for offenses



against the state, except in cases of impeachment. (Const. Art. V, Sec. 4.)

The statutes provide for a board of pardons with a membership as provided in the constitution. The board is authorized to grant an absolute or a conditional pardon, but every conditional pardon must state the terms on which it was granted. A reprieve in a capital case may be granted by any member of the board, but for such time only as may be necessary to secure a meeting for the consideration of an application. No pardon or commutation of sentence shall be granted excepting by unanimous consent of the board duly convened. The board is required to meet at least four times each year.

Applications for pardon must be made in writing to the board of pardons. If an application has been once heard and denied on the merits, no subsequent application may be filed without the consent of two members of the board indorsed thereon. The clerk of the board is required, upon receipt of an application, to mail notice thereof and of the time and place of hearing thereon, to the judge of the court wherein the applicant was tried and sentenced, and to the prosecuting attorney. This notice is not required in the case of pardons or commutations of persons committed to a county jail or workhouse.

The board is required to keep a record of every petition received, and of every pardon, reprieve or commutation granted. It is authorized to appoint a secretary who is empowered to serve subpoenas or other processes necessary to return parole violators to prison, and to bring witnesses before the board. The board may issue process requiring the presence of any person or officer before it. (Secs. 10779-10786.)

*Mississippi*—Hemingway's Annotated Code, 1927.

In all criminal and penal cases the governor is authorized to grant reprieves and pardons after convictions. In cases of treason he has power to grant reprieves, with the approval of the senate, but may respite the sentence until the end of the next session of the legislature. In cases of felony, no pardon shall be granted until the applicant therefor has published for 30 days, in some newspaper in the county where the crime was committed his petition for pardon. (Constitution, Art. V, Sec. 124.)

*Missouri*—Revised statutes, 1919.

The governor is authorized by the constitution to grant reprieves, commutations and pardons, after conviction, for all offenses except treason and cases of impeachment, upon such conditions and with such restrictions and limitations as he may think proper, subject to such

regulations as may be provided by law relative to applications therefor. He is required to transmit to the legislature at each session thereof, each case of pardon, reprieve or commutation granted. (Constitution, Art. V, Sec. 8; Stats., Sec. 4144.)

The governor has no authority to remit the penalty imposed for violation of a city ordinance. (State ex rel v. Renick, 157 Mo. 292.)

By statute it is the duty of the state prison board to investigate the merits of and to hear all applications for executive clemency properly coming before the governor and to report its findings of fact in each case and its recommendations thereon to the governor. The members of the board are authorized to administer oaths, to hear testimony and examine witnesses.

All applications for reprieves, commutations, paroles and pardons are required to be made in writing to the governor. Before any application may be entertained by the state prison board, it is the duty of the applicant to cause to be published in a weekly newspaper of the county in which the conviction was had, for a period of two weeks, notice of intention to make application for executive clemency. The board may waive such notice in certain cases. The board is required to make an annual report of its transactions together with the action taken by the governor in each case. (Secs. 12540-12548.)

The state prison board is composed of three full time members appointed for terms of six years by the governor with the approval of the senate. The board is authorized to employ necessary clerical assistants. (Secs. 12407-12409.)

*Montana*—Revised Code, 1921, Chap. 49. Constitution, Art. VI, Sec. 9.

The governor, with the approval of the board of pardons, or a majority thereof, is empowered to grant pardons absolute or conditional, and to grant commutation of punishments and respites after conviction for any offense committed against the criminal laws of the state. The board of pardons is composed of the secretary of state, attorney general and state auditor. No commutation of sentence or pardon may be granted excepting after a full hearing in open session and until notice of such hearing has been given by publication in some newspaper of the county where the crime was committed, at least once a week for two weeks. The proceedings and decisions of the board are required to be reduced to writing, with reasons for their action in each case, and filed in the office of the secretary of state. The governor is required to report to the legislature at each regular

session, each case of pardon or commutation granted, with reasons for his action taken thereon. (Constitution, Art. VII, Sec. 9.) Stats., Sec. 118.

By statute the board is required to hold regular meetings at its office at the capitol at least once each month, and such special meetings as the president or any two member may direct. (Sec. 12248.)

*Nebraska*—Compiled Statutes, 1922.

The governor, attorney general and secretary of state constitute a board of pardons of which the governor is chairman. Such board, or a majority thereof are authorized to grant commutations, pardons and paroles after conviction subject to such conditions as may be prescribed by law for any offenses committed against the criminal laws of this state except treason and cases of impeachment. No commutation, pardon or parole may be granted until after a full hearing in open session, and until notice of such hearing has been given by personal service thereof upon the judge of the court by which the sentence was pronounced and the county attorney of the county where the offense was committed.

The governor is authorized to grant reprieves in all cases of conviction for offenses against the laws of the state, except treason and cases of impeachment, but such reprieves do not extend beyond the next meeting of the board of pardons and in no case for a greater period than 30 days.

The proceedings and decisions of the board are required to be reduced to writing and filed in the office of the secretary of state. The governor is required to communicate to the legislature at each regular session all cases of commutation, pardons and paroles granted with reasons for the action taken thereon.

The board is empowered to suspend the execution of the sentence imposed for treason until the case can be reported to the legislature at its next session. (Constitution, Art. IV, Sec. 13, Statutes, Secs. 10229-10234.)

The application for pardon, etc., must be made in writing to the secretary of the board of pardons upon forms furnished by the board. It is further provided by statute that notice of a hearing must be served upon the sheriff of the county and upon the applicant; and that the secretary of the board of pardons must cause to be published in a legal newspaper of the county for two successive weeks a notice of the application and hearing to be held thereon. (Stats., Sec. 10234.)

The board is authorized to administer oaths, issue subpoenas and compel the attendance of witnesses. (Secs. 10237-38.)

*Nevada—Revised Laws, 1912.*

The governor, justices of the supreme court and attorney general constitute a board of pardons. Such board, or a majority thereof, the governor being one, is authorized to commute punishments and grant pardons after convictions upon such conditions and with such restrictions and limitations as they may think proper, in all cases, except treason and impeachments subject to such regulations as may be provided by law, relative to the manner of applying for pardons. (Constitution, Sec. 307; Statutes, Sec. 7623.)

Before a pardon, commutation or parole may be granted, the applicant therefore must serve notice on the district attorney and on the district judge of the county where the conviction was had, or in the case of fines and forfeitures, upon the chairman of the board of county commissioners. Such notice must be served at least 30 days prior to the presentation of the application, unless a member of the board prescribes a shorter period. It is the duty of all district judges, attorneys and county commissioners receiving such notice to transmit to the board of pardons a statement of their knowledge affecting the merits of the application. (Stats., Secs. 7625-7626.)

No notice is required of an application for a restoration of citizenship to take effect at the expiration of a term of imprisonment, or for the commutation of the death penalty. (Sec. 7629.)

Any member of the board of pardons has authority to administer oaths upon the hearing of an application for pardon. (Sec. 7630.)

If a pardon includes restoration of citizenship, it must be so stated in the certificate of pardon; and when granted upon conditions, such conditions must be set forth in the certificate. (Sec. 7625.)

*New Hampshire—Public Laws, 1926.*

The power of pardoning offenses after conviction, except cases of impeachment, is vested in the governor, with the advice of the council. (Constitution, Art. 52.)

The council for advising the governor in the executive part of the government, consists of five councillors elected biennially. (Constitution, Art. 60.)

On all petitions to the governor and council for pardon or commutation of sentence written notice thereof is required to be given to the state's council, and such notice to others as the governor may direct. The prosecuting officer may be required to furnish a concise statement of the case as proved at the trial and any other facts bearing on the granting of the petition. (Stats., Chap. 19, Sec. 4, p. 91.)

The governor with the advice of the council, upon application

of any convict under sentence of death may grant him a pardon on condition that he be imprisoned for any term expressed in the pardon and upon such further conditions as may be thought just. (*Ibid.* Sec. 5.)

*New Jersey*—Compiled Statutes, 1910. Constitution, Art. V, Sec. 10; Pages 3895, 3896.

The court of pardons consisting of the governor, the chancellor, and the six judges of the court of errors and appeals are authorized to grant pardons after conviction, in all cases except impeachment. The concurrence of a majority of the members of the court, the governor being one, is necessary to all acts of such court.

The court may upon application commute a death sentence to imprisonment at hard labor.

*New Mexico*—Statutes, 1915.

The governor is authorized to grant reprieves and pardons, after conviction for all offenses except treason and in cases of impeachment, subject to such regulations as may be prescribed by law. (Constitution, Art. V, Sec. 6.)

All applications for the pardon or commutation of sentence of any convict confined in the penitentiary is required to be first submitted to the board of penitentiary commissioners. It is the duty of such commissioners to examine into the facts connected with the conviction and sentence and make recommendations to the governor. No such convict shall be pardoned or have his time commuted by the governor, unless the same be first recommended by the commissioners. It is the duty of the governor to consider such recommendations, and if he finds them reasonably well founded to grant the pardon or commutation. (Statutes, Sec. 5087.)

*New York*—McKinley's Consolidated Laws, 1919. Supplement, 1927.

The governor is authorized to grant reprieves, commutations and pardons after convictions, for all offenses, except treason and cases of impeachment upon such conditions and with such restrictions and limitations, as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. Upon conviction for treason, he has power to suspend the execution of the sentence until the case can be referred to the next meeting of the legislature. He is required to report annually to the legislature each case of pardon, commutation or reprieve granted. (Constitution, Art. IV, Sec. 5.)

Upon receipt of an application the governor may require the presiding judge of the court before which the conviction was had, and

the district attorney to supply him with a statement of the facts proved on the trial and of any other facts having reference to the granting of the application. (Prison Law, Sec. 260.)

The governor is authorized to appoint a person to conduct a hearing upon an application. Such person is authorized to administer oaths. (Ibid. Sec. 262-263.)

The governor may compel the attendance of witnesses. (Ibid. Secs. 261-264.)

*North Carolina*—Code, 1927.

The governor is empowered by the constitution to grant commutations, reprieves and pardons after convictions, for all offenses excepting in cases of impeachment, upon such conditions as he may think proper, subject to such regulations concerning applications as may be provided by law. (Const., Art. III, Sec. 6.)

By statute the governor is authorized to appoint a commissioner of pardons to serve during the pleasure of the governor. It is the duty of the commissioner to assist the governor in connection with applications for pardons, reprieves and commutations. Applications are required to be made to the governor. (Code, Sections 7641-7642.)

The governor may grant conditional pardons. (Sec. 7643.)

The commissioner is required to devote his whole time to the duties of his office. He is allowed a stenographer. (Sec. 7642.)

*North Dakota*—Compiled Laws, 1913. Supplement, 1925.

The governor in conjunction with the board of pardons, consisting of the governor, attorney general, chief justice of the state supreme court, and two electors appointed by the governor, is authorized by the constitution to grant reprieves, commutations and pardons after conviction for all offenses except treason and cases of impeachment, subject to such regulations concerning applications as may be provided by law. Upon conviction of treason the governor is authorized to suspend the execution of sentence until the case shall be reported to the legislature. The governor is required to communicate to the legislature at each regular session all cases of pardons, etc., granted and the reasons therefor. (Const., Art. III, Sec. 76; compiled laws, 1913, secs. 11097, 11098, 11099.)

All applications are required to be filed with the clerk of the board of pardons. The clerk is required upon receipt of an application to mail notice thereof and of the hearing to be held, to the judge of the court where applicant was tried and sentenced, and to the state's attorney. Such notice may be omitted in case of a reprieve for a capital sentence, and in the case of pardons or commutations of per-

sons committed to a county jail or to a workhouse. The board is required to meet at least twice each year. A unanimous vote of the members present, four of whom constitute a quorum, is required for granting a pardon, reprieve or commutation. The board may grant conditional pardons and restore citizenship to persons. It is authorized to issue process requiring the presence of any person or officer before it, with or without books in the matter pending before the board.

A reprieve in a case where capital punishment has been imposed may be granted by the governor until such time only as may be necessary to secure a meeting of the board. (Secs. 11097-11110.)

*Ohio*—General Code, 1921, Secs. 86-99; Supplement, 1924, Secs. 154-57; Constitution, Art. III, Sec. 11.

The governor is authorized by the constitution to grant, after conviction, reprieves, commutations, and pardons for all offenses, except treason and cases of impeachment upon such conditions as he may think proper, subject to such regulations concerning the manner of applying for pardons as may be prescribed by law. He may suspend the execution of sentence for treason till the next meeting of the legislature. He is required to report to each regular session of the legislature all cases of pardons, etc., granted, with reasons therefor. (Constitution, Art. III, Sec. 11.)

By statute, applications are required to be made to the Department of Public Welfare. It is the duty of such Department, after consideration of an application and a hearing thereon, to report its recommendations to the governor. The governor, however, may ignore such recommendations.

Notice of an application is required to be given by the applicant to the prosecuting attorney of the county at least three weeks before such application is considered by the Department or the governor. A notice of such application is required also, except in capital cases, to be published in a newspaper of the county at least three weeks before the consideration of the application.

Pardons or commutations may be granted upon conditions.

*Oklahoma*—Compiled Statutes, 1921.

The governor is empowered by the constitution to grant, after conviction, reprieves, commutations, paroles and pardons for all offenses except cases of impeachment, upon such conditions and with such restrictions and limitations as he may deem proper, subject to such regulations as may be prescribed by law. He is required to communicate to the legislature all cases of pardon, etc., granted, with

reasons therefor. (Constitution, Art. VI, Sec. 10; Laws, Sec. 9227.)

By statute it is made the duty of the board of prison control to examine into and investigate all applications for pardons, paroles, reprieves and commutations and to report their recommendations thereon to the governor within ten days, together with all paper filed therein. Such board is required to convene at the office of the governor at least once each month for the purpose of hearing any application. (Sec. 9203.) The board is composed of three members, not more than two of whom are of the same political faith, appointed by the governor, with the approval of the senate, to hold office during the term of the governor. The secretary to the governor acts as secretary of the board. It is required to convene at the office of the governor at least once each month. (Secs. 9201-9204.)

City mayors are authorized to grant pardons and reprieves for offenses arising under the ordinances of the city, with the approval of the council. (Sec. 4543.)

*Oregon*—Laws, 1921.

The governor is authorized to grant reprieves, commutations, and pardons, after conviction, for all offenses except treason subject to such regulations as may be provided by law. In the case of treason he may suspend the execution of the sentence until the case can be reported to the legislature at its next meeting. He is required to report to the legislature at its next meeting all cases of pardon, etc., granted with reasons therefor. (Sec. 1714; Constitution, Art. V, Sec. 14.)

At least twenty days before the application for pardon is made to the governor, written notice of the intention to apply therefor signed by the applicant is required to be served upon the district attorney of the county where the conviction was had. (Sec. 1721.) Before granting a pardon, the governor must require the judge of the court in which the conviction was had, or the district attorney to furnish him a statement of the facts proved on the trial and any other facts bearing on the matter of granting the pardon. (Sec. 1719.)

*Pennsylvania*—Constitution, Article IV, Section 9. Statutes, 1920, Sections 5514, 5516, 5519, 8252, 11990. Laws, 1921, Pages 433-434. Laws, 1923, Page 551.

Governor has power to remit fines and forfeitures, to grant reprieves, commutations of sentence and pardons, except in case of impeachment; but no pardon shall be granted, nor sentence commuted, except upon the recommendation in writing of the lieutenant governor, secretary of the commonwealth, attorney general, and



secretary of internal affairs, or any three of them, after full hearing, upon due public notice and in open session, and such recommendations, with the reasons therefor at length, shall be recorded and filed in the office of secretary of commonwealth.

If it shall appear to board of inspectors of prisons upon application of convict released on parole that applicant will remain at liberty without violating the law, it shall be the duty of the board to recommend to governor that such convict be pardoned absolutely.

Board of pardons authorized to appoint a secretary who shall receive a salary of one thousand dollars per annum.

Governor shall not, except in cases where only payment of fine is imposed as penalty on conviction, execute any of rights or powers relating to pardons, until lieutenant governor, secretary of commonwealth, attorney general, and secretary of internal affairs, or any three of them, after full hearing, upon public notice, and in open session, according to such rules as they shall provide, shall have recommended the said commutations of sentences.

Board of managers of state reformatory may issue absolute release from imprisonment and certify such release and grounds thereof to governor, and governor may restore such person to citizenship. But nothing shall impair power of governor to grant a pardon or commutation in any case.

Board of pardons administered under department of justice.

When court of criminal jurisdiction, in counties of first class, sentences any criminal to reformatory or house of correction for a county or state prison offense, such criminal shall not be released by pardon, parole or probation except upon order of the court, provided the sentence does not exceed one year.

*Rhode Island*—Constitution, Article VII, Section 4. Article II, Articles of Amendment. General Laws, 1923, Sections 270-272; 6365; 6565; 6567.

Governor, by and with the advice and consent of the senate, shall exclusively exercise the pardoning power, except in cases of impeachment, to the same extent as such power is exercised by the general assembly. He has power to grant reprieves after conviction, except for impeachment, until end of next session of general assembly.

Petitions for pardon presented to governor, under such rules and regulations as he may from time to time prescribe. Governor may issue proclamation offering reward, of not exceeding one thousand dollars, for apprehension of any criminal.

Person sentenced twice to penitentiary punished on third con-

viction by additional imprisonment of twenty-five years, but if such person was granted a pardon for one of previous convictions, that conviction and sentence shall not be considered as such.

Governor is member of board of parole. Control of parole board over prisoner ceases if he is pardoned.

*South Carolina*—Constitution, Article IV, Section 11. Code, 1922, Sections 781, 793, 973-981. Laws, 1923, Page 233. Laws, 1925, Pages 63-69.

Governor has power to grant reprieves, commutations of sentence, and pardons after conviction, except in case of impeachment, on such terms as he thinks proper, and to remit fines and forfeitures, unless otherwise directed by law. He may refer all petitions to board of pardons (to be provided for by the legislature) and the governor may or may not accept their recommendations, but if not, he must give the legislature his reasons.

Board of pardons, consisting of three discreet persons, citizens of the state, to be appointed by the governor. Appointed for three years, so that term of one member expires each year. Members eligible for reappointment.

Duty of board to consider all petitions for pardons and commutations of sentence, and make recommendations to the governor. Members receive four dollars for each day of sessions of the board, to be held at least four times a year, and ten cents per mile for traveling expenses. Members may not hold other public office.

Governor may suspend sentence or parole any prisoner on such conditions as he deems just, and may remand convicts back from state penitentiaries to county workhouses.

Board of pardons may release prisoners on parole after service of one year of sentence, to serve remainder of sentence on parole. May revoke these paroles. This provision does not apply to convicts with a sentence of death or life imprisonment.

The power of the governor to grant paroles, pardons, commutations of sentence, or reprieves, is not impaired by the provisions of the parole law.

*South Dakota*—Constitution, Article IV, Section 5. Revised Code, 1919, Sections 5310-5314, 5398, 5404, 5555-5561. Session Laws, 1925, Chapter 277.

Governor may remit fines and forfeitures, and grant reprieves, commutations and pardons after conviction, for all offenses except treason and impeachment. In cases where sentence is capital punishment, imprisonment for life, or a term longer than two years, or a

fine exceeding two hundred dollars, no pardon shall be granted, sentence commuted or fine remitted, except on written recommendation of board of pardons, consisting of presiding judge of the supreme court, secretary of state and attorney general.

Legislature may regulate manner of application.

Governor may suspend execution of sentence for treason awaiting action of legislature. Legislature may pardon or commute the sentence, or grant a reprieve.

Board of pardons may, before acting on applications for pardons, commutation, or remission of fines, require the state's attorney by whom action was prosecuted, to furnish a statement of facts relating to the convict. May make rules and regulations regarding pardons, which do not conflict with constitution or laws.

Governor has power to make rules and regulations governing such pardons, commutations of sentence, and remissions of fine as do not require recommendations by the board of pardons.

Governor may parole convicts on recommendation of warden of penitentiary, but not until they have served one-half of their sentences, or, in the case of convicts serving an indeterminate sentence, until the minimum sentence has been served. If parole satisfactory, governor may grant full pardon. But if term of imprisonment was for more than two years, board of pardons must recommend such pardon, and in case the paroled convict was serving a life sentence, he must comply with terms of parole for at least five years before full pardon may be granted.

*Tennessee*—Constitution, Article III, Section 6. Code, 1917, Secs. 4433a10, 7226-7237a12, 7313.

Governor has power to grant reprieves and pardons, after conviction, except in cases of impeachment.

Governor may pardon boys who are inmates of state training and agricultural school, and such pardon shall constitute a complete restoration to citizenship, and there shall be no disability attached.

Nothing in the indeterminate sentence or parole law shall be construed as impairing the pardoning power of the governor, or the duties of the advisory board of pardons.

Governor may reprieve, commute and pardon in all criminal cases after conviction, except treason and impeachment. He may refer applications for pardons of penitentiary convicts to board of control (which acts as board of pardons at his request) and its members shall investigate such applications, and make recommendations to the governor.

Governor may remit part of term of imprisonment upon recommendation of board of control. Board may suspend sentence of a convict in order to permit application for pardon, and recommend such pardon and final discharge. Parole by board not to affect power of governor to pardon prisoners.

Governor may commute penalty of death to life imprisonment, and may commute such punishment on recommendation of supreme court as to extenuating circumstances.

Persons pardoned are restored to all rights of citizenship.

Governor may grant conditional pardons, and may parole prisoners on recommendation of board of control. He may offer rewards for apprehension of convicts.

*Texas*—Constitution, Article IV, Section 11. Criminal Statutes, 1925, Section 952-967. Civil Statutes, 1925, Sections 5126, 5137, 5858 (72), 6194-6195, 6198, 6200, 6203.

Governor shall have power, in all criminal cases except treason and impeachment, to grant reprieves, commutations, and pardons, after conviction, and under rules prescribed by legislature, may remit fines and forfeitures. With advice and consent of senate, governor may grant pardons in case of treason, and may respite a sentence therefor until close of legislative session. In all cases of remissions, reprieves, commutations or pardons, governor must file reasons with secretary of state.

Governor may commute death penalty to life imprisonment or a term of years, for every capital felony except treason. May reprieve and delay execution of penalty of death to any day fixed by him.

Governor has power of parole, or approval of parole recommended by board of prison commissioners. Board of prison commissioners to prescribe regulations and conditions for paroles. Governor may recall prisoners from parole, and they shall be retaken within control of board of prison commissioners.

Board of prison commissioners shall consider reports and recommendations regarding parole or pardon of convicts from prison wardens, and transmit a report to the governor.

Prisoners serving indeterminate sentences, and having been paroled satisfactorily for one year, shall be recommended for pardon and discharge from sentence by the board of prison commissioners, to the governor. Board shall recommend to the governor that citizenship be restored to convicts complying with terms of parole until the end of his prison term.

Governor has power to grant pardons and full releases to inmates

of juvenile training school, and to issue pardons or commute sentences of inmates of grils' training school.

Board of prison commissioners manage and control prison system of state, and shall recommend convicts to the governor for increased commutation or pardon.

Life or long term convicts with good prison records may receive, upon recommendation from the board, a reasonable commutation of sentence at the hands of the governor. If life sentence commuted to a term of years, such convict shall have benefit of ordinary commutation as if originally sentenced for a term of years, except as governor shall otherwise direct.

Board of prison commissioners, with governor's approval, may offer rewards for apprehension of escaped convicts, and shall have power to work convicts on public works, with governor's approval.

Governor authorized to appoint two qualified voters of the state, to be known as a board of pardon advisers, who shall perform such duties as he may direct, consistent with the constitution, as he may deem necessary. This board shall make a thorough examination of each application and report recommendations. Shall give special personal attention to convicts designated by the governor, board of prison commissioners, or superintendent of prisons.

*Utah*—Constitution, Article VII, Section 12. Compiled Laws, 1917, Sections 4330-4337, 5474, 5511. Laws, 1919, Chapter 132.

Governor, justices of supreme court, and attorney general constitute a board of pardons, a majority of whom, including governor, upon such conditions as they deem proper, may remit fines and forfeitures, commute punishments, and grant pardons after convictions, except for treason and impeachments, subject to regulations provided by law for manner of applying. No remissions, commutations, or pardons granted except after full hearing before board, and previous notice. Proceedings and decisions filed with Secretary of State.

Governor has power to grant respites or reprieves except treason or conviction on impeachment, but the board of pardons shall act on these at its next session, and may further commute or pardon the offense.

In case of conviction for treason, governor may suspend execution of sentence until case is reported to legislature, and legislature shall pardon, or commute or execute the sentence.

Governor to report to legislature all remissions, commutations, pardons or reprieves, with reasons therefor, and objections, if any, of any member of board of pardons.

Board of pardons may extend reduction of sentence to convicts for exemplary conduct. Statutes provide specific reductions for terms of various lengths. When such reductions are forfeited by the warden for misbehavior, the convict may appeal to the board of pardons, and such board may credit the reduction back to such convict.

Board of pardons has supervision over parole of prisoners also, and may grant privileges to prisoners employed on state roads, public buildings, and public grounds.

Board of pardons may restore lost civil rights, except in cases of treason or impeachment. Board of corrections may make recommendations to board of pardons respecting such restoration to such rights.

In cases of indeterminate sentences, person so sentenced may apply to board of pardons to have his sentence terminated or commuted, and in case such application is denied, he may apply for termination or commutation at least once during each year of imprisonment. Court imposing sentence, state's attorney prosecuting case, and warden of state prison shall assist board of pardons by furnishing all available information regarding record of convicts.

*Vermont*—Constitution, Chapter 2, Section 20. General Laws, 1917, Sections 7241-44, 7283, 7286. Laws, 1919, Pages 213-14.

Governor has power to grant pardons and remit fines, except for impeachment, in which he shall not grant reprieve or pardon, and there shall be no remission or mitigation of punishment, but by act of legislation.

Superintendent of state prison, superintendent of house of correction, may discharge or parole prisoners on certain terms, with approval of governor.

Governor may call not more than three justices of the supreme court, of his selection, to sit with him at hearings of applications for pardons, and counsel and advise with him. But nothing shall take away from governor his power to grant or refuse a pardon in his discretion. Governor may use his discretion as to publication of notice of hearing in newspapers.

Governor may commute punishment of minors sentenced to industrial school.

Governor may discharge a person committed to jail for non-payment of fine and costs, on such conditions as he may deem proper.

Governor may grant conditional pardons for offenses against the state. Until a person is excused from performance of conditions imposed, the governor has exclusive rights and powers over him, and shall be sole judge of violation of conditions. Governor may, upon

violation, return such person to his former condition of custody for execution of sentence.

*Virginia*—Constitution, Article V, Section 73. Code, 1924, Sections 292, 1959, 5069.

Governor has power to remit fines and penalties in such cases, and under such rules and regulations, as may be prescribed by law, and except when prosecution has been carried on by the house of delegates, to grant reprieves and pardons after conviction, to remove political disabilities consequent upon conviction, and to commute capital punishment. Required to submit complete report of remissions, reprieves, pardons and commutations, to legislature.

Persons holding office of honor in state government shall, if sentenced for felony, forfeit his office, and a pardon by governor shall not avoid the forfeiture.

Governor has power to pardon minors committed to custody and control of Virginia prison association, and release them from such custody and control.

Governor shall not grant a pardon in any case before conviction. *Washington*—Constitution, Article III, Sections 9, 11. Compiled Statutes, 1922, Section 2223.

Pardoning power vested in governor, under regulations and restrictions prescribed by law. Governor has power to remit fines and forfeitures, under regulations prescribed by law, and shall report to legislature all commutations or reprieves granted, with reason therefor.

Governor may commute death sentence to imprisonment for life at hard labor, and may also grant respites or reprieves as he may think proper.

*West Virginia*—Constitution, Article VII, Section 11. Code, 1923, Pages 148-149, Section 20.

The governor shall have power to remit fines and penalties in such cases and under such regulations as may be prescribed by law; to commute capital punishment and, except where the prosecution has been carried on by the house of delegates, to grant reprieves and pardons after conviction; but he shall communicate to the legislature at each session the particulars of every case of fine or penalty remitted, of punishment commuted and of reprieve or pardon granted, with his reasons therefor.

Constitutional provision repeated in section 20, pages 148-149. Governor may grant conditional pardons.

*Wisconsin*—Constitution, Article V, Section 6. Statutes, 1927, Sections 54.03 (1), (2); 57.08-12, 57.115.

Governor has power to grant reprieves, commutations and par-

dons, after conviction, for all offenses except treason and cases of impeachment; on such conditions and with such restrictions as he thinks proper, subject to regulation of manner of application, by legislature. Upon conviction for treason, he may suspend execution of sentence until next session of legislature, when it shall pardon, commute the sentence, direct its execution, or grant further reprieve. Required to report to legislature.

Indeterminate sentence shall have effect of sentence for maximum term, but subject to pardon, or discharge by governor upon recommendation of board of control.

Governor may make regulations governing application for pardon in addition to those prescribed by statutes.

If convict to whom governor has granted a conditional pardon shall have violated the terms of such pardon, the governor may remand the convict to the institution from which he was discharged.

Whenever an emergency exists which, in the governor's opinion, makes it advisable, the governor may permit the temporary removal of a convict from confinement for such period and upon such conditions as he may determine.

*Wyoming*—Constitution, Article IV, Section 5. Statutes, 1920, Sections 581, 583, 585, 601, 645-653, 3906-3909.

Governor has power to remit fines and forfeitures, to grant reprieves, commutations and pardons after conviction, for all offenses except treason and cases of impeachment; but the legislature may by law regulate the manner in which the remission of fines, pardons, commutations and reprieves may be applied for. Upon conviction for treason he shall have power to suspend the execution of sentence until the case is reported in the legislature at its next regular session, when the legislature shall either pardon, or commute the sentence, direct the execution of the sentence or grant further reprieve. Shall report to legislature with reasons.

Governor required to notify secretary of board of charities and reform immediately on granting any pardon.

Board of pardons has power to restore to convicts in state penitentiary, credits forfeited for misconduct.

Governor shall, upon receiving from warden of penitentiary, statement of good conduct, immediately issue a certificate for discharge of such convict. Such certificate shall restore said convict his rights as fully as though pardon has been granted. Said certificate to be delivered to convict by warden of penitentiary at expiration of term.

Governor has power to parole convicts who served a minimum sentence for the crimes for which they were imprisoned. Subject to rules and regulations of board of pardons.



Board of pardons consist of members of the state board of charities and reform. Term of office, four years. Governor is president, and secretary is elected from among the membership, and serves without compensation. Duty to investigate all applications for clemency, and report to governor, with its recommendations. Secretary to make an annual report, stating cases investigated, recommendations, and actions of governor.

Governor may reprieve persons under sentence of death, if he deem it expedient and proper, and may order such persons to be confined.

Notice of application for pardon filed with prosecuting attorney in county in which indictment was found.

Governor may grant restoration to citizenship for exemplary conduct. Application made on petition of twenty-five free-holders.

Governor may grant paroles, discharges or pardons to juvenile delinquents committed to houses of refuge or reform or industrial schools of another state.

The governor is empowered to grant reprieves, paroles, commutations of sentences and pardons, after conviction, except in cases of impeachment. The attorney-general, secretary of state, and state auditor constitute a board of pardons, who meet on the call of the governor, and before whom must be laid all recommendations or petitions in cases of felony. The board hears such petitions and gives its opinion thereon in writing to the governor, after which or on the failure of the board to advise for more than 60 days, the governor may grant or refuse to grant the commutation, parole or pardon as he sees fit. The governor is required to communicate to the legislature at each session every reprieve, commutation, parole, or pardon with reasons therefor and the opinion of the board. (Constitution, sec. 124 statutes, secs. 2778, 2779, 5129.)

The pardoning board is authorized to call upon any judge, or solicitor, or other public officer of the state for any information or recommendation to aid them in their investigation of an application referred to them by the governor. Sec. 2789.) The board is required to make an annual report to the governor. (Sec. 2781.)

In all cases in which any application is made to the governor for pardon, the applicant is required to first give two weeks' notice by publication to that effect in a newspaper of the county, or if there is none published in the county, then by notice in writing, posted at the courthouse door, or at three other public places in the county. A copy of such notice and proof of its publication must accompany the application. (Sec. 5128.)