



**LOUISIANA
BOARD OF PARDONS**

Number: 02.203-POL
Date: September 30, 2015
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BOARD POLICY

SUBJECT: ELIGIBILITY FOR CLEMENCY CONSIDERATION

PURPOSE: To describe the eligibility requirements for clemency consideration

AUTHORITY: LAC Title 22, Part 5, Chapter 1; La. R.S. 15:572

REFERENCE: ACA Standard 2-1011

POLICY:

It is the policy of the Louisiana Board of Pardons (Board) may consider individuals for a recommendation of clemency to the Governor based on the eligibility requirements set forth in this policy.

PROCEDURES:

A. Eligibility

1. **Pardons** - A person may not apply for a pardon if the applicant has any outstanding detainers, or any pecuniary penalties or liabilities which total more than \$1,000 and result from any criminal conviction or traffic infraction. In addition, no person is eligible to apply for pardon unless the applicant has paid all court costs which were imposed in connection with the conviction of the crime for which pardon is requested.
2. **Commutation of Sentence** - A person may not be considered for a commutation of sentence unless he or she has been granted a hearing by the Pardon Board and has had his or her case placed upon a Pardon Board agenda.
3. **Remission of Fines and Forfeitures** - A person may not apply for a remission of fines and forfeitures unless he or she has completed all sentences imposed and all conditions of supervision have expired or been completed, including, but not limited to, parole, and/or probation.
4. **Specific Authority to Own, Possess, or Use Firearms** - A person may not apply for the specific authority to own, possess, or use firearms unless he or she has completed

all sentences imposed for the applicant's most recent felony conviction and all conditions of supervision imposed for the applicant's most recent felony conviction have expired or been completed, including, but not limited to, parole, probation, and conditional release, for a period of five years. The applicant may not have any outstanding detainers, or any pecuniary penalties or liabilities which total more than \$1,000 and result from any criminal conviction or traffic infraction. In addition, the applicant may not have had any outstanding victim restitution, including, but not limited to, restitution pursuant to a court or civil judgment or by order of the Committee on Parole.

7. **First Offender Pardon - Automatic -** On the day that an individual completes his sentence, the Division of Probation and Parole, after verifying that the individual is a first offender and has completed his sentence shall issue a certificate recognizing and proclaiming that the petitioner granted, the individual shall not be entitled to receive another automatic pardon.

B. Applications

All applications must be submitted in accordance with Board Policy 02.203, "Application Filing Procedures".

C. Incarcerated Applicants or Applicants Supervision of the Louisiana Department of Public Safety and Corrections

1. A executive pardon shall not be considered for an offender while in prison, except when exceptional circumstances exist.
2. An incarcerated offender may request a commutation of sentence:
 - (a) After having served a minimum of ten years; and
 - (b) Must have been disciplinary report free for a period of at least twenty-four months prior to the date of the application; and
 - (c) Must not be classified to a maximum custody status at the time of the application or at the time of the hearing (if a hearing is granted); and

- (d) Must possess a marketable job skill, either through previous employment history or through successful completion of vocational training while incarcerated; OR
- (e) Upon the written recommendation of the trial official(s) that includes:
 - 1. a statement that the penalty now appears to be excessive;
 - 2. a recommendation of a definite term now consider by the official as just and proper;
 - 3. a statement of the reasons for the recommendation based upon facts directly related to the facts of the case and in existence, but not available to, the court or jury at the time of trial, or a statutory change in penalty for the crime which would appear to make the original penalty excessive

D. Life Sentences

An offender sentenced to life may not apply until he has served 15 years from the date of sentence, unless he has sufficient evidence which would have caused him to have been found not guilty. The offender must also meet the criteria listed in Section C.2. above.

C. Capital Cases

Any offender sentenced to death may submit an application within one year from the date of the direct appeal denial. See also board policy 02.207 "Capital Cases."

SHERYL M. RANATZA, CHAIRMAN

**Signature on file*

Replaces and supersedes Board Policy 02-203 dated December 19, 2012