Infographic

Infographic: Pardon Power

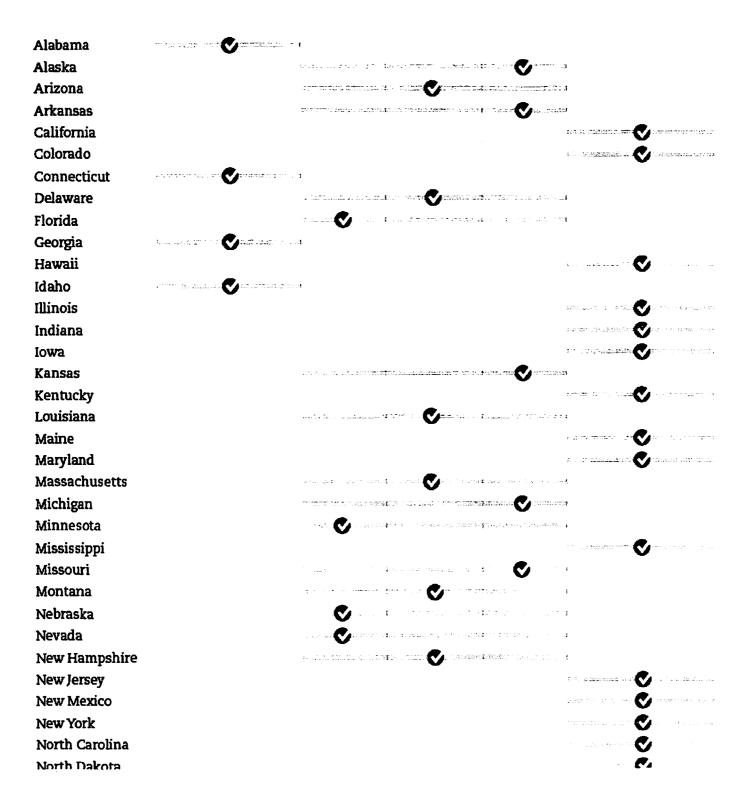
STATELINE INFOGRAPHIC

Pardon Power

There are three basic decision-making structures states use to grant pardons.

In six states, an independent board makes the pardon decision and pardons tend to be more consistent as politics plays virtually no part in the process. In 20 states, the governor shares the power with a board of high-level officials or gubernatorial appointees. This structure usually produces a relatively small number of regular pardons. In the remaining 24 states, there is virtually no restriction on the governor's pardon power and the number of pardons is largely reflective of the personal philosophy of the executive.

Shared Power



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Independent board

The pardon power is exercised by a governor-appointed board that is also responsible for prison releases. These independent pardoning boards are heavily regulated in terms of their procedures, and conduct most of their business in public.

Shared Power

Governor on Board: The pardon decision is made by a board, and the governor is also a member.

Gatekeeper Board: The board must issue an affirmative recommendation before the governor can grant a pardon.

Advisory board: The constitution requires the governor to consult with an administrative board before granting a pardon.

Governor's Decision

The constitution imposes no prior restrictions on the governor's pardon power, though some constitutions permit a degree of legislative regulation of the "manner of applying," and some require the governor to report to the legislature about pardons granted after the fact.

^{*} In Alabama and South Carolina the governor remains responsible for clemency in capital cases, and in Idaho the governor must approve the board's decision to pardon certain serious crimes.

[&]quot;In California the governor is required to consult with the parole board, and seek approval of the state supreme court, in recidivist cases only.