



**LOUISIANA
BOARD OF PARDONS & PAROLE**

**Number: 02-203-POL
Date: March 20, 2021
Page: 1 of 3**

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

DEFINITIONS:

Violent Offense: a conviction for any offense as defined in La.R.S.14:2(B).

Sex Offense: a conviction for any offense as defined in La.R.S.15:541.

POLICY:

It is the policy of the Louisiana Board of Pardons (Board) that it 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) **Pardon** - 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 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.
- 5) **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 02-205-POL, "Application Filing Procedures".

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

- 1) An executive pardon shall not be considered for an offender while in prison, except when exceptional circumstances exist.
- 2) An incarcerated offender who is serving a sentence for a non-violent or non-sex offense may request a commutation of sentence:
 - a. At any time; and
 - b. Must have been disciplinary report free for a period of at least 24 months prior to the date of the application or at the time of the hearing (if a hearing is granted); 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, unless deemed unable to work due to medical or mental health condition.

- 3) An incarcerated offender who is not serving a life sentence, but who is serving a sentence for a violent offense as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, may request a commutation of sentence.
 - a. After having served a minimum of 10 years;
 - b. Must have been disciplinary report free for a period of at least 24 months prior to the date of the application or at the time of the hearing (if a hearing is granted); 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.

D. Life Sentences

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 15 years shall include periods of time prior to the imposition of the sentence in which the defendant was in actual custody for the offense for which he was sentenced to life imprisonment. The offender must also meet the criteria stated in Subparagraphs C.3.a-d of this Section.

E. 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-POL, "Capital Cases."

SHERYL M. RANATZA, CHAIRMAN

**Signature on file*

This policy replaces and supersedes Board Policy 02-203-POL, "Eligibility for Clemency Consideration" dated December 20, 2018.