

# **EXECUTIVE CLEMENCY IN ALASKA**

**An Informational Booklet for Prospective Applicants**

**ALASKA BOARD OF PAROLE**

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# STATE CONSTITUTIONAL PROVISIONS AND STATUTES

## RELATING TO EXECUTIVE CLEMENCY

*Article III, Section 21 of the Constitution of the State of Alaska provides:*

### **EXECUTIVE CLEMENCY**

Subject to procedure prescribed by law, the governor may grant pardons, commutations, and reprieves, and may suspend and remit fines and forfeitures. This power shall not extend to impeachment. A parole system shall be provided by law.

*Alaska Statute 33.20.070 provides:*

### **GOVERNOR MAY GRANT PARDONS, COMMUTATIONS, AND REPRIEVES**

The governor may grant pardons, commutations of sentence, and reprieves, and suspend and remit fines and forfeitures in whole or in part for offenses against the laws of the State of Alaska or the Territory of Alaska.

*Alaska Statute 33.20.080 provides:*

### **BOARD OF PAROLE TO INVESTIGATE APPLICATIONS FOR EXECUTIVE CLEMENCY**

(a) The governor may refer applications for executive clemency to the board of parole. The board shall investigate each case and submit to the governor a report of the investigation, together with all other information the board has regarding the applicant. When the report or investigation is submitted, the board shall also transmit to the governor the comments it has received under (b) of this section.

(b) If requested by the victim of a crime against a person, a crime involving domestic violence, or arson in the first degree, the board shall send notice of an application for executive clemency submitted by the state prisoner who was convicted of that crime. The victim may comment in writing to the board on the application for executive clemency.

(c) If the victim desires notice under (b) of this section, the victim shall maintain a current, valid mailing address on file with the board. The board shall send the notice required under this section to the victim's last known address. The victim's address may not be disclosed to the applicant for executive clemency or the applicant's attorney.

(d) In this section,

- (1) "crime against a person" has the meaning given in AS 33.30.901;
- (2) "crime involving domestic violence" has the meaning given in AS 18.66.990.
- (3) "victim" has the meaning given in AS 12.55.185.

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**NOTE:** Definition of "victim" as provided in AS 12.55.185(16):

"Victim" means:

- (A) a person against whom an offense has been perpetrated;
- (B) one of the following, not the perpetrator, if the person specified in (A) of this paragraph is a minor, incompetent, or incapacitated:
  - (i) an individual living in a spousal relationship with the person specified in (A) of this paragraph; or
  - (ii) a parent, adult child, guardian, or custodian of the person;
- (C) one of the following, not the perpetrator, if the person specified in (A) of this paragraph is dead:
  - (i) a person living in a spousal relationship with the deceased before the deceased died;
  - (ii) an adult child, parent, brother, sister, grandparent, or grandchild of the deceased; or
  - (iii) any other interested person, as may be designated by a person having authority in law to do so.

## **I. INTRODUCTION**

This booklet has been prepared by the Alaska Board of Parole with the assistance of the Department of Law to provide information to all persons interested in applying to the Governor of Alaska for Executive Clemency. It describes what Executive Clemency is, and what it is not -- for there are a number of misconceptions about clemency. While this booklet provides basic information on Executive Clemency in Alaska, it is not intended either to encourage or discourage prospective applicants. Applicants should be aware, however, that the power of Executive Clemency is historically a power of the Governor which is exercised only sparingly, and is rarely granted.

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## **II. EXECUTIVE CLEMENCY ---- WHAT IT IS**

Executive Clemency in the State of Alaska is a power granted to the Governor by the Alaska Constitution to grant pardons, commutations of sentence, amnesty, and the remission of fines and forfeitures. It is a power which is exercised only at the Governor's discretion.

### **Pardons**

A pardon is a form of Executive Clemency, which if full and unconditional, relieves an offender from further punishment and disabilities imposed by reason of a conviction of a criminal offense. It is an act of grace which represents forgiveness for the particular crime.

### **Amnesty**

Amnesty is a form of pardon which is extended to a class or group of persons, usually persons who have all committed the same crime, however, it is extended without regard to the special circumstances of individual cases. Traditionally amnesties have been granted to restore social peace after a period of political upheaval.

### **Commutation of Sentence**

A commutation of sentence is a reduction or lessening of the original sentence. Usually it takes the form of a reduction in the length of imprisonment. In some cases it may result in release from prison. A commutation may be granted conditionally.

### **Remission of Fine or Forfeiture**

A remission of a fine is the forgiveness, in whole or in part, of the fine; a remission of a forfeiture is the forgiveness and restoration of property or a property right forfeited by reason of conviction of the crime.

<p>NOTE: Pardons, amnesties, commutations and remissions may be full and unconditional, or conditional. The Governor may impose any conditions and the time the conditions may be in effect may extend beyond the term of the original sentence or even for life.</p>
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## **III. ELIGIBILITY FOR CLEMENCY**

Any person who has committed a crime under the laws of the State of Alaska or the Territory of Alaska may apply to the Governor for clemency at any time. The power to grant clemency in Alaska does not extend to crimes committed under federal law, municipal law, or the laws of another state.

Certain conditions must be met in order for an application to be considered. No application for clemency will be considered prior to judgment and commitment, or during the course of an appeal from the conviction or sentence for which clemency is being sought. Similarly, no application for clemency will be considered while application is being made for any form of post-conviction relief, including a sentence reduction motion or federal habeas corpus motion.

Because a full and unconditional pardon is in most respects similar to a suspended imposition of sentence (SIS), absent exceptional circumstances, a pardon will not be granted to an offender who received such a disposition.

Likewise, a pardon will generally not be granted unless a significant period of time has passed since the applicant's final discharge under the sentence. During this period, the applicant is expected to demonstrate complete and total rehabilitation.

A commutation of sentence may be granted conditionally. Any conditions may be imposed. The time the conditions remain in effect may extend beyond the term of the original sentence or even for life.

Except for conditional commutations granted during a prisoner overcrowding emergency, an applicant must demonstrate extraordinary circumstances in order to receive a pardon, amnesty, commutation or remission.

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***SEE NEXT PAGE FOR "REASONS FOR CLEMENCY INELIGIBILITY"***

# REASONS FOR CLEMENCY INELIGIBILITY

## *(Informal Checklist)*

- Application is not complete
- Applicant refuses to sign waiver for obtaining all personal/confidential documents
- Determination by Board staff or ECAC that "exceptional circumstances" do not exist
- Crime for which applicant seeks clemency is not a state crime (thus Governor has no clemency authority)-(federal offenses, municipal offenses, or infractions in a state other than Alaska are not eligible)
- Case for the applicant is pending appeal (at any level – including post-conviction relief, sentence reduction, or federal habeus corpus motion)
- If is a felony crime, not considered if it is within 3 months of expiration of sentence (except in exceptional and meritorious circumstances)
- Applicant has not yet received final judgment and commitment for the offense
- Applicant has not yet served any portion of the sentence
- Applicant has not yet reached parole eligibility date and/or has not applied for and been denied parole
- Parole would satisfy the request of the applicant (therefore clemency not necessary as first consideration)
- Applicant is currently on parole/probation (applicant must be off parole/probation) (Unless a life sentence, then applicant must have been on parole for minimum of 2 years to apply.)
- Applicant must have significant period of time since final discharge and have shown firm rehabilitation progress
- Governor cannot reinstate driving privileges for DWI convictions
- Applicant has been discharged from custody, but it has not been 2 years since release from parole/probation (NOTE: In specific circumstances, 10 years may be required.)
- Applicant has already been considered by the current Governor in this four-year term
- Clemency will not provide the relief sought by the applicant
- May not be considered if currently serving a Suspended Imposition of Sentence (SIS) granted by the court
- For individuals who have a set-aside sentence, a minimum of two years must have passed since the set-aside sentencing action was taken by the court
- Federal gun laws are primary factor in allowance to possess a weapon; clemency by State of Alaska cannot change those restrictions relating to possession of firearms
- Commutation only: length of time already served is an important factor; Board staff or ECAC to determine if enough time has been served to give consideration at any given time for commutation

*Note: "ECAC" is the Executive Clemency Advisory Committee  
1/2003 - Alaska Board of Parole*

## **IV. LEGAL EFFECTS OF A PARDON IN ALASKA**

### **A. Rights**

One of the primary misconceptions about pardons in Alaska is that a pardon is the only manner by which one may have one's rights restored. In some states a pardon is the only manner by which a convicted felon may have his or her civil rights restored. However, in Alaska some rights are automatically restored upon unconditional discharge, which is the completion of one's sentence, including any period of probation, discretionary parole, or mandatory parole.

#### **1. Right to Serve on a Jury**

A person is disqualified from serving as a juror if the person has been convicted of a felony for which the person has not been unconditionally discharged. AS 09.20.037(1)

Thus, in Alaska, a pardon is not necessary to restore one's eligibility to serve on a jury or to vote. The right to vote and the right to serve on a jury are automatically restored to felons upon unconditional discharge of the sentence.

#### **2. Voting Rights**

Any person convicted of a felony involving moral turpitude under federal or state law may not vote in a federal, state or municipal election from the date of the conviction through the date of unconditional discharge. AS 15.05.030

Upon presenting proof that the person is unconditionally discharged from custody the person may register to vote [AS 15.07.135]. If you wish to participate in an election in Alaska after unconditional discharge of your sentence, contact your voting district's regional officer or contact:

State of Alaska  
Division of Elections  
P.O. Box 110017  
Juneau, AK 99811-0017

### **B. The Right to Own and Possess Firearms**

There is a very complex mix of state and federal law relating to the issue of firearm ownership and possession. Multiple state and federal statutes relate to this issue, and they are subject to frequent change by state and federal legislation. Both the federal and Alaska statutes are likely applicable to an applicant for executive clemency relating to these issues. These laws do vary with allowances and applicability.

As relates to this issue --- and any resolutions relating to firearm ownership and possession forthcoming from executive clemency should it be granted --- are not and will not be addressed by the Parole Board staff or the Office of the Governor in conduct of executive clemency investigations.

Should gun ownership or possession be of concern or critical to your anticipated relief by the granting of a pardon, you must explore and resolve any and all legal complexities (state and federal) through your own personal initiative and research. Due to the complexity of the issue, you should anticipate that this may well necessitate the retention of legal services.

***No promise, assurance, or indication of expectation on the issue of gun ownership or possession will be made or implied through the processing and potential granting of executive clemency.***

### C. Effect Upon the Judgment and Upon Sentencing for Subsequent Offenses

Although many states take a different view, unless otherwise specified in the document granting a pardon in Alaska, a pardon sets aside the conviction. Thus, if a person who has received a pardon is later convicted of another offense, the earlier offense for which a pardon was received may not be considered as a prior conviction at sentencing. However, the facts giving rise to that conviction may be presented to the sentencing court.

A pardon does not eliminate or erase the conviction. The records of conviction continue to exist in both court and law enforcement files. The pardon is included in those files, and the purposes to which those files can be used are limited. In this sense then, to set aside the conviction means only that the individual is considered under the law not to have been previously convicted.

### D. Occupational Licensing

Many occupations within the State of Alaska require special licenses which are issued by various licensing boards. Such occupations include barbering, welding, dentistry, law, real estate sales, nursing and guiding. Most of these occupational licensing laws contain provisions requiring that no person may be licensed unless they are of "good moral character." A few, such as the standards for becoming licensed as a guide, require a demonstration that the applicant "has not been convicted of a crime involving moral turpitude." Still others prevent licensing where an applicant has been convicted of a felony.

For example, a regional school board member who is convicted of a felony involving moral turpitude or an offense involving a violation of oath of office while serving as a school board member may not continue to serve. AS 14.08.045

A judge shall be removed from office upon final conviction of a "crime punishable as a felony under the state or federal law." AS 22.30.070(b)

A professional or occupational license may be denied, suspended or revoked because of a felony conviction.

Examples are:	Insurance Agent	AS 21.27.410(a)(7)
	Accountant	AS 08.04.450(5) & (6)
	Nurse	AS 08.68.270(2)
	Real Estate Broker	AS 08.88.171(a)

As discussed above, unless otherwise specified in the document granting a pardon, a pardon in Alaska sets aside the conviction. Therefore, if there is a requirement that the license applicant has not been convicted of a felony, the pardon would permit licensing. However, if the licensing standard is good moral character, the pardon does not erase the moral guilt associated with the commission of a criminal offense and the fact giving rise to that conviction may be considered in determining whether that person is of "good moral character."

### E. Summary of Legal Effects of a Pardon

In summary, the primary legal effect of a pardon is that it sets aside a conviction for a crime committed under the laws of the State of Alaska or the Territory of Alaska. This serves to relieve the person to whom it is granted from all further punishment and other legal consequences imposed by reason of the conviction.

Finally, a conviction for which a pardon has been granted may not be considered at sentencing for the commission of a later offense, nor by any licensing board which issues licenses to practice certain occupations. However, the facts giving rise to that conviction may be considered by both a sentencing court and occupational licensing boards.

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## **V. THE APPLICATION PROCESS**

1. ELIGIBILITY DETERMINATION
2. APPLICATION COMPLETION AND SUBMISSION
3. EXECUTIVE CLEMENCY ADVISORY COMMITTEE

An applicant begins the process by first completing and submitting an "Eligibility Determination" form to the Alaska Board of Parole Office (ATTN: Clemency Determination). Once eligibility is positively determined, an Application Form will then be provided to the potential applicant. Requests for Eligibility Determination forms should be submitted to:

Alaska Board of Parole  
ATTN: Clemency Determination  
550 West 7<sup>th</sup> Ave., Suite # 601  
Anchorage, AK 99501

If an individual is determined to be eligible for executive clemency consideration, and once an application is provided to the applicant and received back in the Parole Board office: the application is investigated by staff of the Board of Parole and a summary is prepared and submitted to the Governor's Executive Clemency Advisory Committee (ECAC). Investigation and review of a clemency application can often take as long as one year.

The Executive Clemency Advisory Committee has historically been comprised of three persons: the Lieutenant Governor, the Attorney General or a representative from the Department of Law, and a public member. The committee meets as often as necessary to review pending applications. In recent years, ECAC meetings have averaged only once or twice a year, if needed.

Following consideration and review of applications, the Executive Clemency Advisory Committee prepares a summary and recommendation for each application and submits it to the Governor along with the complete file. The Governor then reviews each case, makes a decision and the applicant is notified of that decision. The entire process, from the time of submission of an application to the point of decision by the Governor can easily take one full year, but in some circumstances can take longer.

### **Some of the Factors Considered in Evaluating Applications for Clemency**

Applicants for Executive Clemency should be aware that virtually their entire history is considered in evaluating an application for clemency. Applicants are required to sign waivers permitting an investigation of their employment and personal history (and medical conditions if pertinent).

Of particular importance will be the facts surrounding the offense for which clemency is requested, the presentence report, the record of the sentencing, progress reports during incarceration and behavior since release from custody. Additional factors include the person's arrest and conviction record for other offenses, and at times, the health of the applicant. Compliance with orders and conditions established by the court are especially important.

The comments of the Sentencing Judge, the District Attorney involved in the case, and comments of the Victim(s) are solicited and considered by the Executive Clemency Advisory Committee and the Governor.

In applications for commutation of sentence, the length of time already served is of particular importance.

Finally, the most important factor is the exceptional or extraordinary circumstance of the applicant that would justify use of the Governor's clemency power. Clemency is rarely granted, and only under the most exceptional of circumstances.

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## VI. RULES GOVERNING APPLICATIONS FOR EXECUTIVE CLEMENCY

### **After a Determination of Eligibility has been made:**

1. The clemency application must be typewritten or fully completed in ink, preferably printed, and be legible. No one, including the applicant, is entitled to attend the hearing. Each applicant must provide the date of conviction, crime of conviction, court case number and the sentence imposed for each conviction. This information can be obtained from the clerk of court. In addition to the clemency application, all applicants are required to complete and submit the Executive Clemency Application. Documents relating to the completion or compliance with orders of the court should also accompany the application. Application forms are available from the Board of Parole -- after the initial determination of positive eligibility by the staff of the Parole Board.
  2. All persons who have committed a crime under the laws of the State of Alaska or the Territory of Alaska may apply for Executive Clemency. Applications for pardon or commutation will not be considered for convictions of municipal laws, federal laws or convictions in other states. Applications will not be considered during pending appeals from judgments or conviction; nor, in felony cases, within three months before the expiration of sentence, except in unusually urgent and meritorious cases, or when circumstances surrounding the conviction indicate a violation of constitutional rights.
  3. Generally, applications for executive clemency will not be considered until after the person has served some portion of the sentence. Applications will not be considered until the person has reached his or her parole period (where applicable) or has been denied parole. Applications may be considered earlier only upon a substantial showing of innocence or some other exceptional circumstance arising since trial, which clearly justifies a possible extension of executive clemency. Every prisoner applying prior to his or her parole eligible date must state substantial facts showing why release on parole, when eligible, would not meet the situation in the prisoner's case.
  4. Applications for pardon or commutation will not be considered while parolees are on parole except in cases of prisoners serving life sentences and where the applicant has been on parole for more than two years.
  5. The Governor of Alaska will not circumvent AS 28.15.181(a)(5) which speaks to revocation of driver's licenses for operating a motor vehicle or aircraft while intoxicated.
  6. In the absence of exceptional circumstances, applications for pardon after completion of sentence will not be considered unless the applicant has been discharged from custody or from parole or probation for at least two years. A longer period may be required before favorable action is taken, dependent largely on the nature of the offense and the character of the applicant, both before and since the conviction. In cases of perjury, subornation of perjury or violation of a public trust involving personal dishonesty, or other crimes of a serious nature, the lapse of ten years after release is usually required.
  7. If the application is denied, the Governor will not accept resubmission of an application during the four-year term of office unless substantial new information is discovered.
  8. If clemency is granted, it does not become effective until it is delivered and accepted by the applicant. Once delivered, a conditional pardon or other forms of conditional clemency may be revoked by the Governor for violations of conditions imposed.
  9. If clemency is granted, the applicant, as well as appropriate officials will promptly receive an original signed and sealed document of the grant of clemency. A copy will also be sent to the sentencing court, and the Alaska Department of Public Safety (Records Section), to be retained in their files.
  10. Clemency "Will forgive, but not forget." All records regarding the conviction are retained by the appropriate agencies. In Alaska, there are no provisions for expungement of criminal records upon a grant of clemency.
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## **VII. APPENDIX**

### **DEFINITIONS**

**AMNESTY** --- is a form of Executive Clemency which is extended to a class or group of persons, usually persons who have all committed the same crime. It is extended without regard to the special circumstances of individual cases. Traditionally amnesties have been granted to restore social peace after a period of political upheaval.

**APPLICATION FORM** --- After a Determination of Eligibility has been made: The application process for Executive Clemency is begun by completing an application form and submitting it to the Alaska Board of Parole. The clemency application must be fully completed in ink, and be legible or typewritten. Each applicant must provide the date of conviction, crime of conviction, court case number and the sentence imposed for each conviction. This information can be obtained from the clerk of court. In addition to the clemency application, all applicants are required to complete and submit the Executive Clemency Questionnaire Worksheet. Letters from individuals or organizations in support of the applicant should be attached to the clemency application. Authors of such letters should include a statement relating to their knowledge of the applicant, including his or her background and present circumstances, and the reason they feel the applicant should be granted clemency. Documents relating to completion or compliance with orders of the court should be attached to the application. Application forms are available from the Board of Parole after a Determination of Eligibility is made.

**BOARD OF PAROLE** --- is the Alaska Board of Parole. The Governor may refer applications for executive clemency to the Board of Parole. The Board through its staff investigates each case and submits to the Executive Clemency Advisory Committee and the Governor a report of the investigation, together with all other information the Board has regarding the applicant. When the report or investigation is completed, the Board also transmits to the Executive Clemency Advisory Committee and the Governor the comments it has received from the victim.

**COMMENTS REGARDING THE CLEMENCY APPLICATION** --- The comments of the Sentencing Judge, the District Attorney involved in the case, and the comments of the Victim(s) are solicited and considered by the Executive Clemency Advisory Committee and the Governor. Letters submitted by those in support of the applicant's clemency application are also considered.

**COMMUTATION OF SENTENCE** --- is a reduction or lessening of the original sentence. Usually it takes the form of a reduction in the length of imprisonment. A commutation may be granted conditionally.

**CONDITIONAL CLEMENCY** --- Pardons, amnesties, commutations of sentence and remissions may be conditional. The Governor may impose any conditions and the time the conditions may be in effect may extend beyond the term of the original sentence or even for life. It is necessary to comply with the conditions imposed for the pardon, amnesty, commutation of sentence or remission to be valid.

**CRIMES AGAINST PERSON** --- means a crime set out in AS 11.41, except custodial interference under AS 11.41.320 and AS 11.41.330; or a crime against a person in this or another jurisdiction having elements substantially identical to those of a crime as set out in AS 11.41, except custodial interference under AS 11.41.320 and AS 11.41.330.

**CRIMES OF MORAL TURPITUDE** --- includes those crimes which are immoral or wrong in and of themselves, such as murder, sexual assault, robbery, kidnapping, incest, arson, burglary, theft and forgery. See AS 15.60.010(8). Contact the Division of Elections if you wish to obtain a list of the crimes of moral turpitude relating to voting rights.

**EFFECTIVE DATE** --- If clemency is granted, it does not become effective until it is delivered to and accepted by the applicant.

**ELIGIBILITY** --- Any person who has committed a crime under the laws of the State of Alaska or the Territory of Alaska may apply to the Governor for executive clemency, if determined to be eligible. Applications will not be considered for convictions of municipal laws, federal laws, or convictions in other states. Applications for clemency will not be considered during pending appeals from judgment or conviction. No applications will be considered where a Suspended Imposition of Sentence (SIS) disposition has been granted by the court. See "Reasons for Clemency Ineligibility."

**EXECUTIVE CLEMENCY** --- in the State of Alaska is the power granted to the Governor by the Alaska Constitution to grant pardons, commutations of sentence, amnesty and the remission of fines and forfeitures. It is a power which is exercised solely at the Governor's discretion. It is a general term used to describe pardons, commutation, amnesty or remissions.

**EXECUTIVE CLEMENCY ADVISORY COMMITTEE** --- is historically comprised of three persons: the Lieutenant Governor, the Attorney General or a representative from the Department of Law, and a public member. The Committee reviews each case and makes a recommendation to the Governor. The Committee meets as often as necessary to review pending applications, usually only once or twice per year.

**EXECUTIVE PRIVILEGE** --- The records, documents and reports generated during the executive clemency process are prepared for the exclusive use of the Governor. These clemency documents are confidential and are not considered public information. The Governor's final decision in each case and the official orders signed by the Governor are public information.

**EFFECTIVE DATE** --- If clemency is granted, it does not become effective until it is delivered to and accepted by the applicant.

**FIREARM** --- defined by AS 11.81.900(b)(24) is a weapon including a pistol, revolver, rifle, or shotgun whether loaded or unloaded, operable or inoperable, designed for discharging a shot capable of causing death or serious physical injury.

**JURY SERVICE** -- A person is disqualified from serving as a juror if the person has been convicted of a felony for which the person has not been unconditionally discharged. AS 09.20.037

**LEGAL EFFECT OF CLEMENCY** -- The primary legal effect of a pardon is that it sets aside a conviction for a crime committed under the laws of the State of Alaska or the Territory of Alaska. This serves to relieve the person to whom it is granted from all further punishment and other legal consequences imposed by reason of the conviction. Upon a grant of clemency the records continue to exist in court and law enforcement files. A grant of clemency ***"will forgive, but not forget."***

**PARDON** -- is a form of Executive Clemency, which if full and unconditional, relieves an offender from further punishment and disabilities imposed by reason of a conviction of a criminal offense. It is an act of grace which represents forgiveness for the particular crime. The governor may grant pardons in whole or in part for offenses against the laws of the State of Alaska or the Territory of Alaska.

**CONDITIONAL PARDON** -- is a form of Executive Clemency to which a condition or conditions are attached. The pardon does not become effective until the person pardoned has performed or completed the requirements outlined by the condition or conditions. The conditional pardon can also become void if some specific act or event occurs.

**FULL PARDON** -- is a form of Executive Clemency which relieves the grantee of all legal consequences and without conditions.

**GENERAL PARDON** -- is a form of Executive Clemency usually granted to all the persons participating in a given criminal offense. [See definition of Amnesty above.]

**PARTIAL PARDON** -- is a form of Executive Clemency which relieves only a portion of punishment or absolves only a portion of the legal consequences of a crime.

**UNCONDITIONAL PARDON** -- is a form of Executive Clemency which relieves the grantee without any conditions whatsoever. It is the same as a full pardon.

**PAROLE** -- A prisoner, sentenced to one or more terms of imprisonment exceeding 180 days in the case of discretionary parole and of two years or more in the case of mandatory parole released by the Board or by operation of law before the expiration of the term, subject to custody and jurisdiction by the Board. Parole is a function of the Executive Branch of government.

**PRISONER** -- An offender confined for violation of state law, but does not include a person confined under AS Title 47.

**PROBATION** -- A court imposed sentence suspending incarceration and instead imposing a term of supervision in the community under the discretion of the probation officer. Probation is a function of the Judicial Branch of government.

**QUESTIONNAIRE WORKSHEET** -- All applicants are required to complete and submit the Executive Clemency Questionnaire Worksheet as an integral part of the Application Form. Questionnaire Worksheet forms are made available to you when the Application Form is sent.

**RECORDS RETENTION** -- A pardon does not eliminate or erase the conviction. The records of conviction are retained by the appropriate agencies and continue to exist in both court and law enforcement files. In Alaska there are no provisions for expungement of criminal records upon the granting of clemency.

**RELEASE OF INFORMATION** -- Each applicant must sign a release of information authorizing an investigation of the applicant's current and past record and character. This form is part of the clemency application.

**REMISSION OF FINE** -- is the forgiveness in whole or part, of a fine imposed by the court.

**REMISSION OF FORFEITURE** -- is the forgiveness and restoration of property or a property right forfeited by reason of conviction of the crime.

**REVOCAION** -- Once delivered: a conditional pardon, conditional commutation of sentence or other forms of conditional clemency may be revoked by the Governor for violations of the conditions imposed.

**UNCONDITIONAL DISCHARGE** -- A defendant is released from all disability arising under a sentence, including probation and parole. AS 15.60.010(33)

**VICTIM** -- as defined in AS 12.55.185(16), a "victim" means:

- (A) a person against whom an offense has been perpetrated;
- (B) one of the following, not the perpetrator, if the person specified in (A) of this paragraph is a minor, incompetent, or incapacitated:
  - (i) an individual living in a spousal relationship with the person specified in (A) of this paragraph; or
  - (ii) a parent, adult child, guardian, or custodian of the person;
- (C) one of the following, not the perpetrator, if the person specified in (A) of this paragraph is dead:
  - (i) a person living in a spousal relationship with the deceased before the deceased died;
  - (ii) an adult child, parent, brother, sister, grandparent, or grandchild of the deceased; or
  - (iii) any other interested person, as may be designated by a person having authority in law to do so.

**VICTIM COMMENTS** -- The victim may comment in writing to the Board on the application for executive clemency. See AS 33.20.080. The comments are forwarded to the Executive Clemency Advisory Committee and the Governor.

**VICTIM NOTIFICATION** -- If requested by the victim of a crime against a person, a crime involving domestic violence, or arson in the first degree, the board shall send notice of an application for executive clemency submitted by the person who was convicted of that crime. The victim may comment in writing to the board on the application for executive clemency. If the victim desires notice, the victim shall maintain a current, valid mailing address on file with the Department of Corrections. The Board shall send the notice required under this section to the victim's last known address. The victim's address may not be disclosed to the clemency applicant or the applicant's attorney.

**VOTING RIGHTS** -- Any person convicted of a felony involving moral turpitude under state or federal law may not vote in a state, federal or municipal election from the date of the conviction through the date of unconditional discharge (AS 15.05.030). Upon presenting proof that the person is unconditionally discharged from custody the person may register to vote. If you wish to participate in an election in Alaska after unconditional discharge of your sentence or obtain a list of the crimes of moral turpitude, contact your voting district's regional office or: State of Alaska, Division of Elections, P.O. Box 110017, Juneau, AK 99811-0017 .

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