

CHAPTER 307**PARDONS AND COMMUTATION OF SENTENCES****§2161. Notice to district attorney and Attorney General of all petitions for pardon or commutation**

On all petitions to the Governor for pardon or commutation of sentences, written notice thereof must be given to the Attorney General and the district attorney for the county where the case was tried at least 4 weeks before the time of the hearing thereon, and 4 weeks' notice in a newspaper of general circulation in the county. If the crime for which the pardon is asked or for which commutation of sentence is sought is punishable by imprisonment in the State Prison, the Attorney General or the district attorney for the county where the case was tried shall, upon the request of the Governor, attend the meeting of the Governor or the Parole Board at which the petition is to be heard and the Governor shall allow the district attorney the district attorney's necessary expenses for such attendance and a reasonable compensation for the district attorney's services to be paid from the State Treasury out of the appropriation for costs in criminal prosecutions. The Governor may require the judge and prosecuting officer who tried the case to furnish the Governor or the Parole Board a concise statement thereof as proved at the trial and any other facts bearing on the propriety of granting pardon or commutation. [RR 2023, c. 2, Pt. D, §80 (COR).]

SECTION HISTORY

PL 1967, c. 428, §2 (AMD). PL 1969, c. 319, §1 (AMD). PL 1973, c. 567, §20 (AMD). PL 1973, c. 625, §289 (AMD). PL 1973, c. 788, §62 (AMD). PL 1975, c. 771, §158 (AMD). PL 1987, c. 667, §16 (AMD). RR 2023, c. 2, Pt. D, §80 (COR).

§2161-A. Expungement of records

(REPEALED)

SECTION HISTORY

PL 1973, c. 691 (NEW). PL 1975, c. 763, §1 (RP). PL 1975, c. 771, §159 (AMD). PL 1977, c. 78, §117 (RP).

§2162. Commutation to jail

When a person is sentenced and committed to the custody of the Department of Corrections, the Governor may, if the Governor considers it consistent with the public interest and the welfare of the prisoner, commute that prisoner's sentence to imprisonment in any county jail, there to be supported at the charge of the State at an expense not exceeding the price paid for the support of other prisoners in that county jail. [PL 2005, c. 329, §1 (AMD).]

SECTION HISTORY

PL 1973, c. 625, §289 (AMD). PL 1975, c. 771, §160 (AMD). PL 2005, c. 329, §1 (AMD).

§2163. Conditional pardons by Governor

In any case in which the Governor is authorized by the Constitution to grant a pardon, the Governor may, upon petition of the person convicted, grant it upon such conditions and with such restrictions and under such limitations as the Governor considers proper, and the Governor may issue the Governor's warrant to all proper officers to carry the pardon into effect; the warrant must be obeyed and executed instead of the sentence originally awarded. [RR 2023, c. 2, Pt. D, §81 (COR).]

SECTION HISTORY

PL 1975, c. 771, §161 (AMD). RR 2023, c. 2, Pt. D, §81 (COR).

§2164. Violations of conditions; rearrest

When a convict has been pardoned on conditions to be observed and performed by the convict, and the warden of the State Prison or keeper of the jail where the convict was confined has reason to believe that the convict has violated those conditions, such officer shall forthwith cause the convict to be arrested and detained until the case can be examined by the Governor, and the officer making the arrest shall forthwith give them notice thereof in writing. [RR 2023, c. 2, Pt. D, §82 (COR).]

SECTION HISTORY

PL 1975, c. 771, §162 (AMD). RR 2023, c. 2, Pt. D, §82 (COR).

§2165. Remand to prison on finding of violation

The Governor shall, upon receiving the notice provided for in section 2164, examine the case of the convict and, if it appears by the convict's own admission or by evidence that the convict has violated the conditions of the convict's pardon, the Governor shall order the convict to be remanded and confined for the unexpired term of the sentence. In computing the period of the convict's confinement, the time between the pardon and the subsequent arrest may not be reckoned as part of the term of the convict's sentence. If it appears to the Governor that the convict has not broken the conditions of the convict's pardon, the convict must be discharged. [RR 2023, c. 2, Pt. D, §83 (COR).]

SECTION HISTORY

PL 1975, c. 771, §163 (AMD). RR 2023, c. 2, Pt. D, §83 (COR).

§2166. Return of warrant for pardon or commutation

When a convict is pardoned or the convict's punishment is commuted, the officer to whom the warrant for that purpose is issued shall, as soon as may be after executing the warrant, make return thereof, under the officer's hand, with the officer's doings thereon, to the office of the Secretary of State. The officer shall file in the clerk's office of the court in which the offender was convicted an attested copy of the warrant and return, a brief abstract whereof the clerk shall subjoin to the record of the conviction and sentence. [RR 2023, c. 2, Pt. D, §84 (COR).]

SECTION HISTORY

RR 2023, c. 2, Pt. D, §84 (COR).

§2167. References to pardoned crime deleted from Federal Bureau of Investigation's identification record

In any criminal case in which the Governor grants a convicted person a full and free pardon, that person, after the expiration of 10 years from the date the person is finally discharged from any sentence imposed as a result of the conviction, may make written application to the State Bureau of Identification to have all references to the pardoned crime deleted from the Federal Bureau of Investigation's identification record. Following receipt of an application, the State Bureau of Identification shall make the necessary arrangements with the identification division of the Federal Bureau of Investigation to have all references to the pardoned crime deleted from the Federal Bureau of Investigation's identification record and any state materials returned to the contributing agency if the application is timely and the person has not been convicted of a crime in this State or any other jurisdiction since the full and free pardon was granted and has no formal charging instrument for a crime pending in this State or any other jurisdiction. [PL 2017, c. 288, Pt. A, §16 (AMD).]

SECTION HISTORY

PL 1993, c. 665, §1 (NEW). PL 2017, c. 288, Pt. A, §16 (AMD).

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