



# EXECUTIVE DEPARTMENT



## EXECUTIVE ORDER NO. 6

WHEREAS, Article V, Section 6 of the Wisconsin Constitution vests in the Governor the exclusive and discretionary power to grant pardons, commutations and reprieves; and

WHEREAS, it is advantageous to the clemency applicants, the public and the Governor to have an informed review of each application for clemency; and

WHEREAS, such an informed review is best performed by a board of advisors; and

WHEREAS, all concerned will benefit from a uniform application process; and

WHEREAS, Section 14.019 Stats. authorize the Governor to create non-statutory committees;

NOW, THEREFORE, IT IS ORDERED THAT:

### 1.01 Transitional Provisions.

- (1) All members appointed by me to membership on the Pardon Advisory Board before adoption of this order are appointed members of the Pardon Advisory Board created by this order.
- (2) The Pardon Advisory Board created by me in Executive Order 3 is abolished.

1.02 Creation. There is created a Pardon Advisory Board (the "Board"), to make recommendations to the Governor as to all applications for executive clemency.

1.03 Membership. The Pardon Advisory Board will have six members, appointed to serve at the pleasure of the Governor.

- (1) One member shall be designated by the Attorney General.
- (2) One member shall be designated by the Secretary of the Department of Health and Social Services.
- (3) Three members shall be appointed by the Governor and, insofar as possible shall

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represent law enforcement, the criminal defense bar, women and a diversity of minorities.

- (4) The Governor's Assistant Legal Counsel shall be a non-voting member and shall chair the Board.

1.04 Functions and Operations. The Board shall review all applications for executive clemency and make recommendations to the Governor as to each application.

(1) Hearings.

- (a) The Board shall hold a public hearing on each application at which the applicant and persons in favor and in opposition to the application may be heard.
- (b) Hearings shall be monthly, at a date and place set at least two weeks in advance of the hearing.
- (c) All applications which are complete shall be reviewed at the next hearing after their completion, provided the applications were completed at least three weeks in advance of the hearing date.
- (d) If the number of applications eligible for consideration at a hearing exceeds the number which can be reasonably considered by the Board at that hearing, applications will be scheduled for hearing in the order in which they were completed.
- (e) Three voting members plus the chair constitute a quorum for hearings or executive action by the Board.

(2) Recommendation.

- (a) After a hearing is concluded, either at the close of each hearing or at the close of the day's hearings, the Board shall meet in closed executive session



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as permitted by Wisconsin Stats. s. 19.85(1)(a) to arrive at a recommendation on the application.

- (b) The factors the Board shall weigh in its decision include, but are not limited to, the severity of the offense, the time passed since discharge or conviction, the applicant's need for clemency and the applicant's activities since conviction or discharge.
- (c) The chair shall convey to the Governor in writing the Board's recommendations as to each application, any dissenting recommendations and any reasons given for each.

## 1.05 Manner and Form of Applications.

### (1) Scope.

- (a) These rules shall govern all applications for any form of clemency by any person except one who is currently incarcerated or supervised under a sentence of more than one year.
- (b) All applications for any form of clemency to which these rules do not apply shall be governed by Wisconsin Statutes Sections 57.08 through 57.12.

### (2) Form and Contents.

- (a) Applications for any form of clemency shall be in writing, signed by the person seeking clemency and submitted to the Governor.
- (b) Applications shall contain the following information:
  1. the name of the applicant;
  2. the applicant's current address;
  3. the applicant's date of birth;
  4. at the option of the applicant, for statistical purposes only, the applicant's race or ethnic heritage;

  
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5. the crime of which convicted;
6. the court that imposed sentence (county and branch);
7. the date of sentencing;
8. the sentence imposed;
9. the place of incarceration;
10. a description, in the applicant's own words, of the circumstances of the crime; and
11. a statement of any facts which the applicant believes justify clemency, including but not limited to, activities since conviction, employment history and specific need for a pardon.

(3) Service of Notice.

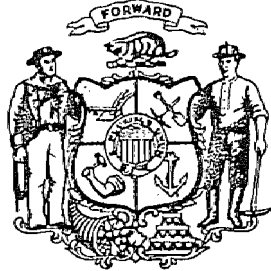
- (a) The applicant shall serve on the judge of the court of conviction and on the district attorney of the county of conviction, a notice of application which shall contain the information required in the application by s. 1.05(2)(b) 1-9.
- (b) Service may be by mail, but the Governor's Office must be given proof of service by a copy of the notice signed or stamped by the person served.

(4) Court Records.

- (a) The applicant shall obtain and provide to the Governor's Office certified copies of the following court records in his or her case:
  1. the indictment, information or complaint;
  2. the docket entries; and
  3. the judgment of conviction.
- (b) If copies of any of the documents required under this subsection are unavailable the applicant shall provide a letter from the clerk of courts of the county of conviction stating that copies are unavailable.

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- (5) An application shall be complete when it contains the information and documents required by subsections (2), (3) and (4).

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the City of Madison this \_\_\_\_ day of February in the year of Our Lord one thousand nine hundred eighty-three.

*Anthony S. Earl*  
ANTHONY S. EARL

By the Governor:

*Douglas La Follette*  
DOUGLAS LA FOLLETTE  
Secretary of State