



OFFICE OF THE GOVERNOR

EXECUTIVE ORDER #121

Relating to the Creation of the Governor's
Pardon Advisory Board

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JUN 5 1991

Legislative Reference
Bureau

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 may be ably performed by a board of advisors; and

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

NOW, THEREFORE, I TOMMY G. THOMPSON, Governor of the State of Wisconsin, by the authority vested in me by the Constitution and the laws of this State, and specifically by Wisconsin Statute section 14.019, do hereby repeal Executive Order #3, dated February 3, 1987 and recreate the Governor's Pardon Advisory Board according to the following guidelines:

- 1.01 **Membership.** The Governor's Pardon Advisory Board shall consist of six members, appointed to serve at the pleasure of the Governor.
- (1) One member shall be appointed by the Governor to represent the Attorney General.
 - (2) One member shall be appointed by the Governor to represent the Secretary of the Department of Corrections.
 - (3) The Governor's Legal Counsel or Deputy Legal Counsel shall be a voting member and shall chair the Board.
- 1.02 **Functions and Operations.** The Board shall review applications for executive clemency and make recommendations to the Governor as to each.
- (1) **Hearings**
 - (a) The Board shall hold a public hearing on each qualifying application at which hearing the applicant and persons in favor and in opposition to the application may be heard.
 - (b) Hearings shall be held monthly, subject to the discretion of the chair, at a date and place set at least two weeks in advance of the hearing.
 - (2) **Recommendations to the Governor**
 - (a) After a hearing is concluded, the Board shall meet in closed executive session, as permitted by Wisconsin Stats. s. 19.85(1)(a), to arrive at a recommendation on the application. Four members constitute a quorum for executive action by the board.

- (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 the offense.
- (c) The chair shall convey to the Governor in writing the Board's recommendations for each application, along with dissenting recommendations, if any, and reasons given for each.

1.03 Manner and Form of Applications

(1) Scope

- (a) These rules shall govern all applications for any form of clemency by any person except individuals 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 304.08 through 304.11.

(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. the exact form of clemency sought
 - 5. the conviction(s) from which relief is sought
 - 6. the court that imposed sentence (county and branch)
 - 7. the date of sentencing
 - 8. the sentence imposed
 - 9. the place of incarceration (if applicable)
 - 10. a description, in the applicant's own words, of the circumstances of the crime
 - 11. a statement of any facts which the applicant believes justify clemency, including activities since conviction, employment history and information pertaining to the applicant's need for clemency.
- (c) The Governor, through the office of Legal Counsel, may set other conditions, requirements and procedures in relation to the application process, including but not limited to, prerequisites and conditions for applying for clemency.

(3) Service of Notice

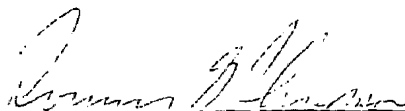
- (a) The applicant shall serve on the judge of the court of conviction and on the district attorney of the county of conviction, a notice of application which shall contain the information required in the application by s. 1.03(2) of this order.
- (b) Service of notice may be by mail, but the Governor's Office must be given proof of service by providing a copy of the notice as signed or stamped by the person upon whom notice was served.

(4) Court Records

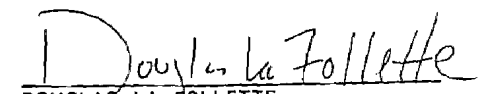
- (a) The applicant shall obtain and provide to the Governor's Office certified copies of the following court records for all convictions for which the person is seeking clemency:
1. The indictment, information, or complaint;
 2. the docket entries; and
 3. the judgement of conviction and sentencing.
- (b) If copies of any of the required court records are unavailable, the applicant shall submit to the Governor's Office a letter from the clerk of courts of the county of conviction stating that copies are unavailable.
- (5) An application shall be complete when it contains the information and documents required by subsections (2), (3) and (4) of this section.



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 third day of June in the year one thousand nine hundred ninety-one.


TOMMY G. THOMPSON

By the Governor:


DOUGLAS LA FOLLETTE
Secretary of State