

Executive Order NO. 112 A

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 all concerned will benefit from a uniform application process.

IT IS ORDERED THAT:

1.01 Transitional Provisions.

- (1) This order supersedes all previous orders with regard to procedures and standards for consideration of executive clemency.
- (2) This order applies to all applications completed after October 1, 1986.

1.02 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 represent law enforcement, the criminal defense bar, women and a diversity of minorities.
- (4) The Governor shall appoint one member from his staff who shall chair the Board. The Chair shall vote when there are fewer than four members present.

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

(1) Interviews.

- (a) No interview or hearing is required. The Governor's staff shall review each application and recommend to the Board whether to interview the applicant. If the Board determines an interview is needed, the applicant will be notified and asked to appear before the Board for an interview. The Board may recommend denial without any interview.
- (b) The interview shall be a public meeting at which the applicant and persons in favor and in opposition to the application may be heard. The Board shall not recommend granting an application without an interview.
- (c) All applications which are complete shall be reviewed at the next meeting after their completion, provided the applications were completed at least one month in advance of the meeting date.
- (d) If the number of applications eligible for consideration at a hearing exceeds the number which can be reasonably considered by the Board

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at that interview, applications will be scheduled for interview in the order in which they were completed.

(e) Three members, one of whom must be the Chair, constitute a quorum for interviews or executive action by the Board.

(2) Recommendation.

(a) After an interview is concluded, either at the close of each interview or at the close of the day's interviews, the Board shall meet in closed executive session as permitted by Wis. 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 the 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.

(d) If Board's recommendation is to grant clemency, a second notice will be sent to the sentencing judge and the prosecuting district attorney before the Board's recommendation is submitted to the Governor.

1.04 Manner and Form of Applications.

(1) Scope.

These rules shall govern all applications for any form of clemency by any person.

(2) Form and Contents.

(a) Applications for any form of clemency shall be in writing, on forms prescribed by the Governor, 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;
5. the crime of which convicted;
6. the court that imposed sentence (county 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 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. 1.04(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 complaint;
2. The docket entries;
3. The judgement of conviction.

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

(6) Limitations.

(a) No applicant may be considered more than once in an 18 month period.

(b) No applicant may be considered less than one year from the date he or she began serving the sentence.

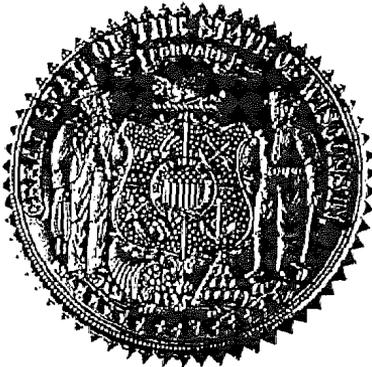
(c) No applicant may be considered before serving less than 5 years on a life sentence or sentence totaling over 30 years.

(d) No applicant may be considered if scheduled for a parole hearing in four months following an application.

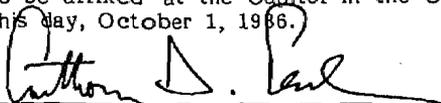
(e) No applicant may be considered if the most recent Parole Board action was a six month deferral or less.

(f) No applicant may be considered if his or her mandatory release date is within one year of the application completion date.

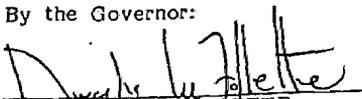
(g) No applicant may be considered if he or she has received 2 major conduct reports within the last year or has been convicted of a felony in the last three years before the application completion date.



IN TESTIMONY WHEREOF, I have affixed my signature and caused the Great Seal of the State of Wisconsin to be affixed at the Capitol in the City of Madison this day, October 1, 1986.

  
ANTHONY S. KARL

By the Governor:

  
DOUGLAS LA FOLLETTE  
Secretary of State