



**LOUISIANA
BOARD OF PARDONS**

Number: 02-201-POL
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BOARD POLICY

SUBJECT: TYPES OF CLEMENCY

PURPOSE: To establish policy of the Louisiana Board of Pardons regarding Executive clemency matters.

AUTHORITY: LAC Title 22, Part 5, Chapter 1; La. R.S. 15:572

REFERENCES: ACA Standards 2-1010 and 2-1011

DEFINITIONS:

First Offender: For the purposes of this policy, "first offender" means a person convicted within Louisiana of a felony but never previously convicted of a felony within Louisiana or convicted under the laws of any other state or of the United States or of any foreign government or country of a crime which, if committed in Louisiana, would have been a felony, regardless of any previous convictions for any misdemeanors. Convictions in other jurisdictions which do not have counterparts in Louisiana will be classified according to the laws of the jurisdiction of conviction.

DISCUSSION:

The Governor may grant reprieves to persons convicted of offenses against the State and, upon recommendation of the Board of Pardons, may commute sentences, pardon those convicted of offenses against the state, and remit fines and forfeitures imposed for such offenses. Notwithstanding any other provision of law to the contrary, the Governor shall not grant any pardon to any person unless that person has paid all of the court costs which were imposed in connection with the conviction of the crime for which the pardon is to be issued.

POLICY:

It is the policy of the Louisiana Board of Pardons (Board) to consider clemency applications submitted in accordance with Louisiana Administrative Code, Title 22, Part 5, Chapter 1. The Board will administer the clemency process and make recommendations to the Governor, fully accounting for the public's safety and due consideration. The Board shall not discriminate against any applicant because of race, color, disability, sex, religion, age, national origin, or genetic information.

PROCEDURES:

A. Types of Clemency

- 1) **Executive Pardon** - An Executive Pardon is a full pardon which unconditionally releases a person from punishment and forgives guilt for any Louisiana convictions. It restores an applicant to all of the rights of citizenship possessed by the person before his or her conviction, including the right to own, possess, or use firearms.
- 2) **Pardon Without Firearm Authority** - A Pardon without firearm authority releases a person from punishment and forgives guilt. It entitles an applicant to all of the rights of citizenship enjoyed by the person before his or her conviction, except the specific authority to own, possess, or use firearms.
- 3) **Pardon for Misdemeanor** - A Pardon for a Misdemeanor Conviction releases a person from punishment and forgives guilt.
- 4) **Commutation of Sentence** - A Commutation of Sentence may adjust an applicant's penalty to one less severe but does not restore any civil rights, and it does not restore the authority to own, possess, or use firearms.
- 5) **Specific Authority to Own, Possess, or Use Firearms** - The Specific Authority to Own, Possess, or Use Firearms restores an applicant the right to own, possess, use, receive, ship and transfer firearms, which was lost as a result of a felony conviction. Due to federal firearms laws, the Pardon Board will not consider requests for firearm authority from individuals convicted in federal or out-of-state courts.
- 6) **First Offenders Pardons** - For the purposes of this section, "first offender" means a person convicted within Louisiana of a felony but never previously convicted of a felony within Louisiana or convicted under the laws of any other state or of the United States or of any foreign government or country of a crime which, if committed in this state would have been a felony, regardless of any previous convictions for any misdemeanors. Once such a pardon is granted, the individual who received such pardon shall not be entitled to receive another such pardon. Types of first offender pardons are listed below.
 - a. Offenders sentenced after November 5, 1968 and before December 31, 1974: An offender sentenced after November 5, 1968 and before December 31, 1974 who has never been previously convicted of a felony, and who has completed serving their sentence, is eligible to apply for a Governor's first offender pardon. By Executive Order dated March 16, 2001, all of these types of applications for clemency must be submitted to the Pardon Board.

- b. Offenders sentenced on or after January 1, 1975 and before December 27, 1999 (automatic first offender pardon): A first offender sentenced on or after January 1, 1975 and before December 27, 1999 and who has never been previously convicted of a felony shall be automatically pardoned upon completion of his sentence without a recommendation of the Board of Pardons and without action by the Governor. The Division of Probation and Parole of the Department of Public Safety and Corrections has the responsibility for the issuance of this type of first offender pardon certificate. The certificate proclaims that the offender has been restored all basic rights of citizenship, which includes the right to vote, but does not specifically restore the right to own, possess, receive, ship and transfer firearms.
- c. Offenders sentenced after December 27, 1999 (automatic first offender pardon): A first offender sentenced after December 27, 1999 for a non-violent crime, or convicted of aggravated battery, second degree battery, aggravated assault, mingling harmful substances, aggravated criminal damage to property, purse snatching, extortion, or illegal use of weapons or dangerous instrumentalities never previously convicted of a felony shall be pardoned automatically upon completion of his sentence without a recommendation from the Board of Pardons and without action by the Governor. The Division of Probation and Parole of the Department of Public Safety and Corrections has the responsibility for the issuance of this type of first offender pardon certificate. The certificate proclaims that the offender has been restored all basic rights of citizenship, which includes the right to vote, but does not specifically restore the right to own, possess, or use firearms.
- d. No person convicted of a sex offense as defined in R.S. 15:542.1 or determined to be a sexually violent predator or a child predator under the provisions of R.S. 15:542.1, et seq., shall be exempt from the registration requirements of R.S. 15:542.1, et seq., as a result of a pardon under the provision of this subsection.
- e. Any person sentenced on or after January 1, 1975 receiving a first offender pardon under these provisions may be charged and punished as a second or multiple offender as provided in R.S. 15:529.1.
- f. No first offender pardon may be issued to a first offender unless that person has paid all of the court costs which were imposed in connection with the conviction of the crime for which the pardon is to be issued.

SHERYL M. RANATZA, CHAIRMAN

**Signature on file*

This Policy replaces and supersedes Board Policy 02-201-POL, "Types of Clemency" dated September 30, 2015. (Technical Revisions Only)