

## **Utah Rules of Administrative Procedure: R671-315. Pardons.**

### **R671-315-1. Pardons.**

A pardon is an act of grace that forgives a criminal conviction and restores the rights and privileges forfeited by or because of the criminal conviction. A pardon releases an offender from the entire punishment prescribed for a criminal offense and from disabilities that are a consequence of the criminal conviction. A pardon reinstates any civil rights lost as a consequence of conviction or punishment for a criminal offense.

A. The Board may consider an application for a pardon from any individual who has been convicted of an offense in the state of Utah, after the applicant has exhausted all judicial remedies, including expungement, in an effort to ameliorate the effects of the conviction. The Board generally will accept and consider a pardon application only after at least five years has passed since the sentence for the conviction has been terminated or expired.

1. Any person seeking a pardon from the Board must complete and file, to the Board's satisfaction, an application in a form approved by the Board.

2. In addition to the completed application, Board staff shall obtain and provide relevant information that shall include but not be limited to:

- (a) all police reports concerning the conviction for which the applicant is seeking a pardon;
  - (b) all pre- or post- sentence reports prepared in connection with any sentence served in jail or prison, and for any conviction for which the applicant is seeking a pardon;
  - (c) the applicant's inmate files;
  - (d) a recent BCI report, NCIC report, and III report concerning the applicant;
  - (f) the applicant's employment history;
  - (g) verification that all imposed restitution, fines, fees, or surcharges have been paid in full;
- and
- (h) verification that the applicant completed therapy programs ordered by any court or by the Board.

2. Board staff shall summarize this information and provide the application and additional information to the Board within 60 days from the date the completed application and all required information and documentation was received. The Board may request additional information from staff or from the applicant.

3. The Board shall consider the pardon application and all available information relevant to it and vote to grant or deny a hearing.

(a) If a pardon hearing is granted the hearing should be held within 60 days, or as soon thereafter as practicable, of the Board's decision to grant a pardon hearing.

4. The Board shall publish notice of the pardon hearing on its web site and on the Utah Public Notice web site.

B. Upon scheduling a pardon hearing, notice shall be given to victims of record if they can be located, the chief law enforcement officer of the arresting agency, the presiding judge where the conviction was entered, and the County, District, or City Attorney where the case was prosecuted.

C. The Board may grant a conditional pardon or an unconditional pardon. The petitioner will be notified in writing of the results as soon as practicable.

D. The Board may grant or deny a pardon by majority vote. Pardon decisions are final and are not subject to judicial review.

E. The Board may dispense with any requirement created by this rule for good cause.

**KEY: pardons**

**Date of Enactment or Last Substantive Amendment: May 22, 2013**

**Notice of Continuation: January 31, 2012**

**Authorizing, and Implemented or Interpreted Law: 77-27-1 et seq.; 77-27-5; 77-27-9; Art VII Sec 12**