



## Frequently Asked Questions/Clemency

*(last updated 10/23/24)*

### **Question: What is clemency?**

Clemency is the process through which the Governor considers requests for granting pardons after convictions, commutations of sentence and exonerations.

Clemency applications are vetted through the Board of Parole initially. The Board's Executive Clemency Unit is responsible for processing all applications for commutation, pardon and exoneration in accordance with the Governor's Executive Clemency Process Criteria.

The Governor may only grant clemency for state law convictions in Tennessee state courts.

### **Question: What are the different types of clemencies available?**

In Tennessee, the three types of clemency include pardons, commutations and exonerations. Under Tennessee's constitution the Governor may grant clemency in all cases after conviction, except impeachment.

**PARDON:** A statement of forgiveness by the state.

**COMMUTATION:** Change of punishment from a greater to a lesser degree or ending a sentence that has been partially served.

**EXONERATION:** The Governor may grant exoneration to any person whom the Governor finds did not commit the crime for which the person was convicted.

### **Question: What are the Governor's criteria for pardon?**

1. The Governor will give serious consideration to pardon requests when:

- a) Petitioner has been neither convicted, nor confined under sentence, nor subject to community supervision within five (5) years since the completion of the sentence(s) from which he or she seeks a pardon.

b) Petitioner has demonstrated exemplary citizenship since the completion of the sentence(s) from which he or she seeks a pardon, which shall mean both specific achievements and incident-free behavior that indicates an extraordinary transformation following the conviction(s) at issue.

c) Petitioner has demonstrated a compelling reason for a pardon.

2. Petitioner has the obligation to provide written verification of exemplary citizenship and of a compelling reason in conjunction with subdivisions 1(b) and 1(c) above. The demonstration of exemplary citizenship shall, among other things, include written communication from at least five (5) persons other than the petitioner or a member of the petitioner's family verifying the period of exemplary citizenship.

In addition, the demonstration of a compelling reason for a pardon must be verified, in writing, by at least one (1) source other than the petitioner or a member of the petitioner's family; provided, however, that the Board may waive this requirement if the circumstances warrant. Generally, the reason for a pardon will not be found to be compelling when other provisions of the law, such as the expungement laws, allow the petitioner to seek appropriate relief.

**Question: What are the Governor's criteria for commutation?**

1. The Governor will give serious consideration to commutation requests where the petitioner has demonstrated that:

- a. The petitioner has made exceptional strides in self-development and self-improvement and would be a law-abiding citizen upon release and:
  - i. Petitioner is suffering from a life-threatening illness or has a severe chronic disability, said illness or disability is supported by appropriate medical documentation, and the relief requested would mitigate said illness or disability; or
  - ii. Petitioner's parent, spouse, or child has a life-threatening illness, said illness is supported by appropriate medical documentation, and the petitioner is the only person able to assist in the care of such person;  
or
- b. the petitioner has been rehabilitated to an extraordinary degree, relative to the nature of the offense(s) committed, will be a law-abiding citizen and positive contributor to society upon release, and has, to the extent age and health permit, a desire and an ability to maintain gainful employment.

2. Petitioners eligible for medical furloughs are excepted from the guidelines of Section 1(a)(i) and 1(a)(ii) above

**Question: What are the Governor's criteria for exoneration?**

1. The Governor will give serious consideration to exoneration requests where the petitioner has demonstrated that:

- a. After consideration of the facts, circumstances, and any newly discovered evidence in a particular case, the Governor finds the petitioner did not commit the crime for which the petitioner was convicted; and
- b. The petitioner has exhausted all possible state judicial remedies.

An exoneration granted pursuant to T.C.A. § 40-27-109 shall as a matter of law be unconditional, shall expunge all records of the person's arrest, indictment, and conviction, and shall automatically restore all rights of citizenship to the person that were lost as a result of the conviction at issue.

**Question: Does the Board grant clemencies?**

No. The Board makes non-binding recommendations to the Governor. Ultimately, the Governor is the only one who can grant clemency.

Meeting the requirements set forth in these guidelines is merely a threshold inquiry in the consideration of pardon relief. The final determination of whether a pardon/commutation/exoneration will be granted lies with the Governor after review of the petition and any non-binding recommendation of the Board.

**Question: What are the steps in the clemency application process?**

Any person submitting a request for clemency must first submit a fully completed application.

This includes answering all questions on the application and providing all requested materials listed on the checklist, which is located on the final page of the application.

Once a completed application is received, it is processed by the Board to determine if the applicant appears to meet the Governor's criteria. This process may include conducting additional investigations and gathering any information relevant to the application, and may take considerable time to complete.

Once all necessary information is gathered, the Board will independently review the clemency application and determine if a formal hearing is merited.

If a hearing is warranted, a hearing is scheduled at the Board's Central Office location in downtown Nashville and each of the Board members participating in the hearing will give their non-binding recommendation at the conclusion of the hearing.

The Governor will then review the application, the non-binding recommendation from the Board of Parole, and any other pertinent information before making a decision. There is no timeline on when and if the Governor will act on any clemency application.

**Question: How long does the Executive Clemency process take?**

The length of time varies as it takes considerable time to process and collect information needed to make a decision. The Board processes clemency applications in the order they are received, although some applications may require additional time to review.

**Question: When will I be notified about my application?**

The Board will only notify an applicant when the Board has received a new clemency application, if the clemency request was denied, or if the clemency application has been accepted and a formal hearing is being scheduled.

**Question: Can I obtain a clemency application online?**

Yes, pardon, commutation and exoneration applications are posted on the Board of Parole website: [Executive Clemency Unit \(tn.gov\)](http://Executive Clemency Unit (tn.gov))

**Question: How does an individual expunge or clear their records?**

The Board of Parole does not have any role in expungements.

If you wish to learn more, you may contact the District Attorney in the county in which you were convicted.

**Question: Do I need an attorney to apply for clemency?**

No, you do not need an attorney to apply for clemency. Please be advised that having an attorney will not expedite the process.

**Question: How will I know if I am granted clemency?**

The Governor's office will be in contact with the petitioner. You will be mailed a certification of proclamation.

The Tennessee Secretary of State's website lists also all clemencies granted by Governor Bill Lee: [Executive Reprieves, Pardons, Exonerations, and Commutations | Tennessee Secretary of State \(tn.gov\)](http://Executive Reprieves, Pardons, Exonerations, and Commutations | Tennessee Secretary of State (tn.gov))

**Question: Will my records be cleared if granted a pardon?**

No, but a pardon may make it possible to have your record expunged.

Expungement is a separate process. A pardon is a statement of forgiveness by the Governor and is a prerequisite toward expungement.

**Question: How can I get my record cleared?**

The only way to remove a conviction is to file a petition for expungement in the court where the conviction occurred.

**Question: Can I reapply for clemency after I have been denied?**

The petitioner may reapply under the next Governor's term, unless the Board states otherwise in their clemency decision, which is mailed to the applicant.

If the applicant is applying for a different type of clemency or applying for relief under a different criteria, they may submit a new application.

**Question: What if the Court or clerk can not find or produce certain documents, judgment orders required by the Board?**

If the above court documents can not be produced by the clerk of courts or the judge, please be sure to obtain a notarized letter from them attesting to this fact.

**Question: What is the appeal process if the Board does not recommend clemency?**

There is no appeal process for clemency. However, applicants may re-apply under the next Governor's administration.

**Question: How can I obtain a copy of a proclamation?**

Answer: The Board is not the official record holder in clemency matters, however, requests for proclamation copies be directed to Tennessee Secretary of State's office.

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**Question: Are clemency hearings open to the public?**

Answer: Clemency hearings are open to the public and governed by the Tennessee Open Meetings Act.