



Seeking a Pardon

IF YOU HAVE BEEN CONVICTED OF A CRIMINAL OFFENSE ...

The Board of Pardons exists as a separate entity that has the authority to make recommendations to the Governor for pardons, reprieves, commutations of sentence, and executive clemency. The Governor grants clemency **only** upon a favorable recommendation by the Board of Pardons. The Governor is not bound to accept the recommendation of the Board of Pardons, but exercises an independent judgment in all cases.

Some factors considered by the Board of Pardons in evaluating Pardon/Commutation requests

How much time has elapsed since the commission of the crime(s)?

Has the applicant complied with all court requirements?

Has the applicant made positive changes to his/her life since the offense(s)?

What is the specific need for clemency?

What is the impact on the victim(s) of the offense(s)?

Procedure: Complete an application. Instructions and more information can be found on the PA Board of Pardons website: www.bop.state.pa.us/

Some of the rights and privileges restored after a pardon: Holding public office, owning and carrying a firearm, service in the military, international travel, employment in varying fields i.e. nursing, education, security, legal, etc.



DID YOU KNOW 70% OF APPLICATIONS RECEIVED ARE FOR DRUG CONVICTIONS? APPROX. 60% OF APPLICANTS REPORT SUBSTANCE USE DISORDERS.

What is a pardon?

A pardon is the forgiveness of a crime and the cancellation of the relevant penalty.

Will my record be cleared if I am given a pardon?

No, a pardon does not remove or clear your record, but it makes it possible to have your record expunged.

How can I get my record cleared?

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

If I receive a pardon, and then am asked by an employer or future employer whether I have been convicted of a crime, can I say no?

Yes, you can say that you were never convicted of a crime because of the holding by the Supreme Court of Pennsylvania in *Commonwealth of Pennsylvania v. Sutley*, 378 A.2d 780 (Pa. 1977). The Court held that a pardon is defined as "the exercise of the sovereign's prerogative of mercy. It completely frees the offender from the control of the state. It not only exempts him from further punishment but relieves him from all the legal disabilities resulting from his conviction *It blots out the very existence of his guilt, so that, in the eye of the law, he is thereafter as innocent as if he had never committed the offense.*" It is recommended, though, that such a denial be explained as based on the existence of a pardon.

*Under Act 134, persons convicted of a **summary offense** are eligible to request that their record be expunged by the Court of Common Pleas of the county where the offense took place, after a 5-year waiting period following the conviction (usually the date of payment of your fines and costs). Act 134, for the first time, allows for expungement of most summary offenses by a court without first being granted a pardon by the Governor. However Act 134 does not grant individuals the ability to claim they were never convicted as with a pardon.

www.bop.state.pa.us/