

# Department of Corrections

Jay Nixon, Governor  
George Lombardi, Director

## Executive Clemency

### Authority

The Governor's authority to grant pardon is derived from the Constitution of Missouri, article IV, section 7. The Governor may grant reprieves, commutations and pardons, after conviction, for all offenses except treason and cases of impeachment. The Governor may impose conditions, restrictions and limitations, as he deems proper.

All applications for pardon, commutation of sentence or reprieve shall be referred to the Board of Probation and Parole for investigation. (217.800 RSMo) The Board is responsible for investigating each case and making a recommendation to the Governor.

### Clemency Application

### Types of Clemency

- Full Pardon - A full pardon does not remove the conviction from the individual's criminal record. A full pardon restores all rights of citizenship and removes any disqualification or punitive effect stemming from the conviction.
- Partial Pardon - A partial pardon provides limited relief and can take a variety of forms, depending on the circumstances of each individual applicant. It does not provide the full scope of relief from collateral consequences of conviction, as does a full pardon. Restoration of rights is an example of a partial pardon.
- Commutation of Sentence - This type of clemency applies to individuals serving a sentence of confinement in a correctional facility. The Governor may release the individual without further obligation to the sentence, reduce the term of the sentence but not release the individual from confinement, or remove restrictions attached to the sentence. This type of clemency applies to individuals serving a sentence of confinement in a correctional facility. The Governor may release the individual without further obligation to the sentence, reduce the term of the sentence but not release the individual from confinement, or remove restrictions attached to the sentence.

## Collateral Consequences of Conviction

The following is summary of the collateral consequences of convictions as set forth in the Missouri Revised Statutes. This is not an exhaustive list of restrictions that may be encountered.

- Statutory range of punishment applicable to the offense.
- Forfeiture of public office upon conviction and until completion of the sentence. (RSMo 561.021)
- Forever disqualified from holding any public office upon conviction of a felony connected with the exercise of the right of suffrage. (RSMo 561.021)
- Forever disqualified from serving as a juror. (RSMo 561.026)
- Disqualified from voting: (RSMo 115.133)
  - while under a sentence of imprisonment;
  - while on probation or parole after conviction of a felony until finally discharged;
  - after conviction of a felony or misdemeanor connected with the right of suffrage.
- Firearms restrictions as set forth in U.S. Code, title 18, part I, chapter 44
- Denial of permit to acquire a concealable firearm for individuals who have pled guilty to or been convicted of a crime punishable by imprisonment for a term exceeding 1 year under the laws of any state, other than crimes classified as a misdemeanor that do not involve an explosive weapon, firearm, firearm silencer or gas gun. (RSMo 571.101)
- A lifetime requirement to register with the chief law enforcement officer of the county of residence for persons convicted of certain sexual offenses as outlined in RSMo 589.400.

## Eligibility Criteria

Individuals who are confined to a prison or jail are eligible to petition the Governor for clemency. Individuals who are not confined must meet the following minimum criteria to be eligible to petition the Governor for clemency.

- The applicant is required to have been fully discharged for **three years** from incarceration and/or probation or parole supervision.
- The applicant must not have received a conviction within the **three-year period** immediately prior to the application for Executive Clemency. (Convictions for minor traffic offenses will not be considered.)
- The applicant cannot have any charges pending at the time of the application.
- The applicant cannot have been denied an Executive Clemency within the past three years.
- Probation judgments in which imposition of sentence was suspended are not eligible for Executive Clemency except in cases where a punitive collateral consequence attaches.

## Investigation

When a clemency application is received from a person confined in prison or jail, the Board will determine if existing file material is sufficient to make an informed recommendation to the Governor. If necessary, the Board may order an investigation to include information such as:

- Summary of present offense and criminal history
- Institutional conduct and accomplishments while confined
- Assessment of medical and/or mental health needs
- Statements from the prosecuting attorney, judge, defense attorney, victim
  
- For individuals not confined and who meet the minimum eligibility criteria, the local Probation and Parole office will conduct an investigation, which will include the following information:
  - Reason(s) for requesting clemency, including specific collateral consequences of conviction.
  - Circumstances of the present offense.
  - Other criminal record information.
  - Victim impact information.
  - Conduct since discharge in areas such as social, employment and financial. Significant positive achievements are noted. Testimonials from friends, employers and general references are included.
  - Comments and recommendations from members of the local criminal justice community. This includes the judge, prosecuting attorney and law enforcement agency.

## Review and Decisions

Upon receipt of the investigative report, the Board of Probation and Parole reviews the information to determine an appropriate recommendation. A letter of recommendation is submitted to the Governor, along with the investigative report and all material submitted by the applicant. The Governor will render the final decision regarding clemency.

All applicants will receive written notification of the final decision.

## FAQs

**Q: Will a pardon expunge my record?**

No. The criminal history record maintained by the Missouri State Highway Patrol will be updated to include pardon information, but it will still be maintained as an open record and will be available to the general public.

**Q: How long does the process take?**

Generally, the clemency process will take a minimum of 18-24 months to complete.

**Q: Where do I send my application?**

Your completed application form should be mailed to the Missouri Board of Probation and Parole, 3400 Knipp Drive, Jefferson City, MO 65109. All applications for clemency are investigated by the Board and submitted to the Governor for the final decision.

**Q: Are there costs involved in filing for clemency?**

There are no fees charged in this process.

**Q: Do I need an attorney to represent me?**

It is not necessary that legal counsel represent you.

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STATE OF MISSOURI  
DEPARTMENT OF CORRECTIONS  
**APPLICATION FOR EXECUTIVE CLEMENCY**

THIS ORIGINAL FORM MUST BE FILLED OUT IN DUPLICATE AND MAILED TO:  
DEPARTMENT OF CORRECTIONS  
MISSOURI BOARD OF PROBATION AND PAROLE  
P.O. BOX 238  
JEFFERSON CITY, MO 65102

1. APPLICANT NAME		TELEPHONE NUMBER	
ADDRESS	CITY	STATE	ZIP
2. TYPE OF CLEMENCY REQUESTED (CHECK ONLY ONE) <input type="checkbox"/> PARDON <input type="checkbox"/> COMMUTATION OF SENTENCE <input type="checkbox"/> RESTORATION OF CIVIL RIGHTS			
3. WHAT IS YOUR REASON FOR MAKING APPLICATION AT THIS TIME?			
4. IS PARDON SOUGHT TO GAIN ELIGIBILITY FOR A PERMIT, LICENSE, OR TO PRACTICE IN A SPECIFIC EMPLOYMENT AREA? <input type="checkbox"/> YES <input type="checkbox"/> NO    (IF YES, PLEASE EXPLAIN)			
6. DATE OF BIRTH	SOCIAL SECURITY NUMBER	8. GIVE NAME YOU USED AT THE TIME OF CONVICTION (IF DIFFERENT FROM ABOVE)	
7. ARE YOU CURRENTLY CONFINED IN A CORRECTIONAL FACILITY? <input type="checkbox"/> YES <input type="checkbox"/> NO		8. HAVE YOU EVER HAD A PROBATION, PAROLE OR CONDITIONAL RELEASE REVOKED? <input type="checkbox"/> YES <input type="checkbox"/> NO	
9. CONVICTION(S) FOR WHICH YOU ARE REQUESTING CLEMENCY:			
DATE	CHARGE	COUNTY	SENTENCE
A.			
B.			
C.			
10. PRIOR CONVICTIONS (CONVICTIONS OTHER THAN LISTED ABOVE):			
DATE	CHARGE	COUNTY	DISPOSITION
A.			
B.			
C.			
11. HAVE YOU PREVIOUSLY APPLIED FOR EXECUTIVE CLEMENCY? <input type="checkbox"/> YES <input type="checkbox"/> NO			
DISPOSITION?			DATE
<b>APPLICANTS WHO ARE CURRENTLY CONFINED IN A CORRECTIONAL FACILITY, SKIP TO # 15</b>			
12. WHERE HAVE YOU LIVED DURING THE PAST FIVE YEARS, AND WITH WHOM? (COMPLETE NAME AND ADDRESS)			
13. WHAT IS YOUR OCCUPATION?			
14. LIST EACH JOB YOU HAVE HELD FOR THE PAST FIVE YEARS, GIVING THE FOLLOWING INFORMATION			
NAME OF EMPLOYER	ADDRESS	DATE EMPLOYED	REASON LEFT
15. GIVE REFERENCES (INDIVIDUALS WHO HAVE KNOWN YOU FOR AT LEAST FIVE YEARS)			
NAME	ADDRESS	TELEPHONE NUMBER	
NAME	ADDRESS	TELEPHONE NUMBER	
APPLICANT'S SIGNATURE			DATE
THIS APPLICATION IS SUBJECT TO INVESTIGATION, THEREFORE, ANY WILLFUL MISREPRESENTATION OR DELETION ARE GROUNDS FOR REJECTION. AUTHORITY TO GRANT EXECUTIVE CLEMENCY IS PURSUANT TO ARTICLE IV, SECTION 7 OF THE CONSTITUTION OF MISSOURI.			

# Missouri Constitution

## Article IV EXECUTIVE DEPARTMENT Section 7

August 28, 2011

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### Reprieves, commutations and pardons—limitations on power.

Section 7. The governor shall have power to grant reprieves, commutations and pardons, after conviction, for all offenses except treason and cases of impeachment, upon such conditions and with such restrictions and limitations as he may deem proper, subject to provisions of law as to the manner of applying for pardons. The power to pardon shall not include the power to parole.

Source: Const. of 1875, Art. V, § 8.

(1975) Held governor's power to pardon is limited to criminal prosecutions and does not extend to administrative revocation of license. The court also held that the governor has no authority to "order" an action by the director of liquor control when the statute places such duty on the director. *Theodoro v. Department of Liquor Control (Mo.)*, 527 S.W.2d 350.

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Missouri General Assembly

# Missouri Revised Statutes

## Chapter 217 Department of Corrections Section 217.800

August 28, 2011

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### **Pardons by governor--conditions and restrictions--notice to central repository.**

217.800. 1. In all cases in which the governor is authorized by the constitution to grant pardons, he may grant the same, with such conditions and under such restrictions as he may think proper.

2. All applications for pardon, commutation of sentence or reprieve shall be referred to the board for investigation. The board shall investigate each such case and submit to the governor a report of its investigation, with all other information the board may have relating to the applicant together with any recommendations the board deems proper to make.

3. The department of corrections shall notify the central repository, as provided in sections 43.500 to 43.530, of any action of the governor granting a pardon, commutation of sentence, or reprieve.

(L. 1982 H.B. 1196 § 132, A.L. 1995 H.B. 424)

CROSS REFERENCE:

Convict with incurable disease may be pardoned, 217.250

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Missouri General Assembly

# *Missouri Revised Statutes*

## Chapter 217 Department of Corrections Section 217.220

August 28, 2011

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### **Death sentence commutation, admittance to correctional center.**

217.220. The director shall at all times receive into the department, on order of the governor, any person convicted of any crime punishable with death. If the governor commutes the sentence to imprisonment either for life or for a term of years in a correctional center, as provided by law, the offender shall be confined according to the terms of the commutation.

(L. 1982 H.B. 1196 § 55, A.L. 1989 H.B. 408, A.L. 1995 H.B. 424)

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Missouri General Assembly