

## Pardon and Parole Board Frequently Asked Questions About Pardons

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### GENERAL QUESTIONS

**1. What is a pardon?**

A pardon is an act of forgiveness granted by the Governor for a crime or crimes committed by an individual. A pardon is a privilege and not a right. As per statute, the Pardon and Parole Board must first provide a favorable recommendation to the Governor regarding an individual's request for a pardon. Only the Governor can grant a pardon. Neither an application for a pardon nor a recommendation from the Board guarantees that a pardon will be granted.

**2. Will a pardon clear my record?**

No, a pardon does not clear a criminal record, but does acknowledge that someone has worked hard to become a productive, law-abiding citizen after making mistakes in the past.

**3. Am I eligible to make application for a pardon?**

In order to be eligible for a pardon, a person must meet the following criteria:

(1) Must have been convicted of an Oklahoma law violation, either a felony or misdemeanor, or a crime of moral turpitude involving alcohol or an illegal drug offense in an Oklahoma Municipal Court. Traffic misdemeanor convictions are NOT eligible for a pardon.

(2) Must have fully completed the entire sentence, including parole, probation, and post-imprisonment supervision, or successfully completed five consecutive years of parole or probation immediately prior to application.

(3) Must have paid all fines, fees, restitution, court costs, etc. in full.

(4) Must not have any new or pending charges, unresolved detainers, warrants, tax liens, or child support arrearages.

(5) Must not currently be in jail or prison.

(6) Must not have been considered for a pardon within the previous three years.

Any cases from other jurisdictions must also meet these criteria, even though not eligible for an Oklahoma pardon.

**4. How do I apply for a pardon?**

To apply for a pardon, go to the Pardon and Parole Board's website at <https://www.ok.gov/ppb/>. Click on the Pardon and Commutation Tab. Click on the application link to register and apply for a pardon. You will need all of the required documents in PDF form to be able to submit the application.

**5. Is there a deadline to apply?**

No, there is no deadline to apply. Pardon applications are date stamped when received and reviewed on a first come, first served basis.

**6. Is there a fee for applying for a pardon?**

No, there is no fee associated with applying for pardon.

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**7. How long does it take for my application to be processed?**

On average, processing an application takes approximately *six to twelve months*.

**8. Why does it take so long?**

The pardon process is lengthy because all information must be verified. After a completed application is received, an NICS/OSBI report will be requested. The application is then assigned for a pre-pardon investigation. The pre-pardon investigation may take up to seventy (70) days to complete. Once the pre-pardon investigation is complete, the application will be placed on the next available docket. The Board is a part-time Board and only meets once a month. Following a favorable recommendation by the Board, the Governor also has ninety (90) days to make a decision.

**9. Can a pardon be expedited?**

No, there is no process for expediting a pardon application.

**10. Will I get a letter telling me that my application was received?**

No, you will not get a letter indicating that your application was received. **If confirmation that an application has been delivered to the Pardon and Parole Board, the application and the required attachments should be sent certified mail.** You will receive a letter from the Pardon and Parole Board: 1) if the application is missing documentation; 2) when your application goes for pre-pardon investigation; 3) when your application is docketed for a hearing; 4) if the application goes to the Governor; and, 5) when the Governor makes a final decision either granting or denying your pardon.

**11. What if I change addresses or telephone numbers?**

In order to continue to receive notifications, you will need to notify the Pardon and Parole Board of any address or telephone number changes. If you are not able to be contacted due to address or phone number changes, your application will be placed in suspension and withdrawn from the process.

**12. Will a pardon restore my right to own a gun?**

According to Oklahoma Statutes, Title 21 1283 (B) the only way to restore firearm rights is through a pardon granted by the Governor of Oklahoma. The statute states that any person who has previously been convicted of a nonviolent felony in any court of this state or of another state or of the United States, and who has received a full and complete pardon from the proper authority and has not been convicted of any other felony offense which has not been pardoned, shall have restored the right to possess any firearm or other weapon prohibited by subsection A of this section, the right to apply for and carry a handgun, concealed or unconcealed, pursuant to the Oklahoma Self-Defense Act and the right to perform the duties of a peace officer, gunsmith, or for firearms repair.

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There may be federal firearm laws that also apply. For more information, contact the Bureau of Alcohol, Tobacco, Firearms and Explosives, Oklahoma Field Office, at 901 N.E. 122<sup>nd</sup>, Suite 200, Oklahoma City, OK 73114 or 405/748-8294, Option 2.

### APPLICATION QUESTIONS

**13. Can someone else fill out the application for me?**

Yes, but the applicant is required to sign the application indicating all information that is being submitted is true and correct.

**14. Where do I get a certified copy of the Judgement and Sentence?**

Certified copies of the Judgement and Sentence can be obtained from the Court Clerk in the county of conviction. If this information is omitted, it could result in the denial of the application.

**15. What if I don't have credit?**

If you do not have "credit" then the credit agency will send a credit report stating that. A credit score alone is not sufficient.

**16. Is a letter sufficient for proof of employment?**

No, a letter from an employer is not sufficient. An example of proof would be a current pay stub, benefit statement, tax return, unemployment, or SSI. If this information is omitted, it could result in a delay in processing or denial of the application.

**17. What if I am not employed?**

If you are not employed, send a copy of proof of your unemployment, proof of your SSI award, a retirement award, a bank statement showing the monthly deposit, or a tax document showing annual income if you own your own business. If you have no income what so ever, please state that you are unemployed and have no income in that section. If this information is omitted, it could result in a delay in processing or denial of the application.

**18. What is needed for proof of residence?**

An example of a proof of residence is a mortgage statement, a certified rental receipt, a lease agreement, or a signed written statement that you live with someone and they pay the rent or mortgage. Documentation of proof of residence must be dated within sixty (60) days of the date of the application. Utility bills or cable bills are not sufficient. If this information is omitted, it could result in a delay in processing or denial of the application.

**19. What do I put on my application if I can't remember the date of certain crimes?**

The application requests specifics on every crime you have been convicted, including the date that the crime occurred. If this information is omitted, it could result in a delay in processing or denial of the application. This could also result in some crimes being omitted from the pardon process entirely.

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**20. What is a character affidavit and who can complete a character affidavit?**

An affidavit is a sworn statement by a person, known as the affiant, setting forth certain facts that the affiant knows to be true. It usually consists of a brief statement of those facts and is signed by the affiant. The character affidavits must be notarized by a notary public. A Character affidavit is an optional document.

**21. Do I have to use the character affidavit form provided?**

Yes

**22. What if I do not have anyone who can complete a character affidavit? What if I only have someone related to me?**

Character affidavits may be submitted by a friend, co-worker, former boss, priest, pastor, or neighbor. If there is no one except family members, they may complete affidavits.

**23. Does the character affidavit have to be notarized?**

Yes, any bank will have notary services available for a small fee.

### **PARDON AND PAROLE BOARD REVIEW**

**24. When will I be placed on a docket?**

After the Pre-pardon Investigator Report is received, the application will be placed on the next available docket for the Pardon and Parole Board to review and consider the request for the pardon. The applicant will have an opportunity to present before the Board.

**25. How will I be notified?**

A letter is sent 21-days prior to the meeting providing the date, time, and place of the pardon hearing.

**26. Do I have to attend the board meeting?**

No, attendance is strongly encouraged but it is not required in order to receive a pardon.

**27. Do I need an attorney to apply for a pardon?**

No. While some applicants hire an attorney to assist with a pardon application, an attorney is not required.

**28. What does the board consider and what are my chances?**

The administrative staff cannot provide any information as to your chances of success. The Board members consider factors such as nature of the crime, the length of time since the crime was committed, and what you have done with your life since the crime, among other elements. From the point of discharge of a sentence, there is no minimum amount of time that a person must wait to apply for a pardon. It should be noted that the law allows some past crimes to be used to enhance future crimes up to ten (10) years following the completion of the sentence or court imposed probation. A pardon remains a privilege and not a right. A Board member can vote for or against the granting of a pardon regardless of

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the time that has passed.

### **29. How often does the board meet?**

The Board meets once per month. The dates of the meetings can be found on the Board's website.

### **30. What happens at the meeting?**

If an applicant chooses to appear before the Board, the applicant may speak on their behalf or bring a representative, such as an attorney, to speak on their behalf. Only one person will be allowed to speak to the Board regarding the reasons for requesting the Pardon. If there are time constraints, the speaker may be given a limited amount of time, usually five (5) minutes, to address the Board. The Board Members may or may not have questions for the representative or the applicant.

### **31. Will I know right away if I the Board made a favorable recommendation?**

Yes, the Board will vote at the conclusion of the applicant's hearing. Votes are not final until the conclusion of the monthly meeting.

### **32. What happens if I receive a favorable recommendation?**

If your pardon application received a favorable recommendation, the application will then be forwarded to the Governor's Office for final action. The Governor has ninety (90) days from the date the application is received to make a decision. The Governor may choose to follow the Board's recommendation and grant you a pardon or may deny the pardon.

### **33. What happens if I get denied?**

If your application is denied either by the Board or by the Governor, you may reapply after three (3) years from the date of denial.

### **34. Can I find out why I was denied?**

Neither the Board nor the Governor gives a reason for their decisions. Administrative staff are not able to explain the reason for your denial.

### **35. How do I reapply?**

An applicant wishing to reapply following a denial may do so three (3) years after denial and another application must be completed.

### **36. What happens if I am granted a pardon?**

If the Governor grants the pardon, you will get a letter stating you have been granted a pardon along with a copy of the pardon certificate and instructions on how to obtain a certified copy from the Oklahoma Secretary of State's Office.