

## 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. 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. An application for a pardon does not guarantee 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. What does a pardon do and how is that different from an expungement?**

Under Oklahoma law, a pardon by itself does not clear or erase a person's criminal record. It does not prevent a prior criminal record from being considered when decisions are made concerning employment or other matters. Even if a pardon is granted, a criminal record may continue to impact a person. Under Oklahoma statutes, Title 22 Section 18, under certain circumstances, a person must obtain a pardon from the Governor before being eligible for an expungement. An expungement will erase the conviction from the person's criminal record. The expungement process is a court proceeding which may require the services of a licensed attorney. The Pardon and Parole Board is not involved in the expungement process. Applicants may need to consult an attorney for assistance with the expungement process. For more information about the expungement of a criminal record, visit the Oklahoma State Bureau of Investigation's website at <https://www.ok.gov/osbi/faqs.html>.

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

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

- Must have been convicted of a violation of Oklahoma law, either a felony or misdemeanor, or in an Oklahoma Municipal Court involving a misdemeanor alcohol or illegal drug offense. Traffic misdemeanor convictions are NOT eligible for a pardon.
- Must have completely discharged the entire sentence for the offense(s) he/she is wishing to have pardoned.
- Must have paid all fines, fees, restitution, court costs, etc. in full.
- Must not have any pending charges.
- Must not currently be in jail or prison.
- Must not have been considered for a pardon within the past year.
- Must have discharged all sentences, including post-imprisonment supervision.

Any cases from other jurisdictions must also meet these criteria, even though not included in the consideration.

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**5. How do I get a pardon application?**

To obtain an application, go to the Pardon and Parole website at <https://www.ok.gov/ppb/>. Click on the Pardon and Commutation Tab. Click on the application link to download and print the application or you may call (405) 521-6600 to request an application.

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

No, there is no deadline to apply. Pardon applications are reviewed on a first come, first serve basis.

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

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

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

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

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

A pardon is a privilege not a right. The pardon process is lengthy because all information provided must be verified. After a completed application is received, an OSBI report will be requested which can take between 2 weeks and two (2) months to receive. The application is then assigned for a pre-pardon investigation. The pre-pardon investigation may take up to seventy (70) days to complete. The Board is a part-time Board and only meets once a month. If a pardon is recommended, the Governor has ninety (90) days to make a decision.

**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 but you may contact the Pardon and Parole Board at any time to obtain a status update on your application. You will receive a letter from the Pardon and Parole Board if: 1) the application is missing documentation; 2) when your application goes for pre-pardon investigation; 3) when your application goes before the Pardon and Parole Board; 4) when your application goes to the Governor; and, 5) when a final decision is made either granting or denying your pardon.

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

You will need to notify the Pardon and Parole Board of any address or telephone number changes immediately in order for your application to continue through the process. If you are not able to be contacted, your application will be placed in suspension and withdrawn from the process. If your application is withdrawn you may not reapply for one (1) year.

**12. How long after the Board's recommendation will I know if the pardon was approved?**

After a favorable recommendation, the Governor has 90 days to make a decision on the granting of a pardon.

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

No, there is no process for expediting an application.

**14. What will happen if my pardon is granted?**

When the pardon is granted or denied by the Governor, the Pardon Certificate will be signed and filed with the Oklahoma Secretary of State. The Oklahoma Pardon and Parole Board will receive notification of the Governor's actions (both approval and denial) and will send a letter to the applicant regarding the outcome, along with the appropriate certificate.

**15. If I am denied a pardon do I have to submit the entire application over again?**

If an applicant is denied at either stage of the process (by the Pardon and Parole Board or the Governor), the applicant may re-apply in one year from the date of denial. The applicant will need to submit an updated credit report, proof of residence, proof of employment, character affidavits, and an Authorization for Release of Information at the time of re-application.

**16. 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.

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

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

If you are unable to read and/or write, a family member, friend, pastor, or neighbor may assist you with the application.

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### **18. What documentation is needed with the application?**

The application form contains the specific instructions, including a list of required documents. Required documents include: 1) a certified Judgment and Sentence bearing an original county seal or stamp for each conviction for which a pardon is requested; 2) a certified letter bearing an original seal or stamp from the Court Clerk in the county of conviction that all fines, fees, restitution, and court costs are paid in full; 3) a current credit report; 4) current proof or verification of employment or income; 5) current proof or verification of residence; 6) character affidavits; and, 6) Authorization of Release of Information.

### **19. 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.

### **20. 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.

### **21. Is a letter sufficient for proof of employment?**

No, a letter from an employer stating you work there 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 the denial of the application.

### **22. What if I am not employed?**

If you are not employed send a copy of your unemployment award, your SSI award, your 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.

### **23. What is needed for proof of residence?**

An example of a proof of residence is a mortgage statement, a cancelled rent check, rental receipt, lease agreement, or a written statement that you live with someone and they pay the home payment. Utility bills or cable bills are not sufficient. If this information is omitted, it could result in the denial of the application.

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

The application form requests specifics of every crime of which you have been convicted, including the date that the crime occurred. If this information is omitted, it could result in the denial of the application.

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**25. 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.

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

It is preferred that the included form is used for your character affidavits. Other references may write on their letterhead or a piece of paper as long as their name and contact information is provided.

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

Other options for a character affidavit may include a friend, co-worker, former boss, priest, or neighbor. If there is no one except family members, they may complete affidavits.

**28. 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**

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

Once an investigator has verified all information submitted in the application. The investigator will compile and submit a report. The application is then placed on the next available docket for the Pardon and Parole Board to hear and consider the request for the pardon.

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

No. While some offenders hire an attorney to assist them with their pardon applications, one is not required to be successfully considered for a pardon.

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

The administrative staff cannot make a determination or statements as to your chances of success. There are five (5) individual board members reviewing your application. The Board does consider at things such as nature of the crime, how long ago that it was committed, and what you have done with your life since the crime, among other factors. The Board generally likes to see five years from the date of last discharge of a sentence.

**32. When does the board meet?**

The Board meets once per month. When your application has been scheduled for a hearing, you will receive a letter providing you with the date of the hearing, the address of the meeting, and the time to appear.

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### **33. Do I have to attend the board meeting?**

No, however, the Board takes pardons very seriously. A pardon is a privilege and not a right. Therefore, you are strongly encouraged to attend. You will need to contact the administrative office the Friday prior to the Board meeting to obtain a confirmation number if you wish to speak.

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

If an applicant chooses to appear before the Board, the applicant may speak on his/her 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. The speaker will 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.

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

Yes, however, the votes are not final until the conclusion of the week-long meeting.

### **36. 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 decision. The Governor has ninety (90) days from the date the application is received to act. The Governor may choose to follow the Board's recommendation and grant you a pardon or may deny the pardon.

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

If your application is denied either by the Board or by the Governor you may reapply in one year from the date of denial.

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

Neither the Board nor the Governor is required to give reasons for their decisions. Administrative staff will not be able to explain your denial.

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

In applicant wishing to reapply following one (1) year after denial must send a letter to the Pardon and Parole Board stating their intent to reapply. Applications will required an updated credit report, an updated pay stub or proof of income, an updated proof of residence, updated character affidavits, and an Authorization to Release Information. The investigator will conduct a new pre-pardon investigative report within seventy (70) days of receipt of the completed application. Once scheduled for a hearing and review, the applicant will then appear before the Board for reconsideration.

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

If the Governor grants a 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.

### **41. What if I lose my pardon certificate or need another copy?**

You will need to contact the Oklahoma Secretary of State's Office at (405) 522-4565. The Oklahoma Pardon and Parole Board does not keep pardon certificates in house.