

**TITLE 515. PARDON AND PAROLE BOARD
CHAPTER 20. PARDON PROCEDURES**

SUBCHAPTER 1. GENERAL PROVISIONS

515:20-1-1. Purpose

(a) **Purpose.** This Chapter establishes rules and procedures used by the Pardon and Parole Board to implement the provisions of Article 6 Section 10 of the Oklahoma Constitution, Title 57 O.S. Section 332.2, and Title 57 O.S. §332.19.

(b) **Scope.** The rules in this Chapter include, but are not limited to procedures for making application for a pardon and the procedures for the Pardon and Parole Board's review and hearing process for pardons. This Chapter is not intended to limit or expand the authority of the Pardon and Parole Board. The Pardon and Parole Board may address any matter under its authority and change any procedure for good cause.

(c) **Severability.** The repeal or invalidity of any particular rule of this Chapter shall not affect other rules.

515:20-1-2. Definitions

The following words and terms when used in this Chapter shall have the following meaning unless the context clearly indicates otherwise:

"Applicant" means a person who has submitted a pardon application to the Board for consideration.

"Application review" means the process conducted by the administrative staff of the Board to determine the completeness of the application.

"Board" means the Pardon and Parole Board.

"Complete application" means an application in which all sections of the application have been determined to be complete and all required documentation has been submitted.

"Incomplete application" means an application that is lacking a part, parts, or all of a section or sections or the applicant did not sufficiently answer all questions as determined by the Executive Director or an assigned designee as required in the pardon application instructions.

"Ineligible application" means an application submitted by an applicant who does not meet the eligibility criteria for a pardon consideration.

"Illegible application" means a handwritten application in which the handwriting cannot be read as determined by the Executive Director or an assigned designee.

"In-state pardon application" means an application submitted by a resident of Oklahoma who meets the eligibility criteria for a pardon consideration.

"Legal Representative for the Applicant" means a person or persons who is appointed or authorized to represent the Applicant.

"Out-of-state pardon application" means an application submitted by a person who resides outside of Oklahoma and meets the eligibility criteria for a pardon consideration.

"Pardon" means an act of clemency by the Governor that allows a person to be released from the consequences of conviction of a crime and restores some of a persons' civil rights.

"Pardon application" means the form approved by the Board for the consideration of a pardon.

"Personal appearance" means an appearance by the Applicant before the members of the Board regarding the pardon consideration.

"Pre-pardon investigation" means an investigation conducted to verify the information provided in the application.

"Receipt" means the date on which the application is determined to be complete date stamped as received.

"Victim" means any person or persons who have suffered direct or threatened physical or emotional harm or financial loss as the result of the commission or attempted commission of criminally injurious conduct.

"Victim representative" means a person or persons of the immediate or extended family of the Victim or a person or persons designated by the Victim or the immediate or extended family of the Victim.

SUBCHAPTER 3. PARDON ELIGIBILITY CRITERIA

515:20-3-1. General eligibility

A person must meet the following criteria for all convictions for which a pardon is being requested:

- (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.
- (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.
- (6) Must not currently be in jail or prison.
- (7) Must not have been considered for a pardon within the previous twelve months.

515:20-3-2. Application ineligibility

If an ineligible application is submitted, the administrative staff of the Board will notify the Applicant in writing. Applications for pardon consideration will be deemed ineligible at any point in the pardon process if the Applicant is arrested, charged with a new criminal offense, or incarcerated prior to Board review. The Applicant may re-apply once all eligibility criteria have been met.

SUBCHAPTER 5. PARDON APPLICATION

515:20-5-1. Applications for pardon

- (a) **Application.** The Board shall adopt a pardon application to be used for pardon requests and pardons based on actual innocence. The pardon applications and instructions shall be posted on the Board's website at www.ok.gov/ppb. Applications must be completed as specified in the instructions.
- (b) **Application form.** The most current application form posted on the website must be used. Outdated application forms will be returned.
- (c) **Altered applications.** Applications which have been altered in any manner will be returned with a request to submit the application on the Board approved form.

(d) **Submitting an application.** Completed applications may be hand-delivered or mailed to the administrative office of the Board.

(e) **Address change.** If an Applicant has an address change at any point after submitting the application, the administrative office of the Board should be contacted via telephone, email, or in writing to provide the Applicant's new address. Applicants are responsible for maintaining current addresses with the administrative staff of the Board.

515:20-5-2. Incomplete applications

(a) **Incomplete application notification.** If an application is incomplete, a notification letter will be mailed to the address provided by the Applicant.

(b) **Missing information deadline.** From the date of the notification letter, the Applicant will be provided a ninety (90) day deadline in which to provide the missing information. No further action by the Pardon and Parole Board will be taken on an incomplete application until the missing information is provided.

(c) **Withdrawn applications.** Applications that are withdrawn by the Applicant will be moved to inactive status.

(d) **Inactive status.** Withdrawn applications and those that remain incomplete following the 90-day deadline will be automatically moved to inactive status and the disposition of the application will follow the Board's published Records Disposition schedule.

(e) **Return of the incomplete application.** The incomplete application will not be returned to the Applicant or legal representative for the Applicant. Prior to the disposition of the records, a copy of the incomplete application and certified documents submitted with the application may be obtained through an Open Records Request, along with payment in accordance with the published fee schedule. The application and certified documents submitted with the application may also be picked up at the Board's administrative office prior to the scheduled disposition of the records.

(f) **Illegible applications.** Applicants who have submitted an illegible application will be notified in writing along with a request that a legible or typed application be resubmitted.

SUBCHAPTER 7. PRE-PARDON INVESTIGATIONS

515:20-7-1. Pre-pardon investigation

(a) **Application verification.** All of the information in the pardon application must be verified, including the information in the required attachments. The pardon application review process can last six (6) months to one year prior to placement on a docket.

(b) **Out-of-state pardon applications.** After an Out-of-State pardon application is received, the application is electronically forwarded and assigned to an investigator employed by the Board to perform a Pre-Pardon Investigation.

(c) **In-state pardon applications.** After an In-State pardon application is received, the application is electronically forwarded and assigned to the appropriate Oklahoma Department of Correction's Probation and Parole District to perform a Pre-Pardon Investigation.

(d) **NCIC reports.** As a part of the application verification process, NCIC reports are requested and attached to the application.

(e) **Timeline.** The investigating authority is allowed up to seventy (70) days from the time that the application is assigned to complete a pre-pardon investigation and then compile a report for the Board.

- (f) **Extensions.** Extensions of deadlines may be granted by the Executive Director or his/her designee when circumstances warrant.
- (g) **Past-due investigations.** If a report is overdue, the appropriate investigator or Probation and Parole District office will be contacted to determine the status of the investigation.
- (h) **Docketing.** Once the Pre-Pardon Investigation report is provided to the administrative office, the application will be placed on the next available docket for pardon consideration.

SUBCHAPTER 9. VICTIM NOTIFICATION

515:20-9-1. Victim registration

- (a) **Victim notification program.** The Board utilizes the Victim Notification Program to notify a registered Victim or Victim Representative of an Applicant's request for a pardon.
- (b) **Registration.** A Victim or Victim Representative may register with the Victim Notification Program by contacting the administrative staff at 405/521-6600 to obtain a copy of the form. The form is also available on the website at www.ok.gov/PPB/Victim Notification Program, or by contacting the Victim Witness Coordinator in the District Attorney's Office in the county where the Applicant was prosecuted. A completed form can be mailed or emailed to the administrative office of the Board or emailed as per the directions on the form.
- (c) **Change of address.** In order to ensure continued notifications from the Board, changes of address of the Victim or Victim Representative must be provided in writing to the administrative offices of the Board.

SUBCHAPTER 11. APPLICATION NOTIFICATION

515:20-11-1. Notification of and response to pardon application

- (a) **District Attorneys.** Within twenty (20) business days after receipt of an application, a copy of the pardon application will be provided to the Office of the District Attorney in the county where the Applicant was prosecuted. The District Attorney shall have twenty (20) business days to provide written recommendation or protest prior to the consideration of the application.
- (b) **Victim or Victim Representative.** Within twenty (20) business days after receipt of an application, a copy of the pardon application will be provided to the registered Victim or Victim Representative. The Victim or Victim Representative shall have twenty (20) business days to provide written recommendation or protest prior to the consideration of the application.
- (c) **Office of the Attorney General.** Within twenty (20) business days after receipt of an application, a copy of the completed pardon application will be provided to the Office of the Attorney General.

515:20-11-2. Notification of a docketed application

- (a) **Internet posting.** Each month, the Pardon Docket will be posted on the Board's website at www.ok.gov/ppb at least twenty (20) days before each meeting and is available to the public.
- (b) **Paper copy of docket.** Anyone may request a paper copy of the docket through an Open Records Request. The request will be filled in a timely manner and the published fee schedule will apply.

(c) **Victim or Victim Representative.** A registered Victim or Victim Representative will be notified in writing at least twenty (20) days prior to the date that the application has been scheduled for consideration by the Board.

SUBCHAPTER 13. BOARD REVIEW PROCESS AND PARDON APPLICATION HEARING

515:20-13-1. Application review process

All complete pardon applications shall be set for review during a regular meeting of the Board. Applications for pardon consideration will be stricken from the docket at any point in the pardon process if the Applicant is arrested, charged with a new criminal offense, or incarcerated prior to Board review.

515:20-13-2. Attendance

Board meetings, including pardon application hearings, are open to the public, except when exclusion is allowed by law. Admittance may be limited by the security regulations of the facility as well as the capacity of the meeting room. Meetings are conducted at the Department of Corrections facilities and the Department of Corrections is responsible for the security. Questions of admittance to the facility hosting the meeting will be determined by the Department of Corrections.

515:20-13-3. Applicant attendance

An Applicant may choose to appear before the Board and speak on his/her behalf. Applicants may bring a representative with them; however, only one person will be allowed to speak to the Board regarding the reasons for requesting the pardon. The speaker will be given five (5) minutes to speak to the Board. The Board Members may or may not have questions for the Applicant.

515:20-13-4. District Attorney appearances and communication with the Board

(a) **District Attorney appearance.** A portion of each meeting will be set aside for District Attorneys to address the members of the Board regarding pardon applications for a maximum of five minutes. This will occur at a separate time from the Applicant's personal appearance.

(b) **In lieu of attendance.** As an option to attending, District Attorneys may provide written protest or support communication to the administrative office of the Board or via email at BoardCommunications@ppb.ok.gov.

(c) **Submission deadline for written correspondence.** The deadline for submission of emails or written correspondence is by the close of business of the administrative office of the Board on the Tuesday prior to the Board meeting on which the application is docketed.

515:20-13-5. Victim or Victim Representative appearances and communication with the Board

(a) **Victim or Victim Representative appearances.** A portion of each Board meeting will be set aside for the members of the Board to hear from the Victim or Victim Representative regarding a pardon application. No more than two Victims and/or Victim Representatives may appear and only one will be allowed to address the Board for a maximum of five (5) minutes. In cases in which

there are multiple Victims, the Board may hear from more than one Victim and/or Victim Representative at the discretion of the Chair and within the time constraints of the meeting.

(b) **Confirmation number.** In order to speak before the Board, a Victim or Victim Representative must obtain a confirmation number from the Board's administrative office. The deadline to obtain a confirmation number is between 8:00 a.m. and 4:00 p.m. between Monday and Friday the week prior to the Board meeting on which the application is docketed.

(c) **Confidentiality.** Any Victim or Victim Representative that appears at the meeting and addresses the Board waives confidentiality concerning their appearance at the meeting and the statements made during the meeting. Confidentiality is maintained when written protests or support communication are provided.

(d) **In lieu of attendance.** As an option to attending, a Victim or Victim Representative may provide written protest or support communication to the administrative office of the Board or via email at BoardCommunications@ppb.ok.gov.

(e) **Submission deadline for written correspondence.** The deadline for submission of emails or written correspondence is by the close of business of the administrative office of the Board on the Tuesday prior to the Board meeting on which the application is docketed.

SUBCHAPTER 15. BOARD RECOMMENDATION AND GOVERNOR'S ACTION

515:20-15-1. Board recommendation

After the pardon application is reviewed, the Board will vote to either recommend a pardon or deny the request; however, votes are not final until the conclusion of the full meeting. There are no limitations on the factors that the Pardon and Parole Board may consider in making its recommendation to the Governor. If a favorable vote is received, the Board's recommendation, the pardon application, along with any protests and support letters, and a draft Pardon certificate will be forwarded to the Governor within thirty (30) days.

515:20-15-2. Status results

(a) **Telephone.** Anyone may call the administrative offices of the Board after 2:00 p.m. on the Monday following a Board meeting to inquire about the Board's recommendation on a specific Pardon Application.

(b) **Internet posting.** Following a Board meeting, results will be posted on the Board's website in a timely manner but no later than twenty (20) business days after the meeting.

(c) **Victim and Victim Representative.** Any Victim or Victim Representative who is registered will be notified in writing of the Board's recommendation no later than twenty (20) days after the meeting.

515:20-15-3. Governor review and action

(a) **Governor review.** After the Board has recommended a pardon, the Governor has ninety (90) days to make a determination regarding a pardon request. The Governor has the authority to grant or deny a pardon, regardless of a favorable recommendation by the Board.

(b) **Governor action.** If the Governor grants the pardon request, the Pardon Certificate will be signed as approved. If the Governor denies the pardon request, the Governor will indicate denied on the Pardon Certificate. The Governor will file granted and denied Pardon Certificates with the Oklahoma Secretary of State.

SUBCHAPTER 17. PROCESS FOLLOWING PARDON APPROVAL OR DENIAL

515:20-17-1. Pardon notifications

- (a) **Applicant notification of granted pardon.** When the administrative staff of the Board receives notification of the Governor's action for the pardon consideration, the Applicant will be notified in writing along with a copy of the Pardon Certificate. A granted pardon is effective as per the date on the Pardon Certificate.
- (b) **Other agency notification.** If the pardon is granted, the following agencies will be notified and provided a copy of the Pardon Certificate: 1) Federal Bureau of Investigation; 2) Department of Corrections; 3) Oklahoma State Bureau of Investigation; 4) Court clerk of the sentencing county; 5) Sheriff of the sentencing county; and 6) District Attorney of the sentencing county.
- (c) **Reapplication timeline after denied pardon.** If an Applicant is denied at either the Board review stage or the Governor's review stage of the process, the Applicant may make application again one year from the date of denial.
- (d) **Victim and Victim Representative Notification.** Any registered Victim or Victim Representative will be notified in writing of the Governor's action.