

EXECUTIVE CLEMENCY

Executive Clemency is action taken by the governor, as chief executive officer in the state, to reduce a person's sentence or grant a pardon. Petitions are heard by the Illinois Prisoner Review Board at least four times each year. Petitions must be filed at least 30 days prior to the hearings. Statutory guidelines for this petition can be found in 730 ILCS 5/3-3-13 (see below).

The Illinois Prisoner Review Board publishes procedural guidelines for these petitions including specific requirements on the form and content of executive clemency petitions. For current information regarding the dates of the hearings, the deadlines for filing and guidelines for filing these petitions, contact:

Illinois Prisoner Review Board
319 E. Madison Street
Springfield, IL 62701-1096

730 ILCS 5/3-3-13 UNIFIED CODE OF CORRECTIONS

5/3-3-13 Procedure for Executive Clemency

(a) Petitions seeking pardon, commutation, or reprieve shall be addressed to the Governor and filed with the Prisoner Review Board. The petition shall be in writing and signed by the person under conviction or by a person on his behalf. It shall contain a brief history of the case, the reasons for seeking executive clemency, and other relevant information the Board may require.

(a-5) After a petition has been denied by the Governor, the Board may not accept a repeat petition for executive clemency for the same person until one full year has elapsed from the date of denial. The Chairman of the Board may waive the one-year requirement if the petitioner offers in writing new information that was unavailable to the petitioner at the time of the filing of the prior petition and which the Chairman determines to be significant. The Chairman also may waive the one-year waiting period if the petitioner can show that a change in circumstances of a compelling humanitarian nature has arisen since the denial of the prior petition.

(b) Notice of the proposed application shall be given by the Board to the committing court and the state's attorney of the county where the conviction was had.

(c) The Board shall, if requested and upon due notice, give a hearing to each application, allowing representation by counsel, if desired, after which it shall confidentially advise the Governor by a written report of its recommendations which shall be determined by majority vote. The Board shall meet to consider such petitions no less than 4 times a year.

Applications for executive clemency under this Section may not be commenced on behalf of a person who has been sentenced to death without the written consent of the defendant, unless the defendant, because of a mental or physical condition, is incapable of asserting his or her own claim.

(d) The Governor shall decide each application and communicate his decision to the Board which shall notify the petitioner.

In the event a petitioner who has been convicted of a Class X felony is granted a release, after the Governor has communicated such decision to the Board, the Board shall give written notice to the Sheriff of the county from which the offender was sentenced if such sheriff has requested that such notice be given on a continuing basis. In cases where arrest of the offender or the commission of the offense took place in any municipality with a population of more than 10,000 persons, the Board shall also give written notice to the proper law enforcement agency for said municipality which has requested notice on a continuing basis.

(e) Nothing in this Section shall be construed to limit the power of the Governor under the constitution to grant a reprieve, commutation of sentence, or pardon.

P.A. 77-3097, s 3-3-13, eff. Jan. 1, 1973. Amended by P.A. 80-1099, s 3, eff. Feb. 1, 1978; P.A. 82-564, s 3, eff. Sept. 17, 1981; P.A. 84-1301, s 1, eff. Aug. 19, 1986; P.A. 89-112, s 5, eff. July 7, 1995; P.A. 89-684, s 10, eff. Jun 1, 1997.

Petition for Executive Clemency

Before the Illinois Prisoner Review Board

Advising the Honorable _____, Governor:

The undersigned petitioner prays for a pardon and expungement and in support thereof states as follows:

1. Required Information:

Full name: _____
First Middle Last

Address: _____
Number Street Apt/Unit #

City State Zip Code

Telephone Number (include area code): _____

Date of Birth: _____ Place of Birth: _____

Social Security Number: _____

State Prisoner Number (if applicable): _____

Name Convicted Under and any Aliases: _____

Have you ever served in the military? Yes No

If yes, please state your discharge status and date of discharge, and attach a copy of your DD-214.

Have you ever petitioned for clemency before? Yes No

If yes, please state the month and year your petition was considered.

2. Conviction(s) for Which Pardon is Sought

For each conviction please provide the following information:

Case Number: _____

Date of Arrest: _____

County of Conviction: _____

Plea Bench Trial Jury Trial

Sentencing Judge: _____

Date Sentenced: _____

Sentence: _____

(Includes probation, any time served, and conditional discharge)

Time served: _____

Date of Discharge: _____

If you appealed your conviction or sentence, provide the status of any pending appeals, including the date of decision(s) by the Court:

Provide a complete and detailed account of the offense(s) for which you seek pardon. Provide your own version of the factual circumstances of the offense(s), including the date and location. *Add additional pages if necessary:*

3. Non-Conviction(s)

For each incident for which you were arrested, taken into custody, or charged by any law enforcement agency, except for traffic violations, provide the following information:

Case Number: _____

Offense Charged: _____

Date of Arrest: _____

County of Arrest: _____

Disposition: _____

(Includes SOL, nolle pros, nonsuit, section 10 or 410 probation, FNPC, supervision)

Date probation or supervision terminated (if applicable): _____

Attach a copy of your police record (rap sheet)

4. Personal Life History:

Write a detailed narrative biography that includes date and place of birth, educational and employment history, marital status, names and ages of children, substance abuse and mental health information, military record, charitable and community activities. You may also include information on degrees or diplomas earned or anticipated, awards of commendations at school or work, counseling or rehabilitation programs you have attended or completed, military awards, civil or occupational licenses or certifications, and life changing events. You may attach any documents that demonstrate or reflect your achievements.

5. Reason(s) for Seeking Clemency:

State your reasons for seeking a pardon. Include opportunities that have been denied because of your criminal record.

6. Type of Clemency Desired:

- Commutation of Sentence
- Reprieve
- Pardon
- Expungement (authorization to file in circuit court)

7. Supporting Documentation

Attach materials that support the claims made in this petition. These may include DD 214, rap sheet, resume, letters of recommendation, diplomas, certifications, etc...

8. Certification and Personal Oath

The following statement must be signed and sworn before a Notary Public:

I declare under perjury that all of the assertions made in this petition are complete, truthful, and accurate.

Respectfully Submitted this ____ day of _____, _____
(Month) (Year)

(Signature of Petitioner)

Signed and sworn before me this ____ day of _____, _____
(Month) (Year)

(Notary Public)

9. Hearing Information:

Petitioners may request a public hearing before the Prisoner Review Board. Personal presentations at the hearing are limited to 20 minutes. Petitioners may appear with their supporters, but no more than four people may speak during a presentation.

Representatives of incarcerated petitioners may request to speak to the Board at a public hearing, but a personal appearance is not required for the processing of a petition for executive clemency. The Board will make a confidential recommendation for the Governor. Board recommendations to the Governor are confidential.

Would you, the petitioner, like to request a public hearing? Yes No

10. Filing and Mailing the Petition:

1. *Deliver or mail the original petition and three copies to:*

Illinois Prisoner Review Board
319 East Madison, Suite A
Springfield, IL

Within the completed petition to the Prisoner Review Board, include proof that the parties in numbers 2 and 3 listed below were sent copies of the petition. You may do this by affidavit or by including a registered or certified mail receipt.

2. *Deliver or mail a copy of the petition to the sentencing judge for each conviction. If the sentencing judge is no longer on the bench, send a copy to the chief judge of the circuit in the county of conviction.*

Cook County: The Honorable Paul P. Biebel, Jr.
Chief Judge, Criminal Division
2600 South California Avenue
Chicago, IL 60608

3. *Deliver or mail a copy of the petition to the current state's attorney in the county of conviction.*

Cook County: Cook County State's Attorney
Room 11D38
2650 South California Avenue
Chicago, IL 60608