



STATE OF UTAH

Board of pardons and parole

PARDON APPLICATION INSTRUCTIONS

You have requested a Pardon Application from the Utah Board of Pardons and Parole. The following information is intended to summarize the constitutional and statutory provisions, administrative rules, and procedures which govern the Board's consideration of your application. This is a summary only, and the actual constitutional and statutory provisions and administrative rules will govern this process.

1. The Utah Constitution vests the authority to pardon Utah convictions in the Utah Board of Pardons and Parole (Utah Constitution, Art. VII, §12). The Board has authority to pardon actual convictions, but has no authority to pardon arrests or case dismissals which do not result in convictions.
2. Pardons can only be granted after a full hearing before the Board (Utah Constitution, Art. VII, §12).
3. The pardon decisions of the Board are final and are not subject to judicial review. (Utah Code Ann. §77-27-5(3)).
4. Pardon Applications are considered only after a significant period of time of exemplary citizenship and demonstrable evidence of rehabilitation and generally require that at least five (5) years have passed since the termination or expiration of all criminal offenses, sentences, and supervision on probation or parole (Utah Admin. Code, R671-315-1). In truly extraordinary and unique circumstances, the Board may consider a pardon application sooner than the five year time requirement, but only if the Board finds that specific good cause for such consideration exists.
5. Utah law provides for a process known as Expungement, whereby some arrests and convictions can be expunged or purged from your criminal history. (See Utah Code Ann. §77-40-101). Before you apply for a pardon, the Board expects that you will seek an Expungement Certificate of Eligibility from the Utah Bureau of Criminal Identification (BCI). As part of the pardon application, you will be required to detail your attempts to expunge the crimes for which you are seeking a pardon.

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6. Submitting a Pardon Application does not necessarily result in the Board scheduling a pardon hearing. The Board may deny a pardon request without holding a hearing. In addition, if the Board schedules a pardon hearing, there is no guarantee that a pardon will be granted.
7. The Board will consider the Pardon Application, as well as all available information which the Board determines is relevant to the grant of a pardon.
8. Please fill out the application completely and return it to the Board of Pardons and Parole at 448 East Winchester Street, Suite 300, Murray, Utah 84107. You **must** obtain and return the required information and copies of required reports pertaining to the arrest, adjudication, conviction, sentencing, probation, parole, etc. for each charge for which you are seeking a pardon. The Pardon Application must be signed, under oath or affirmation, prior to submission.
9. Please be aware that the Pardon Application will require you to obtain and submit police reports, court dockets, and pre-sentence investigation reports for all convictions for which a pardon is sought. If you are unable to obtain and submit this information, you will be required to explain and document all of your attempts to procure the requisite information, and the reasons it is unavailable.
10. Upon request from the Board, the Utah Bureau of Criminal Identification may conduct a background investigation of the applicant. In all cases, applicants **must** include a current copy of their Utah criminal background report, obtained from BCI, as part of the Pardon Application.
11. After receipt of the complete application, the Board may request additional information, may deny the application for pardon without a hearing, or may schedule a pardon hearing. Incomplete applications may be denied summarily. If the Board grants a pardon hearing, the applicant will be notified by Board staff.
12. Pardon hearings are typically 45 to 60 days following the Board's decision to grant and schedule a hearing. Pardon hearings will be held at the Board's offices, located at 448 East Winchester Street (6400 South), Suite 300, Murray, Utah 84107. Pardon hearings are held by the entire Board *en banc*, and are open, public hearings and meetings of the Board. Any member of the public who wishes to attend may do so, including the family members, friends, and supporters of the applicant.
13. Notice of the pardon hearing will be published on the Board's website and the Utah Open Public Meeting website; and will be mailed to all victims of record if they can be located. Notice of the application and hearing will also be mailed to the investigating police agency, the presiding judge of the Court where the conviction was entered, and the prosecuting attorney or agency responsible for prosecuting the case which resulted in the conviction. Any or all of these

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individuals, entities, or their representatives may attend the pardon hearing and may provide written or verbal input or comment to the Board regarding the application and the Board's action regarding the Pardon Application.

14. On the day of the hearing, please plan on arriving for the hearing a few minutes early. Pardon hearings will not be conducted via telephone or videoconference. The applicant must attend the hearing. All Board hearings, including pardon hearings, are recorded.
15. Following the hearing, the Board will take the application and all matters pertaining to the pardon request under advisement. The Board may deny the pardon request, grant the request in part, grant the pardon with conditions, or grant a full and unconditional pardon.
16. Following the Board's decision, the applicant will be notified in writing of the results as soon as practicable. If a pardon is granted, copies of the Board's order granting the pardon will be sent to the applicant.
17. If you have any questions concerning pardons in Utah, the process or procedures for consideration, or completing the Pardon Application, please call the Utah Board of Pardons and Parole, Pardon Specialist, at (801) 261-6464; or e-mail the Board at bopinfo@utah.gov.

THANK YOU.

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