

Delaware Reprieve Power

Governor Carney has plenary authority to grant reprieves to incarcerated people for up to six months.

The Constitution of the State of Delaware provides that “The Governor shall have power to remit fines and forfeitures and to grant reprieves, commutations of sentence and pardons, except in cases of impeachment, but no pardon, or reprieve for more than six months, shall be granted, nor sentence commuted, except upon the recommendation in writing of a majority of the Board of Pardons after full hearing . . .” DE CONST, Art. 7, § 1 (West).

Thus, like many states, Delaware has left the reprieve power unencumbered and within the sole discretion of the governor, despite vesting partial authority over commutations and pardons in an independent board. *See, e.g., Com. v. Williams*, 129 A.3d 1199, 1216 (P.A. 2015) (“[T]he broad grant of executive reprieve power has never been constitutionally altered or restricted, while the executive clemency powers of pardon and commutation have been significantly constrained . . .”).

Treating reprieves differently in this way allows the governor to release individuals swiftly in times of crisis.