

Maryland Reprieve Power

The Maryland State Constitution vests Governor Hogan with the "power to grant reprieves and pardons, except in cases of impeachment, and in cases, in which he is prohibited by other Articles of this Constitution." Md. Const. art. II, § 20.

In 2016, a Maryland appeals court observed that "there is practically no restriction upon" on this power. *Evans v. State*, No. 2400 SEPT.TERM 2015, 2016 WL 7589914, at *2 (Md. Ct. Spec. App. Dec. 27, 2016) (citation omitted). The court further observed that "a reasonable argument could be made that such power is essentially plenary." *Id.* at *3. Finally, the court noted that there is "no other provision that limits the Governor's pardon power [.]" *Id.* *at 2.

Whereas MD CORR SERV § 7-601 sets forth specific circumstances in which the governor may issue pardons and commutations, that statute does not reference or limit the governor's reprieve power. This aligns with a broader historical trend, across all states, that the reprieve power shall remain unfettered in order for the governor to act swiftly in times of emergency.