

New Jersey Reprieve Power

Governor Murphy's power to grant reprieves is "plenary and unreviewable." N.J. Prac. Criminal Practice and Procedure § 49:3 (2019 ed.).

"The Governor may grant pardons and reprieves in all cases other than impeachment and treason, and may suspend and remit fines and forfeitures. A commission or other body may be established by law to aid and advise the Governor in the exercise of executive clemency." N.J.S.A. Const. Art. 5, § 2, ¶ 1.

Referral to the State Parole Board is entirely discretionary. N.J.S.A. 2A:167-7 ("The governor, *in his discretion*, may, prior to granting or denying any such application, refer the same to the state parole board for its investigation, and in such case the board shall make a full and complete investigation and report thereon in writing to the governor with its recommendation in the case.") (emphasis added).

"The pardon powers set forth in the Constitution of 1947 do not require any specialized process at all for executive consideration of pardons. The governor's pardon and reprieve authority is plenary and unreviewable. However, there is an administrative process whereby applications for pardons, reprieves, commutations of sentence and remission of fines can be considered administratively by the governor's office. This task has been assigned to the Clemency Unit of the State Parole Board. This body will conduct investigations into clemency applications and make recommendations to the governor and governor's counsel. There are no limitations on who may apply for a pardon or other relief through this process." N.J. Prac. Criminal Practice and Procedure § 49:3 (2019 ed.).