

## New Mexico Reprieve Power

The New Mexico Constitution vests the governor with plenary authority to “grant reprieves and pardons, after conviction for all [state law] offenses except treason and [] cases of impeachment.” NM CONST Art. 5, § 6. A reprieve “is a form of temporary relief that postpones punishment” without affecting the length of a sentence. N.M. Executive Clemency Guidelines, II (D).

New Mexico law provides that “On request of the governor the [parole] board shall investigate and report to [the governor] with respect to any case of pardon, commutation of sentence or reprieve.” N.M. Stat. Ann. § 31-21-17 (West). This language clearly implies that referral to the parole board is discretionary, not mandatory.

Further, whereas Governor Grisham’s Executive Clemency Guidelines set forth certain eligibility requirements and application procedures for other forms of clemency, the Guidelines contain no such encumbrances with respect to granting reprieves. That is because reprieves “are reserved for emergency situations,” when they must be deployed immediately. N.M. Executive Clemency Guidelines, II (D).

Alternatively, the Executive Clemency Guidelines provide for the governor to grant “conditional release” from incarceration “in situations of extreme personal hardship.” N.M. Executive Clemency Guidelines, II (C). Individuals granted “conditional release” are released to parole supervision. *Id.* The governor may not conditionally release those serving enhanced sentences under Section 31-18-16 NMSA 1978. *See* § 31-21-12.