

North Carolina Reprieve Power

The North Carolina Constitution vests the governor with power to grant “reprieves, commutations, and pardons, after conviction, for all offenses (except in cases of impeachment), upon such conditions as he may think proper, subject to regulations prescribed by law relative to the manner of applying for pardons.” N.C. Const. art. III, § 5. The phrase “for all offenses” contemplates the use of reprieves outside the death-penalty context.

Because only the “manner of applying for pardons” may be regulated by law, existing clemency statutes do not impose requirements on the process of granting reprieves. *See, e.g.* NC ST § 147-21 (Form and contents of applications for pardon). *See also News & Observer Pub. Co. v. Easley*, 641 S.E.2d 698, 704 (2007) (“[I]n order to fall within the scope of the authority granted to the legislature by N.C. Const. art. III, § 5(6), a statute must specifically refer or pertain to the *manner of applying for pardons*.”) (emphasis added).

According to the Supreme Court of North Carolina, “the decision to grant or deny clemency in any particular case is entirely dependent [] on the individual discretion of the executive.” *Bacon v. Lee*, 549 S.E.2d 840, 851, n. 5 (N.C. 2001) Thus, like most states, North Carolina leaves the reprieve power unfettered, so that the governor may act swiftly in times of emergency.