

## Oregon Reprieve Power

The Oregon Constitution vests the governor with plenary authority to "grant reprieves . . . after conviction, for all offences (sic) except treason . . ." OR CONST Art. V, § 14. *See also* O.R.S. § 144.649 ("Upon such conditions and with such restrictions and limitations as the Governor thinks proper, the Governor may grant reprieves . . . after convictions, for all crimes.").

According to the Oregon Supreme Court, "the text and context of Article V, section 14, do not require a reprieve to specify an end date, nor do they limit the Governor to granting reprieves only for a particular purpose, as long as the effect of the reprieve is to delay, temporarily, the execution of the sentence." *Haugen v. Kitzhaber*, 353 Or. 715, 729 (2013). *See also Delaney v. Shobe*, 235 F. Supp. 662, 667 (D. Or. 1964) ("The executive's prerogative of reprieve . . . [is] at the Governor's own discretion to be exercised without limitation, except in good faith, and for which he owes no accounting."). A recipient need not consent to a reprieve in order to render the act valid. *Haugen*, at 736.

The power to grant reprieves is deliberately unencumbered by statute or regulation. Whereas O.R.S. § 144.650 establishes an application process and 30-day waiting period with respect to applications for pardons and commutations, that provision does not mention reprieves. This ensures that the governor has a mechanism to act immediately in emergencies, as in delaying capital punishment. The only applicable statutory requirement is that the governor report each reprieve to the legislature at the next Assembly session, O.R.S. § 144.660, and file documentation with the Secretary of State under O.R.S. § 144.670.