

Utah Reprieve Power

"The Governor may grant respites or reprieves in all cases of convictions for offenses against the state except treason or conviction on impeachment." Utah Const. art. VII, § 12. By contrast, the Utah Constitution vests the power to grant pardons and commutations in the Board of Pardons and Parole. Utah Const. art. VII, § 12.

By reserving the reprieve power exclusively for the governor, Utah follows a broader historical trend across all states, that the reprieve power shall remain unfettered so that the governor may act swiftly in times of emergency. The legislature made this point clear in Utah Code Ann. § 77-27-5 (Board of Pardons and Parole authority), by stating, "This chapter may not be construed as a denial of or limitation of the governor's power to grant respite or reprieves in all cases of convictions for offenses against the state, except treason or conviction on impeachment."

The only constitutional requirement concerning the reprieve power is that "reprieves may not extend beyond the next session of the [Board of Pardons and parole]. At that session, the board shall continue or determine the respite or reprieve, commute the punishment, or pardon the offense as provided in this section." Utah Const. art. VII, § 12.