Virginia
Reprieve Power

Governor Northam has plenary authority to grant reprieves “after conviction.” VA Const. Art. 5, § 12.

While the governor’s power “to remit fines and penalties” is constitutionally subject “such rules and regulations as may be prescribed by law,” the governor’s power to grant reprieves is not. See id. See also In re Phillips, 574 S.E.2d 270, 273 (Va. 2003) (“[I]f any statute purporting to confer jurisdiction on the courts impermissibly invades the powers of the Governor granted by the Constitution, that legislation is subject to a constitutional challenge....”).

Although the governor may refer reprieve applications to the state parole board for “investigations and reports,” he is not required to do so. See VA ST § 53.1-136 (5).

By exempting reprieves from statutory regulation, the state constitution enables the governor to act swiftly in times of emergency.