

## 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.