

## Wisconsin Reprieve Power

Governor Evers has plenary authority “to grant reprieves, commutations and pardons, after conviction, for all offenses, except treason and cases of impeachment, upon such conditions and with such restrictions and limitations as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons.” Wis. Const. art. V, § 6.

Hence, the legislature may regulate the “manner of applying for pardons,” but not the manner of applying for reprieves or commutations. By exempting reprieves from statutory regulation, the state constitution enables the governor to act swiftly in times of emergency.

The power to grant clemency “rests solely with the governor, and there are no constitutional standards the governor must follow when determining whether to grant clemency.” *Moran v. Wisconsin Dep’t of Justice*, 2019 WI App 38, ¶ 36, 388 Wis. 2d 193, 215, 932 N.W.2d 430, 441 (citation omitted).

In 2019, Governor Evers’ Executive Order #30 established a Pardon Advisory Board in order to create “a uniform application process and informed review of requests for clemency.” However, Wis. Const. art. V, § 6 clearly allows the governor to initiate and grant reprieves without adhering to the Board’s application procedures. Indeed, Executive Order #30 itself states that “The Governor may modify these conditions, requirements, and procedures *as necessary*.” Exec. Order #30 (June 12, 2019)(emphasis added).