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# State of Colorado

EXECUTIVE CHAMBERS

DENVER

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EXECUTIVE ORDER

## EXECUTIVE CLEMENCY ADVISORY BOARD

RICHARD D. LAMM  
Governor

WHEREAS, the Executive Clemency Advisory Board was reorganized by Executive Order B 009 82, effective September 16, 1982; and

WHEREAS, implementation of said executive order has demonstrated that certain changes in the order are necessary;

NOW, THEREFORE, I, Richard D. Lamm, Governor of the State of Colorado, pursuant to the authority vested in me by the Constitution and laws of this State, DO HEREBY ORDER THAT the previous Executive Order identified above be repealed and reenacted by this Order as follows:

1. The Executive Clemency Advisory Board is hereby established within the Office of the Governor, with staff assistance to be provided by principal departments as needed. The Board shall review and make recommendations of clemency, commutations, or pardons for persons convicted of Colorado offenses.
2. The Board shall consist of nine to twelve members appointed by the Governor to serve at his pleasure, and shall include State officials, private citizens, the Chairman of the State Board of Parole, and the Executive Director of the Department of Corrections. Four members of the Board shall constitute a quorum for the purpose of transacting business. Affirmative recommendations for clemency must receive favorable votes of at least three members of the Board or a majority of those members present and voting, whichever is greater, before a recommendations of clemency is forwarded to the Governor.
3. The chairman of the Board shall be the Executive Director of the Department of Corrections or such other member of the Board as he may designate. The vice-chairman of the Board shall be the Chairman of the State Board of Parole. The chairman shall exercise the usual and necessary duties and powers of such an office as he may determine to be appropriate. The chairman or his designee may appoint an acting chairman from among the members of the Board to perform the duties of the chairman in the absence of the chairman and vice-chairman.

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4. The Board shall meet at least quarterly or more frequently as the Board may deem to be appropriate. The Board may divide itself into two or more panels for the purpose of interviewing inmates, reviewing records, and making recommendations of clemency. The quorum for each such panel shall be the same as set forth in paragraph 2 above.
5. The Board may establish procedures as it deems appropriate for the conduct of its business. Such procedures shall not be subject to the provisions of the State Administrative Procedure Act or any other requirement of State law. All Board proceedings and records shall be confidential and shall be available solely to the Governor and his staff, members of the Board and its staff, and designee(s) of the Executive Director of the Department of Corrections. Persons under review will be interviewed by the Board only upon their request and the Board's concurrence, or at the initiation of the Executive Director of the Department of Corrections if the applicant is unable to do so due to physical or mental incapacity.
6. The Executive Director of the Department of Corrections shall establish procedures to provide for the routine review of inmate records for the purpose of screening cases prior to their submission to the Board for consideration of commutation or reprieve. The Department of Corrections shall report to the Board all cases which have been reviewed and found to meet criteria established below and shall recommend specific action by the Board as appropriate. Eligibility for review by the Board shall be based on the following criteria:
  - a. Sentence under consideration is outside the presumptive range of C.R.S. 18-1-105; or, sentence is for habitual criminal; or, sentence is a life sentence and inmate has been confined on the sentence for a period of at least ten years.
  - b. At least four years of confinement has been served within facilities operated by or under contract to the Colorado Department of Corrections immediately prior to Board consideration.
  - c. At least twelve months remain to parole eligibility.
  - d. No Class I Code of Penal Discipline Violation within the preceding three years.
  - e. No Class II Code of Penal Discipline Violation within the preceding one year.

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- f. The inmate is not currently being prosecuted for a crime.
- g. The inmate is not currently assigned to administrative or punitive segregation.
- h. The judicial appeals process has been completed for the conviction on which the sentence, subject to the Board's review, was imposed.
- i. The inmate is not returned to the institution as a parole violator.
- j. If the inmate has been sentenced to the penalty of death, the Governor has asked the Board to review the sentence.
- k. Not presently serving a sentence for escape, attempted escape, or assault of correctional staff.

The Governor reserves the right to ask the Board to review the sentence of an inmate regardless of whether the inmate meets the above-stated criteria.

- 7. The Board may make a favorable recommendation for pardon only if the person has not committed any felony offenses subsequent to the offense for which he is seeking a pardon and only for one or more of the following purposes:
  - a. The pardon is a prerequisite to a person attending professional school, obtaining a professional license, or obtaining other employment for which they are trained, experienced, or educated.
  - b. The crime for which the person was convicted has been decriminalized.
  - c. The pardon is needed to allow the person to carry a weapon in relation to bona fide law enforcement related work or for other bona fide occupational reasons.
  - d. The person is seeking a pardon to "clear his/her name" and he/she was convicted of no more than one non-violent felony offense and has been a good citizen for at least ten years after completing his sentence, parole, or probation for the offense.

The person must have completed his/her probation or his/her incarceration and parole (if any) at least five years prior to being considered by the Governor for a pardon.

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The Governor may ask that the Board review a pardon request, regardless of whether the person meets the previously stated criteria.

8. The Board may make a favorable recommendation of commutation or reprieve only for one or more of the following purposes:
  - a. To correct serious inequities in the application of sentences outside the presumptive range of C.R.S. 18-1-105 (as amended).
  - b. To provide a mechanism to reward truly extraordinary institutional behavior (e.g., the saving of the life of another person).
  - c. To provide a method to handle limited, unique and compelling situations within the Department of Corrections, such as emergency medical or mental health needs, need for extraordinary protection, and as a safety valve in extreme overcrowding.
9. If the Board does not recommend clemency for an inmate, the Board may, in its sole discretion, schedule the inmate for a subsequent review.
10. All proceedings of the Board shall be conducted in conformance with the provisions of this Executive Order and in conformance with such other procedures and provisions which the Board may deem appropriate and which are not in conflict with this Order.

GIVEN under my hand and the  
Executive Seal of the State of  
Colorado, this 9th day of January,  
A.D., 1985.



Richard D. Lamm  
Governor

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