

STATE OF COLORADO

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John W. Hickenlooper
Governor

B 2012 003

EXECUTIVE ORDER

THE EXECUTIVE CLEMENCY ADVISORY BOARD

Pursuant to the authority vested in me under Article IV, Section 7, of the Colorado Constitution and the laws of the state of Colorado, I, John W. Hickenlooper, Governor of the State of Colorado, do hereby issue this Executive Order recreating and reorganizing the Governor's Executive Clemency Advisory Board.

1. History and Purpose

The Executive Clemency Advisory Board ("the Board") was created by statute on July 1, 1969. The statute authorizing the Board was repealed in 1975. The organization and duties of the Board have been changed by a series of executive orders dated February 13, 1975, October 12, 1975, September 17, 1981, March 16, 1987, February 16, 1999, and August 28, 2007.

The purpose of the Board is to make advisory recommendations for executive clemency to the Governor. This includes advising the Governor on the screening of applications for persons who are requesting or petitioning the Governor for commutation of sentence or pardon.

2. Membership

- A. The Board consists of seven members. The members of the Board shall be appointed and serve at the pleasure of the Governor. Initial appointments to the Board shall serve three and two year terms. Thereafter all members shall serve three year terms. No member shall serve more than two terms.
- B. The Board shall elect a Chair and Co-chair from among its members to serve terms not exceeding two years. The Chairperson of the Board shall exercise the usual and necessary duties and powers of such an office. In the absence of the Chairperson, the Co-chair shall exercise the usual and necessary duties and powers of such an office.
- C. The Board members shall include but are not limited to:
 - a. The Executive Director of the Department of Corrections;
 - b. The Executive Director of the Department of Public Safety;

c. At least one member who is a crime victim or represents victims of crime.

3. Powers and Duties

- A. The Board may advise and make clemency recommendations for commutations and pardons after a conviction, for all offenses, except treason and impeachment. The Board shall not be required to review, process or respond to any requests, applications or petitions for executive clemency, unless specifically directed by the Governor.
- B. The Board shall meet at least once every six months and may meet more frequently as the Chairperson deems appropriate. A recommendation by the Board to grant clemency must receive favorable votes from at least four members of the board.
- C. The Board shall establish the policies and procedures it deems appropriate for conducting its meetings and for providing advice to the Governor. These procedures shall not be subject to the provisions of the State Administrative Procedures Act; the Open Records Act, the Open Meetings 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.

4. Scope of Authority

In considering any request for clemency, the Board may consider any factors, which may include:

- Exemplary rehabilitation and institutional behavior;
- Offenders who may be suffering from catastrophic or terminal medical, mental or physical conditions as;
- Acts of heroism by inmates who prevent risk or injury to staff, citizens, or other inmates;
- Victim impact; and
- Sentencing disparities or inequities within the Colorado criminal justice system.

The Board may make favorable recommendation for pardon on clemency applicants who have completed their sentences and demonstrate they are fully rehabilitated and reintegrated into society, and to:

- Restore civil rights, including but not limited to voting, jury service, holding public office and reinstatement of firearms privileges;
- Assist with licensing, certification or employment requirements;
- Recognize meritorious educational or vocational achievement;
- Reward exceptional or extraordinary citizenship.

5. Staffing and Resources

The Board is hereby established within the Office of the Governor, with staff assistance to be provided by the Department of Corrections and the Department of Public Safety as needed. The Colorado Bureau of Investigation shall provide assistance with clemency application background investigations, applicant fingerprint analysis, criminal history record information, court disposition information, driving record histories and all other assistance or records required to complete the clemency process. The Department of Correction is authorized to obtain cognitive and reasoning skills examinations in connection with any application for clemency.

All departments, committees, commissioners, or officers of this state or of any political subdivision of this state shall provide the assistance required by the Board, in the performance of its duties. Free access shall also be given to any books, inmate records, archive records, material or documents in their custody, relating to matters within the scope of inquiry, study or review of the Board.

6. Past Executive Orders Superseded and Replaced

The Executive Order dated August 28, 2007, as well as all previous Executive Orders relating to the Executive Clemency Advisory Board, are hereby superseded and replaced by this Order. This Executive Order shall continue in existence unless it is either terminated or extended by Executive Order of the Governor. 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 nineteenth day
of October, 2012.

A handwritten signature in black ink, which appears to read "John W. Hickenlooper".

John W. Hickenlooper
Governor