

**TITLE 515. PARDON AND PAROLE BOARD
CHAPTER 20. PARDON PROCEDURES**

SUBCHAPTER 3. PARDON ELIGIBILITY CRITERIA

515:20-3-1. General eligibility [AMENDED]

A person must meet the following criteria for all convictions for which a pardon is being requested:

- (1) Must have been convicted of an Oklahoma law violation, either a felony or misdemeanor, or a crime of moral turpitude involving alcohol or an illegal drug offense in an Oklahoma Municipal Court. Traffic misdemeanor convictions are NOT eligible for a pardon.
- (2) Must ~~satisfy one of the following: either have discharged all sentences, including supervision, or successfully completed five consecutive years of parole or probation immediately prior to application.~~
 - (A) Discharged all sentences, including supervision, at least five years prior to submitting the application.
 - (B) Successfully completed five years of parole or probation immediately prior to submitting the application, provided that if the applicant was under supervision during any part of the five years immediately prior to submitting the application, the application shall include a favorable reference from the applicant's supervising officer, or
 - (C) Be certified by the Governor for pardon consideration by the Board, pursuant to 57 O.S. § 332.2(A).
- (3) Must have paid all fines, fees, restitution, court costs, etc. in full.
- (4) Must not have any new or pending charges, unresolved detainers, warrants, tax liens, or child support arrearages.
- (6) Must not currently be in jail or prison.
- (7) Must not have been considered for a pardon within the previous three (3) years.

SUBCHAPTER 5. PARDON APPLICATION

515:20-5-1. Applications for pardon [AMENDED]

- (a) **Application.** The Board shall adopt a pardon application to be used for pardon requests and pardons based on actual innocence. The pardon applications and instructions shall be posted on the Board's website at www.ok.gov/ppb. Applications must be completed as specified in the instructions.
- (b) **Application form.** The most current application form posted on the website must be used. Outdated application forms will be returned.
- (c) **Altered applications.** Applications which have been altered in any manner will be returned with a request to submit the application on the Board approved form.
- (d) **Submitting an application.** Completed applications ~~may be hand-delivered or mailed to the administrative office of the Board~~ shall be submitted pursuant to instructions on the application and the Board's website.
- (e) **Address change.** If an Applicant has an address change at any point after submitting the application, the administrative office of the Board should be contacted via telephone, email, or in writing to provide the Applicant's new address. Applicants are responsible for maintaining current addresses with the administrative staff of the Board.

515:20-5-2. Incomplete applications [AMENDED]

- (a) **Incomplete application notification.** If an application is incomplete, ~~a notification letter will be mailed to the address~~ notification shall be provided to the contact information provided by the Applicant.
- (b) **Missing information deadline.** From the date of the notification letter, the Applicant will be provided a ninety (90) day deadline in which to provide the missing information. No further action by the Pardon and Parole Board will be taken on an incomplete application until the missing information is provided.
- (c) **Withdrawn applications.** Applications that are withdrawn by the Applicant will be moved to inactive status.
- (d) **Inactive status.** Withdrawn applications and those that remain incomplete following the 90-day deadline will be automatically moved to inactive status and the disposition of the application will follow the Board's published Records Disposition schedule.
- (e) **Return of the incomplete application.** The incomplete application will not be returned to the Applicant or Legal representative for the Applicant. Prior to the disposition of the records, a copy of the incomplete application and certified documents submitted with the application may be obtained through an Open Records Request, along with payment in accordance with the published fee schedule. The application and certified documents submitted with the application may also be picked up at the Board's administrative office prior to the scheduled disposition of the records.
- (f) **Illegible applications.** Applicants who have submitted an illegible application will be notified in writing along with a request that a legible or typed application be resubmitted.

SUBCHAPTER 7. PRE-PARDON INVESTIGATIONS

515:20-7-1. Pre-pardon investigation [AMENDED]

- (a) **Application verification.** All of the information in the pardon application must be verified to ensure that all eligibility criteria are satisfied and all required information is complete, including the information in the required attachments. The pardon application review process can last six (6) months to one year prior to placement on a docket.
- (b) **Referral to the Department of Corrections.** After a pardon application is received and verified, the application is electronically forwarded and assigned to the appropriate Oklahoma Department of Correction's Probation and Parole District to perform a Pre-Pardon Investigation.
- (c) **NCIC reports.** As a part of the application verification process, NCIC reports are requested and attached to the application.
- (d) **Timeline.** The investigating authority is allowed up to seventy (70) days from the time that the application is assigned to complete a pre-pardon investigation and then compile a report for the Board.
- (e) **Extensions.** Extensions of deadlines may be granted by the Executive Director or his/her designee when circumstances warrant.
- (f) **Past-due investigations.** If a report is overdue, the appropriate investigator or Probation and Parole District office will be contacted to determine the status of the investigation.
- (g) **Docketing.** Once the Pre-Pardon Investigation report is provided to the administrative office, the application will be placed on the next available docket for pardon consideration.

SUBCHAPTER 9. VICTIM NOTIFICATION

515:20-9-1. Victim registration [AMENDED]

- (a) **Victim notification program.** The Board utilizes the Victim Notification Program to notify a registered Victim or Victim Representative of an Applicant's request for a pardon.
- (b) **Registration.** A Victim or Victim Representative may register with the Victim Notification Program by contacting the administrative staff at 405/521-6600 to obtain a copy of the form. The form is also available on the website at www.ok.gov/PPB/Victim-Notification-Program, or by contacting the Victim Witness Coordinator in the District Attorney's Office in the county where the Applicant was prosecuted. A completed form can be mailed or emailed to the administrative office of the Board or emailed as per the directions on the form.
- (c) **Change of address.** In order to ensure continued notifications from the Board, changes of address of the Victim or Victim Representative must be provided in writing to the administrative offices of the Board.

SUBCHAPTER 13. BOARD REVIEW PROCESS AND PARDON APPLICATION HEARING

515:20-13-1. Application review process [AMENDED]

All complete pardon applications with a complete pre-pardon investigation shall be set for review during a regular meeting of the Board. Applications for pardon consideration will be stricken from the docket at any point in the pardon process if the Applicant is arrested, charged with a new criminal offense, or incarcerated prior to Board review.

515:20-13-2. Attendance [AMENDED]

Board meetings, including pardon application hearings, are open to the public, except when exclusion is allowed by law. Admittance may be limited by security regulations as well as the capacity of the meeting room. Meetings are conducted at a location determined by the Board ~~the Department of Corrections facilities~~ and ~~the Department of Corrections is responsible for the~~ Board shall facilitate security for the meeting which may include contracting with an appropriate agency. Questions of admittance to the facility hosting the meeting will be determined by the Department of Corrections.

515:20-13-3. Applicant attendance [AMENDED]

An Applicant may choose to appear before the Board and speak on his/her behalf. Applicants may bring a representative with them; however, only one person will be allowed to speak to the Board regarding the reasons for requesting the pardon. The speaker will be given five (5) minutes to speak to the Board or a reasonable time limit at the Chair's discretion. The Board Members may or may not have questions for the Applicant.

515:20-13-4. District Attorney appearances and communication with the Board [AMENDED]

- (a) **District Attorney appearance.** A portion of each meeting will be set aside for the members of the Board to hear from and ask questions of the District Attorneys and other law enforcement personnel. This will occur at a separate time from the Applicant's personal appearance if applicable.

(b) **Confirmation Number.** In order to speak before the Board, District Attorneys or designees, and other law enforcement personnel must obtain a confirmation number from the administrative office. The deadline to obtain a confirmation number is 4:00 p.m. on the last full business day preceding the Board meeting at which the Board will consider the application.

~~(b)~~(c) **In lieu of attendance.** In lieu of attending in person, District Attorneys or designees, and other law enforcement personnel may provide written correspondence via email to BoardCommunications@ppb.ok.gov or mail it to the administrative office of the Board.

(c) **Submission deadline for written correspondence.** The deadline for receipt of written correspondence is by the close of business on the Tuesday preceding a Board meeting.

515:20-13-5. Victim or Victim Representative appearances and communication with the Board [AMENDED]

(a) **Victim or Victim Representative appearances.** A portion of each meeting will be set aside for the members of the Board to hear from and ask questions of the Victim or Victim Representative. No more than two Victims and/or Victim Representatives may appear and only one will be allowed to address the Board for a maximum of five (5) minutes or a reasonable time limit at the Chair's discretion. In cases in which there are multiple Victims, the Board may hear from more than one Victim and/or Victim Representative at the discretion of the Chair and within the time constraints of the meeting.

(b) **Confirmation number.** In order to speak before the Board, a Victim or Victim Representative must obtain a confirmation number from the Board's administrative office. The deadline to obtain a confirmation number is 4:00 p.m. on the last full business day preceding the Board meeting at which the Board will consider the application.

(c) **Confidentiality.** Any Victim or Victim Representative that appears at the meeting and addresses the Board waives confidentiality concerning their appearance at the meeting and the statements made during the meeting. Confidentiality is maintained when written protests or support communication are provided.

(d) **In lieu of attendance.** As an option to attending, a Victim or Victim Representative may provide written protest or support communication to the administrative office of the Board or via email at BoardCommunications@ppb.ok.gov.

(e) **Submission deadline for written correspondence.** The deadline for submission of emails or written correspondence is by the close of business of the administrative office of the Board on the Tuesday prior to the Board meeting on which the application is docketed.