

Commonwealth of Pennsylvania



BOARD OF PARDONS

Clemency In Pennsylvania

"Humanity and good policy conspire to dictate that the benign prerogative of pardon should be as little as possible fettered or embarrassed. The criminal code of every country partakes so much of necessary severity that, without an easy access to exceptions in favor of unfortunate guilt, justice would wear a counterpane."



**Lieutenant Governor's Office
Board of Pardons**

MARK S. SINGEL
Lieutenant Governor
Chairman

DAVID S. BAYNE
Secretary

1982
Revised 1988

The Board of Pardons
Commonwealth of Pennsylvania

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HISTORY

When Charles II granted the charter of Pennsylvania in 1681, he gave William Penn the power to pardon all crimes and offenses except treason and willful and malicious murder and in these cases to grant reprieves until the pleasure of the crown might be known.

The first state Constitution of 1776, Section 20, specified that the Governor had the authority to grant clemency and remit fines in all cases except in cases of impeachment (but only with the consent of the supreme executive council). In cases of treason and murder, the supreme executive council had power to grant reprieves but not to pardon until the end of the next General Assembly. There were no remissions, mitigation of punishments, or impeachments except by act of the legislature.

The Constitutions of 1790 and 1838, Article II, Section 9, provided that the Governor exclusively should have power to remit fines and forfeitures and grant reprieves and pardons except in cases of impeachment. The fourth Governor under the 1790 Constitution, William Findley (1817-1820), a former State Treasurer, who was nearly impeached on charges of misuse of state funds while serving in that office, granted 530 pardons and 774 remissions of fines and forfeitures during his single three year term. Largely due to Governor Findley's abuse of his pardoning power and due to the constant suspicion of alleged gubernatorial abuse of pardoning power, several remedies were applied.

An Act of 1829, revising the penal code, led to the decline of pardons granted by Governor Wolf (1829-1835), but criticism continued. Two optional designs to limit the Governor's pardoning power were proposed at the Constitutional Convention of 1837, but both were struck down by wide margins. The pardoning power remained unchanged for two decades while Governors continued to receive criticism for their real or imagined abuse.

Regardless of the efficacy of the charges levied at Pennsylvania's Governors from 1776 to 1874, the Constitutional Convention of November 12, 1872 seemed certain to bring about a change in the executive function of pardoning power. Former Governor Andrew Gregg Curtin chaired that Convention's Committee on the Executive. The Committee proposed several options:

1. The Governor be allowed to pardon "only upon recommendation of the Secretary of the Commonwealth, the Attorney General, the Superintendent of Public Instruction, the Secretary of Internal Affairs, or any three of them."

2. Create a "court of pardons" convened by the Chief Justice of the Supreme Court.

3. Create a Board of Pardons comprising all living ex-Governors.

The first Board of Pardons was finally created in 1874 by Article IV, Section 9 of the Constitution of Pennsylvania. The Board's membership included the Lieutenant Governor, the Secretary of the Commonwealth, the Attorney General, and the Secretary of Internal Affairs. On January 15, 1874, the newly elected Governor, John F. Hartranft, wrote to the Secretary of the Commonwealth and to the Attorney General instructing them on how to operate the Board of Pardons. On May 4, 1875, the Board's first list of rules (ten in number) took effect.

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From 1874 until 1923, the Board was attached to the Department of State. Because the Secretary of the Commonwealth was a Board Member, his department recorded and filed certain of the Pardon Board's records. The Administrative Code of 1923 gave control of the Board of Pardons to the Department of Justice. In 1980, the Commonwealth Attorneys Act, Act 164, placed the Board under the direct jurisdiction of the Lieutenant Governor.

Pursuant to the 1967 Constitution, the Board's membership changed to its current composition. The Secretaries of the Commonwealth and of Internal Affairs were deleted and replaced by three gubernatorial appointees. The 1980 Constitution amended only the length of the appointees terms. Article IV, Section 9 states:

Pardoning Power; Board of Pardons

(a) In all criminal cases except impeachment, the Governor shall have the power to remit fines and forfeitures, to grant reprieves, commutation of sentences, and pardons; but no pardon shall be granted, nor sentence commuted, except on the recommendation in writing of a majority of the Board of Pardons, after full hearing in open session, upon due public notice. The recommendation, with the reasons therefor at length, shall be delivered to the Governor and a copy thereof shall be kept on file in the office of the Lieutenant Governor in a docket kept for that purpose.

(b) The Board of Pardons shall consist of the Lieutenant Governor who shall be chairman the Attorney General and three

members appointed by the Governor with the consent of two-thirds or a majority of the members elected to the Senate as is specified by law for terms of six years. The three members appointed by the Governor shall be residents of Pennsylvania and shall be recognized leaders in their fields; one shall be a member of the bar, one a penologist, and the third a doctor of medicine, psychiatrist, or psychologist. The Board shall keep records of its actions, which shall at all times be open for public inspection.

DEFINITIONS

Advocate's presentation — the representative or applicant himself addresses the Board. He has fifteen minutes to present the case and may use supportive speakers (family and friends) or witnesses to augment the presentation. The Board Members may, and usually do, ask questions of any speakers.

NOTE: If a confined inmate has no representative, he may request the services of the Pardons Case Specialist, a clemency expert employed by the Department of Corrections to represent indigent inmates. The Pardons Case Specialist can be contacted at:

Department of Corrections
P.O. Box 598
Camp Hill, Pennsylvania 17011

Amnesty — the act of an authority by which pardon is granted to a large group of individuals; the abolition and forgetfulness of the offense; usually exerted in behalf of certain classes of persons subject to trial, but not convicted.

Clemency — an act of leniency or a disposition to be merciful, from the Latin clementia (mildness) or clemens (merciful); kindness.

Commonwealth's presentation — the district attorney is called if he is present, and opposing parties (i.e. victims and their relatives) may speak at this time. Again, the Board may question them.

Commutation — a change of a legal penalty or punishment to a lesser one; alteration; substitution.

Continuance — once an application is filed, granted a hearing, and listed for a public hearing, the Secretary of the Board or the Board may grant a continuance upon written request of the applicant or his representative. After two continuances, a new filing shall be required.

Executive Clemency — the power of the Chief Executive (the Governor in Pennsylvania) to pardon a criminal conviction or commute a criminal sentence.

Expungement — to strike out, obliterate, mark for deletion; to efface completely; destroy, erase; the act of physically destroying information (e.g. criminal records).

Forfeiture — something to which the right is lost by the commission of a crime; loss of some right, property, or money as a penalty for some illegal act.

In Forma Pauperis — if an applicant is indigent, he or she may request a waiver of the fees by filing the Board's official form to proceed in forma pauperis.

Merit Review — applications filed (except capital cases) are subject to review by the Board, and must receive two affirmative votes to be granted a public hearing.

Pardon — forgiveness; an act of grace from governing power which mitigates the punishment the law demands for the offense and restores the rights and privileges forfeited on account of the offense; in Pennsylvania this means forgiveness and intended restoration of the civil disabilities created by the conviction (it does not mean expungement of the record).

Penology — a branch of criminology dealing with prison management and the treatment of offenders.

Proof of service — certification that the necessary parties were served documents or applications either personally or by first class mail.

Recuse — to disqualify oneself from a hearing because of interest or prejudice.

Remission — a release or extinguishment of a debt; forgiveness or condonation of an offense or injury; the act by which a forfeiture or penalty is forgiven.

Representation — applicants may represent themselves (if not confined), retain a lawyer, or ask a non-lawyer to represent them. Only lawyers admitted to practice before any court of record in any state and in good standing may charge for their services before the Board. A confined indigent inmate may request free representation from the Department of Corrections.

Reprieve — temporary relief from or postponement of execution of criminal punishment or sentence; ordinarily an act of clemency extended to a prisoner to afford him an opportunity to procure some amelioration of the sentence imposed.

Respite — a temporary suspension of the execution of a sentence; a reprieve, a delay, forbearance, or continuation of time.

Stay — a stopping; the act of arresting a judicial proceeding by the order of the court.

Stay of execution — the stopping of the execution of capital punishment, commonly to permit further appeals by defendant.

MEMBERSHIP OF THE BOARD

Lieutenant Governor — chairman of the Board by constitutional mandate.

Attorney General — a member of the Board by constitutional mandate.

A member of the bar — appointed by Governor, resident of Pennsylvania; a recognized leader in law; needs the consent of two-thirds or a majority of the members elected to the Senate as is specified by law for a term of six years.

A penologist — appointed by Governor, resident of Pennsylvania; a recognized leader in penology; needs the consent of two-thirds or a majority of the members elected to the Senate as is specified by law for a term of six years.

A doctor of medicine, psychiatrist, or psychologist — appointed by Governor, resident of Pennsylvania; a recognized leader in medicine, psychiatry or psychology; needs the consent of two-thirds or a majority of the members elected to the Senate as is specified by law for a term of six years.

CATEGORIES OF CLEMENCY

Commutation of Death Sentence to Life Imprisonment

Any prisoner under a sentence of death may apply to the Board of Pardons for recommendation of clemency. The Governor has the final authority if the Board recommends commutation of the death sentence to life imprisonment.

Commutation of Life Imprisonment to Life on Parole

Any prisoner serving life imprisonment may apply to the Board of Pardons for recommendation for a tangible minimum sentence. Parole consideration is possible for a life prisoner when his life sentence is commuted. The Governor has the final authority.

Commutation of Minimum Sentence

Any prisoner serving the minimum sentence given by the court may apply to the Board of Pardons for recommendation to have the existing minimum term reduced so as to become eligible for parole earlier. The Governor has the final authority.

Commutation of Maximum Sentence

Any parolee may apply to the Board of Pardons for recommendation to have the existing maximum term commuted to a shorter term so as to end parole supervision earlier. The Governor has the final authority.

Pardon

Any individual who has been convicted may apply to the Board of Pardons to be pardoned. A pardon is forgiveness from the Executive and intended restoration of the rights and privileges forfeited on account of the offense. The Governor has the final authority to grant a pardon.

Special Maximum

When the Pennsylvania Board of Probation and Parole endorses a parolee for reduction of his maximum sentence to the Board of Pardons, the Board of Pardons can recommend to the Governor that the parole term be shortened. The Governor has the final authority. These cases are announced at the end of each session.

Arbitration for Pre-Release

When the staff of an institution in the Department of Corrections decides to support an inmate for pre-release and the judge objects, the staff may forward a referral packet to the Board of Pardons for arbitration. The Chairman of the Board announces the names of these cases at the end of each session. The Board has final authority on arbitration cases. (See 61 P.S. Section 1052 (c), Release Plan for Prison Inmates).

THE PROCESS

How to file an application:

1. Applications may be purchased from the Board of Pardons Office in Harrisburg, Pennsylvania, for a nominal fee. Checks or money orders are payable to "Commonwealth of Pennsylvania." Mail to Board of Pardons, 333 Market Street, Harrisburg, PA 17126-0333. Phone: (717) 787-2596.
2. The application must be completed by the applicant or his representative and returned to the Board office in Harrisburg, along with nine photo-copies of the application, the filing fee (currently \$20.00), and five passport size photos if applicant is not confined.
3. The current application fee and filing fee can be determined by phoning the Board office (717-787-2596).
4. When the application is received at the Board office along with the filing fee (or an official form which states that the applicant wishes to proceed in forma pauperis) and is found to be complete

and accurate, it is considered "filed." A letter is sent to the applicant and his representative acknowledging that the application has been filed. If incomplete, it will not be considered filed until all requirements have been fulfilled.

5. The Board will grant a public hearing for an applicant only if two of the members approve listing the application for a hearing. (ALL capital [death] cases filed shall receive a public hearing.) After the merit review by the Board the applicant and his representative will be notified whether a public hearing has been granted or denied. If granted, a tentative date will be specified for the hearing.
6. A copy of the application goes to each Board member, the trial judge or president judge, the district attorney, the correctional institution where the applicant is confined (if incarcerated), and the Board of Probation and Parole. In cases involving more than one jurisdiction, a copy will also go to the appropriate judge and the district attorney in that county.
7. Victim(s) or survivor(s) will be notified only when a public hearing has been approved by the Board. Notification is made by letter and a copy of the hearing month calendar.
8. A notice is sent to a newspaper of general circulation in each county where an applicant has committed the crime(s) for which he is seeking clemency. At least one week prior to the public hearing notice must be published stating the applicant's true name, aliases, the crime(s) with respect to which the applicant has applied for clemency, the institution, if any, in which the applicant is confined and the time and place of the hearing at which the application will be heard. Newspaper publication is required for every application to be heard by the Board.
9. Between the filing date and the merit review date, interested parties (i.e. judges, district attorneys) forward opinions to the Board. Criminal justice agencies (i.e. Corrections, Parole Board) prepare summaries of prison and/or community adjustment. Act 323 of 1941 (the Parole Act) specifies that the Board of Probation and Parole "shall be charged with the duty of making investigations and recommendations to the Pardon Board in cases coming before it, and upon its request." 61 P.S. Section 331.34.
10. All of the pertinent opinions, reports, and recommendations are compiled by the Board Secretary and his staff and sent to each Board Member in advance of the executive merit review session and subsequent public hearing, if granted.

11. A calendar is prepared, listing each application to be heard at the specified public session. It is distributed to all interested parties in advance of the public session.

The Hearing:

On the scheduled day, the Board convenes at 9:00 A.M., calling the first case on the docket. Each case is called in consecutive order with each informal presentation adhering to the following format:

1. Advocate's presentation
2. Supportive speakers' presentations
3. Commonwealth's presentation
4. Victim's and/or victim's family's presentation

NOTE: Special Maximum case names and Arbitration case names are announced following the pardon and commutation hearings and comments are welcome from any interested persons.

The Results:

Following the public hearing session, the Board meets in Executive Session where each application is considered and voted upon. If a majority of the Board vote in favor of an application, the Board recommends favorable action to the Governor. If less than a majority of the Board vote in favor, the result is a denial by the Board and the application is not forwarded to the Governor. The Governor, at his discretion, may approve or disapprove any favorable recommendation submitted by the Board. When the Governor's action has been received by the Secretary of the Board, public announcement of the final disposition is made.

Published results are:

Granted — Board recommended and Governor agreed.

Denied by Governor — Board recommended but Governor denied.

Held by Governor — Recommended by Board; Governor deliberating.

Held under advisement — Board made no final decision.

Denied — Board did not recommend.

Continued — Case not heard but relisted for subsequent hearing.

Passed — Case called but no representative present; put at end of day's list. If no one connected with the case appears by the end of public session, the case is stricken from the list until a written request for reinstatement is received by the Board from the applicant or his representative.

Withdrawn — Case not heard and removed from active docket.

Post Result Actions:

Rehearing — Request for reconsideration following a merit re-

view vote or public hearing vote will be granted only once for cause shown and upon approval of at least two Board Members.

Reapplication — An application may not be filed before the expiration of twelve months from a previous filing. If an applicant files for two consecutive years and receives adverse decisions from the Board on both applications, an application may not be filed before the expiration of twenty-four months from the last filing date.

Schedule and Locations:

The Board of Pardons will meet at such time as the Board may designate except that no meeting shall be held during the months of January, July and August. Hearings will be held in Harrisburg or at such other place or places as the Board may designate. Applicants and their representatives will be notified of the tentative hearing date and location well in advance of their hearings.

CAPITAL CASES

Filing an application to commute a Death sentence to Life imprisonment entails special procedures. No filing fee is charged, the presentation may last thirty minutes, and every filed capital application is granted a public hearing. A capital applicant must submit five copies of every pertinent piece of material at least ten days prior to the date of hearing.

MISCELLANEOUS

Rules — See 37 Pa. Code, Chapter 81, Board of Pardons.

Fees — Amounts charged for applications and filing are subject to change. Telephone the Board office for current fees (717-787-2596).

Hearing Time Limit — No more than fifteen minutes is allowed for each applicant's presentation. The representative shall insure the observance of this rule.

Applicant's Change of Address — From time of filing until final disposition, the applicant or his representative must notify the Board office of any change of address.

PENNSYLVANIA BOARD OF PARDONS

I. MISSION STATEMENT

The Constitution of Pennsylvania - Article IV, Section 9 states:

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III.

ORGANIZATIONAL CHART

BOARD

Lieutenant Governor - Chairman *
Attorney General - Member *
Lawyer - Member
Penologist - Member
Doctor - Member

STAFF

Secretary of the Board
Administrative Officer I
Administrative Assistant I
Clerk Typist III

* not on the organization's payroll

IV.

PHILOSOPHY BEHIND THE CONCEPT OF PARDON

Clemency is an act of leniency or a disposition to be merciful, from the Latin clementia (mildness) or clemens (merciful); kindness. Executive clemency is the power of the Chief Executive to pardon a criminal conviction or commute (shorten) a criminal sentence. The concept of clemency dates back to the beginning of old English law. Every civilized country has some form of clemency.

The philosophy as to what constitutes merit for forgiveness and who deserves mercy resides in the minds of each Board member and the governor. The effect of a pardon is to intend to restore the civil disabilities of a criminal conviction and to grant gubernatorial forgiveness.

The task of the Board is to determine the merit in each application after an exhaustive review of all background investigations has taken place. At least two of five members must grant a public hearing and three or more members must vote favorably before the Governor may consider clemency. The governor may disagree with the Board's recommendation.

The Pennsylvania Board of Pardons is not a super appellate court. It differs from formal court in that it is not evidentiary, no witnesses are sworn in, no depositions may be taken, and there is no transcript or notes of testimony. There is due public notice given in advance of the public hearing sessions and the records of the Board (minutes of each session) are public. Since October of 1990, the Board votes in public but still deliberates in private executive session.

To file a clemency application with the Board is an equally protected state constitutional right. There is no right to due process as established by the United States Supreme Court (see David Dumshats v. Connecticut, 1982). According to the U.S. Supreme Court, there is a right to "hope" for clemency. The Board may recommend and the governor may grant clemency to any individual adjudicated or convicted for any level criminal offense - summary, misdemeanor, or felony. According to Pennsylvania law, a pardon does not equal expungement but expungement of a criminal conviction cannot be attempted (by filing a petition with the conviction county court) unless a pardon has first been granted.

V.

FACTS SURROUNDING PAST PARDONS

BOARD OF PARDONS CLEMENCY STATISTICS
BY ADMINISTRATION: 1967 to 1991 (YTD)

ADMINISTRATION	HEARD	RECOMMENDED	GRANTED
SHAHER (1967-1970)			
Life.....	363	94	94
Minimum.....	613	43	43
Maximum.....	46	Unknown	8
Pardon.....	241	Unknown	136
SHAPP (1971-1978)			
Life.....	733	267	247
Minimum.....	1439	313	278
Maximum.....	553	413	401
Pardon.....	716	501	477
THORNBURGH (1979-1986)			
Life.....	375	75	7
Minimum.....	517	36	8
Maximum.....	267	101	10
Pardon.....	349	168	61
CASEY (1987-3/8/91)			
Life.....	144	76	14
Minimum.....	26	12	4
Maximum.....	128	58	17
Pardon.....	212	143	92

Note: see page 5 of Clemency in Pennsylvania for clemency category definitions (life, minimum, maximum, pardon, etc.)

VI.

THE CONCEPT OF LIFE SENTENCE WITH PAROLE

As Secretary of the Pennsylvania Board of Pardons, I am a confidential employee. The Board Chairman and members are the policy makers. It is, therefore, not appropriate for me to comment on the concept of life sentence with parole.

VII.

NUMBER OF YEARS SERVED BY LIFERS

This subject requires some explanation regarding how the average time served on a life sentence in Pennsylvania is estimated because there are two ways to calculate the answer. The following years of total time served were derived from the dates on the official warrants of life sentence commutations signed by governors. The Department of Corrections computes average time served on life according to the actual date the life prisoner leaves the custody of the Department of Corrections. The difference between Corrections' and the Pardon Board's methods of computation create no significant difference.

Shafer (1967-1970)

Sample size - 94 lifers granted commutation
Average time served - 20 1/2 years

Shapp (1971-1978)

Sample size - 247 lifers granted commutation
Average time served - 18 years

Thornburgh (1979-1986)

Sample size - 7 lifers granted commutation
Average time served - 24 years.

Casey (1987-3/8/91)

Sample size - 15 lifers granted commutation
Average time served - 23 years.

VIII.

INSTITUTIONALIZED PROFILE OF LIFERS

Over 2,100 individuals (as of February, 1991) are serving life sentences in Pennsylvania Department of Corrections facilities. Approximately 6,000 new inmates plus approximately 2,000 parole violators are arriving each year at Department of Corrections facilities. New lifers are arriving at the rate of approximately 150 per year (highest recent year 185) at Department of Corrections reception facilities. The breakdown of the number of those who have served 15 or more years on life is as follows as of September 29, 1990:

15 to 19 years	- 291
20 to 24 years	- 121
25 to 29 years	- 30
30 to 35 years	- 4
35 + years	- 11
Total	- 457

This group of Pennsylvania lifers is most commutable strictly from a time served standpoint. Of course, each case is viewed individually by the Board and the Governor. For comparison, a survey showing the average time served on life sentences before parole eligibility per state in the nation is included from the October, 1990 issue of Corrections Compendium.

IX. DEVELOPMENT OF STATUTES, REGULATIONS, AND LEGISLATIVE INITIATIVES

Regulatory changes during the 1980's:

- March 1, 1982: Section 81.23. Limitation on filing.
24 months eligibility rule.
- June 18, 1982: Section 81.51 Time of Hearings.
Section 81.52 Place of Hearings.
Gave BOP ability to meet anywhere, anytime.
- March 16, 1985: Total overhaul of Pa Code 37, Chapter 81.
Highlights: added definitions, deleted fee amounts, invited victim's opinion in writing or in person, deleted capital regulations, all hearings will normally be held in Harrisburg.
- May 17, 1986: Section 81.31 Listing for hearing.
Two members must grant a public hearing.

Changes due to law suits during the 1980's:

- October 2, 1990: Commonwealth Court orders BOP to vote in public.
-

LIFERS, 1990 — PAROLE ELIGIBILITY

SYSTEMS	LIFERS ELIGIBLE FOR COMMUNITY RELEASE	LENGTH LIFERS SERVE BEFORE PAROLE ELIGIBILITY			COMMUTATION OF SENTENCE REQUIRED BEFORE PAROLE ELIGIBILITY
		FIRST DEGREE MURDER	SECOND DEGREE MURDER	OTHER LIFERS	
ALABAMA	No			Those sentenced for life, reviewed at 10 yrs. for parole	No
ALASKA	No	One-third of sentence	One-third of sentence	One-third of sentence	No
ARIZONA	No	25 yrs. or 35 yrs. if victim less than 15 yrs. old	Usually 15 yrs. if non-dangerous offense	35 yrs.	Yes
ARKANSAS	No				Yes
CALIFORNIA	Yes, with parole dates	16 yrs. 8 mos.	10 yrs.	30 yrs for lifers without parole	Lifers without possibility of parole
COLORADO	Yes	Depends on sentencing laws			No
CONNECTICUT	Yes	Inmates sentenced prior to 7/1/81 were eligible for parole after 25 yrs. minus good time. Parole was abolished 7/1/81. Parole reinstatement this fall will exclude those with mandatory life sentences, capital felony murder, felony murder, arson murder, and murder. Those with min. and max. sentence will become eligible after serving their min. sentence minus good time.			No
DELAWARE	Yes, only if certified by the parole board	All lifers must complete at least one-third (max. of 15 yrs.) of their sentence before parole eligible			Must petition the board for a parole eligibility date
DISTRICT OF COLUMBIA	No	30 yrs.	30 yrs.	30 yrs.	No
FLORIDA	No				No
GEORGIA	No, however, exceptions are made if the Parole Board requests that a lifer be sent to a Transitional Center.	7 yrs. minimum; if serving life sentence prior to 7/1/83, must serve 25 yrs.	N/A	7 yrs.	No
HAWAII	Yes	20 yrs.	No statutory requirement	No statutory requirement	Certain murder convictions result in sentence of life without parole. In these cases, the sentence may be commuted after the inmate has served 20 yrs. He is then eligible for parole.
IDAHO	No response				
ILLINOIS	No	20 yrs. less day-for-day good time (indeterminate sentence)	N/A	N/A	No
INDIANA	No	20 yrs.	20 yrs.	15 yrs.	In the case of multiple life sentences
IOWA	No				Yes
KANSAS	Yes	All sentences of "life" require 15 yrs. to be served			No
KENTUCKY	Yes	12 yrs. (Kentucky does not specify between murder I and murder II)		8 yrs. for most crimes	No
LOUISIANA	No	Commutation of sentence only way for parole by Pardon Board and Governor. Then, parole would have to be granted by the Parole Board			Yes
MAINE	No	For inmates sentenced prior to 5/1/76, it depends on what the law regarding parole was at the time. At least 30 yrs.			No
MARYLAND	Yes	15-25 yrs. depending on nature of offense	N/A	15 yrs.	No
MASSACHUSETTS	Yes (second degree lifers are eligible for furlough after 7 yrs.)	Not parole eligible	15 yrs.	15 yrs.	Yes, for first degree lifers

LIFERS, 1990 — PAROLE ELIGIBILITY

SYSTEMS	LIFERS ELIGIBLE FOR COMMUNITY RELEASE	LENGTH LIFERS SERVE BEFORE PAROLE ELIGIBILITY			COMMUTATION OF SENTENCE REQUIRED BEFORE PAROLE ELIGIBILITY
		FIRST DEGREE MURDER	SECOND DEGREE MURDER	OTHER LIFERS	
MICHIGAN	No	Never eligible	10 yrs. or at expiration of minimum	10 yrs. or at expiration of minimum	Yes, required for murder 1
MINNESOTA	No	17 yrs. increased to 30 yrs. as of 1989			No
MISSISSIPPI	If convicted for a non-violent offense	10 yrs.	10 yrs.	10 yrs.	No
MISSOURI	Yes, if not prohibited from probation or parole	N/A	15 yrs.	15 yrs.	No, only in cases of 1st degree murder
MONTANA	Yes	Life or 17½ - 30 yrs.	2-40 yrs. (no life sentence)	30 yrs. less good time	No
NEBRASKA	Yes, for those serving a min. of yrs. to max. life, when community eligibility criteria is met. For those serving min. life to max. life, when sentence is commuted to a term of years and the community eligibility criteria is met.	15 yrs. for inmates serving min. life to max. life, sentenced prior to 7/86. 30 yrs. after 7/86	7 yrs. 1 mo. (statutory minimum)	N/A	Yes
NEVADA	Yes, but rarely given	10 yrs.	5 yrs.	5 yrs.	No, only required if sentence is life without parole
NEW HAMPSHIRE	No				Yes
NEW JERSEY	Yes	12 yrs., 8 mos., 23 days	N/A	12 yrs., 8 mos., 23 days	No
NEW MEXICO	No	30 yrs.			No
NEW YORK	Yes		15-25 yrs. (based on min. sentence)	Varies	No
NORTH CAROLINA	Yes	20 yrs.	20 yrs.	10 yrs.	No
NORTH DAKOTA	Yes	20 yrs.			Yes
OHIO	Yes	20 yrs. X .7000 (rate of earned good time) - total jail time credit	15 yrs. X .7000 (rate of earned good time) - total jail time credit	10 full yrs. - total jail time credit	No
OKLAHOMA	No	15 yrs.	15 yrs.	15 yrs.	No
OREGON	Yes	30 yrs.	Judge sets min. up to 25 yrs.		No
PENNSYLVANIA	Yes	N/A	N/A	N/A	Yes
RHODE ISLAND	Yes, with 18 mos. min. security and be parole eligible	Lifers must serve no less than 15 yrs. if offense committed after 7/10/89. Prior offenses, lifers must serve no less than 10 yrs.			No
SOUTH CAROLINA	Yes	Offenders receiving life sentences after 6/3/86 for murder will receive a non-reducible 20 or 30 yrs. mandatory time-to-serve before parole.		10 yrs. but can be reduced by Earned Work Credit	No
SOUTH DAKOTA	No	N/A	N/A	N/A	Yes
TENNESSEE	Yes	30 yrs. if crime before 11/1/89; 36 yrs. if crime after 11/1/89. Also, currently a 35% reduction in time for parole eligibility because of overcrowding			No
TEXAS	Yes (furloughs and emergency furloughs only)	25% (all homicides listed together)		25%	No
UTAH	N/A	All 5-life serves 5 yrs. before eligibility			Yes
VERMONT	No	To min. term	To min. term	To min. term	No
VIRGINIA		Depends on offense number			No

Survey

LIFERS, 1990 — PAROLE ELIGIBILITY

SYSTEMS	LIFERS ELIGIBLE FOR COMMUNITY RELEASE	LENGTH LIFERS SERVE BEFORE PAROLE ELIGIBILITY			COMMUTATION OF SENTENCE REQUIRED BEFORE PAROLE ELIGIBILITY
		FIRST DEGREE MURDER	SECOND DEGREE MURDER	OTHER LIFERS	
WASHINGTON	Yes	13 yrs., 4 mos.	No statutory mandatory time, unless deadly weapon finding for which eligibility 13 yrs, 4 mos.	No statutory mandatory time, unless deadly weapon finding	No
WEST VIRGINIA	No	10 yrs.	5 yrs.	15 yrs. (habitual)	No
WISCONSIN	Yes	13.4 yrs.	N/A (not a life sentence)	13.4 yrs.	No
WYOMING	Yes, once commuted to year and once eligible for community programs	14 yrs. average	Less than 14 yrs.		Yes
FEDERAL BUREAU OF PRISONS	No	100 mos. (eliminated parole in 1984)	52 mos. (manslaughter)		
CANADIAN SYSTEMS					
CORRECTIONAL SERVICE OF CANADA	Yes (medical or humanitarian purposes, with escort, from the beginning of the sentence; not eligible for temporary absences without escort for day parole until 3 yrs. before parole eligibility date)	25 yrs.	10-25 yrs.	7 yrs. for those serving pre-1976 sentence	No

LIEUTENANT GOVERNOR

PROGRAM OBJECTIVE: To provide an effective administrative system through which substantive programs of the agency can be accomplished.

Program: Executive Direction

This program provides for the execution of duties relating to the office of the Lieutenant Governor. These duties, as prescribed by the Constitution include presiding over the Senate, serving as chairman of the Board of Pardons, and assumption of the office of the Governor for the remainder of the Governor's term if necessary as a result of the death, conviction on impeachment, failure to qualify or resignation of the Governor.

In addition to these duties prescribed by law, the Lieutenant

Governor also serves the Governor in many other areas, and is Chairman of the Emergency Management Council, the Pennsylvania Energy Office, the Recyclable Materials Market Development Task Force, and the Pennsylvania Heritage Affairs Commission. As chairman of the Pennsylvania Emergency Management Council, the Lieutenant Governor has direct responsibility for coordinating relief information and assistance.

Also included in this program is the Board of Pardons which reviews applications for reprieve, commutation of sentences and pardons.

Program Recommendations:

This budget recommends the following changes: (Dollar Amounts in Thousands)

<p style="text-align: center;">Lieutenant Governor's Office</p> <p>\$ 10 —to continue current program.</p>	<p style="text-align: center;">Board of Pardons</p> <p>\$ 13 —to continue current program.</p>
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Appropriations within this Program:

	(Dollar Amounts in Thousands)						
	1989-90 Actual	1990-91 Available	1991-92 Budget	1992-93 Estimated	1993-94 Estimated	1994-95 Estimated	1995-96 Estimated
GENERAL FUND:							
Lieutenant Governor's Office	\$ 613	\$ 661	\$ 671	\$ 691	\$ 712	\$ 733	\$ 755
Portrait — Former Lieutenant Governor ..	3	.....	.....	.....	.....	.....	.....
Board of Pardons	217	230	243	250	258	266	274
TOTAL GENERAL FUND	\$ 833	\$ 891	\$ 914	\$ 941	\$ 970	\$ 999	\$ 1,029

1991-92
Governor's
Executive Budget

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Also included in this program is the Board of Pardons which reviews applications for reprieve, commutation of sentences and pardons.

Program Recommendations:

This budget recommends the following changes: (Dollar Amounts in Thousands)

<p>Lieutenant Governor's Office \$ 29 —to continue current program.</p> <p>Portrait — Former Lieutenant Governor \$ -3 —nonrecurring project.</p>	<p>Board of Pardons \$ 17 —to continue current program.</p>
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Appropriations within this Program:

	(Dollar Amounts in Thousands)						
	1988-89 Actual	1989-90 Available	1990-91 Budget	1991-92 Estimated	1992-93 Estimated	1993-94 Estimated	1994-95 Estimated
GENERAL FUND:							
Lieutenant Governor's Office	\$ 564	\$ 643	\$ 672	\$ 696	\$ 721	\$ 747	\$ 774
Portrait — Former Lieutenant Governor ..	.....	3	.....	.....	.....	.....	.....
Board of Pardons	210	217	234	242	251	260	269
TOTAL GENERAL FUND	\$ 774	\$ 863	\$ 906	\$ 938	\$ 972	\$ 1,007	\$ 1,043

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