

PARDON UNDERSTANDING

- Pardon means that an individual is fully forgiven from all the legal consequences of his or her crime and conviction— direct and collateral- including the punishment, whether imprisonment, fine, or whatever penalty is provided for by law.
- A pardon fully restores all civil rights lost as a result of a conviction. Rights restored include the right to:
 - register to vote;
 - vote;
 - serve on a jury;
 - hold public office;
 - testify without having the fact of the conviction introduced for impeachment purposes;
 - not have testimony excluded in a legal proceeding if convicted of perjury; and
 - be licensed for any occupation requiring a license.
- WHAT IS RESTITUTION? - money ordered by the Court and/or Parole Board to be paid to victim/victims.
 - A civil judgment ordered for restitution does not remove the obligation to pay restitution in full.
 - If during the pardon investigative process, it is discovered that restitution is owed, a deadline will be issued for the applicant to pay all restitution owed.
 - If restitution/civil judgment is not paid by the deadline given, the request for pardon will be denied.
 - An outstanding restitution balance for ANY criminal conviction will prevent a pardon, even if the pardon is not requested for the crime involving the restitution order.
- PARDON ELIGIBILITY
 - **Probationer** - can be considered any time after discharge from supervision, provided all restitution and collection fees have been paid in full.
 - **Parolee** - can be considered:
 - Any time after successfully completing five years under supervision
 - Any time after the discharge date and after successfully completing the maximum parole period, if less than five years
 - Provided all restitution and collection fees have been paid in full
 - **Person discharged from a sentence** – can be considered any time after the date of discharge, provided all restitution and collection fees have been paid in full.
 - **Inmate who is not parole eligible** - may be considered any time prior to becoming parole-eligible upon proof of the most extraordinary circumstances.
 - The Board will decide, based upon the submitted evidence and findings, whether the evidence demonstrates such circumstances.
 - All restitution and collection fees must be paid in full.
 - **Inmate with terminal illness** - may be considered any time after being afflicted with a terminal illness with a life expectancy of one year or less.
 - The Board will decide if the evidence demonstrates a condition that meets these criteria.
 - Two separate doctor's statements documenting life expectancy must be attached to the application.
 - All restitution and collection fees must be paid in full.
- ABOUT THE SC BOARD OF PAROLES AND PARDONS
 - The Board is comprised of Seven (7) Members, one from each congressional district.
 - Members serve Six (6)-year staggered terms.
 - All members are appointed by the Governor, with approval by the Senate.
 - Members are subject to removal by the Governor.
- BOARD POWERS
 - Granting or denying paroles and pardons (24-21-30 (B))
 - Revoking, modifying, or rehearing paroles (24-21-680)
 - Making recommendations on petitions for reprieves and commutations referred by the Governor (24-21-910)
 - Considering requests for medical parole (24-21-715)
 - Preserving order at its meetings (24-21-30)

NOTE: SC law provides no requirement for the Board to establish criteria for pardon consideration or reasons for rejection. A pardon has been described as an act of grace or forgiveness, which is given solely at the Board's discretion.

- PARDON HEARING DATE – The application process is approximately seven (7) to nine (9) months from the time the pardon application is received until a pardon hearing date is scheduled for applicants.
- HEARINGS - The Full Board may grant a pardon by a 2/3 Majority vote.
 - When the Board grants a pardon, a certificate is created and provided to the applicant, SLED and the Clerk of Court in the County of all pardoned convictions.
 - When the Board denies the pardon request, an applicant must wait one year from the date of denial before applying again. (24-21-960 (B))