

TITLE 6: CRIMES AND CRIMINAL PROCEDURE
DIVISION 4: DISPOSITION OF OFFENDERS

§ 4251. Pardons.

As vested by N.M.I. Const. art. III, § 9(c), the Governor shall, after consultation with the Board of Parole, have the clemency power to grant reprieves, commutations and pardons after convictions to any person for all offenses except impeachments. A “reprieve” shall postpone the execution of a sentence. A “commutation” substitutes a lighter penalty for that imposed by the court. A “pardon” ends penalties or legal disabilities imposed after conviction. The Governor may grant an absolute pardon, which frees the person without any conditions, terminates any punishment and exonerates the person from any guilt or conviction; a conditional pardon, which depends upon the performance of some act by the person for its validity, or which may become void when some specific event transpires; or a partial pardon, which remits only some portion of the punishment, or absolves the person from a portion of the legal consequences, or restores one or more of the person’s civil liberties after conviction. Prior to granting any reprieve, commutation or pardon, the Governor shall, after initial consultation with the Board of Parole, submit a written notice of intention to grant to an individual a reprieve, commutation or pardon, as the case may be, to the Board of Parole and shall thereafter again consult with the Board of Parole. If the Board of Parole fails, neglects or refuses to consult with the Governor on such intention within 30 days of the receipt of the notice, the Board of Parole is deemed to have been consulted and objected to such intention. Prior to submitting the written notice, the Governor shall request and the office of the Attorney General, the Department of Public Safety and the Board of Parole shall provide to the Governor all information relating to the criminal record of the person.

Source: PL 3-71, § 1 (§ 1301); amended by PL 12-41, § 6.

Commission Comment: N.M.I. Const. art. III, § 9(c) provides: “The governor shall have the power to grant reprieves, commutations and pardons after conviction for offenses after consultation with a board of parole to be established by law. This power shall not apply to impeachment.”

With respect to the reference to the “Department of Public Safety,” see Executive Order 94-3 (effective August 23, 1994), reorganizing the executive branch, changing agency names and official titles, and effecting other changes, set forth in the Commission comment to 1 CMC § 2001.

See the comment to 6 CMC § 4201.