



## OFFICE OF THE GOVERNOR

### EXECUTIVE ORDER #287

#### **Relating to the Creation of the Governor's Commutation Advisory Board**

**WHEREAS**, Article V, Section 6 of the Wisconsin Constitution vests in the Governor the exclusive and discretionary power to grant reprieves, commutations, and pardons;

**WHEREAS**, the availability of executive clemency reflects a recognition that individuals are capable of rehabilitation, redemption, and can earn a second chance;

**WHEREAS**, executive clemency also reflects a 21st-century approach to the criminal justice system that many other states are taking, which recognizes that evidence-based, data-driven practices can help improve public safety by reducing the likelihood that someone might reoffend when they reenter our communities;

**WHEREAS**, the granting of commutations promotes rehabilitation by providing a system that rewards the positive efforts of incarcerated individuals who demonstrate personal growth and a commitment to change with the possibility of a second chance to contribute to society, become productive members of their communities, make amends, and improve their lives and those of the people around them;

**WHEREAS**, the granting of commutations can also encourage incarcerated individuals to be accountable, take responsibility, make amends, and seek forgiveness for their actions that have harmed other individuals and the community;

**WHEREAS**, it is advantageous to commutation applicants, the public, and the Governor to have a uniform application process and an informed review of requests for commutation; and

**WHEREAS**, this informed review may be ably performed by a board of advisors who have the necessary experience, background, and qualifications, including individuals who have expertise within the criminal justice system, the rights of victims and their families, the law and law enforcement, corrections and incarceration, courts and the judicial process, and treatment, among several other key perspectives.

**NOW, THEREFORE, I, TONY EVERS**, Governor of the State of Wisconsin, by the authority vested in me by the Constitution and the Laws of the State, including Section 14.019 of the Wisconsin Statutes, hereby create the Commutation Advisory Board ("Board") according to the following guidelines:

- 1. Membership.** The Board shall consist of up to fourteen individuals appointed by the Governor to serve at the pleasure of the Governor, including:
  - a. The Governor's Chief Legal Counsel, or a designee, who shall be a voting member and shall act as Chair of the Board ("Chair").
  - b. Other individuals with experience or expertise in the fields of reentry services, victim rights, corrections, and related areas, and who are

otherwise able to provide a valuable perspective on the reduction of criminal sentences.

## **2. Applications for Commutation.**

- a. In the interest of uniformity, all commutation applicants shall apply using an application that has been provided by the Office of the Governor subsequent to this Order.
- b. Any application provided by the Office of the Governor pursuant to subsection (a) of this Section may contain additional conditions, requirements, and procedures for commutation. The Governor may modify these conditions, requirements, and procedures as necessary.
- c. No individual currently required to register as a sex offender, or required to so register upon his or her release from incarceration, may be considered as an applicant for commutation under this Order.
- d. Applications for commutation relating to particularly egregious crimes as determined by the Governor, which may include crimes of a sexual nature or crimes by adults against children, will not be considered by the Board.
- e. Applications for commutation submitted by individuals prior to the issuance of this Order will not be considered by the Board. These individuals may submit a new application using the above procedures.

## **3. Notice.**

- a. Judicial and District Attorney Notice
  - i. An applicant for commutation must provide notice of the application to the circuit court and district attorney's office that oversaw the conviction, if they can be found.
  - ii. The notice shall include the applicant's name, the crime of which the applicant was convicted, the date and term of sentence, and the date of the applicant's hearing, if known. The notice shall be made using a form provided by the Office of the Governor and shall inform the circuit court and district attorney's office of the manner in which they may provide written statements or otherwise participate in the hearing.
  - iii. An applicant for commutation must provide this notice at least three weeks before the hearing.
  - iv. All reasonable efforts must be made to provide this notice. In the application, an applicant must authorize the Board and the Governor's Office to contact the circuit court(s) and district attorney(s)' office(s) directly to request input regarding the application.
- b. Victim Notice
  - i. The Governor's Office or, at the discretion and direction of the Board or the Governor's Office, the Office of Victim Services and Programs ("OVS"), shall provide notice to victims registered with OVS and facilitate input from such victims on applications for commutation.
  - ii. The Governor's Office and/or OVS shall make a reasonable attempt to provide this notice at least three weeks before the hearing of the application. The notice shall also be published in a newspaper of general circulation in the county where the offense was committed, at least once a week for two successive weeks before the hearing.

## **4. State Agency Cooperation.**

- a. The Department of Corrections shall provide records and information at the request of the Board or the Governor's Office.
- b. OVS shall, at the discretion and direction of the Board or the Governor's Office, provide notice to victims registered with OVS and facilitate input from such victims on applications for commutation,

in accordance with the procedure set forth in Section 3 of Executive Order #287.

**5. Operations.**

- a. Hearings shall be held publicly and at the discretion of the Chair, on a date and at a place set at least three weeks in advance.
- b. Five members, including the Chair, constitute a quorum for executive action by the Board.

**6. Recommendations.**

- a. After the conclusion of each hearing, the Board shall meet in closed session, as is permitted by Section 19.85(1)(a) of the Wisconsin Statutes, for the purpose of generating a recommendation as to each heard application. The Board's recommendation shall include what the sentence should be commuted to and any conditions on the Board's recommendation.
- b. In evaluating applications, the Board shall consider, among other factors:
  - i. The impact of a commutation on victims, survivors, and community members;
  - ii. Whether a commutation is consistent with public safety and in the interests of justice;
  - iii. An applicant's prison conduct record; and
  - iv. An applicant's personal growth and development since conviction, including the completion of rehabilitative programs, treatment, education, and work history during their incarceration.
- c. If the Board recommends a commutation, the Chair shall convey the Board's recommendation to the Governor.
- d. A recommendation from the Board is not binding on the Governor.
- e. The Chair shall have the discretion to forward an application for commutation directly to the Governor with a non-binding recommendation, without a hearing or executive action by the Board if:
  - i. The submitted application meets the eligibility requirements and complies with Sections 2 and 3 of Executive Order #287; and
  - ii. Sufficient time has elapsed to preclude depreciation of the severity of the applicant's offense.



**IN TESTIMONY WHEREOF,** I have hereunto set my hand and caused the Great seal of the State of Wisconsin to be affixed. Done at the Executive Residence in the Village of Maple Bluff this third day of April in the year of two thousand twenty-six.

TONY EVERS  
Governor

By the Governor:

SARAH GODLEWSKI  
Secretary of State