

205—13.5(914,902) Executive clemency recommendations.**13.5(1) Decision.**

a. The board shall recommend that the governor grant commutation of sentence to a class “A” felon serving a life term when the board unanimously agrees that the inmate should be considered for release on parole. If the board does not unanimously agree, the board shall recommend that the governor not grant commutation of sentence.

b. The board shall recommend that the governor grant executive clemency to a person other than a class “A” felon serving a life term when at least three members of the board agree that the person has demonstrated that the person will become or continue to be a law-abiding citizen. If three members of the board do not agree, the board shall recommend that the governor not grant executive clemency.

c. The board may utilize the resources of the department of public safety for assistance with any part of the board’s investigation.

13.5(2) Notice of board recommendation. The board shall give notice of an executive clemency recommendation to the office of the governor and, if requested, to the inmate or applicant.

13.5(3) Board consideration following commutation. The board shall consider the parole and work release prospects of an inmate whose sentence has been commuted by the governor.

13.5(4) Executive clemency reconsiderations.

a. The board may reconsider a positive or negative recommendation prior to the governor’s decision when previously unknown and material information comes to light, material actions or events relevant to the application occur, the governor directs the board to further investigate the application, or good cause is otherwise shown. The procedures for reviewing an executive clemency application shall apply to the reconsideration of a recommendation.

b. The board may amend its recommendation as deemed appropriate.

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