

**First Regular Session
Seventy-Seventh General Assembly
STATE OF SAN ANDREAS**

INTRODUCED

LLS NO. 26-0739.01 Ava Sanchez x3824

SENATE BILL 26-003

SENATE SPONSORSHIP

Esparza, Velasco

HOUSE SPONSORSHIP

Wood, Peterson

House Committees

Not assigned

Senate Committees

Not assigned

A BILL FOR AN ACT

**CONCERNING THE ESTABLISHMENT OF A STANDARDIZED CLEMENCY APPLICATION
AND REVIEW PROCESS IN THE STATE OF SAN ANDREAS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <https://saleg.uscgov.com>)

This bill establishes a standardized clemency application and review process for pardons, commutations, and reprieves in the State of San Andreas. The bill creates a simplified application system allowing individuals to request clemency through a written letter submitted via the Department of Corrections, eliminating procedural and financial barriers. Upon receipt, the Department of Law assigns a state-employed Pardon Attorney to conduct a neutral and comprehensive review, gathering relevant case history,

Shading denotes HOUSE amendment. Underlining denotes SENATE amendment.

Capital letters or bold & italic numbers indicate new material to be added to existing law.

Dashes through the words or numbers indicate deletions from existing law.

background information, evidence of rehabilitation, and public safety considerations to ensure decisions are based on a complete factual record.

The bill clarifies that clemency is an executive function grounded in equity and is not a substitute for judicial review of legal errors. Applications involving constitutional or procedural defects are redirected to the courts, preserving separation of powers. For eligible cases, the Pardon Attorney submits a full recommendation to the Governor, who retains sole constitutional authority to grant or deny relief. The bill also provides for applicant notification, limited public transparency, and rulemaking authority to ensure consistent implementation of the clemency process.

1 *Be it enacted by the General Assembly of the State of San*
2 *Andreas:*
3 **SECTION 1. SHORT TITLE.** This Act shall be known and may
4 be cited as the “Clemency Application & Review Act.”
5 **SECTION 2. LEGISLATIVE DECLARATION.** The General
6 Assembly finds and declares that: (a) The clemency power is a
7 constitutional executive function intended to provide relief in
8 cases where continued punishment no longer serves justice,
9 proportionality, or public safety. (b) Clemency is not a substitute
10 for appeal or post-conviction relief and shall not be used to
11 relitigate guilt or innocence. (c) Individuals should have
12 meaningful and equitable access to the clemency process
13 regardless of education, legal sophistication, or financial
14 resources. (d) A structured and transparent clemency review
15 process promotes fairness, consistency, and public confidence in
16 executive decision-making. (e) The purpose of this Act is to
17 establish a uniform, accessible, and constitutionally sound process
18 for clemency applications while preserving the separation of
19 powers between the judiciary and the executive. **SECTION 3.**
20 **DEFINITIONS.** For purposes of this Act, unless the context
21 otherwise requires: (a) “Clemency” means executive relief in the
22 form of a pardon, commutation of sentence, or reprieve. (b)

1 “Pardon” means forgiveness of a conviction that restores civil
2 rights but does not nullify the underlying conviction. (c)
3 “Commutation” means a reduction in the severity or duration of a
4 sentence. (d) “Reprieve” means a temporary delay in the
5 execution or enforcement of a sentence. (e) “Department” means
6 the Department of Law. (f) “Pardon Attorney” means a
7 state-employed attorney assigned to review clemency applications
8 pursuant to this Act. **SECTION 4. APPLICATION PROCESS.**
9 (a) Simplified Application. An individual seeking clemency may
10 apply by submitting a written letter. (b) Form of Application. The
11 application: May be handwritten or typed; Shall not require legal
12 formatting or supporting documentation; (c) Required Contents.
13 The application shall include: (I) The applicant’s name and
14 Department of Corrections identification number, if applicable;
15 (II) The type of relief requested; and (III) A brief statement
16 explaining the basis for the request. (d) Submission Through
17 Department of Corrections. Applications submitted by
18 incarcerated individuals shall be delivered to Department of
19 Corrections staff. (e) Duties of Department of Corrections. The
20 Department of Corrections shall: (I) Log receipt of the
21 application; (II) Verify the applicant’s identity and sentence status;
22 and (III) Forward the application to the Department within a
23 reasonable time. (f) Applicants shall not be required to submit
24 applications directly to the Governor. **SECTION 5.**
25 **APPOINTMENT OF PARDON ATTORNEY.** (a) Upon receipt of
26 an application, the Department shall assign a Pardon Attorney. (b)
27 The Pardon Attorney shall: (I) Conduct a neutral and
28 comprehensive review of the application; (II) Ensure that all
29 relevant information is collected and verified; and (III) Serve as
30 the primary fact-gatherer for the executive clemency process. (c)
31 The Pardon Attorney represents the integrity of the process and
32 shall not be considered legal counsel for the applicant. **SECTION**
33 **6. SCOPE OF REVIEW.** The Pardon Attorney shall compile a

1 complete clemency record, including: (a) Case History: Charging
2 documents, plea agreements, trial outcomes, sentencing records,
3 and supervision history; (b) Applicant Background: Criminal
4 history, social history, education, employment, and family
5 support; (c) Mitigating Factors: Age at the time of the offense,
6 role of coercion or trauma, evidence of accountability, and
7 passage of time; (d) Rehabilitation: Institutional conduct, program
8 completion, educational achievements, and community support;
9 (e) Public Safety Assessment: An evaluation of the applicant's
10 risk to public safety. **SECTION 7. LIMITATION OF**
11 **CLEMENCY REVIEW.** (a) If the Pardon Attorney identifies a
12 credible claim involving: (I) Constitutional violations; (II)
13 Procedural defects; (III) Ineffective assistance of counsel; (IV)
14 Newly discovered evidence; or (V) Legal insufficiency of
15 conviction; the application shall not proceed through the
16 clemency process. (b) In such cases: (I) The applicant shall be
17 informed of appropriate judicial remedies; and (II) The clemency
18 review may be paused or closed without prejudice. (c) Nothing in
19 this section shall limit an individual's right to seek relief through
20 the courts. **SECTION 8. ELIGIBILITY FOR EXECUTIVE**
21 **REVIEW.** (a) If no legal or procedural defect is identified, the
22 Pardon Attorney shall determine whether the application is
23 appropriate for executive consideration based on equitable factors,
24 including: (I) Excessive or disproportionate punishment; (II)
25 Demonstrated rehabilitation; (III) Medical or humanitarian
26 circumstances; (IV) Sentencing disparities; (V) Changes in law or
27 policy; or (VI) Offenses committed during youth. (b) Only
28 applications grounded in equity shall be forwarded to the
29 Governor. **SECTION 9. SUBMISSION TO THE GOVERNOR.**
30 (a) The Pardon Attorney shall prepare a clemency dossier
31 including: (I) A factual summary; (II) Legal posture of the case;
32 (III) Mitigating and rehabilitative factors; (IV) Public safety
33 assessment; and (V) A recommendation. (b) The Governor may:

1 (I) Request additional information; (II) Seek input from victims
2 where appropriate; and (III) Grant, partially grant, or deny the
3 application. (c) The Governor retains sole authority to grant
4 clemency pursuant to the Constitution of the State of San
5 Andreas. **SECTION 10. EFFECT OF CLEMENCY.** (a)
6 Clemency does not vacate or invalidate a conviction. (b)
7 Clemency does not constitute a finding of judicial error. (c)
8 Clemency reflects an exercise of executive discretion based on
9 mercy, equity, and public interest. **SECTION 11.**
10 **TRANSPARENCY AND NOTICE.** (a) Applicants shall receive
11 written notice of the final decision. (b) The Department may
12 publish summaries of clemency decisions, provided that
13 personally identifiable information is protected. (c) Aggregate
14 data and trends may be used to inform policy or legislative
15 recommendations. **SECTION 12. RULEMAKING**
16 **AUTHORITY.** The Department may promulgate rules necessary
17 to implement this Act. **SECTION 13. EFFECTIVE DATE.** Act
18 subject to petition – effective date. This act takes effect on August
19 18, 2026, assuming the general assembly adjourns sine die on
20 May 18, 2026; except that, if a veto petition is filed pursuant to
21 Article II, Section 15 of the state constitution against this act or an
22 item, section, or part of this act within such period, then the act,
23 item, section, or part will not take effect unless approved by the
24 people at the general election to be held in November 2026 and, in
25 such case, will take effect on the date of the official declaration of
26 the vote thereon by the governor.