

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

**REVISED**

LLS NO. 26-0739.02 Ava Sanchez x3824

**SENATE BILL 26-003**

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**SENATE SPONSORSHIP**

**Esparza, Velasco**

**HOUSE SPONSORSHIP**

**Wood, Peterson**

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**House Committees**

**Senate Committees**

Government Operations & Administrative Reform    Justice, Public Safety & Constitutional Affairs

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**A BILL FOR AN ACT**

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

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**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.

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

1 this Act, unless the context otherwise requires: (a) “Clemency”  
2 means executive relief in the form of a pardon, commutation of  
3 sentence, or reprieve. ~~(b) “Executive Pardon” means forgiveness~~  
4 ~~of a conviction that restores civil rights but does not nullify the~~  
5 ~~underlying conviction.~~ (b) Pardon. ‘PARDON’ MEANS THE  
6 FULL AND UNCONDITIONAL FORGIVENESS OF A  
7 CONVICTION THAT VACATES THE JUDGMENT,  
8 NULLIFIES THE UNDERLYING CONVICTION FOR ALL  
9 LEGAL PURPOSES, AND RESTORES ALL CIVIL RIGHTS.  
10 (c) “Commutation” means a reduction in the severity or duration  
11 of a sentence. (d) “Reprieve” means a temporary delay in the  
12 execution or enforcement of a sentence. (e) “Department” means  
13 the Department of Law. (f) “Pardon Attorney” means a  
14 state-employed attorney assigned to review clemency applications  
15 pursuant to this Act. **SECTION 4. APPLICATION PROCESS.**  
16 (a) Simplified Application. An individual seeking clemency may  
17 apply by submitting a written letter. ~~(b) Form of Application. The~~  
18 ~~application: May be handwritten or typed; and shall not require~~  
19 ~~legal formatting or supporting documentation;~~ (b) Form of  
20 Application. THE APPLICATION: (I) MAY BE  
21 HANDWRITTEN, TYPED, OR SUBMITTED VIA AN ORAL  
22 RECORDING FOR APPLICANTS WITH DISABILITIES OR  
23 LITERACY BARRIERS; (II) SHALL BE CONSIDERED FILED  
24 UPON DELIVERY TO ANY STATE OFFICIAL. (c) Required  
25 Contents. The application shall ~~include~~ not be limited to: (I) The  
26 applicant’s name and Department of Corrections identification  
27 number, if applicable; (II) The type of relief requested; and (III) A  
28 brief statement explaining the basis for the request. (d)  
29 Submission Through Department of Corrections. Applications  
30 submitted by incarcerated individuals shall be delivered to  
31 Department of Corrections staff. (e) Duties of Department of  
32 Corrections. The Department of Corrections shall: (I) Log receipt  
33 of the application; (II) Verify the applicant’s identity and sentence

1 status; and (III) Forward the application to the Department within  
2 ~~a reasonable time~~ ten business days; (IV) a statement of support  
3 from a community member, employer, or family member; and (V)  
4 a description of the applicant's plans for re-entry, if applicable. (f)  
5 Applicants shall not be required to submit applications directly to  
6 the Governor. **SECTION 5. APPOINTMENT OF PARDON**  
7 **ATTORNEY.** (a) Upon receipt of an application, the Department  
8 shall assign a Pardon Attorney. (b) The Pardon Attorney shall: (I)  
9 Conduct a ~~neutral and~~ comprehensive review of the application;  
10 (II) Ensure that all relevant information is collected and verified;  
11 (III) interview the applicant and, where practicable, the  
12 applicant's family or community supporters; and (IV) Serve as the  
13 primary fact-gatherer for the executive clemency process. ~~(e) The~~  
14 ~~Pardon Attorney represents the integrity of the process and shall~~  
15 ~~not be considered legal counsel for the applicant.~~ (c) Legal Status.  
16 **THE PARDON ATTORNEY SHALL BE A NON-PARTISAN**  
17 **APPOINTEE WHOSE SOLE DUTY IS TO ENSURE THE**  
18 **GOVERNOR HAS A COMPLETE AND ACCURATE**  
19 **RECORD. THE APPOINTMENT SHALL BE FOR A TERM OF**  
20 **SIX YEARS TO ENSURE CONTINUITY ACROSS**  
21 **ADMINISTRATIONS.** (d) Reviewing Standards. The pardon  
22 attorney shall evaluate every application under a preponderance of  
23 the evidence standard regarding the applicant's rehabilitation and  
24 current threat to public safety. (e) Right to Counsel. Nothing in  
25 this section shall be construed to prohibit an applicant from  
26 retaining private counsel to assist in the clemency process or to  
27 supplement the record compiled by the pardon attorney.  
28 **SECTION 6. SCOPE OF REVIEW.** The Pardon Attorney shall  
29 compile a complete clemency record, including: (a) Case History:  
30 Charging documents, plea agreements, trial outcomes, sentencing  
31 records, and supervision history; (b) Applicant Background:  
32 Criminal history, social history, education, employment, and  
33 family support; (c) Mitigating Factors: Age at the time of the

1 offense, role of coercion or trauma, evidence of accountability,  
2 and passage of time; (d) Rehabilitation: Institutional conduct,  
3 program completion, educational achievements, and community  
4 support; (e) Public Safety Assessment: An evaluation of the  
5 applicant's risk to public safety. **SECTION 6.5. MANDATORY**  
6 **RECORD INCLUSIONS. THE PARDON ATTORNEY SHALL**  
7 **INCLUDE IN THE DOSSIER: (a) A statement from the**  
8 **sentencing judge, if available; (b) A statement from the**  
9 **prosecuting attorney who handled the case; and (c) Any letters of**  
10 **support from correctional officers or rehabilitative program**  
11 **facilitators. SECTION 7. LIMITATION OF CLEMENCY**  
12 **REVIEW. (a) If the Pardon Attorney identifies a credible claim**  
13 **involving: (I) Constitutional violations; (II) Procedural defects;**  
14 **(III) Ineffective assistance of counsel; (IV) Newly discovered**  
15 **evidence; or (V) Legal insufficiency of conviction; the application**  
16 **shall not proceed through the clemency process. (b) In such cases:**  
17 **(I) The applicant shall be informed of appropriate judicial**  
18 **remedies the availability of post-conviction relief through the**  
19 **courts; and (II) The clemency review may be paused or closed**  
20 **without prejudice. (c) Nothing in this section shall limit an**  
21 **individual's right to seek relief through the courts. SECTION 7.**  
22 **JUDICIAL REFERRAL. (a) IF THE PARDON ATTORNEY**  
23 **IDENTIFIES A CREDIBLE CLAIM OF INNOCENCE OR A**  
24 **CONSTITUTIONAL VIOLATION, THE PARDON ATTORNEY**  
25 **SHALL IMMEDIATELY REFER THE MATTER TO THE**  
26 **OFFICE OF THE STATE PUBLIC DEFENDER OR THE**  
27 **OFFICE OF ALTERNATE DEFENSE COUNSEL FOR**  
28 **EVALUATION OF JUDICIAL REMEDIES. (b) THE**  
29 **GOVERNOR MAY GRANT A REPRIEVE PENDING THE**  
30 **OUTCOME OF ANY JUDICIAL PROCEEDINGS RESULTING**  
31 **FROM SUCH REFERRAL. SECTION 8. ELIGIBILITY FOR**  
32 **EXECUTIVE REVIEW. (a) If no legal or procedural defect is**  
33 **identified, and the applicant has served at least fifty percent of the**

1 ~~imposed sentence, the Pardon Attorney shall determine whether~~  
2 ~~the application is appropriate for executive consideration based on~~  
3 ~~equitable factors, including: (I) Excessive or disproportionate~~  
4 ~~punishment; (II) Demonstrated rehabilitation; (III) Medical or~~  
5 ~~humanitarian circumstances; (IV) Sentencing disparities; (V)~~  
6 ~~Changes in law or policy; or (VI) Offenses committed during~~  
7 ~~youth. (a) Eligibility. EVERY INDIVIDUAL CONVICTED OF A~~  
8 ~~CRIME IN THIS STATE IS ELIGIBLE FOR EXECUTIVE~~  
9 ~~REVIEW. THE PARDON ATTORNEY SHALL NOT UTILIZE~~  
10 ~~ANY MINIMUM SENTENCE SERVED REQUIREMENT AS A~~  
11 ~~BAR TO FORWARDING AN APPLICATION TO THE~~  
12 ~~GOVERNOR. (b) Only applications grounded in equity shall be~~  
13 ~~forwarded to the Governor. SECTION 9. SUBMISSION TO~~  
14 ~~THE GOVERNOR. (a) The Pardon Attorney shall prepare a~~  
15 ~~clemency dossier including: (I) A factual summary; (II) Legal~~  
16 ~~posture of the case; (III) Mitigating and rehabilitative factors; (IV)~~  
17 ~~Public safety assessment; and (V) A recommendation. (b) The~~  
18 ~~Governor may: (I) Request additional information; (II) Seek input~~  
19 ~~from victims where appropriate Notify and seek input from~~  
20 ~~victims and the prosecuting attorney; and (III) Grant, partially~~  
21 ~~grant, or deny the application. (e) The Governor retains sole~~  
22 ~~authority to grant clemency pursuant to the Constitution of the~~  
23 ~~State of San Andreas. SECTION 10. EFFECT OF CLEMENCY.~~  
24 ~~(a) Clemency does not vacate or invalidate a conviction. (b)~~  
25 ~~Clemency does not constitute a finding of judicial error. (c)~~  
26 ~~Clemency reflects an exercise of executive discretion based on~~  
27 ~~mercy, equity, and public interest. (d) Finality. The governor's~~  
28 ~~decision to grant or deny clemency is final and not subject to~~  
29 ~~judicial or legislative review; however, a denial shall not prevent~~  
30 ~~an applicant from re-applying after three years have elapsed since~~  
31 ~~the date of denial. SECTION 11. TRANSPARENCY AND~~  
32 ~~NOTICE. (a) Applicants shall receive written notice of the final~~  
33 ~~decision. (b) The Department may publish summaries of~~

1 clemency decisions, including the specific equitable factors relied  
2 upon by the Governor, provided that personally identifiable  
3 information is protected. (b) Public Reporting. THE  
4 DEPARTMENT SHALL PUBLISH A MONTHLY REPORT ON  
5 ITS WEBSITE LISTING ALL PENDING APPLICATIONS BY  
6 IDENTIFICATION NUMBER, THE DATE FILED, AND THE  
7 CURRENT STAGE OF REVIEW TO ENSURE PROCEDURAL  
8 TRANSPARENCY. (c) Aggregate data and trends, including data  
9 on the racial and socioeconomic demographics of applicants and  
10 recipients may be used to inform policy or legislative  
11 recommendations. **SECTION 12. RULEMAKING**  
12 **AUTHORITY.** The Department may promulgate rules necessary  
13 to implement this Act. **SECTION 13. INDIGENT**  
14 **REPRESENTATION.** (a) The Department shall establish a  
15 program to provide volunteer legal assistance or law student  
16 clinical support to indigent applicants to ensure equitable access  
17 to the clemency process as declared in section 2 of this act.  
18 **SECTION 14. SEVERABILITY.** If any provision of this act or  
19 its application to any person or circumstance is held invalid, the  
20 invalidity does not affect other provisions or applications of this  
21 act that can be given effect without the invalid provision or  
22 application. **SECTION 15. EFFECTIVE DATE.** Act subject to  
23 petition – effective date. This act takes effect on August 18, 2026,  
24 assuming the general assembly adjourns sine die on May 18,  
25 2026; except that, if a veto petition is filed pursuant to Article II,  
26 Section 15 of the state constitution against this act or an item,  
27 section, or part of this act within such period, then the act, item,  
28 section, or part will not take effect unless approved by the people  
29 at the general election to be held in November 2026 and, in such  
30 case, will take effect on the date of the official declaration of the  
31 vote thereon by the governor.