OFFICE OF THE SECRETARY OF THE COMMONWEALTH

CLEMENCY FACT SHEET

WHAT IS CLEMENCY?

Clemency allows the Governor to extend relief to individuals who present exceptional circumstances and have demonstrated rehabilitation

WHAT IS A PARDON?

A pardon is a form of clemency. Individuals who believe they can provide substantial evidence of such exceptional circumstances may petition the Governor for a pardon. ***Please note that the Governor does not have jurisdiction over expungements, out-of-state or federal convictions***.

WHAT TYPE OF PARDON SHOULD I REQUEST?

SIMPLE PARDON:

A **simple pardon** is a statement of official forgiveness. While it does not remove the conviction from the record, it often serves as a means for the petitioner to advance in employment, education, and self-esteem. If a simple pardon is granted, a notation will be added to the criminal record showing the word "pardon" next to the conviction.

CONDITIONAL PARDON:

Please note that there are three Conditional Pardon types:

1. A **conditional pardon (*commutation of sentence)*** is an act to modify or end a sentence imposed by the court. Conditional pardons are rare as the Governor does not typically substitute their judgment for that of the courts. ***In order to be eligible for a conditional pardon, you must be currently incarcerated.***

2. *A* **medical pardon** is a form of a conditional pardon and is granted to incarcerated individuals who are terminally ill. ***In order to be considered for medical clemency, the individual must have a life expectancy of three months or less.***

3. *A* **partial pardon** is also a form of a conditional pardon and may be granted to individuals who are experiencing immigration issues. ***In order to be considered for immigration related clemency, the individual must be facing deportation***.

*****Medical and Immigration clemency requests are handled in an expedited manner.***

ABSOLUTE PARDON:

An **absolute pardon** may be granted when the Governor is convinced that the petitioner is innocent of the charge for which he or she was convicted. An absolute pardon is often a remedy of last resort.

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ELIGIBILITY REQUIREMENTS

To petition for a simple pardon, you must:

- Be free of all conditions set by the court, including any probation period, suspended time, or good time behavior on all convictions.

To petition for a conditional pardon, you must:

- be currently incarcerated.

To petition for a medical pardon, you must:

- have a life expectancy of three months or less.

To petition for a partial pardon, you must:

- be facing deportation

To petition for an absolute pardon, you must have:

- Exhausted all forms of judicial appeals and other remedies, including a Writ of Actual Innocence.

FREQUENTLY ASKED QUESTIONS

1. **How long is the pardon process?**

   The Youngkin Administration left a backlog of more than 4,000 Pardon applications. Because of this backlog, we are unable to provide a specific timeframe for the completion of a pardon.

2. **Can the Governor grant a pardon for federal convictions or crimes committed in another state?**

   No. The Governor does to have authority to pardon federal convictions and only has the authority to pardon crimes committed in Virginia.

3. **Will I get the documents back that I submit with my petition?**

   Documents (or copies of documents) submitted to our office for pardon consideration cannot be copied or returned. For this reason, please be sure to retain copies of all documents sent to our office.

4. **Is the pardon process the same as an Expungement of record?**

   No. The Governor has no jurisdiction over expungements. To have information expunged from a criminal record when the disposition of the case was an acquittal, a nolle prosequi or dismissal, one must petition the Circuit Court in which the case was brought. To learn more about the record-sealing law that took effect on July 1, 2026, please visit https://vscc.virginia.gov/sealing.asp.

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