

Collateral Consequences of Conviction

The following is summary of the collateral consequences of convictions as set forth in the Missouri Revised Statutes. This is not an exhaustive list of restrictions that may be encountered.

- Statutory range of punishment applicable to the offense.
- Forfeiture of public office upon conviction and until completion of the sentence. (RSMo 561.021)
- Forever disqualified from holding any public office upon conviction of a felony connected with the exercise of the right of suffrage. (RSMo 561.021)
- Forever disqualified from serving as a juror. (RSMo 561.026)
- Forever disqualified as a candidate for elective public office. (RSMo 115.350)
- Disqualified from voting: (RSMo 115.133)
 - while under a sentence of imprisonment,
 - while on probation or parole after conviction of a felony **until finally discharged**
 - after conviction of a felony or misdemeanor connected with the right of suffrage.
- Firearms restrictions as set forth in U.S. Code, title 18, part I, chapter 44
- Denial of certificate of qualification for concealed carry endorsement for individuals who have pled guilty to or been convicted of a crime punishable by imprisonment for a term exceeding 1 year under the laws of any state, other than crimes classified as a misdemeanor that do not involve an explosive

weapon, firearm, firearm silencer or gas gun. (RSMo 571.101)

- A lifetime requirement to register with the chief law enforcement officer of the county of residence **for persons convicted of certain sexual offenses as outlined in RSMo 589.400.**

Eligibility Criteria

Individuals who are confined to a Missouri prison or jail are eligible to petition the Governor for clemency. The applicant cannot have been denied an executive clemency within the past three years.

Individuals who are not confined must meet the following minimum criteria to be eligible to petition the Governor for clemency.

1. The applicant is required to have been fully discharged for **three years** from incarceration and/or probation or parole supervision.
2. The applicant must not have received a conviction within the **three-year** period immediately prior to the application for Executive Clemency. (Convictions for minor traffic offenses will not be considered.)
3. The applicant cannot have any charges pending at the time of the application.
4. The applicant cannot have been denied an Executive Clemency within the past three years.
5. Probation judgments in which imposition of sentence was suspended are not eligible for Executive Clemency except in cases where a punitive collateral consequence attaches.

Investigation

When a clemency application is received from a person confined in prison or jail, the Board will determine if existing file material is sufficient to make an informed recommendation to the Governor. If necessary, the Board may order an investigation to include information such as:

- Summary of present offense and criminal history
- Institutional conduct and accomplishments while confined.
- Assessment of medical and/or mental health needs
- Statements from the prosecuting attorney, judge, defense attorney, victim

For individuals not confined and who meet the minimum eligibility criteria, the local Probation and Parole office will conduct an investigation, which will include the following information:

- Reason(s) for requesting clemency, including specific collateral consequences of conviction being claimed.
- Circumstances of the present offense.
- Other criminal record information.
- Victim impact information.
- Conduct since discharge in areas such as social, employment and financial. Significant positive achievements are noted. Testimonials from friends,

employers and general references are included.

- Comments and recommendations from members of the local criminal justice community. This includes the judge, prosecuting attorney and law enforcement agency.

Review & Decisions

Upon receipt of the investigative report, the Board of Probation and Parole reviews the information to determine an appropriate recommendation. A letter of recommendation is submitted to the Governor, along with the investigative report and all material submitted by the applicant. The Governor will render the final decision regarding clemency. Generally, the clemency process will take a minimum of 18-24 months to complete.

All applicants will receive written notification of the final decision.

Types of Clemency

- ▶ **Full Pardon** – A full pardon restores all rights of citizenship and removes any disqualification or punitive effect stemming from the conviction. A full pardon does not remove the conviction from the individual's criminal record.
- ▶ **Partial Pardon** – A partial pardon provides limited relief and can take a variety of forms, depending on the circumstances of each individual applicant. It does not provide the full scope of relief from collateral consequences of conviction, as does a full pardon. Restoration of rights is an example of a partial pardon.
- ▶ **Commutation of Sentence** – This type of clemency applies to individuals serving a sentence of confinement in a correctional facility. The Governor may release the individual without further obligation to the sentence, reduce the term of the sentence but not release the individual from confinement, or remove restrictions attached to the sentence.

Frequently Asked Questions

Q Will a pardon expunge my record?

No. *The criminal history record maintained by the Missouri State Highway Patrol will be updated to include pardon information, but it will still be maintained as an open record and will be available to the general public.*

Q How long does the process take?

Generally, the clemency process will take a minimum of 18-24 months to complete.

Q Where do I send my application?

Your completed application form should be mailed to the Missouri Board of Probation and Parole, 3400 Knipp Drive, Jefferson City, MO 65109. All applications for clemency are investigated by the Board and submitted to the Governor for the final decision.

Q Are there costs involved in filing for clemency?

There are no fees charged in this process.

Q Do I need an attorney to represent me?

It is not necessary that legal counsel represent you.



The Executive Clemency Process in Missouri

Missouri Board of Probation and Parole

<http://doc.mo.gov/PP/>

Authority

The Governor's authority to grant pardon is derived from the Constitution of Missouri, article IV, section 7. The Governor may grant reprieves, commutations and pardons, after conviction, for all offenses except treason and cases of impeachment. The Governor may impose conditions, restrictions and limitations, as he deems proper. The Governor's authority to grant pardon does not extend to federal or municipal convictions, or convictions occurring in another state.

All applications for pardon, commutation of sentence or reprieve shall be referred to the Board of Probation and Parole for investigation. (217.800 RSMo) The Board is responsible for investigating each case and making a recommendation to the Governor.