

SUBTITLE 6. COMMUTATION OF SENTENCE; PARDON.

7-601. POWER OF GOVERNOR.

(A) IN GENERAL.

ON GIVING THE NOTICE REQUIRED BY THE CONSTITUTION, THE GOVERNOR MAY:

(1) COMMUTE OR CHANGE A SENTENCE OF DEATH INTO A PERIOD OF CONFINEMENT THAT THE GOVERNOR CONSIDERS EXPEDIENT;

(2) PARDON AN INDIVIDUAL CONVICTED OF A CRIME SUBJECT TO ANY CONDITIONS THE GOVERNOR REQUIRES; OR

(3) REMIT ANY PART OF A SENTENCE OF IMPRISONMENT SUBJECT TO ANY CONDITIONS THE GOVERNOR REQUIRES, WITHOUT THE REMISSION OPERATING AS A FULL PARDON.

(B) WRITTEN ORDER.

(1) A PARDON OR COMMUTATION OF SENTENCE SHALL BE EVIDENCED BY A WRITTEN EXECUTIVE ORDER SIGNED BY THE GOVERNOR UNDER THE GREAT SEAL.

(2) AN ORDER GRANTING A PARDON OR CONDITIONAL PARDON SHALL CLEARLY INDICATE ON ITS FACE WHETHER IT IS A PARTIAL OR FULL PARDON.

(C) PRESUMPTION OF VALID CONVICTION.

THERE IS A PRESUMPTION THAT THE GRANTEE OF A PARDON WAS LAWFULLY AND PROPERLY CONVICTED OF A CRIME AGAINST THE STATE UNLESS THE ORDER GRANTING THE PARDON STATES THAT THE GRANTEE HAS BEEN SHOWN CONCLUSIVELY TO HAVE BEEN CONVICTED IN ERROR.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 41, § 4-513, the second clause of the first sentence of § 4-501(1), the second sentence of § 4-501(1), the second clause of § 4-501(2), the second sentence of § 4-501(3), and the second clause of the first sentence of § 4-501(4).

Defined terms: "Commutation of sentence" § 7-101

"Conditional pardon" § 7-101

"Pardon" § 7-101

"Partial pardon" § 7-101

7-602. VIOLATION OF CONDITIONAL PARDON.

(A) GOVERNOR AS SOLE JUDGE.

UNLESS THE ORDER GRANTING A PARDON PROVIDES OTHERWISE, THE GOVERNOR IS THE SOLE JUDGE OF WHETHER A CONDITION OF A CONDITIONAL PARDON HAS BEEN VIOLATED.