

STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 2011-02

WHEREAS, Article IV, Section 3 of the South Dakota Constitution grants to the Governor the power to “grant pardons, commutations and reprieves, and may suspend and remit fines and forfeitures”; and,

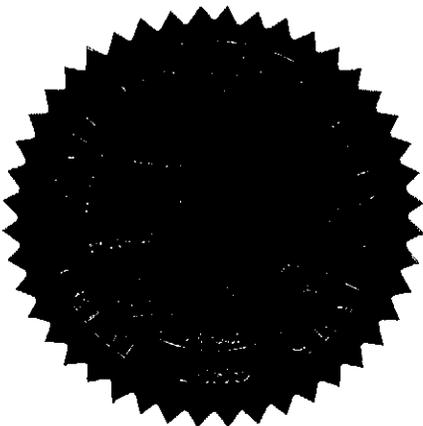
WHEREAS, SDCL 24-14-1 grants to the Governor the discretion to “delegate to the Board of Pardons and Paroles the authority to hear applications for pardon, commutation, reprieve, or remission of fines and forfeitures, and to make its recommendations to him”; and,

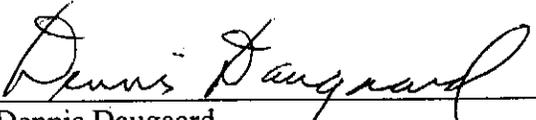
WHEREAS, The Board of Pardons and Paroles meets monthly to make conditional release decisions for penitentiary inmates and has set forth a procedure to hear such clemency applications and make such determinations:

IT IS HEREBY ORDERED, That all applications for executive clemency, whether it be designated a “pardon,” a “commutation,” a “reprieve,” or a “remission of a fine or forfeiture” shall be addressed to, and initially reviewed and heard by the Board of Pardons and Paroles. Recommendations for “executive clemency” shall be forwarded to the Office of the Governor for independent review.

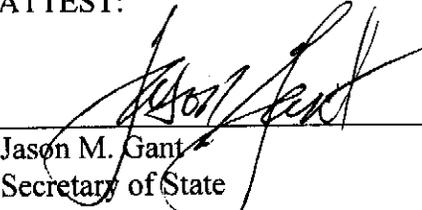
IT IS FURTHER ORDERED, That whenever it becomes apparent that the purposes or objects of a conditional order of clemency is not being accomplished, the Board of Pardons and Paroles may issue an order to show cause why such conditional order of clemency should not be revoked; hold a due process hearing on the order to show cause; and make its recommendations to me concerning the alleged violations of said conditional order of clemency.

Dated at Pierre, South Dakota, this Thirteenth day of January, 2011.




Dennis Daugaard
Governor of South Dakota

ATTEST:


Jason M. Gant
Secretary of State