

NORTH DAKOTA PARDON ADVISORY BOARD APPLICATION TO PARDON ELIGIBLE MARIJUANA OFFENSES

NORTH DAKOTA DEPARTMENT OF CORRECTIONS AND REHABILITATION
SFN 61663 (07-2019)

INSTRUCTIONS:

- **Deadline:** The Pardon Advisory Board meets in April and November, and this form must be received 90 days before the Pardon Advisory Board convenes, which is early August for the November meeting and early January for the April meeting.
- **Required Attachments:** A copy of the criminal judgment and the criminal information, complaint, or citation for each offense for which you seek relief, if those records are available. Or an explanation of the attempts you made to obtain these items. A photocopy of your driver's license or state identification card.
- **Application Completeness:** If you fail to complete this application in full, including the needed attachments, it will be returned to you, which could result in a postponement of your hearing.

Check Applicable Response <input type="checkbox"/> First-Time Applicant <input type="checkbox"/> I was previously denied relief by the Pardon Advisory Board		Date Denied	
Applicant Name		Social Security Number	
Date of Birth	Place of Birth	Race	
Applicant's Address	City	State	ZIP Code
Home Telephone Number	Work Telephone Number	Cellphone Number	
List of Former Names or Aliases			

1. I am requesting an unconditional pardon with removal of guilt for the offense of possession of a controlled substance-marijuana, possession of marijuana paraphernalia, or ingestion of marijuana in the state of North Dakota.
2. I certify that I was not prosecuted for intent to deliver, delivery, manufacture, or any other offense except possession of a controlled substance-marijuana, possession of marijuana paraphernalia, or ingestion of marijuana.
3. I further certify that I have not pled guilty, or have been found guilty of, another criminal offense in any court, including in the state of North Dakota, tribal court, any other state, or in the federal courts, within the last five years prior to the date of this application.
4. I understand that by submitting this application, I will be subject to a check of my criminal records, including criminal history background information, and I consent to a criminal history background information check. I understand that this may include a fingerprint-based background check, if requested.
5. Please provide the name of the person and the county for each of the following:

Trial/Sentencing Judge	County
Prosecuting Attorney	County
Defense Attorney	County

Signature of Applicant	Date
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Open Record Notice: Your completed application will become public record when it is received by this office.

Effect of Pardon with Removal of Guilt: The Governor can only grant pardons for North Dakota convictions and not for federal or tribal cases. Even after a pardon with removal of guilt, a criminal history background check may continue to show your offense. However, the North Dakota Bureau of Criminal Investigation will modify the disposition of your offense to reflect the pardon once it is granted. The North Dakota Court System's public website also will reflect the pardon.

This is provided for informational purposes only and not for the purpose of providing legal advice. You should contact your attorney to obtain advice with respect to any particular issue or problem.

**North Dakota Century Code Chapter 12-55.1
Pardon Advisory Board**

- 12-55-1.01** **DEFINITIONS.** In this title, unless the context otherwise requires:
1. "Commutation" means the change of the punishment to which a person is sentenced to a less severe punishment.
 2. "Conditional pardon" means a pardon, commutation, reprieve, or remission of fine subject to terms and conditions established by the governor upon the recommendation of the pardon advisory board.
 3. "Department" means the department of corrections and rehabilitation.
 4. "Pardon" means the removal of punishment or custody imposed upon a person for the commission of an offense. A pardon does not remove the fact of that person's conviction or plea or finding of guilt for an offense unless specifically stated in the certificate of pardon.
 5. "Remission of fine" means a release or partial release of a fine.
 6. "Reprieve" means a temporary relief from or postponement of the execution of a criminal sentence.
- 12-55-1.06** **APPLICATION FOR COMMUTATION, REPRIEVE, PARDON, CONDITIONAL PARDON, OR REMISSION OF FINE.** An application for commutation, reprieve, pardon, conditional pardon, or remission of fine must be made with the pardon clerk on a form prescribed by the clerk and in accordance with any rules adopted under this chapter.
- 12-55-1.07** **NOTICE OF APPLICATION.** The pardon clerk shall provide written notice of an application for a commutation, reprieve, pardon, conditional pardon, or remission of fine to the district court and the state's attorneys in the county or counties where the judgment of conviction was entered against the applicant. The notice must include the name of the applicant, the date of entry and docket number of the criminal judgment, the crime or crimes stated in the criminal judgment, and the date and place for the meeting on the application.
- 12-55-1.08** **GOVERNOR MAY RECONSIDER ACTION.** If the governor has granted an application for a commutation, reprieve, pardon, conditional pardon, or remission of fine and the applicant is still in custody in any correctional facility, the governor may reconsider the decision any time before the applicant is released from the correctional facility. If an applicant is released from custody pursuant to a conditional pardon and the applicant has violated any of the terms or conditions of the conditional pardon, the governor may revoke the conditional pardon in the same manner provided for violation of any of the terms or conditions of parole. In all other cases, the governor may reconsider a decision on an application if the reconsideration is made within thirty days from the date of the initial decision. A decision made on reconsideration may not be reviewed by any court.