



South Carolina Department of
Probation, Parole and Pardon Services

Understanding Pardon

Pardon means that an individual is fully forgiven from all the legal consequences of his or her crime and conviction—direct and collateral- including the punishment, whether imprisonment, fine, or whatever penalty is provided for by law.

- A pardon fully restores all civil rights lost as a result of a conviction. Rights restored include the right to:
 - register to vote;
 - vote;
 - serve on a jury;
 - hold public office;
 - testify without having the fact of the conviction introduced for impeachment purposes;
 - not have testimony excluded in a legal proceeding if convicted of perjury; and
 - be licensed for any occupation requiring a license.
- **WHAT IS RESTITUTION?** - money ordered by the Court and/or Parole Board to be paid to victim/victims.
 - A civil judgment ordered for restitution does not remove the obligation to pay restitution in full.
 - If during the pardon investigative process, it is discovered that restitution is owed, a deadline will be issued for the applicant to pay all restitution owed.
 - If restitution/civil judgment is not paid by the deadline given, the request for pardon will be denied.
 - An outstanding restitution balance for ANY criminal conviction will prevent a pardon, even if the pardon is not requested for the crime involving the restitution order.
- **PARDON ELIGIBILITY**
 - **Probationer** - can be considered any time after discharge from supervision, provided all restitution and collection fees have been paid in full.
 - **Parolee** - can be considered:
 - Any time after successfully completing five years under supervision
 - Any time after the discharge date and after successfully completing the maximum parole period, if less than five years
 - Provided all restitution and collection fees have been paid in full
 - **Person discharged from a sentence** – can be considered any time after the date of discharge, provided all restitution and collection fees have been paid in full.
 - **Inmate who is not parole eligible** - may be considered any time prior to becoming parole-eligible upon proof of the most extraordinary circumstances.
 - The Board will decide, based upon the submitted evidence and findings, whether the evidence demonstrates such circumstances.
 - All restitution and collection fees must be paid in full.
 - **Inmate with terminal illness** - may be considered any time after being afflicted with a terminal illness with a life expectancy of one year or less.
 - The Board will decide if the evidence demonstrates a condition that meets these criteria.
 - Two separate doctor's statements documenting life expectancy must be attached to the application.
 - All restitution and collection fees must be paid in full.
- **ABOUT THE SC BOARD OF PAROLES AND PARDONS**
 - The Board is comprised of Seven (7) Members, one from each congressional district.
 - Members serve Six (6)-year staggered terms.
 - All members are appointed by the Governor, with approval by the Senate.
 - Members are subject to removal by the Governor.
- **BOARD POWERS**
 - Granting or denying paroles and pardons (24-21-30 (B))
 - Revoking, modifying, or rehearing paroles (24-21-680)
 - Making recommendations on petitions for reprieves and commutations referred by the Governor (24-21-910)
 - Considering requests for medical parole (24-21-715)
 - Preserving order at its meetings (24-21-30)

NOTE: SC law provides no requirement for the Board to establish criteria for pardon consideration or reasons for rejection. A pardon has been described as an act of grace or forgiveness, which is given solely at the Board's discretion.

- **PARDON HEARING DATE** – The application process is approximately seven (7) to nine (9) months from the time the pardon application is received until a pardon hearing date is scheduled for applicants.
- **HEARINGS** - The Full Board may grant a pardon by a 2/3 Majority vote.
 - When the Board grants a pardon, a certificate is created and provided to the applicant, SLED and the Clerk of Court in the County of all pardoned convictions.
 - When the Board denies the pardon request, an applicant must wait one year from the date of denial before applying again. (24-21-960 (B))