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## FAQs

### Clemency Basics

#### What is clemency?

Clemency is a mechanism by which individuals who have been convicted of a criminal offense may seek and obtain relief from court-ordered supervision—including incarceration, probation, and parole—or from the burden of a criminal record. In other words, clemency is the process by which the Governor may reduce someone's sentence or formally "forgive" someone who committed a crime. >>

Clemency can relieve someone of some of the legal consequences associated with a criminal violation. The types of clemency include pardons, commutations, reprieves, and the suspension or remission of fines and forfeitures.

#### What is the difference between a pardon and a commutation?

The most common types of clemency are pardons and commutations. In general, a pardon provides some measure of relief from the consequences of a criminal conviction, while a commutation reduces the length of a person's sentence.

Pardons are typically granted to individuals who have already completed their sentence, though in some cases they can also be issued to individuals currently serving a sentence. The pardon forgives the recipient for the crime for which they have been convicted and exempts the recipient from future consequences and punishment associated with that conviction. For example, a pardon can restore certain legal rights, including the right to serve on a jury, as well as remove barriers to professional licensure and employment.

Commutations may be issued to individuals who are currently serving a prison or community supervision (probation, parole, or another court-based diversionary program) sentence. A commutation can reduce the length or severity of the sentence but does not change the underlying fact of the conviction and does not necessarily remove associated legal consequences. A commutation may be subject to specific terms, conditions, and/or limitations that are imposed by the Governor.

#### Who can grant clemency in New Jersey and for what?

In New Jersey, only the Governor may grant executive clemency. Under the New Jersey State Constitution, the Governor retains sole authority and discretion over all executive clemency decisions. The Governor may also be advised by a Board or other body, as established in [Executive Order No. 362 \(2024\)](#), but he is not bound to follow the recommendation(s) the Board provides.

The Governor can only grant clemency to people who committed crimes under New Jersey law and who were convicted in New Jersey.

#### Who can apply for clemency in New Jersey? Are any offenses ineligible?

Anyone is welcome to apply for clemency. However, the Governor's power to grant executive clemency does not extend to cases of impeachment or treason.

#### Does being granted clemency erase or expunge my criminal record?

No. Someone who receives a pardon or commutation will still have a conviction on their record.

According to the New Jersey Supreme Court, pardons remove legal consequences linked to a conviction but do not erase the underlying facts of the offense or charge history.

A commutation relieves the recipient from part of the punishment imposed for a conviction but does not erase the underlying facts of the offense and may not necessarily remove all of the legal consequences linked to the conviction.

#### What is the difference between a pardon and expungement?

Expungement is the removal, sealing, impounding, or isolation of all criminal records on file within any court, detention, or correctional facility, as well as any law enforcement or criminal justice agency.

Expungement requests are submitted to the court. If a judge decides to grant an expungement, the arrest, conviction, and any other related proceedings are sealed from public records. This typically means that a person whose record has been expunged may answer questions relating to their past as if those events did not occur. (There are some exceptions, such as when seeking employment with the Judiciary, law enforcement, or a corrections agency.)

In contrast to an expungement, a pardon does not erase someone's criminal history nor seal it from public records, though public records would be updated to include the pardon.

The expungement process and eligibility criteria are set in state statute. It is important to note that individuals may be eligible for clemency even if they are not eligible for expungement. In some cases, an individual who is not eligible for expungement may become eligible if they receive a pardon for the relevant conviction(s).

For more information about how to request an expungement, please visit <https://www.njcourts.gov/self-help/expunge-record>.

## Governor Murphy's Clemency Initiative

### What is Governor Murphy's Executive Order on clemency?

On June 19, 2024, Governor Phil Murphy signed [Executive Order No. 362](#), establishing the state's first comprehensive clemency initiative and outlining his plans to issue pardons and commutations using best practices.

The Executive Order sets out certain categories of pending or future clemency applications that will receive expedited review during the Murphy Administration. These categories for expedited consideration identify applications that are particularly likely to warrant clemency, both expedited and non-expedited applications will receive thorough, individualized consideration.

The Executive Order also establishes a Clemency Advisory Board, which will be responsible for reviewing each clemency application and making recommendations to the Governor. This Board will be the first of its kind in state history and will ensure that the Governor's decisions regarding pardons and commutations are informed by the advice of individuals with diverse experiences and expertise relating to criminal justice and clemency.

### Why has the Governor established this new clemency process?

The fundamental goal underlying the Governor's clemency initiative is to try to provide some relief from the inequities and collateral consequences that have been caused or exacerbated by the criminal legal system.

In recent years, New Jersey has achieved a historic reduction in its prison population, from roughly 19,500 in 2018 to 13,000 in 2024. The state has also made significant progress in reducing the unduly harsh consequences of a conviction and in dismantling barriers faced by individuals with justice system involvement. This progress includes expungement reform, restoring voting rights for those on probation and parole, and more.

But there is more to be done. New Jersey's criminal justice system continues to have one of the [highest rates of racial disparities](#) of any state in the nation, and over 150,000 individuals currently incarcerated or under community supervision. Many of these individuals served—or are still serving—overly punitive sentences that do not necessarily align with the underlying crime or culpability. Clemency is one way to address these systemic failures, to temper the impact of a criminal justice system that does not always produce justice. It offers a tool to correct some of these past harms on a case-by-case basis.

### Which clemency applications will receive expedited consideration?

Each clemency application reviewed will be given thorough, individualized consideration. However, the Executive Order also establishes categories that are particularly likely to warrant an exercise of executive clemency – applications that fall into these categories will be expedited.

The criteria for expedited consideration differ depending on whether or not the applicant has completed their term of incarceration and/or community supervision (including probation, parole, or another court-based diversionary program).

For individuals who have completed their terms of incarceration and/or community supervision, expedited consideration may be given to applications that satisfy at least one time-based criterion and one offense-based criterion from the lists below.

#### Time-Based Criteria

1. More than ten (10) years have elapsed since applicant completed their most recent sentence (including incarceration and/or community supervision);
2. More than five (5) years have elapsed since applicant completed their most recent sentence (including incarceration and/or community supervision), and the applicant is currently at least 60 years old; or
3. More than five (5) years have elapsed since applicant completed their most recent sentence (including incarceration and/or community supervision), and the applicant was 25 years old or younger at the time of the offense.

## Offense-Based Criteria

1. The applicant does not seek executive clemency for a crime enumerated in the No Early Release Act (NERA);
2. The applicant seeks executive clemency for a conviction for a crime or offense which is no longer unlawful;
3. No objection has been received from the Prosecutor for any county in which the applicant has received a conviction for which the applicant is seeking executive clemency; or
4. The Conviction Review Unit (CRU) within the Office of the Attorney General has referred the application for expedited consideration.

For individuals who are presently serving a term of incarceration or community supervision, expedited consideration may be given to applications that satisfy at least one of the following requirements:

1. The applicant is a victim of domestic or sexual violence or sex trafficking who was convicted of a crime or offense against the perpetrator of the domestic or sexual violence or sex trafficking, or of a crime or offense committed under the duress or coercion of such perpetrator;
2. The application establishes that the applicant's sentence reflects an excessive trial penalty, based on a comparison of the sentence and a documented pretrial plea offer;
3. The applicant seeks executive clemency for a conviction for a crime or offense which is no longer unlawful;
4. The applicant seeks executive clemency for a conviction that would have resulted in a less severe sentence under current law or policy or
5. The Conviction Review Unit (CRU) within the Office of the Attorney General has referred the application for expedited consideration.

Expedited consideration will not be given to applications requesting clemency for a crime involving public corruption; if the applicant has pending charges that have not yet resulted in a sentence; or if the applicant has been convicted in another jurisdiction since the offense(s) which they are seeking clemency, and a clemency application relating to that conviction would be ineligible for expedited consideration were it to have occurred under New Jersey state law.



## Who is on the Clemency Advisory Board?

The appointed members of Governor Murphy's Clemency Advisory Board are:

- **Chair:** Justin Dews, Counsel at King & Spalding
- **Attorney General's Designee:** Michael Zuckerman, Deputy Solicitor General
- **Public Member:** Jessica Henry, Professor of Justice Studies at Montclair State University
- **Public Member:** Bishop Joshua Rodriguez, Bishop and Founding Partner of Cityline Church and Police Chaplain at Jersey City Police Department
- **Public Member:** JoEllyn Jones, Founding Member of The Law Office of JoEllyn L Jones LLC and Practitioner in Residence with Center for Social Justice at Seton Hall
- **Public Member:** Ed Neafsey, Adjunct Professor at Rutgers Law School – Newark

## Clemency Application Process

### I am the victim of a crime. If the person who committed the crime against me applies for clemency, will the Governor consider my views on their application?

In evaluating any clemency application, consideration is given to the views of the applicant's victim(s) and the views of any families affected. Before granting a clemency application, the Governor's Office works with other government agencies to identify any potential victim(s). The goal is to contact the victim to explain the clemency process, listen to their viewpoint, address any questions or concerns, and advise of available services, if requested. In many cases, victims do not oppose a clemency application. If you have additional questions, or would like to communicate your views on a clemency application to the Governor's Office, please email [clemency@nj.gov](mailto:clemency@nj.gov).

### How can someone apply for clemency in New Jersey?

Applications can be submitted online or through the mail.

To apply online, you can register, access, and submit the application [here](#).

To apply by mail, you can download and print the application [here](#), fill it out in hard copy, and submit the application, along with any supporting documentation, to the address below:

New Jersey State Parole Board  
 Attn: Clemency Unit  
 P.O. Box 862  
 Trenton, NJ 08625

## Does applying for clemency cost anything?



No. Submitting a clemency application is free.

## Do I need a lawyer to help me apply for clemency?



No. Individuals seeking clemency for themselves can submit the application on their own behalf without the aid of an attorney. However, you are permitted to hire an attorney to assist with your clemency application if you would like.

## Can I supplement a pending clemency application with new information?



Yes. You can supplement your application with additional information by sending it to [clemency@nj.gov](mailto:clemency@nj.gov).

You can also mail additional information to the address below:

New Jersey State Parole Board  
Attn: Clemency Unit  
P.O. Box 862  
Trenton, NJ 08625



## If I applied for clemency before and was denied, can I reapply?

Yes. You may reapply for clemency even if you have previously applied and your application was denied. The same is true if you applied for clemency under a previous governor and did not receive a decision.

## How can I check the status of my clemency application?



A clemency application is considered pending until it has been granted or denied by the Governor, or until the Governor leaves office without acting on it. The State generally does not provide updates about the status of a clemency application while it is pending, but if you have specific questions you may contact [clemency@nj.gov](mailto:clemency@nj.gov).

## If I am granted clemency, what information about the pardon or commutation is made public?



The Governor's actions on clemency applications are matters of public record. Consistent with New Jersey law, the Governor reports each pardon and commutation that is granted to the Legislature. The following information is reported:

1. the name of the individual who is receiving clemency;
2. the crime(s) for which this individual was convicted;
3. the sentence(s) imposed and the date(s) of those sentences;
4. the date of the pardon or commutation; and
5. the Governor's reasons for granting the pardon or commutation.

Similar information—and additional information about the individual who receives the pardon or commutation as well as the underlying offense(s)—may be posted on the internet, included in press releases or other government records, or otherwise made public.

## Clemency

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