



STATE OF RHODE ISLAND
OFFICE OF GOVERNOR DANIEL J. McKEE

February 27, 2025

The Honorable Evan P. Shanley
Chair, House Committee on State Government & Elections
Room 101, Rhode Island State House
Providence, Rhode Island 02903

Re: 2025-H 5379

Dear Chairman Shanley:

I write in opposition to H 5379, An Act Relating to Criminals – Correctional Institutions – Commission on Pardons (Act). The Act would establish a commission on pardons to administer the process for a gubernatorial pardon. The pardon commission would determine criteria and the required documentary support and recommend to the Governor those individuals who the Governor should consider for a pardon. The commission would consist of nine members, one of whom would be a member of the judicial branch appointed by the Chief Justice of the Rhode Island Supreme Court.

The Administration opposes the Act for several reasons. First, it intrudes on the Governor's constitutional exercise of the pardon power – a power subject only to the advice and consent of the Senate. Establishing a commission to cabin that power through the enactment of statutory criteria, regulations and application processes diminishes both the Governor's power to grant pardons and the Senate's power to give its advice and consent to them. Although the commission's work is only advisory, its recommendations are meant to exert pressure on the Governor and Senate to exercise their constitutional powers in conformance with the commission's view. The commission's limited criteria for a pardon may also reduce the number of people seeking a pardon in the first place.

Second, the Act is unnecessary. The Governor's Office already has a pardon process in place. The Act would set up a redundant and – potentially – inconsistent process. And, it is unclear which agency of state government would be responsible for housing and funding the work of the commission. Neither the Governor nor one of his Executive agencies

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should be responsible for administering a program that duplicates a function already performed by his office.

Finally, the presence of a Judicial branch appointment on the commission seems inappropriate given that the pardon power is textually committed by the Constitution to the Governor and the Senate alone.

Sincerely,



Claire Richards
Executive Counsel

cc: Honorable Members of the House Committee on State Government & Elections
Honorable David Morales
Nicole McCarty, Esq.