

Pennsylvania Reprieve Power

Governor Wolf has unfettered authority to grant reprieves.

The state constitution provides that "the Governor shall have power . . . to grant reprieves, commutation of sentences and pardons; but no pardon shall be granted, nor sentence commuted, except on the recommendation in writing of a majority of the Board of Pardons." Const. art. IV, § 9.

From this language, notice that only commutations and pardons must be referred to the Board of Pardons for recommendations. The reprieve power is, by design, free from the regulations that govern commutations and pardons; this ensures that the governor can act immediately during an emergency, as is necessary to delay capital punishment. The Supreme Court of Pennsylvania has emphatically embraced this understanding of the reprieve power:

"A review of the evolution of Article IV, Section 9(a) establishes that the broad grant of executive reprieve power has never been constitutionally altered or restricted, while the executive clemency powers of pardon and commutation have been significantly constrained by subsequent constitutional amendments. The citizens of Pennsylvania in 1790 reposed in their newly empowered chief executive, i.e., the Governor, the virtually unconditioned executive 'power to ... grant reprieves and pardons, except in cases of impeachment.'" *Com. v. Williams*, 634 Pa. 290, 318 (2015).

The court further held that "the Governor's authority to issue a reprieve was not understood as being limited to granting reprieves with a specific end date or for a purpose relating only to the prisoner's unique circumstances, but rather encompassed any temporary postponement of sentence." *Id.* at 317.