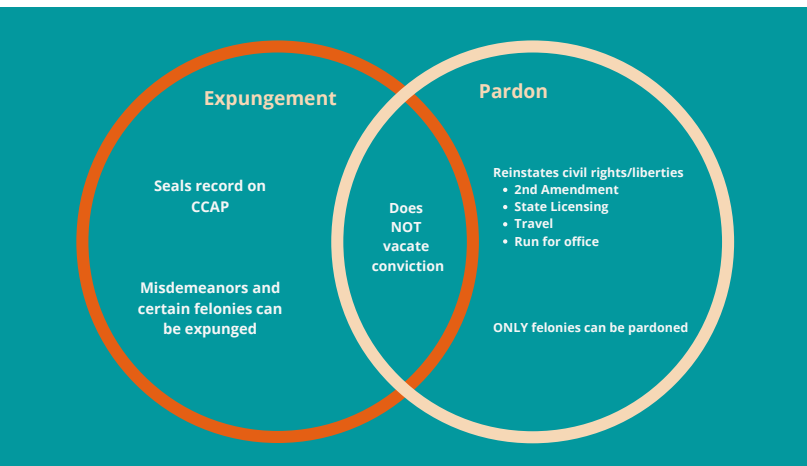


The Mobile Legal Clinic's Expungement/Pardon Clinic

Wisconsin's Expungement & Pardon Eligibility and Other Important Information

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Eligibility for Expungement

§973.015(a)- Expungement went into effect in 2009; crimes before July 1st, 2009, are not eligible for expungement under this statute.

1. You must be **24 years or younger** (not having attained your 25th birthdate) at the time of the offense.
2. Maximum penalty for imprisonment must have been **6 years or less**
 - a. Misdemeanors (Class A, B or C)
 - b. Felonies (Class H or I)
3. Judge must have determined/stated that you were **eligible for expungement at the time of sentencing**.
4. You **MUST** have **successfully completed** your entire sentence

Note: You can only expunge a 'criminal conviction'. If your case was reduced to an ordinance or a municipal violation, it is not a criminal conviction and not eligible.

Pardon Process

1. Establish eligibility
2. Get certified copies
3. Fill out application
4. Send application to Pardon Advisory Board
5. Expedited review - Sent to Governor's desk
6. Hearing (13-14 months)

Eligibility for the Pardon

YOU ARE ELIGIBLE FOR A PARDON ONLY IF ALL OF THE FOLLOWING CONDITIONS APPLY TO YOU:

1. You are seeking a pardon for a Wisconsin **FELONY** conviction.
2. It has been at least five (5) years since you finished ANY criminal sentence. This means you:
 - a. Completed ALL confinement; and
 - b. Completed ALL supervised release (e.g., probation, parole, or extended supervision)
3. You do **NOT** have any pending criminal cases or charges in any jurisdiction.
4. You are **NOT** currently required to register as a sex offender.

Recent Update to Eligibility

- As of the beginning of September 2021, the second requirement has been expanded.
- Individuals with more than one felony are now eligible
- Individuals with misdemeanor convictions after their felony conviction are now eligible
- Need to have five (5) years pass since the completion of any criminal conviction
- The date of discharge is important to help guide the five (5) years

** No Pardons can be granted to individuals who are deceased.**

Executive Order 130

- On September 7, 2021, Governor Evers signed EO 130 allowing for an expedited review for older, non-violent (no personal victim) felony convictions.
- Pardon application can be forwarded to the Governor for signature (without a formal hearing) if a majority of the PAB members recommend it

Certified Copies

ALL Pardon applications **MUST** include the following documents:

- They **ALL** have to be certified by the County Clerk of Courts
 1. **Felony Information**
 2. **Criminal Complaint**
 3. **Judgement of Conviction**

- **Certification Stamp = \$5.00**
- **Each Page = \$1.25**

Preparing your Pardon Application

- Your application can be filled out by a "preparer" with your permission
- Can be handwritten or typed (or a combination)
- You application must be notarized
 - DO NOT sign your application until the notary instructs you to do so
 - Notaries are available at most banks
- It will be very helpful to you to have your certified copies when you fill out the Pardon Application

Additional Info

- ANY applicant that does not meet the criteria will be rejected without a hearing.
 - You will be notified by the PAB of your ineligibility
- The application **MUST** be completed.
 - You will be notified if your application is missing necessary documentation or if questions are left blank.
- Attach additional documents if more space is needed
- ALL applications **must** be mailed to the Governor's office (no emailed applications accepted)
 - Be sure to make a copy of the pardon packet you are mailing to the Governor's office.
- **MUST keep the PAB updated as to any changes to your contact information.**

If a Hearing Is Required

- If the PAB determines your application to be complete your hearing with the PAB can be scheduled
- These hearings are typically 15-20 minutes
 - Describe the offense you are seeking a pardon for and other offenses, if necessary
 - How your sentence(s) went
 - What have you done since your completion of your sentence
 - Why you think you should be granted a pardon

How to locate the Wisconsin Pardon Application Form

[HTTPS://EVERS.WI.GOV/DOCUMENTS/PARDONAPP_AUG2021.PDF](https://EVERS.WI.GOV/DOCUMENTS/PARDONAPP_AUG2021.PDF)

- Be sure to use the most recent pardon application (August 2021)
- Important to review the FAQs

Friendly Tips

- MUST pay off any outstanding balance
 - Fines/costs/surcharges
 - Restitution
- There is NO deadline
- Goal should be to get your pardon application in
- Put your social media on private setting or delete
- You are worthy and deserving of pardon

Some More Friendly Advice

- Please give yourself time and be kind to yourself
- Start thinking about letters of recommendation and character, and where you have volunteered
- If you are not volunteering or do not have a strong connection to your community, consider getting involved and volunteering....you have a lot to give to others.

How-To Fill Out the Pardon Application

We are now going to go through the entire pardon application, section by section. Feel free to follow along on the application and take notes!

General Tips For Filling Out Pardon Application

- If you are wondering whether to include a certain item of information, always choose to overdisclose rather than underdisclose
- Some of the boxes in the application may not be big enough for the information you need to include. In that case, put your answer on a separate piece of paper and mark it with the number of the question it responds to.
- Your answers, whether on the application or on a separate piece of paper, may be typed, handwritten, or a combination.
- Include an answer for **every** question, even if the answer is N/A (Not Applicable)

Cover Page

- Your application must be mailed to the mailing address on the cover page
- This page lists the eligibility standards as well

Section 1: Personal Information

Question #1- Personal Information

- Contact information should be your most recent/up-to-date and the best way to communicate with you
- Be sure to include any maiden names, aliases, former names

Section 2: Criminal History

Question # 2- List the crimes for which you are seeking a Pardon

- This is the section where your certified copies will be really helpful to you
 - Case Number, Date of Offense and Sentencing, Judge and District Attorney's names
- You want to list **ALL** of the crimes and cases you are seeking a Pardon for
- The application only provides 3 sections, so you may need to attach additional pages if necessary

Section 2: Criminal History

Question # 3- Certified Copies

- Check 'Yes' because you **MUST** include your 3 certified copies
 - **Felony Information**
 - **Criminal Complaint**
 - **Judgment of Conviction**

Question #4- Other Convictions

- If you check 'Yes', you must list all other convictions
 - Juvenile adjudications
 - Expunged or sealed cases
 - Other Misdemeanor cases
 - Cases from other states
 - Federal convictions

Section 2: Criminal History

Question #5- Order to Pay Restitution

- Check 'Yes' or 'No'
- If you have proof of payment of full restitution, it may be a good idea to attach it
- You can get this by contacting the County Clerk of Courts Office

Question #6- Applied for a Pardon Before?

- Check 'Yes' or 'No'
- If yes, include date you applied
- Did you get a hearing or formal denial?
- Use the space provided to explain with detail

Section 2: Criminal History

Question #7- Other Interaction with Law Enforcement

- List any police contact you have had, other than the cases and convictions listed in questions 2 & 4
- These can be deferred judgements, criminal charges that were later dropped, dismissed or acquitted at trial, or subject to criminal investigation
- Failure to share this information or interactions with law enforcement will negatively impact the likelihood of your being granted a pardon
- It is better the PAB hears this information from you upfront, rather than finding out when they run your background check

Section 2: Criminal History

Question #8- Restraining Orders/Order of Protection Against You

- Check 'Yes' or 'No'
- If yes, use the space provided to explain with detail
 - Attach additional pages if necessary

Section 3: Grounds for a Pardon

Question #9- Describe the crime(s) you are seeking a Pardon for

- **In your own words and in detail**
- Explain what happened, why you committed the crime, and other information you want the PAB to consider
- Context is important!
 - What was going on in your life at the time? Drug addiction, poverty, mental health issues, traumatic life events, loss of loved ones, homelessness, etc., etc.
- This is not the time to point the finger: the PAB wants to see you take responsibility and provide a context as to your involvement
- It may be helpful to refer to the Criminal Complaint for this section
- Explanations not excuses

Section 3: Grounds for a Pardon

Question #10- Why Do You Want a Pardon?

- Be specific with details on how having the 'felon' label has affected your life. Include any setbacks and struggles you have experienced
- Talk about your dreams/plans for your future, and your educational and career pursuits
- Describe how your conviction or felony record may have also affected your family, your mental health and your self image
- Talk about opportunities you may have been denied because of this conviction
 - Such as housing, employment, state licensing, traveling abroad, advancing in your career, etc.
- Do not make it all about getting your 2nd Amendment right back

Section 3: Grounds for a Pardon

Question #11- Other Reasons Why You Should Be Pardoned

- Length of time that has passed since the conviction
- No other criminal activity (if none)
- Changed lifestyle, who you surround yourself with
- Personal development and natural maturity
- Stigma that comes with the label of being a 'felon'

Section 3: Grounds for a Pardon

Question #12- Employment History

- You can always add or attach your resume, or provide information on a separate sheet
- The boxes may be hard to write everything in

Question #13- Highest Grade Completed or Degree

- HSED/GED/High School Diploma
- Associates Degree
- Bachelors Degree
- Masters Degree
- Doctorate
- You can attach a copy of these diplomas as well

Section 3: Grounds for a Pardon

Question #14- Education Received *Since Conviction*

- List all courses, programs, certificates, or degrees completed
- Include prison programming
- Can include vocational programs or certificates
 - Such as: forklift certification, child safety/development, computer courses, etc.
- Include transcripts or copies of diplomas/certificates

Question #15- Military Service

- Include the following: dates of service, branch in the military, rank and rate, type of discharge, and attached copies of any awards

Section 3: Grounds for a Pardon

Question #16- Community Service

- If you are not currently active in your community or volunteering, consider starting now
- Can join volunteer groups at churches, other non-profits, etc.
- Even minor things can be considered service, such as:
 - Shoveling the snow for a neighbor
 - Delivering food to someone
 - Driving people to appointments

Question #17- Treatment or Counseling Since Conviction

- After-care for addiction
- Group therapy, counseling, yoga, or mindfulness practice
- Talk about current programs or therapy you may be in

Section 3: Grounds for a Pardon

Question #18- Other Actions/Steps You Have Taken

- What other things have you done to address your 'criminal behavior' or to become a positive member of society?
- Consider the following: did you move away and start over? Did you cut off contact with certain people in your life? Did someone give you a second chance? Did you go (back) to school? Did you start a family? Was there a promise you made yourself? Etc.

Question #19- Letters of Recommendation

- Providing these letters is strongly recommended by the PAB
- Can ask family, friends, mentors, coworkers, pastors, people in your community, anyone who can vouch for you and support your story
- From anyone who can speak to your character or has witnessed your change and growth

Section 4: Notice of Pardon Application

Question #20- Notice to District Attorney and Clerk of Court

- Notices **MUST** be sent to the Clerk of Circuit Court (Judge) and the District Attorney in the county in which you were convicted. (See your Judgment of Conviction)
- You are **strongly encouraged** to include the following with the notices:
 - A copy of your application, **OR**
 - A cover letter explaining why you are seeking a Pardon
- This is a new requirement as of August 2021

Section 5: Background Check Authorization

Question #21

- By signing in this section, you are authorizing the State of Wisconsin and Department of Corrections to release to the Governor's Office, confinement and supervision records pertaining to you.
- You also authorize disclosures from:
 - Current and former employers
 - Schools
 - Police departments
 - Financial institutions
 - OR any other person(s) with personal knowledge about you

Section 6: Certification

Question #22

- You are signing to swear to the truthfulness of all the information you are submitting in your application and that you have given notice to the Clerk of Circuit Court (Judge) and District Attorney
- **You MUST sign in front of the notary**
- If Pardon Application was prepared by someone else, they have to sign and date it

Section 7: Application Checklist

This section is for your own convenience and is to be used as a tool for completeness and readiness of your Pardon Application

If you checked 'Yes' on all the questions, then you should be good to mail it out!

****Note:** While this page clearly states that you do NOT need to send in this checklist page with your application, we have had clients whose applications were deemed 'incomplete' because they were missing this page. To cover all your bases and avoid any delay, send the checklist with your application as well.**

Notices to Judge and District Attorney of Pardon Application

- You fill out only the top half of these 2 pages
- Mail or deliver to the Court and DA office
 - With a copy of your application OR a cover letter
- They will fill out the bottom half and mail the original to the Governor's Office
 - You will receive a copy of what is mailed to the Governor's office
- It is a good idea to mail/deliver all of these out around the same time
- 'No opinion' is okay.

Now What?

- Once the PAB receives your Pardon Application, they will make sure it is complete (takes 2-4 weeks)
 - If not complete, they will notify you (via email or mail), and you will need to submit the missing documents or answers
- If a hearing is required, you will wait 13-14 months for your hearing
- If your application is denied, you can re-apply in 18 months
- If you qualify for the Expedited Process per Executive Order 130 and the PAB votes to expedite, then your application will go directly to the Governor's office