Text consolidated by Valsts valodas centrs (State Language Centre) with amending laws of:

1 December 2011 [shall come into force on 1 January 2012].

If a whole or part of a section has been amended, the date of the amending law appears in square brackets at the end of the section. If a whole section, paragraph or clause has been deleted, the date of the deletion appears in square brackets beside the deleted section, paragraph or clause.

The *Saeima*1 has adopted and

the President has proclaimed the following law:

**Clemency Law**

**Section 1. Concept of Clemency**

Clemency is complete or partial release of a convicted person from serving a criminal punishment, reduction of a type of punishment or setting aside of criminal record which is conducted by the President.

**Section 2. Types of Clemency**

There are the following types of clemency:

1) [1 December 2011];

2) replacement of the unserved part of the punishment of deprivation of liberty with another type of lesser punishment;

3) complete or partial release from serving a basic punishment;

4) complete or partial release from serving an additional punishment;

5) setting aside of criminal record.

[*1 December 2011*]

**Section 3. Right of a Person to Request for Clemency**

(1) Such person has the right to request for clemency who:

1) is serving a sentence in the Republic of Latvia;

2) has been convicted in a foreign court and transferred for serving the sentence in the Republic of Latvia without the condition that clemency shall not be applied;

3) has been convicted in the Republic of Latvia and transferred for serving the sentence in a foreign country if the relevant foreign institution has agreed to recognise the decision on the clemency of the person taken in the Republic of Latvia;

4) has served a sentence in the Republic of Latvia.

(2) A request for clemency may be submitted also by the following of the person referred to in Paragraph one of this Section:

1) defence counsel;

2) lawful representative;

3) parents, children, spouse.

**Section 4. Clemency upon Initiative of the President**

The President may show clemency to a convicted person also upon his or her own initiative.

**Section 5. Time Periods for the Submission of a Request for Clemency**

(1) A request for clemency may be submitted after a court judgment has entered into lawful effect, except for the cases when a person has been convicted with deprivation of liberty after committing a serious or especially serious crime.

(2) In cases where a person is convicted for committing a serious crime, a request for clemency may be submitted if at least a half of the imposed punishment of deprivation of liberty has been actually served.

(3) In cases where a person is convicted for committing an especially serious crime, a request for clemency may be submitted if at least two-thirds of the imposed punishment of deprivation of liberty have been actually served, but if a life imprisonment has been imposed, not less than 20 years of the punishment of deprivation of liberty have been actually served.

**Section 6. Procedures for the Submission of a Request for Clemency**

A request for clemency shall be submitted to the President.

**Section 7. Procedures for the Submission of a Request for Clemency by Persons Sentenced with Death Penalty**

[1 December 2011]

**Section 8. Clemency Service of the Chancery of the President**

(1) The Clemency Service of the Chancery of the President shall prepare materials for the examination of a request for clemency and also shall find out the attitude of a convicted person towards his or her clemency.

(2) The Clemency Service has the right to request the information necessary for the examination of a clemency request from a court, the Office of the Prosecutor, the police, and other State and local government institutions.

**Section 9. Leaving a Request for Clemency without Examination**

A request for clemency shall be left without examination if a convicted person does not agree to clemency.

[*1 December 2011*]

**Section 10. Decision on Clemency or Refusal Thereof**

(1) The President shall take the decision to satisfy or to refuse a request for clemency. A deed of clemency shall be issued in the case of clemency.

(2) The decision on clemency or refusal thereof and also the deed of clemency shall be sent to the institution which is responsible for the enforcement of the judgment and also to the court which has rendered the judgment in this case within five days after taking thereof, and the convicted person or another submitter of a request for clemency shall be notified thereof.

**Section 11. Repeated Submission of a Request for Clemency**

(1) A request for clemency may be submitted repeatedly not earlier than six months after the decision to refuse the request for clemency is taken.

(2) A person who is convicted for committing a serious or especially serious crime, or any other person may submit a request for clemency in respect of such person not earlier than a year after refusal of the request for clemency, unless any special circumstances (serious disease, the person is the only lawful guardian or custodian or other circumstances) have set in.

**Transitional Provisions**

1. The Chancery of the President shall, within one month after coming into force of this Law, develop the instructions on the procedures for examining the request for clemency.

2. With the coming into force of this Law, the following shall be repealed:

1) the 12 July 1990 decision of the Presidium of the Supreme Council On Amending the Procedures for the Examination of a Request for Clemency (*Latvijas Republikas Augstākās Padomes un Valdības Ziņotājs*, 1990, No. 31);

2) the 27 September 1990 decision of the Presidium of the Supreme Council of the Republic of Latvia On the Approval of the By-laws on the Procedures for the Examination of Requests for Clemency (*Latvijas Republikas Augstākās Padomes un Valdības Ziņotājs*, 1990, No. 42; 1991, No. 49/50);

3) Paragraph 1 of Transitional Provisions of the law of 1 February 1996 of the Republic of Latvia, Amendments to the Criminal Code of Latvia (*Latvijas Republikas Saeimas un Ministru Kabineta Ziņotājs*, 1996, No. 6).

The Law has been adopted by the *Saeima* on 16 June 1998.

President G. Ulmanis

Rīga, 7 July 1998