

SUBJECT: Retroactive application of two-thirds vote for parole of capital felons

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 6 ayes — Place, Talton, Farrar, Greenberg, Pitts, Solis
0 nays
3 absent — Hudson, Nixon, Pickett

WITNESSES: No public hearing

DIGEST: HB 1805 would stipulate that current law allowing the Board of Pardons and Paroles to grant parole to capital felons only on a two-thirds vote of the entire board membership applies whether the offender was sentenced for an offense committed before, on or after September 1, 1993. The bill would take effect immediately if approved by a two-thirds vote of each house.

SUPPORTERS SAY: HB 1805 would clarify the original intent of the provisions adopted by the 73rd Legislature to require a two-thirds vote of the full Board of Pardons and Paroles for the parole of capital felons. Parole is considered by courts to be a procedural act. Since the bill would not increase a punishment, it would not raise any *ex post facto* questions of establishing or changing a criminal penalty for an act that occurred before the new penalty took effect. The bill would simply assure harmony between various provisions in the law.

OPPONENTS SAY: No apparent opposition.

NOTES: The House adopted an identical provision in HB 2727 by Place, which has been referred to the Senate Criminal Justice Committee.