

BILL ANALYSIS

Senate Research Center
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S.B. 793
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As Filed

DIGEST AND PURPOSE

Texas currently has an 18-member Board of Pardons and Paroles, appointed by the governor, that is not required to meet to discuss capital cases before voting on clemency recommendations. Board members are routinely provided packets of information from staff regarding the inmates coming up for consideration. The members then vote by phone or fax and are not required to explain or discuss their votes. In 1998, a state district judge ruled twice that the state's clemency request system is unconstitutional and a violation of the state's open meetings law. As proposed, S.B. 793 requires the Board of Pardons and Paroles to meet as a body when reviewing capital clemency cases.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 508.047(b), Government Code, to provide that the members of the Board of Pardons and Paroles (board) are required to meet as a body to perform the members duties in clemency matters in a capital case.

SECTION 2. Amends Section 551.124, Government Code, to authorize the board, at the call of the presiding officer of the board, to hold a hearing on clemency matters, other than matter involving a capital case, by telephone conference call.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: upon passage or September 1, 2001.