

## **BILL ANALYSIS**

Senate Research Center  
79R5769 MFC-D

S.J.R. 20  
By: West, Royce  
Criminal Justice  
4/27/2005  
As Filed

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

Neither Texas law nor the state's constitution gives the governor power to pardon a person who has completed deferred adjudication sentence. Most people who accepted deferred adjudication did so under the premise that upon completion, they would not have a criminal record. There is some ability to have those records sealed, but without the ability to be pardoned, those records remain subject to disclosures. Such records have a negative impact on the ability of the subject to gain meaningful employment.

S.J.R. 20 proposes a constitutional amendment that, combined with the passage of S.B. 769, grants the governor the authority to pardon a person who has completed a deferred adjudication sentence.

### **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 11(b), Article IV, Texas Constitution, to require the Governor, in all criminal cases, except treason and impeachment, to have power, after successful completion of a term of deferred adjudication community supervision, to grant reprieves and commutations of punishment and pardons.

SECTION 2. Requires the proposed constitutional amendment to be submitted to the voters at an election to be held November 8, 2005. Requires the ballot to be printed to permit voting for or against the specific proposition.