BILL ANALYSIS

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In death penalty cases, the governor has the authority to grant only one reprieve of execution within a 30-day period without the recommendation of the Board of Pardons and Paroles. The board may recommend to the governor one or more reprieves of any length on the majority vote of all members. This authority affords a procedure that addresses the possibility that mitigating information may arise that would warrant a delay or temporary suspension of punishment.

This bill permits the governor by constitutional authority to issue multiple reprieves in capital cases when warranted. This process serves to address situations that arise where there are multiple cases in question.

H.J.R. 58 proposes a constitutional amendment authorizing the governor to grant one or more reprieves in a capital case.

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, as follows:

> (b) Requires the governor, in all criminal cases, except treason and impeachment, to have power, after conviction, on the written signed recommendation and advice of the Board of Pardons and Paroles (BPP), or a majority thereof, to grant reprieves and commutations of punishment and pardons; and under such rules as the legislature may prescribe, and upon the written recommendation and advice of a majority of BBP, to have the power to remit fines and forfeitures. Requires the governor to have the power to grant one or more reprieves, rather than one reprieve, in any capital case for a period not to exceed thirty (30) days for each reprieve; and have power to revoke conditional pardons. Authorizes the governor, with the advice and consent of the legislature, to grant reprieves, commutations of punishment, and pardons in cases of treason.

SECTION 2. Requires the proposed constitutional amendment to be submitted to the voters at an election to be held November 3, 2009. Sets forth the required language of the ballot.