

BILL ANALYSIS

Senate Research Center
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S.J.R. 11
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Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.J.R. 11 is the companion bill to S.B. 223 that would give the governor the ability to grant a pardon to a person who has successfully completed deferred adjudication.

Empowering the governor to pardon a deferred adjudication sentence requires a change in the Texas Constitution. The provisions regarding the governor's powers to pardon are found in Section 11 (Board of Pardons and Paroles; Parole Laws; Reprieves, Commutations, and Pardons; Remission of Fines and Forfeitures), Article IV (Executive Department), of the Texas Constitution.

Currently, persons who commit and are convicted of serious offenses or violent crimes are eligible under Texas law to have those convictions pardoned by the governor.

Texas statute does not provide the governor the power to pardon a deferred adjudication sentence. Two opinions by the attorney general have ruled that because there is no conviction in a completed deferred adjudication disposition, there is no conviction that can be pardoned.

As proposed, S.J.R. 11 amends the Texas Constitution, and with the required statutory changes, adds to the governor's powers the ability to grant reprieves and commutations of punishment and pardons after completion of 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 conviction or successful completion of a term of deferred adjudication community supervision, on the written signed recommendation and advice of the Board of Pardons and Paroles, 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 the majority of the Board of Pardons and Paroles, have the power to remit fines and forfeitures.

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