

BILL ANALYSIS

S.B. 223
By: West
Corrections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, the governor has the power in all criminal cases, except treason and impeachment, after conviction to grant reprieves and commutations of punishments, on the written and signed recommendation of the Board of Pardons and Paroles. It is commonly believed that individuals who successfully complete a term of deferred adjudication subsequently are dismissed from any future ramifications. However, although the crime has been dismissed, a permanent infraction remains on the offender's criminal record. In addition to a permanent infraction, there is a battle to overcome a negative stigma and difficulty in securing employment. The bill extends the opportunity for reprieve and commutation of punishment to a person who has successfully completed deferred adjudication community supervision.

S.B. 223 authorizes the governor to grant a pardon to a person who has successfully completed a term of deferred adjudication community supervision on the written and signed recommendation of the Board of Pardons and Paroles. S.B. 2596 is the enabling legislation for S.J.R. 11.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 223 amends the Code of Criminal Procedure to authorize the governor, on the written signed recommendation and advice of the Board of Pardons and Paroles, or a majority thereof, to grant a pardon to a person who successfully completes a term of deferred adjudication community supervision.

EFFECTIVE DATE

September 1, 2009, if the constitutional amendment authorizing the governor to grant a pardon to a person who successfully completes a term of deferred adjudication community supervision is approved by the voters.