

By: West

S.B. No. 223

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to allowing a person who successfully completes a term of  
3 deferred adjudication community supervision to be eligible for a  
4 pardon.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Article 48.01, Code of Criminal Procedure, is  
7 amended to read as follows:

8 Art. 48.01. GOVERNOR MAY PARDON. In all criminal cases,  
9 except treason and impeachment, the Governor shall have power,  
10 after conviction or successful completion of a term of deferred  
11 adjudication community supervision, on the written signed  
12 recommendation and advice of the Board of Pardons and Paroles, or a  
13 majority thereof, to grant reprieves and commutations of  
14 punishments and pardons; and upon the written recommendation and  
15 advice of a majority of the Board of Pardons and Paroles, he shall  
16 have the power to remit fines and forfeitures. The Governor shall  
17 have the power to grant one reprieve in any capital case for a  
18 period not to exceed 30 days; and he shall have power to revoke  
19 conditional pardons. With the advice and consent of the  
20 Legislature, the Governor may grant reprieves, commutations of  
21 punishment and pardons in cases of treason.

22 SECTION 2. This Act takes effect September 1, 2009, but only  
23 if the constitutional amendment proposed by the 81st Legislature,  
24 Regular Session, 2009, authorizing the governor to grant a pardon

1 to a person who successfully completes a term of deferred  
2 adjudication community supervision is approved by the voters. If  
3 that amendment is not approved by the voters, this Act has no  
4 effect.