

By: Thompson of Harris

H.B. No. 3078

A BILL TO BE ENTITLED

AN ACT

relating to the review of clemency applications from certain persons who were victims of human trafficking or family violence.

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

SECTION 1. Chapter 48, Code of Criminal Procedure, is amended by adding Article 48.015 to read as follows:

Art. 48.015. CLEMENCY REVIEW PANEL FOR CERTAIN OFFENSES.

(a) In this article:

(1) "Board" means the Board of Pardons and Paroles.

(2) "Family violence" has the meaning assigned by Section 71.004, Family Code.

(b) The board, in consultation with the governor, shall appoint a panel of experts to review an application for clemency submitted under this article from a person who was convicted of an offense committed while under duress or coercion as a result of being the victim of an offense under Chapter 20A, Penal Code, or an offense punishable under Section 22.01(b)(2), Penal Code.

(c) The panel consists of the following members:

(1) a person who is a survivor of an offense under Chapter 20A, Penal Code, or an offense punishable under Section 22.01(b)(2), Penal Code, and who has previous involvement in the criminal justice system as a result of one or more of those offenses;

(2) a behavioral health care specialist who represents

1 the interests of survivors of human trafficking or family violence;

2 (3) a social worker licensed in this state who has  
3 experience in counseling survivors of human trafficking or family  
4 violence;

5 (4) a representative of:

6 (A) the Department of State Health Services who  
7 has experience in preventing, identifying, and responding to human  
8 trafficking and family violence and who is familiar with the  
9 resources and services available for survivors of human trafficking  
10 or family violence;

11 (B) the Department of Family and Protective  
12 Services who has experience in child protective services or foster  
13 care;

14 (C) the human trafficking prevention task force  
15 established under Section [402.035](#), Government Code;

16 (D) the Texas Juvenile Justice Department who has  
17 experience in identifying youth survivors of human trafficking or  
18 family violence;

19 (E) a local law enforcement agency that has  
20 specialized intervention policies for identifying survivors of  
21 human trafficking or family violence; and

22 (F) an advocacy organization that has experience  
23 in developing trauma-informed interventions and collaborative  
24 partnerships with representatives of survivors of human  
25 trafficking or family violence;

26 (5) a current or former prosecutor who has experience  
27 in prosecuting cases involving human trafficking or family

1 violence;

2 (6) a current or former defense attorney who has  
3 experience representing survivors of human trafficking or family  
4 violence; and

5 (7) a member of the board who has experience in  
6 addressing the needs of survivors of human trafficking or family  
7 violence.

8 (d) In appointing a member described by Subsection (c)(2),  
9 the board shall give priority to a specialist who has experience in  
10 developing or administering a screening tool for survivors of human  
11 trafficking or family violence.

12 (e) The board, in consultation with the panel, shall develop  
13 an application process and form for persons described by Subsection  
14 (b) to apply for clemency. The board shall publish the application  
15 form on the board's Internet website. An application for clemency  
16 may include written recommendations from a majority of trial  
17 officials, as defined by rule by the board, currently serving in the  
18 county in which the person was convicted.

19 (f) On receipt of an application for clemency under this  
20 article, the board shall immediately submit the application to the  
21 panel for review. The panel shall review the application and, not  
22 later than six months after the date the panel received the  
23 application, advise the board on making a recommendation to the  
24 governor regarding whether to grant clemency to the applicant.

25 SECTION 2. Not later than December 1, 2019, the Board of  
26 Pardons and Paroles, in consultation with the governor, shall  
27 appoint the panel described by Article 48.015, Code of Criminal

1 Procedure, as added by this Act.

2 SECTION 3. This Act takes effect September 1, 2019.