

1-1 By: Thompson of Harris, et al. H.B. No. 3078  
1-2 (Senate Sponsor - Zaffirini)  
1-3 (In the Senate - Received from the House May 6, 2019;  
1-4 May 8, 2019, read first time and referred to Committee on State  
1-5 Affairs; May 19, 2019, reported favorably by the following vote:  
1-6 Yeas 9, Nays 0; May 19, 2019, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	<u>Huffman</u>	X		
1-10	<u>Hughes</u>	X		
1-11	<u>Birdwell</u>	X		
1-12	<u>Creighton</u>	X		
1-13	<u>Fallon</u>	X		
1-14	<u>Hall</u>	X		
1-15	<u>Lucio</u>	X		
1-16	<u>Nelson</u>	X		
1-17	<u>Zaffirini</u>	X		

1-18 A BILL TO BE ENTITLED  
1-19 AN ACT

1-20 relating to the review of clemency applications from certain  
1-21 persons who were victims of human trafficking or family violence.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Chapter 48, Code of Criminal Procedure, is  
1-24 amended by adding Article 48.015 to read as follows:

1-25 Art. 48.015. CLEMENCY REVIEW PANEL FOR CERTAIN OFFENSES.

1-26 (a) In this article:

1-27 (1) "Board" means the Board of Pardons and Paroles.

1-28 (2) "Family violence" has the meaning assigned by  
1-29 Section 71.004, Family Code.

1-30 (b) The board, in consultation with the governor, shall  
1-31 appoint a panel of experts to review an application for clemency  
1-32 submitted under this article from a person who was convicted of an  
1-33 offense committed while under duress or coercion as a result of  
1-34 being the victim of an offense under Chapter 20A, Penal Code, or an  
1-35 offense punishable under Section 22.01(b)(2), Penal Code.

1-36 (c) The panel consists of the following members:

1-37 (1) a person who is a survivor of an offense under  
1-38 Chapter 20A, Penal Code, or an offense punishable under Section  
1-39 22.01(b)(2), Penal Code, and who has previous involvement in the  
1-40 criminal justice system as a result of one or more of those  
1-41 offenses;

1-42 (2) a behavioral health care specialist who represents  
1-43 the interests of survivors of human trafficking or family violence;

1-44 (3) a social worker licensed in this state who has  
1-45 experience in counseling survivors of human trafficking or family  
1-46 violence;

1-47 (4) a representative of:

1-48 (A) the Department of State Health Services who  
1-49 has experience in preventing, identifying, and responding to human  
1-50 trafficking and family violence and who is familiar with the  
1-51 resources and services available for survivors of human trafficking  
1-52 or family violence;

1-53 (B) the Department of Family and Protective  
1-54 Services who has experience in child protective services or foster  
1-55 care;

1-56 (C) the human trafficking prevention task force  
1-57 established under Section 402.035, Government Code;

1-58 (D) the Texas Juvenile Justice Department who has  
1-59 experience in identifying youth survivors of human trafficking or  
1-60 family violence;

1-61 (E) a local law enforcement agency that has

2-1 specialized intervention policies for identifying survivors of  
2-2 human trafficking or family violence; and

2-3 (F) an advocacy organization that has experience  
2-4 in developing trauma-informed interventions and collaborative  
2-5 partnerships with representatives of survivors of human  
2-6 trafficking or family violence;

2-7 (5) a current or former prosecutor who has experience  
2-8 in prosecuting cases involving human trafficking or family  
2-9 violence;

2-10 (6) a current or former defense attorney who has  
2-11 experience representing survivors of human trafficking or family  
2-12 violence; and

2-13 (7) a member of the board who has experience in  
2-14 addressing the needs of survivors of human trafficking or family  
2-15 violence.

2-16 (d) In appointing a member described by Subsection (c)(2),  
2-17 the board shall give priority to a specialist who has experience in  
2-18 developing or administering a screening tool for survivors of human  
2-19 trafficking or family violence.

2-20 (e) The board, in consultation with the panel, shall develop  
2-21 an application process and form for persons described by Subsection  
2-22 (b) to apply for clemency. The board shall publish the application  
2-23 form on the board's Internet website. An application for clemency  
2-24 may include written recommendations from a majority of trial  
2-25 officials, as defined by rule by the board, currently serving in the  
2-26 county in which the person was convicted.

2-27 (f) On receipt of an application for clemency under this  
2-28 article, the board shall immediately submit the application to the  
2-29 panel for review. The panel shall review the application and, not  
2-30 later than six months after the date the panel received the  
2-31 application, advise the board on making a recommendation to the  
2-32 governor regarding whether to grant clemency to the applicant.

2-33 SECTION 2. Not later than December 1, 2019, the Board of  
2-34 Pardons and Paroles, in consultation with the governor, shall  
2-35 appoint the panel described by Article 48.015, Code of Criminal  
2-36 Procedure, as added by this Act.

2-37 SECTION 3. This Act takes effect September 1, 2019.

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