

By: Ellis

S.B. No. 15

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the authority of the governor to grant one or more
3 reprieves in a capital case.

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

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

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

20 SECTION 2. This Act takes effect January 1, 2005, but only
21 if the constitutional amendment proposed by the 78th Legislature,
22 1st Called Session, 2003, authorizing the governor to grant one or
23 more reprieves in a capital case is approved by the voters. If that
24 amendment is not approved by the voters, this Act has no effect.