

By: Ellis

S.B. No. 16

A BILL TO BE ENTITLED

AN ACT

1
2 relating to considerations by the Board of Pardons and Paroles
3 regarding clemency matters.

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

5 SECTION 1. Section 508.047(b), Government Code, is amended
6 to read as follows:

7 (b) Except as provided by Article 48.011, Code of Criminal
8 Procedure, and Section 551.124, the [~~The~~] members of the board are
9 not required to meet as a body to perform the members' duties in
10 clemency matters.

11 SECTION 2. Section 551.124, Government Code, is amended to
12 read as follows:

13 Sec. 551.124. BOARD OF PARDONS AND PAROLES. (a) At the
14 call of the presiding officer of the Board of Pardons and Paroles,
15 the board may hold a hearing on clemency matters by telephone
16 conference call.

17 (b) The board shall deliberate privately. At the conclusion
18 of deliberations, the presiding officer shall announce publicly
19 individual members' decisions as to whether to recommend clemency.
20 Each member shall sign the member's name with the member's written
21 recommendation and reasons for the recommendation.

22 (c) The board shall adopt rules to implement the
23 requirements of this section.

24 SECTION 3. Chapter 48, Code of Criminal Procedure, is

1 amended by adding Article 48.011 to read as follows:

2 Art. 48.011. MEETINGS: CAPITAL CASE. (a) In a capital
3 case, the members of the Board of Pardons and Paroles shall perform
4 the members' duties in clemency matters by meeting as a body and
5 holding a hearing open to the public or accessible to the public by
6 broadcast.

7 (b) The public hearing shall be conducted at the
8 correctional facility where the inmate is housed. The inmate shall
9 be allowed to be present at the hearing, absent overriding security
10 issues.

11 (c) The board must cause a record of the hearing to be kept.

12 (d) The board shall adopt rules as necessary to implement
13 the requirements of this article.

14 SECTION 4. (a) The change in law made by this Act applies
15 only to a consideration by the Board of Pardons and Paroles
16 regarding a clemency matter in a capital case that occurs on or
17 after the effective date of this Act.

18 (b) The Board of Pardons and Paroles Policy Board shall
19 adopt the rules required by Article 48.011(d), Code of Criminal
20 Procedure, as added by this Act, and Section 551.124, Government
21 Code, as amended by this Act, not later than March 1, 2004.

22 SECTION 5. This Act takes effect November 1, 2003.