

BILL ANALYSIS

S.J.R. 3
By: West
Criminal Jurisprudence
Committee Report (Amended)

BACKGROUND AND PURPOSE

In Texas, theoretically, an offender can be found guilty and convicted of the crime of murder, the crime of aggravated assault, the crime of aggravated robbery and innumerable other serious criminal or violent offenses and yet he is eligible to receive the privilege of a pardon.

But on a lesser offense for which the courts have determined that the concerns of public safety can be properly satisfied by the granting of a deferred adjudication disposition, the governor has no power to forgive that crime.

There are two Attorney General rulings on this subject (Opinion #s DM-349 *circa* May 31, 1995 and DM-393 *circa* May 14, 1996). Both are built on the premise that since a case that is successfully discharged through deferred adjudication is dismissed and carries no conviction per se, there is no guilty verdict that would allow use of the Governor's ability to grant a pardon "after conviction."

Under this resolution, Texas voters will decide whether the Governor should have the power to grant a pardon following the successful completion of a case given the judicial option of deferred adjudication. S.J.R. 3 proposes a constitutional amendment authorizing the governor to grant pardons to persons who have received deferred adjudication.

RULEMAKING AUTHORITY

It is the committee's opinion that this resolution does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.J.R. 3 amends the Texas Constitution to grant the governor the power, in all criminal cases, except treason and impeachment, after order of deferred adjudication, to grant reprieves and commutations of punishment and pardons.

FOR ELECTION

Requires this proposed constitutional amendment to be submitted to the voters at an election to be held November 4, 2003.

EXPLANATION OF AMENDMENTS

Committee Amendment 1

The amendment changes the election date to September 13, 2003.