

BILL ANALYSIS

S.J.R. 20
By: West, Royce
Corrections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Neither Texas law nor the state's constitution gives the governor power to pardon a person who has completed deferred adjudication sentence. Most people who accepted deferred adjudication did so under the premise that upon completion, they would not have a criminal record. There is some ability to have those records sealed, but without the ability to be pardoned, those records remain subject to disclosures. Such records have a negative impact on the ability of the subject to gain meaningful employment.

S.J.R. 20 proposes a constitutional amendment that, combined with the passage of S.B. 769, grants the governor the authority to pardon a person who has completed a deferred adjudication sentence.

RULEMAKING AUTHORITY

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

ANALYSIS

SECTION 1. Amends Section 11(b), Article IV, Texas Constitution, to require the Governor, in all criminal cases, except treason and impeachment, to have power, after successful completion of a term of deferred adjudication community supervision, to grant reprieves and commutations of punishment and pardons.

SECTION 2. Requires the proposed constitutional amendment to be submitted to the voters at an election to be held November 8, 2005. Requires the ballot to be printed to permit voting for or against the specific proposition.

EFFECTIVE DATE

The date on which the constitutional amendment takes effect is November 8, 2005, if that amendment is approved by the voters