

By: Allen of Dallas

H.B. No. 1916

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the restoration of certain rights to a criminal  
3 defendant.

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

5 SECTION 1. Article 42.12, Code of Criminal Procedure, is  
6 amended by adding Section 20A to read as follows:

7 Sec. 20A. RESTORATION OF CERTAIN RIGHTS. (a) At any time  
8 after the defendant has satisfactorily completed one-third of the  
9 original community supervision period or two years of community  
10 supervision, whichever is less, and the defendant has successfully  
11 completed a citizenship class under Subsection (b), the defendant  
12 may petition the court to restore and the court may restore the  
13 following rights:

14 (1) the right to vote;

15 (2) the right to serve as a petit juror; and

16 (3) the right to serve as an executor or administrator  
17 of an estate for a person who is related to the defendant within the  
18 third degree by consanguinity or within the second degree by  
19 affinity, as determined under Chapter 573, Government Code.

20 (b) To be eligible for a restoration of rights under this  
21 section, the defendant must:

22 (1) complete a citizenship class that is administered  
23 by an organization or entity certified, in accordance with rules  
24 adopted by the Texas Department of Criminal Justice, to provide

1 instruction regarding the rights and responsibilities of citizens  
2 for the purposes of this section; and

3 (2) provide documentation of the defendant's  
4 successful completion of the class to the court on the filing of a  
5 petition under Subsection (a).

6 SECTION 2. Section 11.002, Election Code, is amended to  
7 read as follows:

8 Sec. 11.002. QUALIFIED VOTER. In this code, "qualified  
9 voter" means a person who:

10 (1) is 18 years of age or older;

11 (2) is a United States citizen;

12 (3) has not been determined mentally incompetent by a  
13 final judgment of a court;

14 (4) has not been finally convicted of a felony or, if  
15 so convicted, has:

16 (A) fully discharged the person's sentence,  
17 including any term of incarceration, parole, or supervision, or  
18 completed a period of community supervision [~~probation~~] ordered by  
19 any court;

20 (B) had the person's right to vote restored as  
21 provided by law; or

22 (C) [~~(B)~~] been pardoned or otherwise released  
23 from the resulting disability to vote;

24 (5) is a resident of this state; and

25 (6) is a registered voter.

26 SECTION 3. Section 62.102, Government Code, is amended to  
27 read as follows:

1           Sec. 62.102. GENERAL QUALIFICATIONS FOR JURY SERVICE. A  
2 person is disqualified to serve as a petit juror unless the person  
3 ~~[he]~~:

4           (1) is at least 18 years of age;

5           (2) is a citizen of this state and of the county in  
6 which the person ~~[he]~~ is to serve as a juror;

7           (3) is qualified under the constitution and laws to  
8 vote in the county in which the person ~~[he]~~ is to serve as a juror;

9           (4) is of sound mind and good moral character;

10          (5) is able to read and write;

11          (6) has not served as a petit juror for six days during  
12 the preceding three months in the county court or during the  
13 preceding six months in the district court;

14          (7) has not been convicted of a felony or, if the  
15 person has been convicted of a felony, has had the person's right to  
16 serve as a petit juror restored as provided by law; and

17          (8) is not under indictment or other legal accusation  
18 of misdemeanor or felony theft or any other felony.

19          SECTION 4. Chapter 493, Government Code, is amended by  
20 adding Section 493.026 to read as follows:

21          Sec. 493.026. CERTIFICATION TO INSTRUCT CITIZENSHIP  
22 CLASSES. The department by rule shall establish eligibility  
23 criteria, requirements, and procedures for certifying an  
24 organization or entity to provide instruction regarding the rights  
25 and responsibilities of citizens for the purposes of Section 20A,  
26 Article 42.12, Code of Criminal Procedure.

27          SECTION 5. Section 78, Texas Probate Code, is amended to

1 read as follows:

2 Sec. 78. PERSONS DISQUALIFIED TO SERVE AS EXECUTOR OR  
3 ADMINISTRATOR. A ~~No~~ person is disqualified ~~[qualified]~~ to serve  
4 as an executor or administrator if the person ~~[who]~~ is:

5 (a) An incapacitated person;

6 (b) A convicted felon, under the laws either of the  
7 United States or of any state or territory of the United States, or  
8 of the District of Columbia, unless the ~~[such]~~ person has been duly  
9 pardoned, or has had the person's ~~[his]~~ civil rights or right to  
10 serve as an executor or administrator restored, in accordance with  
11 law;

12 (c) A non-resident (natural person or corporation) of  
13 this State who has not appointed a resident agent to accept service  
14 of process in all actions or proceedings with respect to the estate,  
15 and caused such appointment to be filed with the court;

16 (d) A corporation not authorized to act as a fiduciary  
17 in this State; or

18 (e) A person whom the court finds unsuitable.

19 SECTION 6. This Act applies to a defendant placed on  
20 community supervision before, on, or after the effective date of  
21 this Act.

22 SECTION 7. This Act takes effect September 1, 2005.