

By: Ellis, Van de Putte, Shapleigh

S.B. No. 548

A BILL TO BE ENTITLED

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AN ACT

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

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

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

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

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

Sec. 551.124. BOARD OF PARDONS AND PAROLES. (a) At the call of the presiding officer of the Board of Pardons and Paroles, the board may hold a hearing on clemency matters by telephone conference call or by videoconference call as provided by Section 551.127, except that Sections 551.127(b) and (c) do not apply to a hearing under this section and the notice required by Section 551.127(e) need not specify the intent to have a quorum or a majority of a quorum physically present at a meeting location.

(b) The board may deliberate privately, but at the conclusion of deliberations the presiding officer shall announce publicly individual members' decisions as to whether to recommend clemency. Each member shall sign the member's name with the

1 member's written recommendation and reasons, if any, for the
2 recommendation.

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

5 SECTION 3. Chapter 48, Code of Criminal Procedure, is
6 amended by adding Article 48.011 to read as follows:

7 Art. 48.011. MEETINGS: CAPITAL CASE. (a) In a capital
8 case, the members of the Board of Pardons and Paroles shall perform
9 the members' duties in clemency matters by meeting as a body or by
10 participating in a telephone conference call as permitted by
11 Section 551.124, Government Code, or a videoconference call as
12 permitted by Section 551.127, Government Code.

13 (b) Regardless of whether the members of the board meet in
14 person, participate in a telephone conference call, or participate
15 in a videoconference call, the attorney or other person
16 representing the inmate and any person representing the family of
17 the victim may appear in person or be present on the telephone
18 conference call or videoconference call, as applicable, to make a
19 presentation on the clemency matter. Except with respect to
20 individual members of the board, the board may limit the number of
21 persons who may make a presentation and may prohibit any person from
22 being heard. A hearing under this section is not subject to the
23 requirement of Section 551.002, Government Code, that the hearing
24 be open to the public.

25 (c) The hearing shall be conducted at the correctional
26 facility where the inmate is housed. The inmate shall be allowed to
27 be present, absent overriding security issues.

1 (d) The board must cause a record to be kept.

2 (e) The board shall adopt rules as necessary to implement
3 the requirements of this article.

4 SECTION 4. (a) The change in law made by this Act applies
5 only to a consideration by the Board of Pardons and Paroles
6 regarding a clemency matter in a capital case filed after June 1,
7 2006.

8 (b) The Board of Pardons and Paroles Policy Board shall
9 adopt the rules required by Subsection (e), Article 48.011, Code of
10 Criminal Procedure, as added by this Act, and Section 551.124,
11 Government Code, as amended by this Act, not later than June 1,
12 2006.

13 SECTION 5. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2005.