

1-1 By: West S.B. No. 769
1-2 (In the Senate - Filed February 25, 2005; March 10, 2005,
1-3 read first time and referred to Committee on Criminal Justice;
1-4 April 29, 2005, reported favorably by the following vote: Yeas 7,
1-5 Nays 0; April 29, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to allowing a person who successfully completes a term of
1-9 deferred adjudication community supervision to be eligible for a
1-10 pardon.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Article 48.01, Code of Criminal Procedure, is
1-13 amended to read as follows:

1-14 Art. 48.01. GOVERNOR MAY PARDON. In all criminal cases,
1-15 except treason and impeachment, the Governor shall have power,
1-16 after conviction or successful completion of a term of deferred
1-17 adjudication community supervision, on the written signed
1-18 recommendation and advice of the Board of Pardons and Paroles, or a
1-19 majority thereof, to grant reprieves and commutations of
1-20 punishments and pardons; and upon the written recommendation and
1-21 advice of a majority of the Board of Pardons and Paroles, he shall
1-22 have the power to remit fines and forfeitures. The Governor shall
1-23 have the power to grant one reprieve in any capital case for a
1-24 period not to exceed 30 days; and he shall have power to revoke
1-25 conditional pardons. With the advice and consent of the
1-26 Legislature, the Governor may grant reprieves, commutations of
1-27 punishment and pardons in cases of treason.

1-28 SECTION 2. This Act takes effect September 1, 2005, but only
1-29 if the constitutional amendment proposed by the 79th Legislature,
1-30 Regular Session, 2005, authorizing the governor to grant a pardon
1-31 to a person who successfully completes a term of deferred
1-32 adjudication community supervision, is approved by the voters. If
1-33 that amendment is not approved by the voters, this Act has no
1-34 effect.

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