

By: Ellis

S.J.R. No. 1

A JOINT RESOLUTION

1 proposing a constitutional amendment authorizing the governor to
2 grant a posthumous pardon for actual innocence.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Section 11(b), Article IV, Texas Constitution,
5 is amended to read as follows:

6 (b) In all criminal cases, except treason and impeachment,
7 the Governor shall have power, after conviction, on the written
8 signed recommendation and advice of the Board of Pardons and
9 Paroles, or a majority thereof, to grant reprieves and commutations
10 of punishment and pardons, including a posthumous pardon for actual
11 innocence. Under [~~and under~~] such rules as the Legislature may
12 prescribe, and upon the written recommendation and advice of a
13 majority of the Board of Pardons and Paroles, the Governor [~~he~~]
14 shall have the power to remit fines and forfeitures. The Governor
15 shall have the power to grant one reprieve in any capital case for a
16 period not to exceed thirty (30) days. The Governor [~~and he~~]
17 shall have power to revoke conditional pardons. With the advice and
18 consent of the Legislature, the Governor [~~he~~] may grant reprieves,
19 commutations of punishment and pardons in cases of treason.

20 SECTION 2. This proposed constitutional amendment shall be
21 submitted to the voters at an election to be held November 3, 2009.
22 The ballot shall be printed to permit voting for or against the
23 proposition: "The constitutional amendment authorizing the
24 governor to grant a posthumous pardon for actual innocence."