

BILL ANALYSIS

H.J.R. 58
By: Thompson
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In death penalty cases, the governor has the authority to grant only one reprieve of execution within a 30-day period without the recommendation of the Board of Pardons and Paroles. The board may recommend to the governor one or more reprieves of any length on the majority vote of all members. This authority affords a procedure that addresses the possibility that mitigating information may arise that would warrant a delay or temporary suspension of punishment.

H.J.R. 58 permits the governor by constitutional authority to issue multiple reprieves in capital cases when warranted. This process serves to address situations that arise where there are multiple cases in question that require the governor's attention.

RULEMAKING AUTHORITY

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

ANALYSIS

H.J.R. 58 proposes an amendment to the Texas Constitution to authorize the governor to grant more than one reprieve in a capital case and to remove the limit on the number of reprieves the governor is authorized to grant in any capital case. The resolution clarifies that the 30-day limit on the period of a reprieve granted by the governor applies to each reprieve.

H.J.R. 58 sets forth the required language for the ballot.

ELECTION DATE

The constitutional amendment proposed by this joint resolution will be submitted to the voters at an election to be held November 3, 2009.