

BILL ANALYSIS

C.S.H.J.R. 98
By: Thompson
Corrections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current law authorizes the governor to grant reprieves and commutations of punishment on the written and signed recommendation of the Board of Pardons and Paroles following conviction in all criminal cases, except those for treason and impeachment.

An offender who successfully completes a term of deferred adjudication is subsequently dismissed from future ramifications, but the crime remains a permanent mark on the offender's record and an obstacle to securing employment.

C.S.H.J.R. 98 proposes an amendment to the Texas Constitution to authorize the governor to grant a pardon to a person who successfully completes a term of deferred adjudication community supervision, and to include a posthumous pardon for actual innocence among the pardons the governor is authorized to grant under certain circumstances.

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

C.S.H.J.R. 98 proposes an amendment to the Texas Constitution to authorize the governor to grant a pardon to a person who successfully completes a term of deferred adjudication community supervision and to include a posthumous pardon for actual innocence among the pardons the governor is authorized to grant under certain circumstances. The resolution 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.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.J.R. 98 adds a provision not in the original including a posthumous pardon for actual innocence among the pardons the governor is authorized to grant under certain conditions. The substitute differs from the original by changing the ballot language.