

By: Thompson

H.J.R. No. 98

Substitute the following for H.J.R. No. 98:

By: McReynolds

C.S.H.J.R. No. 98

A JOINT RESOLUTION

1 proposing a constitutional amendment authorizing the governor to
2 grant a pardon to certain persons under specific circumstances.

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

22 SECTION 2. This proposed constitutional amendment shall be
23 submitted to the voters at an election to be held November 3, 2009.
24 The ballot shall be printed to permit voting for or against the

1 proposition: "The constitutional amendment authorizing the
2 governor to grant a pardon to certain persons under specific
3 circumstances."