

By: Ellis

S.B. No. 169

A BILL TO BE ENTITLED

AN ACT

relating to the authority of the governor to grant one or more
reprieves in a capital case.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

Art. 48.01. GOVERNOR MAY PARDON. In all criminal cases,
except treason and impeachment, the Governor shall have power,
after conviction, on the written signed recommendation and advice
of the Board of Pardons and Paroles, or a majority thereof, to grant
reprieves and commutations of punishments and pardons; and upon
the written recommendation and advice of a majority of the Board of
Pardons and Paroles, he shall have the power to remit fines and
forfeitures. The Governor shall have the power to grant one or more
reprieves [~~reprieve~~] in any capital case for a period not to exceed
30 days for each reprieve; and he shall have power to revoke
conditional pardons. With the advice and consent of the
Legislature, the Governor may grant reprieves, commutations of
punishment and pardons in cases of treason.

SECTION 2. This Act takes effect January 1, 2010, but only
if the constitutional amendment proposed by the 81st Legislature,
Regular Session, 2009, authorizing the governor to grant one or
more reprieves in a capital case is approved by the voters. If that
amendment is not approved by the voters, this Act has no effect.