

AN ACT

1
2 relating to allowing a person who successfully completes a term of
3 deferred adjudication community supervision to be eligible for a
4 pardon.

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

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

8 Art. 48.01. GOVERNOR MAY PARDON. (a) In all criminal
9 cases, except treason and impeachment, the Governor shall have
10 power, after conviction or successful completion of a term of
11 deferred adjudication community supervision, on the written signed
12 recommendation and advice of the Board of Pardons and Paroles, or a
13 majority thereof, to grant reprieves and commutations of
14 punishments and pardons; and upon the written recommendation and
15 advice of a majority of the Board of Pardons and Paroles, he shall
16 have the power to remit fines and forfeitures. The Governor shall
17 have the power to grant one reprieve in any capital case for a
18 period not to exceed 30 days; and he shall have power to revoke
19 conditional pardons. With the advice and consent of the
20 Legislature, the Governor may grant reprieves, commutations of
21 punishment and pardons in cases of treason.

22 (b) The Board of Pardons and Paroles may recommend that the
23 Governor grant a pardon to a person who:

24 (1) is placed on deferred adjudication community

1 supervision under Section 5, Article 42.12, and subsequently
2 receives a discharge and dismissal under Section 5(c) of that
3 article; and

4 (2) on or after the 10th anniversary of the date of
5 discharge and dismissal, submits a written request to the board for
6 a recommendation under this subsection.

7 SECTION 2. This Act takes effect January 1, 2012, but only
8 if the constitutional amendment proposed by the 82nd Legislature,
9 Regular Session, 2011, authorizing the governor to grant a pardon
10 to a person who successfully completes a term of deferred
11 adjudication community supervision is approved by the voters. If
12 that amendment is not approved by the voters, this Act has no
13 effect.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 144 passed the Senate on March 23, 2011, by the following vote: Yeas 31, Nays 0; May 25, 2011, Senate refused to concur in House amendment and requested appointment of Conference Committee; May 26, 2011, House granted request of the Senate; May 28, 2011, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 144 passed the House, with amendment, on May 23, 2011, by the following vote: Yeas 142, Nays 0, one present not voting; May 26, 2011, House granted request of the Senate for appointment of Conference Committee; May 28, 2011, House adopted Conference Committee Report by the following vote: Yeas 145, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor