

By: Alonzo

H.B. No. 2969

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the restoration of civil rights of certain persons
3 convicted of a felony.

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

5 SECTION 1. The heading to Article 48.05, Code of Criminal
6 Procedure, is amended to read as follows:

7 Art. 48.05. RESTORATION OF CIVIL RIGHTS FOR CERTAIN FELONS
8 CONVICTED UNDER FEDERAL OR FOREIGN LAW.

9 SECTION 2. Chapter 48, Code of Criminal Procedure, is
10 amended by adding Article 48.051 to read as follows:

11 Art. 48.051. RESTORATION OF CIVIL RIGHTS FOR CERTAIN FELONS
12 CONVICTED UNDER TEXAS LAW. (a) An individual convicted of a felony
13 under the laws of this state may, except as provided by Subsection
14 (b), submit an application for restoration of any civil rights
15 forfeited under the laws of this state as a result of the
16 conviction.

17 (b) An individual may not apply for restoration of civil
18 rights under this article unless:

19 (1) the individual completed the sentence for the
20 offense, including a term of community supervision, mandatory
21 supervision, or parole imposed as a result of the conviction, not
22 less than five years before the date of application; and

23 (2) the individual has not been convicted during the
24 preceding five years of an offense under the laws of this state,

1 another state, or the United States other than a violation of a law
2 regulating traffic on highways that is punishable by fine only.

3 (c) An application for restoration of civil rights must
4 contain:

5 (1) a completed application on a form adopted by the
6 Board of Pardons and Paroles;

7 (2) three or more affidavits attesting to the good
8 character of the applicant; and

9 (3) proof that the applicant completed the sentence
10 for the offense not less than five years before the date of
11 application.

12 (d) The applicant must submit the application to:

13 (1) the sheriff of the county in which the applicant
14 resides at the time of application or resided at the time of
15 conviction of the offense, if the individual resided in this state
16 at that time; or

17 (2) the Board of Pardons and Paroles.

18 (e) If an application is submitted to a sheriff, the sheriff
19 shall review the application and recommend to the Board of Pardons
20 and Paroles whether the individual's civil rights should be
21 restored. If the sheriff recommends restoration of the
22 individual's civil rights, the board may either:

23 (1) concur in the recommendation and forward the
24 recommendation to the governor; or

25 (2) independently review the application to determine
26 whether to recommend to the governor the restoration of the
27 individual's civil rights.

1 (f) If the sheriff does not recommend the restoration of the
2 individual's civil rights, the individual may apply directly to the
3 Board of Pardons and Paroles.

4 (g) If an application is submitted to the Board of Pardons
5 and Paroles without first being submitted to a sheriff, the board
6 shall review the application and recommend to the governor whether
7 the individual's civil rights should be restored.

8 (h) The Board of Pardons and Paroles may require or obtain
9 additional information as necessary to perform a review under
10 Subsection (e)(2) or Subsection (g).

11 (i) On receipt from the Board of Pardons and Paroles of a
12 recommendation to restore the civil rights of an individual, the
13 governor may either grant or deny the restoration of civil rights to
14 the individual. If the governor grants the restoration of civil
15 rights to the individual, the governor shall issue a certificate of
16 restoration of civil rights.

17 (j) If an application under this article is denied by the
18 Board of Pardons and Paroles or the governor, the individual may not
19 file another application under this article before the first
20 anniversary of the date of the denial.

21 (k) A restoration of civil rights under this article
22 restores all civil rights under the laws of this state that an
23 individual forfeits as a result of the individual's conviction of
24 an offense, except as specifically provided in the certificate of
25 restoration.

26 (l) A restoration of civil rights under this article is not
27 a pardon.

1 SECTION 3. This Act takes effect September 1, 2013.