

By: Ellis

S.B. No. 88

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the authority of the governor to grant one or more
3 reprieves in a capital case.

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

5 SECTION 1. Article 48.01(a), Code of Criminal Procedure, is
6 amended to read as follows:

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

21 SECTION 2. This Act takes effect January 1, 2014, but only
22 if the constitutional amendment proposed by the 83rd Legislature,
23 Regular Session, 2013, authorizing the governor to grant one or
24 more reprieves in a capital case is approved by the voters. If that

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1 amendment is not approved by the voters, this Act has no effect.