

By: Thompson of Harris

H.B. No. 3312

A BILL TO BE ENTITLED

AN ACT

relating to certain reports by the Board of Pardons and Parole

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

SECTION 1. Section 508.050, Government Code, is amended to read as follows:

Sec. 508.050. REPORT TO GOVERNOR. (a) On request of the governor, the board shall investigate a person being considered by the governor for:

- (1) pardon;
- (2) commutation of sentence;
- (3) reprieve;
- (4) remission of fine; or
- (5) forfeiture.

(b) The board shall report to the governor on its investigation and make recommendations about the person to the governor.

(c) All investigations by the Board shall be reported upon with written public decisions explaining the reasons for the Board's recommendations for or against the application. No application by any applicant shall be refused due to insufficient pleadings, though that may be a factor in the Board's recommendation. The Board shall provide a simple form for all applicants to the Governor's office that shall be available publicly and to all inmates in all facilities and electronically to

1 those outside. The applicants to the Governor will be provided a
2 report of the recommendations and investigation with the Board's
3 written explanation, and given one reasonable opportunity to
4 correct any incorrect information or provide additional
5 information. At the end of that time, if no corrections or
6 additional information is supplied, the recommendation becomes
7 final, but does not prevent the person or inmate from presenting a
8 subsequent application in the future.

9 (d) The Board, in making its recommendation, shall consider
10 the following five factors and address them in its written public
11 recommendations to the Governor. Applicant shall refer to all
12 persons or inmates who request relief from the Governor.

13 1. Whether the applicant has shown the ability to
14 rehabilitate themselves through education, work, good works for the
15 community, and changes in their behavior;

16 2. Whether the applicant's former offense has
17 undergone change in the law or in society's view of the offense, as
18 for example whether it has been downgraded by the legislature to a
19 lesser crime'

20 3. Whether there is community support for the relief
21 from the family, public, any possible former complainants or
22 victims in the form of letters of support;

23 4. Whether there is new information concerning the
24 circumstances of the offense, such as new witnesses, recanting
25 witnesses, or changes in science or forensics that might tend to
26 cast doubt on the original conviction or mitigate the applicant's
27 role;

1 5. Whether special circumstances, such as
2 humanitarian considerations of changed status of the applicant or
3 pleas from the former victim supporting relief, justify a favorable
4 recommendation.

5 The Board may, in its discretion, hold a public hearing and
6 subpoenas witnesses and other evidence should it determine that
7 this suits the interests of justice prior to making its
8 recommendation to the Governor.

9 SECTION 2. This Act takes effect September 1, 2017.