H.B. No. 3078

AN ACT

relating to the review of clemency applications from certain persons who were victims of human trafficking or family violence.

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

SECTION 1.  Chapter 48, Code of Criminal Procedure, is amended by adding Article 48.015 to read as follows:

Art. 48.015.  CLEMENCY REVIEW PANEL FOR CERTAIN OFFENSES. (a) In this article:

(1)  "Board" means the Board of Pardons and Paroles.

(2)  "Family violence" has the meaning assigned by Section 71.004, Family Code.

(b)  The board, in consultation with the governor, shall appoint a panel of experts to review an application for clemency submitted under this article from a person who was convicted of an offense committed while under duress or coercion as a result of being the victim of an offense under Chapter 20A, Penal Code, or an offense punishable under Section 22.01(b)(2), Penal Code.

(c)  The panel consists of the following members:

(1)  a person who is a survivor of an offense under Chapter 20A, Penal Code, or an offense punishable under Section 22.01(b)(2), Penal Code, and who has previous involvement in the criminal justice system as a result of one or more of those offenses;

(2)  a behavioral health care specialist who represents the interests of survivors of human trafficking or family violence;

(3)  a social worker licensed in this state who has experience in counseling survivors of human trafficking or family violence;

(4)  a representative of:

(A)  the Department of State Health Services who has experience in preventing, identifying, and responding to human trafficking and family violence and who is familiar with the resources and services available for survivors of human trafficking or family violence;

(B)  the Department of Family and Protective Services who has experience in child protective services or foster care;

(C)  the human trafficking prevention task force established under Section 402.035, Government Code;

(D)  the Texas Juvenile Justice Department who has experience in identifying youth survivors of human trafficking or family violence;

(E)  a local law enforcement agency that has specialized intervention policies for identifying survivors of human trafficking or family violence; and

(F)  an advocacy organization that has experience in developing trauma-informed interventions and collaborative partnerships with representatives of survivors of human trafficking or family violence;

(5)  a current or former prosecutor who has experience in prosecuting cases involving human trafficking or family violence;

(6)  a current or former defense attorney who has experience representing survivors of human trafficking or family violence; and

(7)  a member of the board who has experience in addressing the needs of survivors of human trafficking or family violence.

(d)  In appointing a member described by Subsection (c)(2), the board shall give priority to a specialist who has experience in developing or administering a screening tool for survivors of human trafficking or family violence.

(e)  The board, in consultation with the panel, shall develop an application process and form for persons described by Subsection (b) to apply for clemency. The board shall publish the application form on the board's Internet website. An application for clemency may include written recommendations from a majority of trial officials, as defined by rule by the board, currently serving in the county in which the person was convicted.

(f)  On receipt of an application for clemency under this article, the board shall immediately submit the application to the panel for review. The panel shall review the application and, not later than six months after the date the panel received the application, advise the board on making a recommendation to the governor regarding whether to grant clemency to the applicant.

SECTION 2.  Not later than December 1, 2019, the Board of Pardons and Paroles, in consultation with the governor, shall appoint the panel described by Article 48.015, Code of Criminal Procedure, as added by this Act.

SECTION 3.  This Act takes effect September 1, 2019.

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    President of the Senate Speaker of the House

I certify that H.B. No. 3078 was passed by the House on May 3, 2019, by the following vote:  Yeas 139, Nays 0, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 3078 was passed by the Senate on May 22, 2019, by the following vote:  Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED:  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

                    Date

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                  Governor