

By: Moody

H.B. No. 841

A BILL TO BE ENTITLED

AN ACT

relating to hearings by the Board of Pardons and Paroles regarding clemency matters.

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

SECTION 1. Section 508.047(b), Government Code, is amended to read as follows:

(b) Except as provided by Article 48.011, Code of Criminal Procedure, and Section 551.124 of this code, the ~~[The]~~ members of the board are not required to meet as a body to perform the members' duties in clemency matters.

SECTION 2. Section 551.080, Government Code, is amended to read as follows:

Sec. 551.080. BOARD OF PARDONS AND PAROLES. This chapter does not require the Board of Pardons and Paroles to conduct an open meeting to:

(1) interview or counsel an inmate of the Texas Department of Criminal Justice; or

(2) consider a clemency matter in a capital case under Article 48.011, Code of Criminal Procedure.

SECTION 3. Section 551.124, Government Code, is amended to read as follows:

Sec. 551.124. BOARD OF PARDONS AND PAROLES. (a) At the call of the presiding officer of the Board of Pardons and Paroles, the board may hold a hearing on clemency matters by videoconference

1 call, as provided by Section 551.127, or by telephone conference
2 call.

3 (b) Sections 551.127(b), (c), and (e) do not apply to a
4 hearing by videoconference call held under this section.

5 (c) Section 551.127(a-3) applies to a hearing by
6 videoconference call held under this section, except that if audio
7 or video communication with a member is lost or disconnected during
8 the meeting, the board may continue the meeting only if a quorum of
9 the board continues to participate in the meeting.

10 SECTION 4. Chapter 48, Code of Criminal Procedure, is
11 amended by adding Article 48.011 to read as follows:

12 Art. 48.011. HEARING BY BOARD OF PARDONS AND PAROLES IN
13 CAPITAL CASE. (a) In a capital case, the members of the Board of
14 Pardons and Paroles shall perform the members' duties in clemency
15 matters by meeting in person or by participating in a telephone
16 conference call, as provided by Section 551.124, Government Code,
17 or a videoconference call, as provided by Section 551.127,
18 Government Code.

19 (b) Regardless of whether board members meet in person or
20 participate in a telephone conference call or videoconference call,
21 the attorney or other person representing the inmate and any person
22 representing the family of the victim may appear in person or be
23 present on the telephone conference call or videoconference call,
24 as applicable, to make a presentation on the clemency matter. The
25 board may limit the number of persons who may make a presentation
26 and may prohibit any person other than a board member from being
27 heard. A hearing under this article is not subject to the

1 requirement of Section 551.002, Government Code, that the hearing
2 be open to the public.

3 (c) A hearing conducted in person shall be held at the
4 correctional facility where the inmate is confined. The inmate
5 must be allowed to appear in person or be present on the telephone
6 conference call or videoconference call, as applicable, unless
7 there is an overriding security issue.

8 (d) The board may deliberate privately after holding a
9 hearing under this article, but at the conclusion of deliberations,
10 the presiding officer shall announce publicly each member's
11 decision regarding whether to recommend clemency. Each member
12 shall sign the member's name with the member's written
13 recommendation and reasons, if any, for the recommendation.

14 (e) The board shall adopt rules as necessary to implement
15 the requirements of this article.

16 SECTION 5. (a) The change in law made by this Act applies
17 only to a consideration by the Board of Pardons and Paroles
18 regarding a clemency matter filed on or after June 1, 2022, in a
19 capital case. A consideration regarding a clemency matter filed
20 before June 1, 2022, in a capital case is governed by the law in
21 effect on the date the clemency matter was filed, and the former law
22 is continued in effect for that purpose.

23 (b) Not later than June 1, 2022, the Board of Pardons and
24 Paroles shall adopt the rules required by Article 48.011(e), Code
25 of Criminal Procedure, as added by this Act.

26 SECTION 6. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2021.