

By: White

H.B. No. 1894

A BILL TO BE ENTITLED

AN ACT

relating to a clemency review of certain felony offenders by the Board of Pardons and Paroles.

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 FOR CERTAIN FELONIES. (a) In this article, "board" means the Board of Pardons and Paroles.

(b) The board shall review each person described by Subsection (c) to identify appropriate persons to recommend to the governor for purposes of granting clemency.

(c) Except as provided by Subsection (d), a person is entitled to review under this article if:

(1) the person was convicted of or placed on deferred adjudication community supervision for a state jail felony or a felony of the third degree;

(2) a period of not less than 20 years has elapsed from the date, as applicable:

(A) the person's sentence for the offense described by Subdivision (1) was finally discharged; or

(B) the person received a dismissal and discharge under Article 42A.111 for the offense described by Subdivision (1); and

(3) during the period described by Subdivision (2),

1 the person has not been convicted of any offense other than an  
2 offense punishable by fine only.

3 (d) The board may exclude from the review required by this  
4 article persons described by Subsection (c) who were convicted of  
5 or placed on deferred adjudication for certain offenses for which  
6 the board considers clemency inappropriate, such as:

7 (1) sexual offenses;

8 (2) offenses involving family violence, as defined by  
9 Section 71.004, Family Code; or

10 (3) offenses involving a victim who was a child, an  
11 elderly individual, or a disabled individual at the time of the  
12 offense.

13 (e) The board shall develop a plan to implement the review  
14 required by this article. The plan must require that, not later  
15 than:

16 (1) September 1, 2028, the board review the state jail  
17 felony convictions of persons entitled to review under this article  
18 as of September 1, 2021;

19 (2) September 1, 2035, the board review the third  
20 degree felony convictions of persons entitled to review under this  
21 article as of September 1, 2028; and

22 (3) September 1, 2042, the board review the deferred  
23 adjudication community supervision of persons entitled to review  
24 under this article as of September 1, 2035.

25 (f) This subsection and Subsection (e) expire September 1,  
26 2043.

27 SECTION 2. This Act takes effect September 1, 2021.