

BILL ANALYSIS

C.S.H.B. 156
By: Moody
Corrections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Concerns have been raised regarding inefficiencies and a lack of transparency in how the Board of Pardons and Paroles (BPP) conducts clemency recommendation proceedings. Currently, the BPP cannot hold meetings on clemency matters over videoconference call, necessitating in-person meetings. Those meetings are not open to the public, however, and because the BPP's decisions are announced without a breakdown of how individual board members voted or why, understanding how decisions were arrived at is left to speculation. C.S.H.B. 156 addresses these issues by authorizing the BPP to hold meetings on clemency matters in a capital case over videoconference call or telephone call and requiring the public announcement of each BPP member's decision at the conclusion of deliberations.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Board of Pardons and Paroles in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 156 amends the Code of Criminal Procedure to require the members of the Board of Pardons and Paroles (BPP) to perform the members' duties in clemency matters in a capital case by meeting in person or by participating in a telephone conference call or a videoconference call. The bill authorizes an attorney or other person representing the inmate and any person representing the family of the victim to appear in person or be present on the call to make a presentation on the clemency matter. The bill requires a hearing conducted in person to be held at the correctional facility where the inmate is confined and requires the inmate to be allowed to appear in person or by phone or videoconference call, as applicable, unless there is an overriding security issue. The bill authorizes the BPP to limit the number of persons who may make a presentation and to prohibit any person other than a BPP member from being heard. The bill establishes that a hearing under these provisions is excepted from the state open meetings law requirement that the hearing be open to the public. The bill authorizes the BPP to deliberate privately after holding such a hearing but requires the presiding officer at the conclusion of deliberations to announce publicly each member's decision regarding whether to recommend clemency. The bill requires each member to sign their name with a written recommendation and reasons, if any, for the recommendation. The bill requires the BPP to adopt rules as necessary to implement these provisions not later than June 1, 2024.

C.S.H.B. 156 amends the Government Code to authorize the BPP to hold a hearing on clemency matters by videoconference call. The bill excepts such a BPP hearing from certain

videoconference call quorum, location, and notice requirements under state open meetings law. The bill applies the requirement for a member to be considered absent from any portion during which audio or video communication with the member is lost to such a BPP hearing but conditions the BPP's authorization to continue the meeting on a quorum of the BPP continuing to participate in the meeting.

C.S.H.B. 156 applies only to a consideration by the BPP regarding a clemency matter filed on or after June 1, 2024, in a capital case.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

C.S.H.B. 156 differs from the introduced in minor or nonsubstantive ways by conforming to certain bill drafting conventions.