

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

MAY 26, 2011
Date

Honorable David Dewhurst
President of the Senate

Honorable Joe Straus
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on SB 144 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

W. West
WEST (CHAIR)

J. Carona
CARONA

K. Ellis
ELLIS

H. Hegar
HEGAR

J. Huffman
On the part of the Senate
HUFFMAN

L. Thompson
THOMPSON (CHAIR)

R. Alonzo
ALONZO

Y. Davis
DAVIS, YVONNE

A. Dutton
DUTTON

R. Gallego
On the part of the House
GALLEGO

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

S.B. No. 144

A BILL TO BE ENTITLED

AN ACT

relating to allowing a person who successfully completes a term of deferred adjudication community supervision to be eligible for a pardon.

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

SECTION 1. Article 48.01, Code of Criminal Procedure, is amended to read as follows:

Art. 48.01. GOVERNOR MAY PARDON. (a) In all criminal cases, except treason and impeachment, the Governor shall have power, after conviction or successful completion of a term of deferred adjudication community supervision, on the written signed recommendation and advice of the Board of Pardons and Paroles, or a majority thereof, to grant reprieves and commutations of punishments and pardons; and upon the written recommendation and advice of a majority of the Board of Pardons and Paroles, he shall have the power to remit fines and forfeitures. The Governor shall have the power to grant one reprieve in any capital case for a period not to exceed 30 days; and he shall have power to revoke conditional pardons. With the advice and consent of the Legislature, the Governor may grant reprieves, commutations of punishment and pardons in cases of treason.

(b) The Board of Pardons and Paroles may recommend that the Governor grant a pardon to a person who:

(1) is placed on deferred adjudication community

Senate Bill 144
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

SECTION 1. Amends Article 48.01, Code of Criminal Procedure, to grant the governor the power, in all criminal cases, except treason and impeachment, on the written signed recommendation and advice of the Board of Pardons and Paroles, or a majority thereof, to grant reprieves and commutations of punishments and pardons after successful completion of a term of deferred adjudication community supervision as well as after conviction.

SECTION 2. Effective date.

HOUSE VERSION (IE)

SECTION 1. Same as Senate version, except adds a provision authorizing the Board of Pardons and Paroles to recommend that the governor grant a pardon to a person who (1) is placed on deferred adjudication community supervision under Section 5, Article 42.12, and subsequently receives a discharge and dismissal under Section 5(c) of that article; (2) *is not, at any time after the date of discharge and dismissal, convicted of or charged with a criminal offense, other than an offense under the Transportation Code punishable by fine only*; and (3) on or after the 10th anniversary of the date of discharge and dismissal, submits a written request to the board for a recommendation under this subsection. [FA1(1),(2)].

SECTION 2. Same as Senate version.

CONFERENCE

SECTION 1. Same as Senate version except omits the condition that the person not be, at any time after the date of discharge and dismissal, convicted of or charged with a criminal offense, other than an offense under the Transportation Code punishable by fine only.

SECTION 2. Same as Senate version.

LEGISLATIVE BUDGET BOARD

Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

82ND LEGISLATIVE REGULAR SESSION

May 27, 2011

TO: Honorable David Dewhurst, Lieutenant Governor, Senate
Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: SB144 by West (Relating to allowing a person who successfully completes a term of deferred adjudication community supervision to be eligible for a pardon.), **Conference Committee Report**

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

Source Agencies:

LBB Staff: JOB, LM, GG