

# 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  
I. Ellis  
ELLIS  
S. Hays  
HEGAR  
J. Huffman  
On the part of the Senate  
HUFFMAN

S. Thompson  
THOMPSON (CHAIR)  
R. B. Long  
LONG  
Y. Davis  
DAVIS, YVONNE  
J. Dutton  
DUTTON  
A. 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

## 3<sup>rd</sup> Printing

S.B. No. 144

A BILL TO BE ENTITLED

1 **AN ACT**

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

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

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

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

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

24 (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