

BILL ANALYSIS

H.B. 3078
By: Thompson, Senfronia
Corrections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been suggested that the current justice system unfairly incarcerates individuals whose crimes were a direct result of, or incident to, human trafficking and family violence. H.B. 3078 seeks to address this issue by providing for the review of clemency applications from certain victims of human trafficking or family violence.

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

H.B. 3078 amends the Code of Criminal Procedure to require the Board of Pardons and Paroles (BPP), in consultation with the governor, to appoint, not later than December 1, 2019, a panel of experts to review an application for clemency submitted under the bill's provisions from a person who was convicted of an offense committed while under duress or coercion as a result of being the victim of trafficking of persons or an assault committed by an actor who is or has been in a dating relationship with or is in the family or household of the assaulted.

H.B. 3078 sets out the composition of the panel and requires the BPP, in consultation with the panel, to develop an application process and form for persons to apply for clemency under the bill's provisions. The bill requires the BPP to publish the application form on the BPP website. The bill authorizes such an application to include written recommendations from a majority of trial officials, as defined by rule by the BPP, currently serving in the county in which the person was convicted.

H.B. 3078 requires the BPP, on receipt of such an application, to immediately submit the application to the panel for review. The bill requires the panel to review the application and, not later than six months after the date the panel received the application, to advise the BPP on making a recommendation to the governor regarding whether to grant clemency to the applicant.

EFFECTIVE DATE

September 1, 2019.