

BILL ANALYSIS

Senate Research Center
79R651 MFC-D

S.B. 548
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Criminal Justice
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As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, the Texas Board of Pardons and Paroles (board) is not required to meet as a body when considering clemency matters. Board members are routinely provided packets of information from staff regarding the inmates coming up for consideration. Board members then vote by phone or fax and do not explain or discuss their votes.

In 1998, the State District Judge Paul Davis of Austin ruled twice that the state's clemency request system is unconstitutional and violates the state's open meetings law. The process was also criticized by United States District Judge Sam Sparks of Austin, who argued that it was excessively secretive.

As proposed, S.B. 548 requires the board to meet as a body to consider clemency matters in capital cases.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 508.047(b), Government Code, to create an exception, in a capital case, to the provision that the members of the Board of Pardons and Paroles (board) are not required to meet as a body to perform the members' duties in clemency matters.

SECTION 2. Amends Section 551.124, Government Code, to create an exception, in matters involving a capital case, to the provision that the board is authorized to hold a hearing on clemency matters by telephone conference call.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: upon passage or September 1, 2005.