

- SUBJECT:** Restoring civil rights after certain foreign convictions
- COMMITTEE:** Criminal Jurisprudence — favorable, without amendment
- VOTE:** 6 ayes — Hinojosa, Garcia, Green, Kitchen, Martinez Fischer, Shields
0 nays
3 absent — Dunnam, Keel, Talton
- WITNESSES:** For — *Registered but did not testify*: Thomas L. Bean; Larry C. Hunter
Against — None
- BACKGROUND:** Code of Criminal Procedure (CCP), art. 48.05 allows a person convicted of a federal offense, other than an offense involving violence, the threat of violence, drugs, or firearms, to apply for restoration of civil rights forfeited under Texas law because of the conviction. The person must have completed the federal sentence, the conviction must have occurred three or more years before the date of application, and the person cannot have been convicted at any other time of an offense under the laws of Texas, another state, or the United States.
- An applicant must submit the application to the local sheriff or to the Board of Pardons and Paroles, depending on whether the applicant lived in Texas at the time of the crime. In either case, the board must review the application and recommend to the governor whether or not to restore the person's civil rights. The governor then may grant or deny the restoration.
- DIGEST:** HB 1539 would allow a person convicted of an offense in another country to apply for a restoration of civil rights in Texas. A convicted person would not be eligible to apply if the offense involved violence or the threat of violence, drugs, or firearms, if the elements of the offense were substantially similar to elements of an offense under Texas law that is punishable as a felony. The person would have to have completed the sentence for the offense, not have been convicted at any time of any other offense under the laws of Texas, another state, or the United States, and could not apply for a restoration of rights until two or more years after the date of conviction.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2001. It would apply to a person convicted of an offense under the laws of another country committed before, on, or after the effective date of the bill.

**SUPPORTERS
SAY:**

HB 1539 would allow Texans convicted of nonviolent crimes in foreign countries to petition the Board of Pardons and Paroles and the governor for the return of their civil rights, just as persons convicted of nonviolent federal crimes can do. The bill would benefit law-abiding citizens who are convicted in foreign countries of crimes that are not illegal here. For example, some Texans who cross the border into Mexico have been convicted of possessing ammunition. Although it is legal in Texas to possess most kinds of ammunition, these people cannot possess firearms after they return to the state because they have a foreign felony conviction. Their only recourse under current law is to petition the foreign jurisdiction for a pardon of the offense. As more and more Texans cross into Mexico as a result of the North American Free Trade Agreement, unintentional violations of foreign law will occur more often.

HB 1539 would not open the door to restoring civil rights for those convicted in foreign countries of violent crimes, drug crimes, or firearms crimes that are illegal in Texas. The bill would benefit Texas sportsmen, law enforcement officers, and others who are convicted of crossing the border in possession of firearms or ammunition that are lawful in the United States.

HB 1539 would treat more equitably those people living in Texas who have been convicted of nonviolent felonies in foreign countries. Generally, state government is unaware of foreign convictions and, as a result, will not rescind any of a convicted person's civil rights. When Texans arrested in Mexico request assistance from the U.S. government, however, their record becomes known and they can lose their civil rights when they return to the United States. This bill would give those people an avenue to restore their civil rights.

**OPPONENTS
SAY:**

No apparent opposition.

NOTES: The companion bill, SB 610 by Bernsen, passed the Senate on the Local and Uncontested Calendar on April 20. It was reported favorably, without amendment, by the House Criminal Jurisprudence Committee on April 24 and recommended for the Local and Consent Calendar.