

SUBJECT: Allowing certain convicted persons to apply for restoration of civil rights

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 5 ayes — Moody, Hunter, Gervin-Hawkins, Hefner, Wilson

1 nay — Lang

1 absent — Canales

WITNESSES: For — Ed Heimlich, Citizens United for Accountable Government; (*Registered, but did not testify:* Margaret "Peggy" Cook and Goodman Holiday, Austin Justice Coalition; Kathryn Freeman, Christian Life Commission; Katija Gruene, Green Party of Texas; Allen Place, Texas Criminal Defense Lawyers Association; Joe Flores; Darwin Hamilton; Lauren Johnson; Darrell Stamps;)

Against — (*Registered, but did not testify:* Nancy Lester)

On — (*Registered, but did not testify:* David Gutierrez, Texas Board of Pardons and Paroles)

BACKGROUND: Code of Criminal Procedure, art. 48.05 provides a form of pardon for those convicted of certain non-violent crimes under federal law or the laws of a foreign country. Certain individuals may apply for a restoration of civil rights forfeited under Texas law as a result of their convictions. Those convicted of a federal crime must wait three years before applying, while those convicted of a crime in another country must wait two. Applications are submitted through county sheriffs or directly to the Board of Pardons and Paroles, which then recommends to the governor whether a person's civil rights should be restored.

DIGEST: HB 152 would extend the list of eligible applicants for restoration of civil rights to include those convicted of any crime under Texas law. It also would require an individual to wait at least three years after a conviction before applying, regardless of whether the offense was committed under

Texas law, federal law, or the laws of another country.

The bill would take effect September 1, 2017, and would apply to a conviction that occurred before, on, or after that date.

**SUPPORTERS
SAY:**

HB 152 would allow individuals who committed a crime under Texas law to make their case to the governor as to why they should be given a second chance, just as the law currently allows for those convicted of a federal crime or a crime in a foreign country. This would mean eligible individuals, regardless of whether their offenses were under state, federal, or another country's laws, would be held to the same standard. Some of those convicted under Texas law have been denied the right, for example, to sit on a jury, hold public office, serve as an administrator of an estate, or become a licensed professional simply because they made a bad decision.

No one would be pardoned automatically under the bill. The Board of Pardons and Paroles, as well as local sheriffs, still would review each case individually before making a recommendation, and the governor ultimately would decide whether applicants had proven themselves worthy of having their civil rights restored.

**OPPONENTS
SAY:**

HB 152 could permit serious and violent offenders to avoid the consequences of their crimes by allowing a person convicted of any offense under Texas law, including a capital crime, to apply for a restoration of civil rights. Allowing those convicted of violent crimes under state law to be pardoned effectively could reduce the severity of punishment for such offenses, an essential component of deterring crime and keeping communities safe.