



**TEXAS BOARD  
OF  
PARDONS AND PAROLES**

**Number: BPP-DIR. 143.330**

**Date: October 14, 2022**

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**Supersedes: December 17, 2021**

## **BOARD DIRECTIVE**

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**SUBJECT: FULL PARDON – CONVICTION**

**PURPOSE:** To provide guidance for Board Members and staff of the Texas Board of Pardons and Paroles to process a full pardon application for persons who receive a conviction.

**AUTHORITY:** Texas Constitution Article 4, Section 11  
Texas Government Code Sections 508.035(d), 508.084, and 508.115  
Texas Administrative Code Title 37, Part 5, Chapter 143, Sections 143.1 – 143.12  
Texas Code of Criminal Procedure Article 48.01

**DISCUSSION:** The Texas Constitution authorizes the Governor to grant clemency upon the recommendation and advice of a majority of the Texas Board of Pardons and Paroles (Board). An offender who is convicted and sentenced may request clemency from the Governor.

If the Board does not recommend a full pardon or if the Governor denies the offender a full pardon, the offender must wait two years from the date of the recommendation or denial to re-apply.

**DEFINITIONS:** Trial Officials – the Sheriff, Chief of Police, prosecuting attorney, and Judge in the county and court of conviction and release.

**PROCEDURE:**

- I. Application – Upon receipt of an application from an offender, offender’s attorney, or a person acting on an offender’s behalf, the Board’s Clemency Section (BCS) staff will create a clemency file.
  - A. An offender may request a full pardon for one or more misdemeanor or felony convictions. The offender must complete or discharge his sentence(s) in order for the Board to consider a recommendation to the Governor to grant a full pardon.

However, the Board may consider a full pardon application from an offender who is currently in prison if the offender indicates exceptional circumstances, or from an offender who has been under supervision for at least two years with no violations in the year preceding the application date.

- B. The Board may not consider an offender for a pardon who is convicted and sentenced to community supervision, and who successfully completes the community supervision. Once community supervision is successfully completed, the Board may not consider the offender for a pardon for that offense because there is nothing for the Governor to pardon. However, if the court fails to remove all disabilities and dismiss the indictment or information, the Board may recommend, and the Governor may grant clemency.
  - C. If the offender has pending charges in this state or any other state, the Board will not consider the application.
- II. Electronic File – Upon receipt of all the appropriate documents, the BCS staff will prepare a clemency electronic file for the Board Members.
- A. In addition to the signed application, the offender must provide three letters of recommendation from non-family members as well as all court documents. An attorney representing the offender must submit a fee affidavit and registration form with the application if the offender was convicted and sentenced to a term of incarceration in the Texas Department of Criminal Justice (TDCJ) Correctional Institutions Division.
  - B. When the application is complete, the BCS staff will send letters to the trial officials and TDCJ Victim Services, if appropriate, notifying them that the offender has submitted an application requesting a full pardon and soliciting their input.
- III. Board Members’ Vote – The BCS staff will send an email to the first Board Member designated to vote the case notifying them that the electronic file is available for review. The Board Member shall sign and date the voting sheet. The BCS staff will notify the next Board Member that the electronic file is available for review. The Presiding Officer shall be the last Board Member to vote.
- A. Upon a majority vote to recommend a full pardon, the BCS staff shall send the case to the Governor and notify all trial officials as required by Section 508.115, Government Code. The BCS staff will also notify the applicant and TDCJ Victim Services, if appropriate, by email or other electronic communication.
  - B. If the Board votes not to recommend clemency or if the Governor denies clemency, the BCS staff shall notify the applicant, trial officials who submitted a response to the request for input, and TDCJ Victim Services, if appropriate.

- IV. Board Reconsideration of a Clemency Application – The Board may reconsider an application for a full pardon or restoration of rights of citizenship when:
- A. executive clemency is denied or not recommended by the Board on the second anniversary of the denial; or
  - B. anytime at the direction of the Presiding Officer.

**SIGNED THIS, THE 14<sup>TH</sup> DAY OF OCTOBER, 2022.**

**DAVID GUTIÉRREZ, PRESIDING OFFICER (CHAIR)**

*\*Signature on file.*