



**TEXAS BOARD  
OF  
PARDONS AND PAROLES**

**Number: BPP-DIR. 143.340**

**Date: October 14, 2022**

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**Supersedes: December 20, 2021**

## **BOARD DIRECTIVE**

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**SUBJECT: FULL PARDON – DEFERRED ADJUDICATION**

**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 successfully complete a deferred adjudication community supervision.

**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:** Article 4, Section 11, Texas Constitution, was amended on November 8, 2011. The amendment authorized the Governor to grant clemency, upon the recommendation and advice of a majority of the Texas Board of Pardons and Paroles (Board), for a person who successfully completed a term of deferred adjudication community supervision.

The enabling statute, Article 48.01, Code of Criminal Procedure, authorizes the Board to make a recommendation to the Governor for a pardon on or after the 10<sup>th</sup> anniversary of the date a person successfully completed the deferred adjudication community supervision and received a discharge and dismissal.

If the Board does not recommend a full pardon or if the Governor denies the person a full pardon, the person 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 a person, person’s attorney, or a person acting on a deceased person’s behalf, the Board’s Clemency Section (BCS) staff will create a clemency file.
  - A. A person may request a full pardon for one or more deferred adjudication community supervisions. The person must successfully complete the deferred adjudication community supervision and receive a discharge and dismissal for the Board to consider a recommendation to the Governor to grant a full pardon. The person may request a full pardon on or after the 10<sup>th</sup> anniversary of the date of the discharge and dismissal.
  - B. If the person has arrests for other offenses unrelated to the deferred adjudication community supervision, which did or did not result in a conviction, the Board will review and consider those other arrests and/or convictions along with the successfully completed deferred adjudication community supervision.
  - C. If the person 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 for all offenses, the BCS staff will prepare a clemency electronic file for the Board Members.
  - A. In addition to the signed application, the person must provide three letters of recommendation from non-family members as well as all court documents. An attorney may represent a person in this process but the person, not the attorney, must sign the application. The attorney representing the person must submit a fee affidavit and registration form with the application if the person 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 person 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.*