

WHAT IS A PARDON FOR INNOCENCE?

A pardon based on innocence exonerates a person of the crime and erases the conviction when there is evidence of actual innocence or a court has determined the person is innocent. In order to consider a pardon for innocence, the Board requires either evidence of actual innocence from at least two trial officials, or the findings of fact and conclusions of law from the district judge indicating actual innocence. This application can be downloaded at:

www.tdcj.texas.gov/bpp/forms/PFI%20App.doc

WHAT IS A POSTHUMOUS PARDON?

A full pardon may be considered for a person who is deceased. The application must be submitted by a person acting on behalf of the deceased.

WHAT IS A COMMUTATION OF SENTENCE?

Commutation of sentence reduces a sentence to a lesser time period. A commutation may be granted for time served. Commutations of sentence will be granted only upon written recommendation of a majority of the applicant's trial officials in the county of conviction, stating that the penalty now appears to be excessive and recommending a definite term, based on new information not before the judge or jury at trial or a statutory change in the penalty. This application can be downloaded at:

www.tdcj.texas.gov/bpp/forms/COS%20App.doc

WHAT IS AN EMERGENCY MEDICAL REPRIEVE, REPRIEVE FOR FAMILY EMERGENCY, OR EMERGENCY REPRIEVE TO ATTEND CIVIL COURT PROCEEDINGS?

A reprieve is a delay or temporary suspension of punishment. Offenders who are terminally ill (six months or less to live), totally disabled, or who have been denied Medically Recommended Intensive Supervision (MRIS) may seek an Emergency Medical Reprieve.

This application can be downloaded at:

www.tdcj.texas.gov/bpp/forms/EMR%20App.doc

Offenders may also seek a reprieve to attend civil court proceedings. As with other forms of clemency, the Governor may grant a reprieve upon written recommendation of a majority of the Board Members.

A request for a Reprieve for Family Emergency (FMR) to attend funerals or to visit critically ill relatives may be made by applying to the Board's Clemency Section. This application can be downloaded at:

www.tdcj.texas.gov/bpp/forms/FMR%20App.doc

APPLICATIONS FOR REPRIEVE OF EXECUTION AND COMMUTATION TO LIFE IN PRISON IN CAPITAL CASES.

In capital cases, the applications for commutation of sentence to life in prison and for a reprieve of execution must be received at least 21 days prior to the scheduled execution date. If the Board recommends clemency in a capital case, the Governor may grant commutation or reprieve. The Governor may also grant a one-time 30-day reprieve of execution without a recommendation from the Board.

CONTACT INFORMATION

**Texas Board of Pardons and Paroles
Clemency Section**

**8610 Shoal Creek Boulevard
Austin, Texas 78757**

T 512-406-5852

F 512-467-0945

E bpp-clemency@tdcj.texas.gov

Website: www.tdcj.texas.gov/bpp/

For more information on the clemency process, please visit the website and select the "Clemency" link for general information.



TEXAS BOARD OF PARDONS AND PAROLES

CLEMENCY PARDONS, COMMUTATIONS, AND REPRIEVES

WHAT IS CLEMENCY?

The Governor has the authority to grant clemency upon the written recommendation of a majority of the Texas Board of Pardons and Paroles (Board). Clemency includes full pardons after conviction or successful completion of a term of deferred adjudication community supervision, conditional pardons, pardons based on innocence, commutations of sentence, and reprieves. In capital cases, clemency includes a commutation of sentence to life in prison and a reprieve of execution. The Governor may also grant a one-time reprieve of execution, not to exceed 30 days, without a Board recommendation.

WHAT IS THE ROLE OF THE CLEMENCY SECTION?

The Clemency Section:

- Processes clemency applications;
- Responds to inquiries about clemency and requests for applications;
- Ensures that the applicant provides all documentation necessary for the Board to review and consider the application;
- Notifies trial officials and victims; and
- Compiles and delivers the clemency file to the Board.

PARDONS INVOLVING COMPLETED TERMS OF DEFERRED ADJUDICATION

With the passage of Proposition #9, the Texas Constitution has been amended to authorize the Governor, upon the written recommendation and advice of the Board, to grant a pardon to a person who successfully completes a term of deferred adjudication community supervision. Senate Bill 144 implemented the constitutional amendment by amending Code of Criminal Procedure 48.01, effective January 1, 2012.

To be eligible for pardon based upon a deferred adjudication community supervision, the following criteria must be met:

1. Must successfully complete the term of deferred adjudication community supervision, and

2. Must submit the application on or after the 10th anniversary date of the discharge and dismissal of the deferred adjudication community supervision.

The following new applications have been developed for this process:

- **DEFERRED ADJUDICATION AND NO OTHER ARRESTS OR CONVICTIONS:** For persons with arrests related to a deferred adjudication and no other arrests or convictions. This application can be downloaded at: www.tdcj.texas.gov/bpp/forms/DA%20Deferred%20Adj%20App.doc
- **DEFERRED ADJUDICATION AND OTHER ARRESTS BUT NO CONVICTIONS:** For persons with other arrests not related to the Deferred Adjudication offense that did not result in a conviction. This application can be downloaded at: www.tdcj.texas.gov/bpp/forms/DA-Arrest%20Deferred%20Adj%20App.doc

The following current application will be used for **DEFERRED ADJUDICATION, OTHER ARRESTS AND CONVICTIONS:** For persons with other arrests, not related to the Deferred Adjudication offense, that did or did not result in a conviction. This application can be downloaded at:

www.tdcj.texas.gov/bpp/forms/FP%20App.doc

WHAT IS A FULL PARDON?

A full pardon is a form of clemency available to a person, who has been convicted of a felony, misdemeanor, or traffic offense, or who has successfully completed a term of deferred adjudication community supervision. This application can be downloaded at:

www.tdcj.texas.gov/bpp/forms/FP%20App.doc

WHAT IS THE EFFECT OF A FULL PARDON?

A full pardon restores certain citizenship rights forfeited upon criminal conviction, such as the right to serve on a jury, to hold public office, and

to serve as executor or administrator of an estate. In Texas, when a person discharges a felony sentence, the right to vote is automatically restored.

A full pardon will remove barriers to some, but not all types of employment and professional licensing. Licenses are granted at the discretion of state licensing boards for each profession, and requirements for restoring licensing eligibility in a particular field should be obtained from that licensing board. A pardon will not restore eligibility to become a licensed peace officer in Texas.

A full pardon will not be considered for an offender while in prison except when exceptional circumstances exist.

A person receiving a full pardon after a conviction is entitled to an expunction of all arrest records relating to the conviction. This requires the applicant to request an expunction from the appropriate state court.

IS CLEMENCY AVAILABLE FOR A TRAFFICKING VICTIM?

Yes. A person convicted of or received deferred adjudication community supervision for an offense that was committed solely as a victim of trafficking of persons under Section 20A.02, Penal Code, may apply for clemency by completing a full pardon application. This application can be downloaded at:

www.tdcj.texas.gov/bpp/forms/human_trafficking.html

WHAT IS A CONDITIONAL PARDON?

A person with a conditional pardon remains subject to conditions of release. A conditional pardon does not restore civil rights or rights of citizenship, and the Governor can revoke the pardon if a person does not comply with conditions of release. A conditional pardon will be considered only after minimum statutory parole eligibility has been attained. This application can be downloaded at:

www.tdcj.texas.gov/bpp/forms/CP%20App.doc