

State Clemency Resources

Which form(s) of clemency does the state offer?

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.

Decisionmaker

The Governor can grant clemency upon written recommendation of a majority of the Board of Pardons and Paroles.

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.

Resources:

tdcj.state.tx.us/bpp/exec_clem/exec_clem.html

Constitutional and statutory authority

- **Constitutional Authority:**
Tex. Const. art. 4, § 11(b)
- **Statutory Authority:**
Texas Administrative Code, Chapter 143 Clemency
[texreg.sos.state.tx.us/public/readtac\\$ext.ViewTAC?tac_view=4&ti=37&pt=5&ch=143](http://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=4&ti=37&pt=5&ch=143)
Tex. Gov't Code Ann. § 508.031(a)
Chapter 48 of the Code of Criminal Procedure

Eligibility Criteria

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

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.

A **conditional pardon** remains subject to conditions of release. A conditional pardon will be considered only after minimum statutory parole eligibility has been attained.

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.

A **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.

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. Offenders may also seek a reprieve to attend civil court proceedings.

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.

Application Process

Prisoners must complete the application and send it to the Board of Pardons and Paroles for review. If the majority of members gives the prisoner a recommendation, the application is turned over to the Governor to decide.

APPLICATION LINKS

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