

FULL PARDON INFORMATION & CHECKLIST

INFORMATION

This document is not a full pardon application; rather, it is information designed to familiarize you with the full pardon process.

We are providing you information about:

- (1) Full pardons and pardon eligibility requirements; and
- (2) Documentation required should you decide to request a full pardon application.

First, review the information to determine whether you are eligible for pardon consideration.

If you are eligible to apply for a full pardon and wish to pursue a pardon request then review the **Checklist**. This list describes some of the documentation required in the full pardon application instructions.

It is suggested that you acquire the documentation referenced in the **Checklist** before requesting the full pardon application form. This will allow you to acquire necessary documents ahead of time. Please note that once we send you a full pardon application form you have only three months to complete and return the application.

When you are ready to apply, contact the Board General Counsel's Office to request a blank full pardon application form:

TEXAS BOARD OF PARDONS AND PAROLES
ATTN: BOARD GENERAL COUNSEL'S OFFICE - CLEMENCY SECTION
8610 SHOAL CREEK BLVD.
AUSTIN, TX 78757
PHONE (512) 406-5852

You may request a full pardon application from our office at any time, but it is recommended that you do so after acquiring documentation according to the **Checklist**. When you make your request for a full pardon application, please indicate that you have acquired this documentation. Please do not submit documents without a completed application.

Full Pardon Definition - An unconditional act of executive clemency by the Governor which serves to release the grantee from the conditions of his or her sentence and from any disabilities imposed by law thereby.

A Full Pardon restores the following civil rights:

1. Right to vote.
2. Right to hold public office.
3. Right to serve on a jury.
4. Licensing privileges for certain types of employment (however, you must check with the appropriate licensing authority to determine if a full pardon is necessary to be licensed). If available, please provide written documentation from that authority advising that you will not be considered for a license without receiving a full pardon. If the licensing authority will not provide you with written documentation, please obtain and furnish the name of the licensing authority, phone number, and name of the person you contacted.
5. Right to serve as Executor or Administrator of an estate.

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A FULL PARDON RESTORES VOTING RIGHTS. Please note, effective September 01, 1997, a felon's voting rights are automatically restored when one fully discharges the felony sentence, including any term of incarceration, parole, or supervision, or completed a period of probation ordered by any court.

A FULL PARDON DOES NOT NECESSARILY RESTORE THE RIGHT TO BEAR ARMS. Many felons also lose their right to bear arms with the federal government. Additionally, you may or may not qualify for a State of Texas license to carry a concealed handgun. You **MUST** check with **BOTH** the Federal Bureau of Alcohol, Tobacco & Firearms **AND** the Texas Department of Public Safety for your status **BEFORE** bearing any arms.

A FULL PARDON DOES NOT expunge an arrest under the criminal laws. This can only be accomplished by petitioning a district court in the county of conviction.

A FULL PARDON DOES NOT restore the right of the applicant to drive and operate a motor vehicle upon public highways after an automatic suspension of that license as a result of a conviction for Driving While Intoxicated or other similar suspension, unless the Governor's Proclamation specifically so states.

A FULL PARDON DOES NOT relieve the convicted person of any outstanding fines, fees, restitution or reparation as ordered by the Court.

The Board will consider Full Pardon requests for the following cases:

- (01) An offender whose offense occurred on or before August 28, 1977, and who has served 12 months on parole in a manner acceptable to the board.
- (02) An offender who is currently in prison if the offender indicates extenuating circumstances.
- (03) An offender who has been under supervision at least two years with no violations in the year preceding the application date.
- (04) Former Texas Department of Corrections (TDC) or Texas Department of Criminal Justice-Correctional Institutions Division (TDCJ-CID) offenders who have discharged their sentences.
- (05) Probated sentences (must provide discharge/dismissal documentation and proof that the applicant's conviction prevents him from obtaining employment or proof that his civil rights have been lost).
- (06) Suspended sentences (completed).
- (07) Jail sentences (completed).
- (08) Misdemeanor sentences (completed).

The Board will NOT consider Full Pardon requests for the following cases:

- (01) Treason or impeachment.
- (02) A person who has successfully completed deferred adjudication community supervision and who has been discharged after dismissal of charges (see Attorney General Opinion DM-349*).
- (03) A person who has been on community supervision and has received a judge's discharge in which the judge restores the person's civil rights by setting aside the conviction and dismissing the charging instrument (see Attorney General Opinion DM-393*).
- (04) TDCJ-CID offenders (except when exceptional circumstances exist).
- (05) Prior out-of-state felony convictions (must first clear priors by pardon from other jurisdiction).
- (06) Prior federal convictions (must first clear by Presidential Pardon).
- (07) Applicants who were denied Full Pardon or Restoration of Civil Rights less than two years prior to application date.

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CHECKLIST

***Before requesting a full pardon application form**, please ensure that you are eligible for full pardon consideration and have reviewed the checklist information provided on this page.*

Eligibility

Please review your eligibility for full pardon consideration by reviewing page 2 as well as the Texas Board of Pardons and Paroles Rules provided with this information packet.

Letters of Recommendation

Full pardon application instructions require at least three (3) letters of recommendation that comply with application instructions. The letters must be from citizens directly familiar with the applicant (letters from family members will only be accepted as supplemental information.) Letters of recommendation must:

- (a) be addressed to the Board of Pardons and Paroles, as in the example, “To the Board of Pardons and Paroles:” (Do not address letters to the Board General Counsel’s Office – Executive Clemency Section or “To whom it may concern”);
- (b) contain a recommendation for Full Pardon, as in the example, “I recommend a full pardon on behalf of (applicant’s name)”;
- (c) contain the name, occupation, signature, telephone number and mailing address of the writer;
- (d) be current and not submitted as part of a previous clemency application; and
- (e) be originals (photocopies and faxes are not acceptable).

Criminal History Statement

ALL APPLICANTS, including non-Texas residents, must provide an official criminal history statement from the sheriff of your county of residence.

Certified Court Documentation

Provide appropriate certified court documentation (indictment/complaint/information, judgment & sentence, dismissal) and/or clerk statement (fine/restitution paid) for **all arrests**. Refer to the attached page titled “Procedures for Obtaining Court Documentation” for detailed instructions.

Offense/Arrest Reports

Provide offense reports for **all arrests** from the appropriate law enforcement agency. For example, if you were arrested by the Austin Police Department, you must request offense reports from that agency. If you were arrested by the Travis County Sheriff’s Department, you must contact that agency.

If you are unsure of the arresting agency, you may access public record information pertaining to criminal convictions and deferred adjudications by accessing the Texas Department of Public Safety (DPS) Crime Records Service website <http://records.txdps.state.tx.us/>; or you may contact DPS to request assistance in acquiring criminal history information.

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PROCEDURES FOR OBTAINING COURT DOCUMENTATION

All court documents must be **CERTIFIED**, whether they originate from the office of the District, County, or Municipal Clerk. Acquire the proper documentation, accordingly:

IF convicted and the judgment included a court ordered **fine** and or **restitution**, furnish a statement from the appropriate clerk confirming the amount paid.

IF convicted and the sentence is probated or deferred, furnish the Complaint/Indictment or Information, Judgment, Sentence and Dismissal.

IF convicted of a misdemeanor resulting in a fine and/or jail time, furnish the Complaint, Judgment and Sentence.

IF arrested and the charge was dropped or dismissed, furnish the charging papers and the Dismissal. If unobtainable, furnish a dismissal or “no formal charge made” statement from the prosecuting attorney.

IF arrested for out-of-state, federal or foreign offense(s) prior to the last Texas conviction, furnish court documentation. If convicted, provide clearance by full pardon from the jurisdiction or show by official source, preferably the court of conviction, that no civil rights were lost.

IF convicted of a felony, sentenced to probation, which is revoked to the Texas Department of Criminal Justice – Institutional Division (TDCJ-CID), furnish the Indictment, Judgment and Sentence granting probation and the revocation document(s), and a copy of the TDCJ discharge certificate.

IF convicted of a felony, sentenced to TDCJ-CID and currently on parole or mandatory supervision or on annual report status, or have discharged the sentence, furnish the Indictment, Judgment, Sentence and a copy of the TDCJ discharge certificate. Contact the following office(s) to obtain the appropriate certificate:

TDCJ-CID RECORDS OFFICE
P. O. BOX 99
HUNTSVILLE, TEXAS 77342

or

TDCJ PAROLE SUPERVISION
8610 SHOAL CREEK BLVD.
AUSTIN, TEXAS 78758

PROCEDURES FOR OBTAINING ARREST/OFFENSE REPORTS

For **each** criminal offense, acquire from the appropriate law enforcement arresting agency copies of the arrest/offense reports. These copies of reports do not have to be certified. For offenses involving drugs, please provide copies of laboratory reports.

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TEXAS BOARD OF PARDONS AND PAROLES RULES

Chapter 143. EXECUTIVE CLEMENCY

Subchapter A. FULL PARDON AND RESTORATION OF RIGHTS OF CITIZENSHIP

§143.1. Authority To Grant Pardons

Except in cases of treason or impeachment, after conviction, the governor may grant a full pardon upon the recommendation and advice of a majority of the board (Texas Constitution, Article IV, §11; Texas Code of Criminal Procedure, Articles 48.01 and 48.03).

§143.2. Pardons for Innocence

- (a) On the grounds of innocence of the offense for which convicted the board will consider applications for recommendation to the governor for a pardon for innocence upon receipt of:
 - (1) written recommendation of at least two of the current trial officials of the court of conviction, with one trial official submitting documentary evidence of actual innocence; or
 - (2) certified order or judgment of a court having jurisdiction accompanied by a certified copy of the findings of fact and conclusions of law where the court recommends that the Court of Criminal Appeals grant state habeas relief on the grounds of actual innocence.
- (b) Evidence submitted under subsection (a)(1) of this section shall include the results and analysis of pre-trial and post-trial DNA tests or other forensic tests, if any, and may also include affidavits of witnesses upon which the recommendation of actual innocence is based.

§143.3. Twelve Months on Parole

When any prisoner has served 12 months on parole for an offense committed on or before August 28, 1977, in a manner acceptable to the board, upon request, the board may review the prisoner's record upon application therefore and make a determination whether to recommend to the governor that the prisoner be pardoned and finally discharged from the sentence under which he is serving.

§143.4. Parolee Discharging Sentence

Whenever any prisoner who has been paroled for an offense committed on or before August 28, 1977, has complied with the rules and conditions governing his parole until the end of the term to which he was sentenced, and without a revocation of his parole, the board may report such fact to the governor prior to the issuance of the final order of discharge. The board may, at this time, recommend to the governor a full pardon (Texas Constitution, Article IV, 11; §508.119, Government Code).

§143.5. Discharged Prisoner

Upon request from a person who has discharged a felony sentence, the board will consider recommending a full pardon. Applicant's name, prison number, county of conviction, offense, and length of sentence shall be furnished for identification.

§143.6. Inmate in Texas Department of Criminal Justice-Institutional Division

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

§143.7. Prior Out-of-State or Federal Convictions

Where there exists one or more convictions for offenses of felony grade, in other states or in federal court, prior to the last Texas conviction, the board will consider recommending a pardon only if the applicant:

- (1) provides a clearance by full pardon from the jurisdiction(s) of the previous conviction(s); or
- (2) furnishes proof in writing that the other jurisdiction(s) will not act until a full pardon is granted by the Governor of Texas.

§143.8. Suspended Sentence, Felony Conviction

Upon request from the applicant or person acting for him, the board will consider recommending full pardon for a suspended sentence. Applicant's name, the county of conviction, offense, and sentence shall be furnished when the request is made.

§143.9. Sentence of Probation, Felony Conviction

The board will consider recommending a full pardon for a sentence of probation only upon a showing of receipt of maximum relief available through the court of conviction, and then, only in an extreme or unusual circumstance which prevents the applicant from gaining a livelihood or in the event of loss of civil rights. The burden of showing such unusual conditions rests upon the applicant.

§143.10. Misdemeanor

The board will consider recommending a full pardon in misdemeanor cases only when exceptional, extreme, and unusual circumstances exist. The burden of showing such exceptional, extreme, and unusual circumstances rests upon the applicant.

§143.11. Request of Governor

The board shall consider a recommendation for a full pardon or request for restoration of firearm rights in any case upon the request of the governor (§508.050, Government Code).

§143.12. Restoration of Firearm Rights

The board will consider recommending restoration of the right to receive, possess, bear, and transport in commerce a firearm only in extreme and unusual circumstances which prevent the applicant from gaining a livelihood, and only if the applicant:

- (1) provides either proof of clearance by a previously granted full pardon or a request for such express restoration in a pending application for a full pardon from jurisdiction(s) of the relevant conviction(s); and
- (2) provides proof of application under the United States Code, Title 18, §925(c), for exemption, relief from disabilities to the attorney general, and furnishes copies of all relevant applications and responses thereto by the attorney general including any final actions by said attorney general.