



**TEXAS BOARD
OF
PARDONS AND PAROLES**

Number: BPP-DIR. 143.330
Date: September 15, 2009
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Supersedes: BPP-DIR. 143.330
Dated January 22, 2009

BOARD DIRECTIVE

SUBJECT: FULL PARDON

PURPOSE: To provide guidance for the Board of Pardons and Paroles (Board) and staff to process a full pardon application.

AUTHORITY: Texas Constitution, Article IV, Section 11
Texas Code of Criminal Procedure, Article 48.05
Texas Government Code, Section 508.115
Texas Administrative Code, Title 37, Part 5, Chapter 143, Sections 143.1 – 143.13

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

If the board does not recommend 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: Exceptional circumstances – the applicant is required to provide exceptional circumstances when requesting a pardon while incarcerated.

Trial Officials – the sheriff, chief of police, prosecuting attorney and judge in the county and court of conviction and release.

PROCEDURES:

- 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 (Clemency) 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). However, the board may consider a full pardon application from an offender who is currently in prison if the offender indicates extenuating circumstances, as well as an offender who has been under supervision at least two years with no violations in the year preceding the application date.
 - B. If an offender received deferred adjudication or regular community supervision and successfully completed the community supervision, 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.** Notebooks – Upon receipt of all the appropriate documents, the Clemency staff will prepare a clemency notebook 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 an offender must submit a fee affidavit and registration form with the application.
 - B. When the application is complete, the Clemency staff will send letters to the trial officials and victims notifying them that the offender submitted an application requesting a full pardon and soliciting their input.

- III.** Board Members’ Vote – The board members shall sign and date the voting sheet.
 - A. Upon a majority vote to recommend a full pardon, the Clemency staff shall send the case to the governor. The Clemency staff shall notify all trial officials as required by Government Code Section 508.115. The Clemency will also notify the applicant and TDCJ Victim Services.
 - B. If the Board votes not to recommend clemency or if the governor denies clemency, the Clemency staff shall notify the applicant, trial officials who submitted a response to the request for input, and TDCJ Victim Services.

- IV.** Each board member shall return their clemency notebook to the Clemency after they are notified of the Board's final decision.

SIGNED THIS, THE 15TH DAY OF SEPTEMBER, 2009.

RISSIE OWENS, PRESIDING OFFICER (CHAIR)

** Signature on file.*