

§143.57 Commutation of Death Sentence to Lesser Penalty

(a) The Board will consider recommending to the Governor a commutation of death sentence to a sentence of life imprisonment or the appropriate maximum penalty that can be imposed upon receipt of:

(1) a request from the majority of the trial officials of the court of conviction; or

(2) a written request of the offender or representative setting forth all grounds upon which the application is based, stating the full name of the offender, the county of conviction, the execution date, and contain the information outlined in §143.42(1) – (6) of this chapter (relating to Reprieve Recommended by the Board).

(b) The written application in behalf of an offender seeking a Board recommendation to the Governor of commutation of the death sentence to a lesser penalty shall be addressed to the Texas Board of Pardons and Paroles and must be delivered to the Texas Board of Pardons and Paroles, Clemency Section, 8610 Shoal Creek Boulevard, Austin, Texas 78757, not later than the twenty-first calendar day before the day the execution is scheduled. If the twenty-first calendar day before the execution is scheduled falls on a weekend or state observed holiday, the application shall be delivered not later than the next business day.

(c) All supplemental information not filed with the application, including but not limited to amendments, addenda, supplements, or exhibits, must be submitted in writing and delivered to the Texas Board of Pardons and Paroles, Clemency Section, 8610 Shoal Creek Boulevard, Austin, Texas 78757, not later than the fifteenth calendar day before the execution is scheduled. If the fifteenth calendar day before the execution is scheduled falls on a weekend or state observed holiday, all additional information including but not limited to amendments, addenda, supplements, or exhibits shall be delivered not later than the next business day.

(d) The application and any information filed with the application, including but not limited to amendments, addenda, supplements, or exhibits, must be provided by the applicant in an amount determined by the Presiding Officer.

(e) An offender seeking a Board recommendation to the Governor of commutation of the death sentence to a lesser penalty may request an interview with a member of the Board. Such request shall be included in the written application or any supplement filed therewith in accordance with this section.

(f) Upon receipt of a request for an interview, the Presiding Officer (Chair) shall designate at least one member of the Board to conduct the requested interview. Such interview shall occur at the confining unit of TDCJ-CID. Attendance at such interviews shall be limited to the offender, the designated Board Member(s), Board staff, and TDCJ-CID staff. The Board may consider statements made by the offender at such interviews and any other materials the offender delivers to the Board Member during the interview when considering the offender's application for commutation of the death sentence to a lesser penalty.

(g) The Board shall consider and decide applications for commutation of the death sentence to a lesser penalty. Upon review, a majority of the Board, or a majority thereof, in written and signed form, may:

(1) recommend to the Governor the commutation of the death sentence to a lesser penalty;

(2) not recommend commutation of the death sentence to a lesser penalty; or

(3) set the matter for a hearing pursuant to §143.43 of this chapter (relating to Procedure in Capital Reprieve Cases).

Source Note: The provisions of this §143.57 adopted to be effective January 1, 1976; amended to be effective May 11, 1999, 24 TexReg 3540; amended to be effective August 17, 1999, 24 TexReg 6313; amended to be effective August 10, 2006, 31 TexReg 6236; amended to be effective September 13, 2012, 37 TexReg 7191; amended to be effective November 19, 2014, 39 TexReg 8599; amended to be effective May 9, 2018, 43

