

1-1 By: Hinojosa S.B. No. 280  
1-2 (In the Senate - Filed January 4, 2021; March 3, 2021, read  
1-3 first time and referred to Committee on Criminal Justice;  
1-4 April 21, 2021, reported favorably by the following vote: Yeas 6,  
1-5 Nays 0; April 21, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Whitmire	X		
1-9	Huffman	X		
1-10	Bettencourt	X		
1-11	Birdwell	X		
1-12	Hinojosa	X		
1-13	Miles		X	
1-14	Nichols	X		

1-15 A BILL TO BE ENTITLED  
1-16 AN ACT

1-17 relating to the composition and duties of the capital and forensic  
1-18 writs committee.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Section 78.002, Government Code, is amended by  
1-21 amending Subsection (b) and adding Subsection (c) to read as  
1-22 follows:

1-23 (b) The committee shall provide oversight and strategic  
1-24 guidance to the office of capital and forensic writs, including:

1-25 (1) recommending [recommend] to the court of criminal  
1-26 appeals as provided by Section 78.004 a director for the office of  
1-27 capital and forensic writs when a vacancy exists for the position of  
1-28 director;

1-29 (2) setting policy for the office of capital and  
1-30 forensic writs; and

1-31 (3) developing a budget proposal for the office of  
1-32 capital and forensic writs.

1-33 (c) The committee may not access privileged or confidential  
1-34 information.

1-35 SECTION 2. Section 78.003, Government Code, is amended by  
1-36 amending Subsections (a) and (c) and adding Subsections (a-1),  
1-37 (a-2), and (a-3) to read as follows:

1-38 (a) The committee is composed of the following seven [five]  
1-39 members who are appointed as follows [by the president of the State  
1-40 Bar of Texas, with ratification by the executive committee of the  
1-41 State Bar of Texas]:

1-42 (1) three attorneys who are appointed by the executive  
1-43 director of the Texas Indigent Defense Commission [members of the  
1-44 State Bar of Texas and who are not employed as prosecutors or law  
1-45 enforcement officials, all of whom must have criminal defense  
1-46 experience with death penalty proceedings in this state]; [and]

1-47 (2) two attorneys who are appointed by the president  
1-48 of the State Bar of Texas, with ratification by the executive  
1-49 committee of the State Bar of Texas; and

1-50 (3) two attorneys, each of whom are appointed by a  
1-51 majority of the deans of the public law schools in this state [two  
1-52 state district judges, one of whom serves as presiding judge of an  
1-53 administrative judicial region].

1-54 (a-1) Each member of the committee must be a licensed  
1-55 attorney and must have significant experience in capital defense or  
1-56 indigent criminal defense policy or practice. A member of the  
1-57 committee may not be a prosecutor, a law enforcement official, a  
1-58 judge of a court that presides over criminal offenses, or an  
1-59 employee of the office of capital and forensic writs.

1-60 (a-2) Members of the committee serve four-year terms and may  
1-61 be reappointed.

2-1           (a-3) If a vacancy occurs, the appropriate appointing  
2-2 authority shall appoint a person to serve for the remainder of the  
2-3 unexpired term in the same manner as the original appointment.

2-4           (c) The committee shall meet [~~members serve at the pleasure~~  
2-5 ~~of the president of the State Bar of Texas, and the committee meets]~~  
2-6 at the call of the presiding officer of the committee.

2-7           SECTION 3. This Act takes effect September 1, 2021.

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