

By: Dutton

H.B. No. 357

A BILL TO BE ENTITLED

AN ACT

relating to the creation of a commission to study capital punishment in Texas and to a moratorium on executions.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 37, Code of Criminal Procedure, is amended by adding Article 37.15 to read as follows:

Art. 37.15. TEXAS CAPITAL PUNISHMENT COMMISSION

Sec. 1. CREATION. The Texas Capital Punishment Commission is created.

Sec. 2. DUTIES. (a) The commission shall study capital punishment in this state, concentrating particularly on issues relating to the legal representation of inmates in capital cases, the certainty of the guilt of individuals convicted in capital cases, and the sufficiency of appellate review of convictions in capital cases.

(b) After completing the study, the commission shall propose legislation to correct any inequities in the capital punishment process in this state.

Sec. 3. COMPOSITION. (a) The commission is composed of nine members appointed by the governor, three of whom must be appointed from a list of candidates submitted to the governor by the speaker of the house of representatives and three of whom must be appointed from a list of candidates submitted to the governor by the lieutenant governor. The governor may reject the candidates on a

1 list and require a new list to be submitted.

2 (b) Each member serves at the pleasure of the governor.

3 (c) The governor shall designate a member to serve as
4 presiding officer.

5 (d) Each member of the commission must be generally
6 experienced in criminal justice matters. In addition, there must
7 be at least one member of the commission who is experienced in the
8 prosecution of capital cases, one who is experienced in the defense
9 of capital cases, and one who is experienced as a trial judge in
10 capital cases. The governor shall ensure that the commission
11 members have the qualifications required by this subsection.

12 Sec. 4. REIMBURSEMENT. A member of the commission is not
13 entitled to compensation but is entitled to reimbursement for the
14 member's travel expenses as provided by Chapter 660, Government
15 Code, and the General Appropriations Act.

16 Sec. 5. ASSISTANCE. The Texas Legislative Council, the
17 Legislative Budget Board, and the Criminal Justice Policy Council
18 shall assist the commission in performing the commission's duties.

19 Sec. 6. SUBMISSION. The commission shall submit the
20 proposed legislation described by Section 2 to the lieutenant
21 governor and the speaker of the house of representatives not later
22 than December 1, 2004.

23 Sec. 7. INITIAL APPOINTMENTS. The governor shall make the
24 appointments to the commission as soon as possible after the
25 effective date of this article.

26 Sec. 8. MORATORIUM. The state may not execute an inmate on
27 or after the effective date of this article and before September 1,

1 2005.

2 Sec. 9. OTHER LAW. The commission is not subject to Chapter
3 2110, Government Code.

4 Sec. 10. ABOLITION. The commission is abolished on January
5 1, 2005, and this article expires on that date.

6 SECTION 2. This Act takes effect September 1, 2003.