

By: Dutton

H.B. No. 370

A BILL TO BE ENTITLED

AN ACT

1
2 relating to an analysis of the application of the death penalty in
3 Texas.

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

5 SECTION 1. Chapter 413, Government Code, is amended by
6 adding Section 413.023 to read as follows:

7 Sec. 413.023. APPLICATION OF DEATH PENALTY. (a) The
8 policy council shall analyze each criminal case in which a
9 defendant was charged with capital murder or murder punishable as a
10 first degree felony that was committed on or after December 15,
11 1973.

12 (b) The policy council in preparing the analysis shall
13 consider whether the decision to charge the defendant with capital
14 murder instead of murder or the decision of a jury to convict the
15 defendant of capital murder was influenced by:

16 (1) the race, gender, or ethnicity of the defendant or
17 the victim of the offense; or

18 (2) attitudes of prosecutors and the public regarding
19 capital punishment in the county in which the murder was committed.

20 (c) The policy council shall prepare a report on the
21 analysis performed under Subsection (a) and present the report to
22 the governor, the lieutenant governor, and the speaker of the house
23 of representatives not later than January 1, 2005.

24 (d) This section expires January 15, 2005.

1 SECTION 2. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2003.