

By: Naishtat

H.B. No. 866

A BILL TO BE ENTITLED

AN ACT

relating to the creation of a commission to study capital punishment in Texas.

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 indigent inmates in capital cases, the certainty of the guilt of individuals convicted in capital cases and the ability of new technologies such as DNA testing to increase that certainty, race as a factor in decision-making 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 the following 11 members:

(1) the executive director of the Texas District and County Attorneys Association or the executive director's designee;

1           (2) the executive director of the Texas Criminal  
2 Defense Lawyers Association or the executive director's designee;

3           (3) the executive director of Justice for All or the  
4 executive director's designee;

5           (4) the executive director of Murder Victims' Families  
6 for Reconciliation or the executive director's designee;

7           (5) two members appointed by the governor;

8           (6) two members appointed by the lieutenant governor,  
9 one of whom must be a former appellate level judge recommended by  
10 the Texas Judicial Council;

11           (7) one member appointed by the speaker;

12           (8) one member appointed by the dean of the law school  
13 at The University of Texas at Austin; and

14           (9) one member appointed by the dean of the law school  
15 at Texas Tech University.

16           (b) Each member of the commission must be generally  
17 experienced in criminal justice matters.

18           (c) Each appointed member serves at the pleasure of the  
19 official by whom the member is appointed.

20           (d) The governor shall designate a member to serve as  
21 presiding officer.

22           Sec. 4. REIMBURSEMENT. A member of the commission may not  
23 receive compensation but is entitled to reimbursement of the travel  
24 expenses incurred by the member while conducting the business of  
25 the commission, as provided in the General Appropriations Act.

26           Sec. 5. ASSISTANCE. The Texas Legislative Council, the  
27 Legislative Budget Board, and the Criminal Justice Policy Council

1 shall assist the commission in performing the commission's duties.

2 Sec. 6. SUBMISSION. The commission shall submit the  
3 proposed legislation described by Section 2 to the lieutenant  
4 governor and the speaker of the house of representatives not later  
5 than January 1, 2005.

6 Sec. 7. INITIAL APPOINTMENTS. The governor, lieutenant  
7 governor, speaker of the house of representatives, and deans of the  
8 law schools at The University of Texas at Austin and Texas Tech  
9 University shall make their appointments to the commission not  
10 later than the 31st day after the effective date of this article.

11 Sec. 8. OTHER LAW. The commission is not subject to Chapter  
12 2110, Government Code.

13 Sec. 9. ABOLITION. The commission is abolished on January  
14 2, 2005, and this article expires on that date.

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