

By: Turner

H.B. No. 1740

A BILL TO BE ENTITLED

AN ACT

relating to the duties of the office of the attorney representing the state in capital cases.

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

SECTION 1. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.011 to read as follows:

Art. 2.011. DUTIES OF OFFICE OF ATTORNEY REPRESENTING STATE IN CAPITAL CASES. (a) Each office of the attorney representing the state in the prosecution of felonies shall indicate in writing the mandatory and discretionary criteria used by that office in deciding whether to seek the death penalty in a capital case. Each office must distinguish the criteria used in evaluating a capital case in which the defendant is 21 years of age or older at the time the offense is committed from the criteria used in evaluating a capital case in which the defendant is 17 years of age or older but younger than 21 years of age at the time the offense is committed.

(b) An office that deviates from the criteria recorded under Subsection (a) shall describe in writing the reasons for that deviation.

(c) The criteria recorded under Subsection (a) and the description of any deviation from the criteria recorded under Subsection (b) are public information and shall be posted in a conspicuous place in the county courthouse of each county within the jurisdiction of the office.

1 SECTION 2. (a) This Act takes effect September 1, 2003.

2 (b) Each office of the attorney representing the state shall
3 record and post the death penalty criteria as required by Article
4 2.011, Code of Criminal Procedure, as added by this Act, not later
5 than January 1, 2004, and shall record and post any deviations from
6 those criteria occurring on or after that date.