

By: Wilson

H.B. No. 3142

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the handling of appeals by State Courts and
3 administrative or regulatory bodies.

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

5 SECTION 1. Section 21.006 is added to the Government Code to
6 read as follows:

7 Section 21.006. PROCEDURAL DEFECTS. (a) In all cases tried
8 or heard in any state court that involve the death penalty or
9 capital punishment, all courts shall be obligated to consider any
10 petitions, appellate briefs, appeals or any other request for
11 relief made to such court even if it is untimely under applicable
12 court rules or procedures.

13 SECTION 2. PROCEDURAL DEFECTS. Section 508.282A is added
14 to the Government Code to read as follows:

15 Section 508.28A. PROCEDURAL DEFECTS. (a) In all cases that
16 involve the death penalty or capital punishment, the Board shall be
17 obligated to consider any petitions, appellate briefs, appeals or
18 any other request for relief made even they are untimely under
19 applicable court rules or procedures.

20 SECTION 3. This change in law made by this Act is intended
21 to ensure that persons who are subject to the death penalty will
22 have all of their appeals and requests for relief heard even if
23 there might be procedural defects or irregularities.

24 SECTION 4. This Act takes effect immediately if it receives

H.B. No. 3142

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