

By: Ellis, Hinojosa

S.B. No. 1045

A BILL TO BE ENTITLED

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AN ACT

relating to the creation of a joint interim committee to investigate and prevent wrongful convictions.

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

SECTION 1. (a) The joint interim committee on postconviction exonerations is established to:

(1) study the causes of and investigate wrongful criminal convictions;

(2) identify appropriate improvements in the criminal justice system to prevent future wrongful convictions;

(3) recommend policies, procedures, practices, and legislation needed to prevent future wrongful convictions; and

(4) assess the procedures used by counties to ensure due process and suggest a statewide model for procedures ensuring due process.

(b) The joint interim committee is composed of the following nine members:

(1) an attorney who represents the state in the prosecution of felonies, as appointed by the attorney general;

(2) two members of the criminal justice committee of the senate who are appointed by the lieutenant governor;

(3) two members of the criminal jurisprudence committee of the house of representatives who are appointed by the speaker of the house of representatives;

1 (4) a member of the judiciary who is appointed by the
2 chief justice of the supreme court;

3 (5) two law professors who are appointed by the
4 chancellor of The University of Texas System, one of whom works in
5 the forensic science field; and

6 (6) a criminal defense attorney who is appointed by
7 the Texas Criminal Defense Lawyers Association.

8 (c) The lieutenant governor shall designate one of the
9 members of that committee who are appointed to the joint interim
10 committee as described by Subsection (b) of this section to serve as
11 the chair of the interim committee.

12 (d) The joint interim committee shall meet initially at the
13 call of the chair of the interim committee, and the interim
14 committee shall subsequently hold meetings and public hearings at
15 the call of the chair. To the extent that it is financially
16 possible, the interim committee shall hold public hearings in
17 multiple locations across this state.

18 (e) The joint interim committee may issue process as
19 provided by the senate and house of representatives rules of
20 procedure and by Section 301.024, Government Code, and has all
21 other powers and duties provided to special committees by the
22 senate and house of representatives rules of procedure, by
23 Subchapter B, Chapter 301, Government Code, and by policies of the
24 senate and house committees on administration.

25 (f) From the contingent expense fund of the senate and the
26 contingent expense fund of the house of representatives equally,
27 the members of the joint interim committee shall be reimbursed for

1 expenses incurred in carrying out the provisions of this Act in
2 accordance with the senate and house of representatives rules of
3 procedure and the policies of the senate and house committees on
4 administration. Other necessary expenses of operation shall be
5 paid from the contingent expense fund of the senate and the
6 contingent expense fund of the house of representatives equally.

7 (g) Not later than October 1, 2004, the joint interim
8 committee shall prepare and deliver to the governor, the lieutenant
9 governor, and the speaker of the house of representatives copies of
10 the report containing the interim committee's findings and
11 recommendations.

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

17 SECTION 3. A person or association required to appoint a
18 member to the joint interim committee on postconviction
19 exonerations shall make the appointment not later than October 1,
20 2003.