

By: Naishtat

H.B. No. 493

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:

(1) addressing issues related to the legal representation of indigent inmates in capital cases;

(2) identifying aspects of the capital punishment process that need improving, if any, including the manner in which law enforcement agencies and the criminal justice system in this state investigate, prosecute, and handle appeals of capital cases and the ability of new technologies, including DNA testing, to increase the reliability of convictions in capital cases; and

(3) establishing safeguards that ensure that law enforcement agencies and the criminal justice system in this state fairly and accurately investigate, prosecute, and handle appeals of capital cases.

(b) In conducting the study under Subsection (a), the

1 commission may use the American Bar Association protocol, Death  
2 Without Justice: A Guide for Examining the Administration of the  
3 Death Penalty.

4 (c) After completing the study, the commission shall  
5 propose legislation to correct any inequities in the capital  
6 punishment process in this state. Legislation proposed under this  
7 subsection must be designed to ensure that the application and  
8 administration of capital punishment in this state is just, fair,  
9 and accurate.

10 Sec. 3. COMPOSITION. (a) The commission is composed of the  
11 following 11 members:

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

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

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

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

20 (5) two members appointed by the governor;

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

24 (7) one member appointed by the speaker of the house of  
25 representatives;

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

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

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

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

7           (d) The governor shall designate a member to serve as  
8 presiding officer.

9           Sec. 4. REIMBURSEMENT. A member of the commission may not  
10 receive compensation but is entitled to reimbursement for the  
11 member's travel expenses as provided by Chapter 660, Government  
12 Code, and the General Appropriations Act.

13           Sec. 5. ASSISTANCE. The Texas Legislative Council and the  
14 Legislative Budget Board shall assist the commission in performing  
15 the commission's duties.

16           Sec. 6. SUBMISSION. The commission shall submit the  
17 proposed legislation described by Section 2(c) to the lieutenant  
18 governor and the speaker of the house of representatives not later  
19 than January 1, 2007.

20           Sec. 7. INITIAL APPOINTMENTS. The governor, lieutenant  
21 governor, speaker of the house of representatives, and the deans of  
22 the law schools at The University of Texas at Austin and Texas Tech  
23 University shall make the appointments to the commission not later  
24 than the 31st day after the effective date of this article.

25           Sec. 8. OTHER LAW. The commission is not subject to Chapter  
26 2110, Government Code.

27           Sec. 9. ABOLITION. The commission is abolished on January

1 1, 2007, and this article expires on that date.

2 SECTION 2. This Act takes effect September 1, 2005.