

By: Naishtat

H.B. No. 2123

A BILL TO BE ENTITLED

AN ACT

relating to considerations applicable to a decision to commute a sentence of death.

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

SECTION 1. Chapter 48, Code of Criminal Procedure, is amended by adding Article 48.042 to read as follows:

Art. 48.042. CRITERIA FOR COMMUTING SENTENCE OF DEATH. The Board of Pardons and Paroles, in determining whether to recommend to the governor that the governor commute an inmate's sentence of death, shall consider, in addition to other information the board determines is relevant:

(1) the validity of any unresolved legal issues, including any remaining doubt as to the inmate's guilt;

(2) the severity of the inmate's punishment relative to the punishment, if any, of an equally or more culpable codefendant;

(3) whether officers of the court or family members of the victim or inmate support commutation;

(4) the inmate's culpable mental state at the time of commission of the offense;

(5) the inmate's mental condition, including any issues of competency raised at the time of trial or before execution and any mental illness or mental retardation;

(6) the inmate's current physical condition;

- 1 (7) whether the inmate is rehabilitated;
2 (8) personal testimony given by the inmate; and
3 (9) any information or materials submitted by the
4 inmate or the inmate's representative.

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