

BILL ANALYSIS

H.J.R. 23
By: Naishtat
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, the Governor of Texas does not have the authority to declare a moratorium on executions. The governor has the constitutional power to grant reprieves, commutations and pardons only after a recommendation by the Texas Board of Pardons and Paroles. Legislation has been filed in both the House of Representatives and the Senate to address systemic flaws in the manner in which the Texas death penalty is imposed and administered. Until the reforms may be enacted and put in place, there is no provision for halting executions.

H.J.R. 23 proposes a constitutional amendment that, if ratified by a vote of the people, allows the governor to order the Texas Department of Criminal Justice to cease executions. The order may be revoked by the governor issuing the order or by a succeeding governor.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.J.R. 23 amends Section 11, Article IV of the Texas Constitution by adding Subsection (c) which will allow the governor to issue an order prohibiting the Texas Department of Criminal Justice from performing executions on and after the effective date of the order and until the order is revoked, either by the governor issuing the order or by a successor to the governor issuing the order.

The bill provides that this proposed amendment be submitted to the voters for approval at an election to be held November 6, 2007. The ballot must be printed to permit voting for or against the proposition: "The constitutional amendment authorizing a moratorium on the execution of persons convicted of capital offenses."

EFFECTIVE DATE

The date on which the constitutional amendment proposed by H.J.R. 23 takes effect, if that amendment is approved by the voters. This proposed amendment shall be submitted to the voters for approval at an election to be held November 6, 2007.