

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the creation of a commission to investigate and prevent
3 wrongful convictions.

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

5 SECTION 1. Chapter 43, Code of Criminal Procedure, is
6 amended by adding Article 43.27 to read as follows:

7 Art. 43.27. TEXAS INNOCENCE COMMISSION

8 Sec. 1. CREATION. The Texas Innocence Commission is
9 created.

10 Sec. 2. COMPOSITION. (a) The commission is composed of
11 nine members. The governor shall appoint two members, one of whom
12 must be a dean of a law school and one of whom must be a law
13 enforcement officer. The lieutenant governor shall appoint one
14 member, who may be a member of the legislature. The speaker of the
15 house of representatives shall appoint one member, who may be a
16 member of the legislature. The presiding judge of the court of
17 criminal appeals shall appoint one member, who must be a member of
18 the judiciary. The presiding officer of the Texas Forensic Science
19 Commission shall appoint one member, who must work in the forensic
20 science field. The Texas District and County Attorneys Association
21 shall appoint one member, who must be a prosecuting attorney. The
22 Texas Criminal Defense Lawyers Association shall appoint one
23 member, who must be a criminal defense lawyer. The president of the
24 Texas Center for Actual Innocence at The University of Texas School

1 of Law, the director of the innocence project at the University of
2 Houston Law Center, or the director of the innocence project at the
3 Texas Tech University School of Law, on a rotating basis, shall
4 appoint one member, who must be an attorney with experience in
5 filing successful appellate claims based on actual innocence.

6 (b) Each member serves a two-year term.

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

9 Sec. 3. DUTIES. (a) The commission shall investigate
10 thoroughly all postconviction exonerations, including convictions
11 vacated based on a plea to time served, to:

12 (1) ascertain errors and defects in the criminal
13 procedure used to prosecute the defendant's case at issue;

14 (2) identify errors and defects in the criminal
15 justice process in this state generally;

16 (3) develop solutions and methods to correct the
17 identified errors and defects; and

18 (4) identify procedures and programs to prevent future
19 wrongful convictions.

20 (b) The commission may enter into contracts for research
21 services as considered necessary to complete the investigation of a
22 particular case, including forensic testing and autopsies.

23 Sec. 4. REPORT. (a) The commission shall compile a
24 detailed annual report of its findings and recommendations,
25 including any proposed legislation to implement procedures and
26 programs to prevent future wrongful convictions or executions.

27 (b) The report shall be made available to the public on

1 request.

2 (c) The findings and recommendations contained in the
3 report may not be used as binding evidence in a subsequent civil or
4 criminal proceeding.

5 Sec. 5. SUBMISSION. The commission shall submit the report
6 described by Section 4 to the governor, the lieutenant governor,
7 and the speaker of the house of representatives not later than
8 December 1 of each even-numbered year.

9 Sec. 6. REIMBURSEMENT. A member of the commission is not
10 entitled to 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. 7. ASSISTANCE. The Texas Legislative Council, the
14 Legislative Budget Board, and The University of Texas at Austin
15 shall assist the commission in performing the commission's duties.

16 Sec. 8. OTHER LAW. The commission is not subject to Chapter
17 2110, Government Code.

18 SECTION 2. (a) The purpose of this section is to establish
19 the rotating basis for appointments by law schools as required by
20 Section 2, Article 43.27, Code of Criminal Procedure, as added by
21 this Act.

22 (b) The president of the Texas Center for Actual Innocence
23 at The University of Texas School of Law shall make the first
24 appointment under Section 2, Article 43.27, Code of Criminal
25 Procedure, as added by this Act. After the expiration of the
26 appointee's two-year term, the director of the innocence project at
27 the University of Houston Law Center shall make the second

1 appointment under Section 2, Article 43.27, Code of Criminal
2 Procedure, as added by this Act. After the expiration of the second
3 appointment, the director of the innocence project at Texas Tech
4 University School of Law shall make the third appointment.

5 SECTION 3. The appointments to the Texas Innocence
6 Commission as required by Article 43.27, Code of Criminal
7 Procedure, as added by this Act, shall be made not later than the
8 60th day after the effective date of this Act.

9 SECTION 4. This Act takes effect September 1, 2007.