

Amend **CSHB 498** (Senate committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. (a) An advisory panel is established to assist the Task Force on Indigent Defense established under Subchapter D, Chapter 71, Government Code, in conducting a study and preparing a report regarding the prevention of wrongful convictions as provided by this section.

(b) The advisory panel is composed of the following members:

(1) the director of the Task Force on Indigent Defense;

(2) the chair of the criminal justice committee of the senate or a member of the senate designated by the chair;

(3) the chair of the jurisprudence committee of the senate or a member of the senate designated by the chair;

(4) the chair of the criminal jurisprudence committee of the house of representatives or a member of the house of representatives designated by the chair;

(5) the chair of the corrections committee of the house of representatives or a member of the house of representatives designated by the chair;

(6) the executive director of the Texas Criminal Defense Lawyers Association or a representative designated by the executive director;

(7) the president of the Texas District and County Attorneys Association or a representative designated by the president;

(8) the presiding judge of the court of criminal appeals or a representative who is designated by the presiding judge and who is a judge of the court of criminal appeals;

(9) one representative of a public law school in this state, chosen by the deans of the public law schools in this state; and

(10) one employee of the office of the governor, appointed by the governor.

(c) The director of the Task Force on Indigent Defense is the presiding officer of the advisory panel. The advisory panel shall meet at the call of the presiding officer but not less than

three times in person and as needed by telephone conference call.

(d) The Task Force on Indigent Defense, with the advice and assistance of the advisory panel, shall conduct a study regarding:

(1) the causes of wrongful convictions;

(2) procedures and programs that may be implemented to prevent future wrongful convictions;

(3) the effects of state law on wrongful convictions, as determined based on state statutes regarding eyewitness identification procedures, the recording of custodial interrogations, postconviction DNA testing, and writs of habeas corpus based on relevant scientific evidence; and

(4) whether the creation of an innocence commission to investigate wrongful convictions would be appropriate.

(e) The Task Force on Indigent Defense may request that an entity in the legislative, judicial, or executive branch of state government or a political subdivision provide to the advisory panel information related to the advisory panel's duties under this section. On the request of the Task Force on Indigent Defense under this subsection, an entity may provide information to the advisory panel unless the entity is otherwise prohibited from disclosing the information.

(f) Not later than January 1, 2011, the Task Force on Indigent Defense shall prepare a report regarding the results of the study conducted under this section and submit the report, after consulting with the advisory panel, to the governor, the lieutenant governor, the speaker of the house of representatives, and the standing committees of each house of the legislature with a representative serving on the advisory panel.

(g) This section expires October 1, 2011.

SECTION 2. This Act takes effect September 1, 2009.