

BILL ANALYSIS

H.B. 4314
By: Gallego
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In 2007, Judge Sharon Keller of the Texas Court of Criminal Appeals denied a condemned man's plea for a 20-minute extension beyond the court's usual 5 p.m. closing time. The man's lawyer needed the extension because a computer glitch prevented him from printing the necessary paper copies to file the appeal on time. As a result, the man was executed minutes later.

Current law requires a plea to be filed as a paper copy. Allowing filing to be done electronically would prevent computer printing glitches from interfering with court proceedings.

H.B. 4314 authorizes the court of criminal appeals to adopt rules and procedures regarding the electronic filing of briefs, pleadings, and other documents for capital cases.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the court of criminal appeals in SECTION 1 of this bill.

ANALYSIS

H.B. 4314 amends the Government Code to authorize the court of criminal appeals to adopt rules and procedures providing for and governing the electronic filing of briefs, pleadings, and other documents for capital cases in that court. The bill requires the court of criminal appeals, in the adoption of those rules and procedures, to coordinate with the supreme court and the rules and procedures adopted by the supreme court.

EFFECTIVE DATE

September 1, 2009.