

By: Seliger

S.B. No. 1173

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to certain procedures for delivery of a warrant of  
3 execution and modifications or withdrawals of a warrant of  
4 execution.

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

6 SECTION 1. Article 43.15, Code of Criminal Procedure, is  
7 amended to read as follows:

8 Art. 43.15. WARRANT OF EXECUTION. (a) Whenever any person  
9 is sentenced to death, the clerk of the court in which the sentence  
10 is pronounced~~[7]~~ shall, within ten days after the court enters its  
11 order setting the date for execution, issue a warrant under the seal  
12 of the court for the execution of the sentence of death, which shall  
13 recite the fact of conviction, setting forth specifically the  
14 offense, the judgment of the court, and the time fixed for the ~~[his]~~  
15 execution, and commanding ~~[directed to]~~ the director ~~[Director]~~ of  
16 the correctional institutions division of the Texas Department of  
17 Criminal Justice ~~[Corrections at Huntsville, Texas, commanding~~  
18 ~~him]~~ to proceed, at the time and place named in the order of  
19 execution, to carry the sentence ~~[same]~~ into execution, as provided  
20 in ~~[the preceding]~~ Article 43.14.

21 (b) The clerk of the court~~[7, and]~~ shall deliver the ~~[such]~~  
22 warrant of execution to the sheriff of the county in which the  
23 ~~[such]~~ judgment of conviction was entered, who shall deliver the  
24 warrant ~~[had, to be by him delivered]~~ to the director ~~[said]~~

1 ~~Director~~] of the correctional institutions division of the Texas  
2 Department of Criminal Justice [~~Corrections~~], together with the  
3 condemned person if the condemned person [~~he~~] has not previously  
4 received the warrant [~~been so delivered~~].

5 (c) The clerk of the court shall send a copy of the warrant  
6 of execution by certified mail, return receipt requested, to:

7 (1) the attorney of record for the condemned person,  
8 if any;

9 (2) the district attorney, criminal district  
10 attorney, or county attorney having felony jurisdiction for the  
11 county in which the judgment of conviction was entered; and

12 (3) the attorney general.

13 (d) If the warrant of execution is modified or withdrawn,  
14 the clerk of the court shall send a copy of the order modifying or  
15 withdrawing the warrant of execution by certified mail, return  
16 receipt requested, to:

17 (1) the Texas Department of Criminal Justice for  
18 delivery to the condemned person; and

19 (2) the same parties to whom a copy of the warrant was  
20 sent under Subsection (c).

21 (e) The failure by a court to comply with Subsection (c) or  
22 (d) does not invalidate a warrant of execution issued under  
23 Subsection (a).

24 SECTION 2. The change in law made by this Act applies only  
25 to a warrant issued on or after the effective date of this Act. A  
26 warrant issued before the effective date of this Act is covered by  
27 the law in effect when the warrant was issued, and the former law is

1 continued in effect for that purpose.

2 SECTION 3. This Act takes effect September 1, 2009.