

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

11 (3) the attorney general.

12 (d) If the warrant of execution is modified or withdrawn,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

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

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

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

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

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