

1-1 By: Seliger S.B. No. 1173  
1-2 (In the Senate - Filed February 26, 2009; March 13, 2009,  
1-3 read first time and referred to Committee on Criminal Justice;  
1-4 April 20, 2009, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 7, Nays 0; April 20, 2009,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1173 By: Hinojosa

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to certain procedures for delivery of a warrant of  
1-11 execution and modifications or withdrawals of a warrant of  
1-12 execution.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Article 43.15, Code of Criminal Procedure, is  
1-15 amended to read as follows:

1-16 Art. 43.15. WARRANT OF EXECUTION. (a) Whenever any  
1-17 person is sentenced to death, the clerk of the court in which the  
1-18 sentence is pronounced~~[ ]~~ shall, within ten days after the court  
1-19 enters its order setting the date for execution, issue a warrant  
1-20 under the seal of the court for the execution of the sentence of  
1-21 death, which shall recite the fact of conviction, setting forth  
1-22 specifically the offense, the judgment of the court, and the time  
1-23 fixed for the ~~[his]~~ execution, and commanding ~~[directed to]~~ the  
1-24 director ~~[Director]~~ of the correctional institutions division of  
1-25 the Texas Department of Criminal Justice ~~[Corrections at~~  
1-26 ~~Huntsville, Texas, commanding him]~~ to proceed, at the time and  
1-27 place named in the order of execution, to carry the sentence ~~[same]~~  
1-28 into execution, as provided in ~~[the preceding]~~ Article 43.14.

1-29 (b) The clerk of the court~~[, and]~~ shall deliver the ~~[such]~~  
1-30 warrant of execution to the sheriff of the county in which the  
1-31 ~~[such]~~ judgment of conviction was entered, who shall deliver the  
1-32 warrant ~~[had, to be by him delivered]~~ to the director ~~[said~~  
1-33 ~~Director]~~ of the correctional institutions division of the Texas  
1-34 Department of Criminal Justice ~~[Corrections]~~, together with the  
1-35 condemned person if the condemned person ~~[he]~~ has not previously  
1-36 received the warrant ~~[been so delivered]~~.

1-37 (c) The clerk of the court shall send a copy of the warrant  
1-38 of execution by certified mail, return receipt requested, to:

1-39 (1) the attorney of record for the condemned person,  
1-40 if any;

1-41 (2) the district attorney, criminal district  
1-42 attorney, or county attorney having felony jurisdiction for the  
1-43 county in which the judgment of conviction was entered; and

1-44 (3) the attorney general.

1-45 (d) If the warrant of execution is modified or withdrawn,  
1-46 the clerk of the court shall send a copy of the order modifying or  
1-47 withdrawing the warrant of execution by certified mail, return  
1-48 receipt requested, to:

1-49 (1) the Texas Department of Criminal Justice for  
1-50 delivery to the condemned person; and

1-51 (2) the same parties to whom a copy of the warrant was  
1-52 sent under Subsection (c).

1-53 (e) The failure by a court to comply with Subsection (c) or  
1-54 (d) does not invalidate a warrant of execution issued under  
1-55 Subsection (a).

1-56 SECTION 2. The change in law made by this Act applies only  
1-57 to a warrant issued on or after the effective date of this Act. A  
1-58 warrant issued before the effective date of this Act is covered by  
1-59 the law in effect when the warrant was issued, and the former law is  
1-60 continued in effect for that purpose.

1-61 SECTION 3. This Act takes effect September 1, 2009.

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