

By: Thompson of Harris

H.B. No. 990

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the establishment of a sentencing policy,
3 accountability, and review council to develop means to assess the
4 effect of sentencing practices and policies on state correctional
5 resources and improve the efficiency of the state criminal justice
6 system.

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

8 SECTION 1. Title 1, Code of Criminal Procedure, is amended
9 by adding Chapter 1A to read as follows:

10 CHAPTER 1A. TEXAS SENTENCING POLICY, ACCOUNTABILITY, AND REVIEW

11 COUNCIL

12 Art. 1A.01. DEFINITION. In this chapter, "council" means
13 the Texas Sentencing Policy, Accountability, and Review Council.

14 Art. 1A.02. CREATION. The Texas Sentencing Policy,
15 Accountability, and Review Council is created.

16 Art. 1A.03. APPOINTMENTS; COMPOSITION. (a) The council
17 consists of the following 20 members who, subject to available
18 state funding, shall be appointed not later than January 31 of each
19 10th anniversary of the date on which appointments were most
20 recently made under this article:

21 (1) four members of the senate appointed by the
22 lieutenant governor;

23 (2) four members of the house of representatives
24 appointed by the speaker; and

1 (3) 12 members appointed by the governor.

2 (b) Of the members appointed by the governor:

3 (1) one must be a member of the court of criminal
4 appeals;

5 (2) one must be a current or former trial judge hearing
6 criminal cases;

7 (3) one must be a prosecuting attorney;

8 (4) one must be a criminal defense lawyer;

9 (5) one must be a crime victims' rights advocate;

10 (6) one must be a defendants' rights advocate;

11 (7) one must be a statewide corrections system
12 administrator;

13 (8) one must be a county jail administrator;

14 (9) one must be a law professor or former law
15 professor; and

16 (10) one must be a law enforcement representative.

17 (c) Each member of the council serves a term that expires on
18 the date of adjournment sine die of the next regular legislative
19 session that initially convenes following the date the member was
20 appointed.

21 (d) The governor shall designate a member of the council to
22 serve as presiding officer.

23 Art. 1A.04. COMPENSATION AND REIMBURSEMENT. A member of
24 the council serves without compensation for service on the council
25 but is entitled to reimbursement for the member's travel expenses
26 as provided by Chapter 660, Government Code, and the General
27 Appropriations Act.

1 Art. 1A.05. PURPOSE. The purpose of the council is to
2 develop means to promote a more balanced and cost-effective state
3 criminal justice system.

4 Art. 1A.06. DUTIES. (a) To accomplish its purpose, the
5 council shall:

6 (1) conduct an in-depth analysis of sentencing
7 practices used throughout the state criminal justice system;

8 (2) identify disparities between the severity of
9 offenses and their prescribed penalties and determine appropriate
10 adjustments;

11 (3) ascertain other means by which to enhance
12 consistency and reduce disparity in sentencing;

13 (4) compare community supervision, parole, and
14 sentencing terms in this state to terms in other states;

15 (5) determine means by which to balance state and
16 county criminal justice responsibilities with resources; and

17 (6) devise an approach that would allow the state to
18 balance sentencing policies with correctional resources.

19 (b) The Legislative Budget Board shall assist the council in
20 performing its duties.

21 Art. 1A.07. REPORT. (a) The council shall submit a
22 detailed report of its findings and recommendations, including any
23 proposed legislation, to the legislature not later than January 1
24 immediately preceding the next regular legislative session that
25 initially convenes following the appointment of members under
26 Article 1A.03.

27 (b) The council may contract with an appropriate

1 governmental or nongovernmental entity for the purpose of
2 completing the report.

3 SECTION 2. (a) Notwithstanding any provision to the
4 contrary under Article 1A.03, Code of Criminal Procedure, as added
5 by this Act:

6 (1) the initial appointments to the Texas Sentencing
7 Policy, Accountability, and Review Council shall be made not later
8 than the 30th day after the effective date of this Act;

9 (2) the terms of the initial council members expire on
10 adjournment sine die of the 84th Regular Legislative Session; and

11 (3) the next subsequent appointments shall be made not
12 later than January 31, 2023.

13 (b) The Texas Sentencing Policy, Accountability, and Review
14 Council shall submit the first report required under Article 1A.07,
15 Code of Criminal Procedure, as added by this Act, not later than
16 January 1, 2015.

17 SECTION 3. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2013.