

## **BILL ANALYSIS**

S.B. 1071  
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Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties have raised concerns regarding the scheduling of an execution date and the issuance of a warrant of execution. Prosecutors in many jurisdictions advise defense counsel of the intent to seek a warrant of execution. However, it is not unknown for some prosecutors to seek these warrants of execution without notifying counsel that an execution date is being sought or that one has been set. S.B. 1071 seeks to ensure transparency with these issues.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

S.B. 1071 amends the Code of Criminal Procedure to prohibit a convicting court from setting an execution date unless the attorney representing the state files a written motion to set an execution date and, not later than the 10th day before the date on which the court enters an order setting the execution date, a copy of the motion is served on the attorney who represented the condemned person in the most recently concluded stage of a state or federal postconviction proceeding and on the office of capital writs. The bill requires the clerk of the court in which a sentence of death is pronounced, at the time a warrant of execution is issued, to send a copy of the warrant to the attorney who represented the condemned person in the most recently concluded stage of a state or federal postconviction proceeding, the attorney representing the state, and the office of capital writs.

### **EFFECTIVE DATE**

September 1, 2015.