

By: Dutton

H.B. No. 1032

A BILL TO BE ENTITLED

AN ACT

relating to abolishing the death penalty.

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

SECTION 1. Section 12.31, Penal Code, is amended to read as follows:

Sec. 12.31. CAPITAL FELONY. (a) An individual adjudged guilty of a capital felony ~~[in a case in which the state seeks the death penalty shall be punished by imprisonment in the Texas Department of Criminal Justice for life without parole or by death. An individual adjudged guilty of a capital felony in a case in which the state does not seek the death penalty]~~ shall be punished by imprisonment in the Texas Department of Criminal Justice for:

(1) life, if the individual committed the offense when younger than 18 years of age; or

(2) life without parole, if the individual committed the offense when 18 years of age or older.

(b) In a capital felony trial ~~[in which the state seeks the death penalty, prospective jurors shall be informed that a sentence of life imprisonment without parole or death is mandatory on conviction of a capital felony. In a capital felony trial in which the state does not seek the death penalty]~~, prospective jurors shall be informed ~~[that the state is not seeking the death penalty and]~~ that:

1           (1) a sentence of life imprisonment is mandatory on  
2 conviction of the capital felony, if the individual committed the  
3 offense when younger than 18 years of age; or

4           (2) a sentence of life imprisonment without parole is  
5 mandatory on conviction of the capital felony, if the individual  
6 committed the offense when 18 years of age or older.

7           SECTION 2. Articles 1.13(a) and (b), Code of Criminal  
8 Procedure, are amended to read as follows:

9           (a) Subject to Subsection (b), the ~~[The]~~ defendant in a  
10 criminal prosecution for any offense is entitled ~~[other than a~~  
11 ~~capital felony case in which the state notifies the court and the~~  
12 ~~defendant that it will seek the death penalty shall have the right]~~,  
13 upon entering a plea, to waive the right of trial by jury,  
14 conditioned, however, that, except as provided by Article 27.19,  
15 the waiver must be made in person by the defendant in writing in  
16 open court with the consent and approval of the court, and the  
17 attorney representing the state. The consent and approval by the  
18 court shall be entered of record on the minutes of the court, and  
19 the consent and approval of the attorney representing the state  
20 shall be in writing, signed by that attorney, and filed in the  
21 papers of the cause before the defendant enters the defendant's  
22 plea.

23           (b) In a capital felony case ~~[in which the attorney~~  
24 ~~representing the State notifies the court and the defendant that it~~  
25 ~~will not seek the death penalty]~~, the defendant may waive the right  
26 to trial by jury but only if the attorney representing the State, in  
27 writing and in open court, consents to the waiver.

SECTION 3. Article 4.03, Code of Criminal Procedure, is amended to read as follows:

Art. 4.03. COURTS OF APPEALS. The Courts of Appeals shall have appellate jurisdiction coextensive with the limits of their respective districts in all criminal cases [~~except those in which the death penalty has been assessed~~]. This article may [~~Article shall~~] not be so construed as to embrace any case which has been appealed from any inferior court to the county court, the county criminal court, or county court at law, in which the fine imposed or affirmed by the county court, the county criminal court or county court at law does not exceed one hundred dollars, unless the sole issue is the constitutionality of the statute or ordinance on which the conviction is based.

SECTION 4. Section 2, Article 4.04, Code of Criminal Procedure, is amended to read as follows:

Sec. 2. The Court of Criminal Appeals shall have, and is hereby given, final appellate and review jurisdiction in criminal cases coextensive with the limits of the state, and its determinations shall be final. [~~The appeal of all cases in which the death penalty has been assessed shall be to the Court of Criminal Appeals.~~] In addition, the Court of Criminal Appeals may, on its own motion, with or without a petition for such discretionary review being filed by one of the parties, review any decision of a court of appeals in a criminal case. Discretionary review by the Court of Criminal Appeals is not a matter of right, but of sound judicial discretion.

SECTION 5. The heading to Article 11.07, Code of Criminal

1 Procedure, is amended to read as follows:

2 Art. 11.07. PROCEDURE AFTER FELONY CONVICTION [~~WITHOUT~~  
3 ~~DEATH PENALTY~~]

4 SECTION 6. Sections 1 and 2, Article 11.07, Code of Criminal  
5 Procedure, are amended to read as follows:

6 Sec. 1. This article establishes the procedures for an  
7 application for writ of habeas corpus in which the applicant seeks  
8 relief from a felony judgment [~~imposing a penalty other than~~  
9 ~~death~~].

10 Sec. 2. After indictment found in any felony case[~~, other~~  
11 ~~than a case in which the death penalty is imposed,~~] and before  
12 conviction, the writ must be made returnable in the county where the  
13 offense has been committed.

14 SECTION 7. Section 3(b), Article 11.07, Code of Criminal  
15 Procedure, is amended to read as follows:

16 (b) An application for writ of habeas corpus filed after  
17 final conviction in a felony case[~~, other than a case in which the~~  
18 ~~death penalty is imposed,~~] must be filed with the clerk of the court  
19 in which the conviction being challenged was obtained, and the  
20 clerk shall assign the application to that court. When the  
21 application is received by that court, a writ of habeas corpus,  
22 returnable to the Court of Criminal Appeals, shall issue by  
23 operation of law. The clerk of that court shall make appropriate  
24 notation thereof, assign to the case a file number (ancillary to  
25 that of the conviction being challenged), and forward a copy of the  
26 application by certified mail, return receipt requested, by secure  
27 electronic mail, or by personal service to the attorney

1 representing the state in that court, who shall answer the  
2 application not later than the 15th day after the date the copy of  
3 the application is received. Matters alleged in the application  
4 not admitted by the state are deemed denied.

5 SECTION 8. Articles 11.073(b) and (c), Code of Criminal  
6 Procedure, are amended to read as follows:

7 (b) A court may grant a convicted person relief on an  
8 application for a writ of habeas corpus if:

9 (1) the convicted person files an application, in the  
10 manner provided by Article 11.07[~~11.071~~] or 11.072, containing  
11 specific facts indicating that:

12 (A) relevant scientific evidence is currently  
13 available and was not available at the time of the convicted  
14 person's trial because the evidence was not ascertainable through  
15 the exercise of reasonable diligence by the convicted person before  
16 the date of or during the convicted person's trial; and

17 (B) the scientific evidence would be admissible  
18 under the Texas Rules of Evidence at a trial held on the date of the  
19 application; and

20 (2) the court makes the findings described by  
21 Subdivisions (1)(A) and (B) and also finds that, had the scientific  
22 evidence been presented at trial, on the preponderance of the  
23 evidence the person would not have been convicted.

24 (c) For purposes of Section 4(a)(1), Article 11.07,  
25 [~~Section 5(a)(1), Article 11.071~~] and Section 9(a), Article  
26 11.072, a claim or issue could not have been presented previously in  
27 an original application or in a previously considered application

1 if the claim or issue is based on relevant scientific evidence that  
2 was not ascertainable through the exercise of reasonable diligence  
3 by the convicted person on or before the date on which the original  
4 application or a previously considered application, as applicable,  
5 was filed.

6 SECTION 9. The heading to Article 11.65, Code of Criminal  
7 Procedure, is amended to read as follows:

8 Art. 11.65. BOND FOR [CERTAIN] APPLICANTS.

9 SECTION 10. Article 11.65(a), Code of Criminal Procedure,  
10 is amended to read as follows:

11 (a) This article applies to an applicant for a writ of  
12 habeas corpus seeking relief from the judgment in a criminal case[  
13 ~~other than an applicant seeking relief from a judgment imposing a~~  
14 ~~penalty of death~~].

15 SECTION 11. Section 6, Article 24.29, Code of Criminal  
16 Procedure, is amended to read as follows:

17 Sec. 6. EXCEPTIONS. This Act does not apply to a person in  
18 this state who is confined as mentally ill [~~or who is under sentence~~  
19 ~~of death~~].

20 SECTION 12. Articles 26.04(b) and (g), Code of Criminal  
21 Procedure, are amended to read as follows:

22 (b) Procedures adopted under Subsection (a) shall:

23 (1) authorize only the judges of the county courts,  
24 statutory county courts, and district courts trying criminal cases  
25 in the county, or the judges' designee, to appoint counsel for  
26 indigent defendants in the county;

27 (2) apply to each appointment of counsel made by a

1 judge or the judges' designee in the county;

2 (3) ensure that each indigent defendant in the county  
3 who is charged with a misdemeanor punishable by confinement or with  
4 a felony and who appears in court without counsel has an opportunity  
5 to confer with appointed counsel before the commencement of  
6 judicial proceedings;

7 (4) ~~[require appointments for defendants in capital~~  
8 ~~cases in which the death penalty is sought to comply with any~~  
9 ~~applicable requirements under Articles 11.071 and 26.052;~~

10 ~~[(5)]~~ ensure that each attorney appointed from a  
11 public appointment list to represent an indigent defendant perform  
12 the attorney's duty owed to the defendant in accordance with the  
13 adopted procedures, the requirements of this code, and applicable  
14 rules of ethics; and

15 (5) ~~[(6)]~~ ensure that appointments are allocated  
16 among qualified attorneys in a manner that is fair, neutral, and  
17 nondiscriminatory.

18 (g) A countywide alternative program for appointing counsel  
19 for indigent defendants in criminal cases is established by a  
20 formal action in which two-thirds of the judges of the courts  
21 designated under this subsection vote to establish the alternative  
22 program. An alternative program for appointing counsel in  
23 misdemeanor and felony cases may be established in the manner  
24 provided by this subsection by the judges of the county courts,  
25 statutory county courts, and district courts trying criminal cases  
26 in the county. An alternative program for appointing counsel in  
27 misdemeanor cases may be established in the manner provided by this

subsection by the judges of the county courts and statutory county courts trying criminal cases in the county. An alternative program for appointing counsel in felony cases may be established in the manner provided by this subsection by the judges of the district courts trying criminal cases in the county. In a county in which an alternative program is established:

(1) the alternative program may:

(A) use a single method for appointing counsel or a combination of methods; and

(B) use a multicounty appointment list using a system of rotation; and

(2) the procedures adopted under Subsection (a) must ensure that:

(A) attorneys appointed using the alternative program to represent defendants in misdemeanor cases punishable by confinement:

(i) meet specified objective qualifications for that representation, which may be graduated according to the degree of seriousness of the offense and whether representation will be provided in trial court proceedings, appellate proceedings, or both; and

(ii) are approved by a majority of the judges of the county courts and statutory county courts trying misdemeanor cases in the county;

(B) attorneys appointed using the alternative program to represent defendants in felony cases:

(i) meet specified objective



1 qualifications for that representation, which may be graduated  
2 according to the degree of seriousness of the offense and whether  
3 representation will be provided in trial court proceedings,  
4 appellate proceedings, or both; and

5 (ii) are approved by a majority of the  
6 judges of the district courts trying felony cases in the county; and

7 (C) ~~[appointments for defendants in capital~~  
8 ~~cases in which the death penalty is sought comply with the~~  
9 ~~requirements of Article 26.052; and~~

10 ~~[(D)]~~ appointments are reasonably and  
11 impartially allocated among qualified attorneys.

12 SECTION 13. Article 26.05(d), Code of Criminal Procedure,  
13 is amended to read as follows:

14 (d) A counsel in a criminal ~~[noncapital]~~ case, other than an  
15 attorney with a public defender's office, appointed to represent a  
16 defendant under this code shall be reimbursed for reasonable and  
17 necessary expenses, including expenses for investigation and for  
18 mental health and other experts. Expenses incurred with prior  
19 court approval shall be reimbursed in the ~~[same]~~ manner provided  
20 ~~[for capital cases]~~ by Articles 26.052(f) and (g), and expenses  
21 incurred without prior court approval shall be reimbursed in the  
22 manner provided ~~[for capital cases]~~ by Article 26.052(h).

23 SECTION 14. The heading to Article 26.052, Code of Criminal  
24 Procedure, is amended to read as follows:

25 Art. 26.052. ~~[APPOINTMENT OF COUNSEL IN DEATH PENALTY~~  
26 ~~CASE,]~~ REIMBURSEMENT OF ~~[INVESTIGATIVE]~~ EXPENSES INCURRED BY  
27 APPOINTED COUNSEL.

SECTION 15. Section 3, Article 31.08, Code of Criminal Procedure, is amended to read as follows:

Sec. 3. An ~~[Except for the review of a death sentence under Section 2(h), Article 37.071, or under Section 2(h), Article 37.072, an]~~ appeal taken in a cause returned to the original county under this article must be docketed in the appellate district in which the county of original venue is located.

SECTION 16. Article 34.01, Code of Criminal Procedure, is amended to read as follows:

Art. 34.01. SPECIAL VENIRE. A "special venire" is a writ issued in a capital case by order of the district court, commanding the sheriff to summon either verbally or by mail such a number of persons, not less than 50, as the court may order, to appear before the court on a day named in the writ from whom the jury for the trial of such case is to be selected. Where as many as one hundred jurors have been summoned in such county for regular service for the week in which such capital case is set for trial, the judge of the court having jurisdiction of a capital case in which a motion for a special venire has been made, shall grant or refuse such motion for a special venire, and upon such refusal require the case to be tried by regular jurors summoned for service in such county for the week in which such capital case is set for trial and such additional talesmen as may be summoned by the sheriff upon order of the court as provided in Article 34.02 of this Code~~[, but the clerk of such court shall furnish the defendant or his counsel a list of the persons summoned as provided in Article 34.04]~~.

SECTION 17. Article 35.15(b), Code of Criminal Procedure,

is amended to read as follows:

(b) In ~~[non-capital]~~ felony cases ~~[and in capital cases in which the State does not seek the death penalty]~~, the State and defendant shall each be entitled to ten peremptory challenges. If two or more defendants are tried together each defendant shall be entitled to six peremptory challenges and the State to six for each defendant.

SECTION 18. Article 35.16(b), Code of Criminal Procedure, is amended to read as follows:

(b) A challenge for cause may be made by the State for any of the following reasons:

1. That the juror has conscientious scruples in regard to the imposition ~~[infliction]~~ of a sentence of imprisonment for life without parole ~~[the punishment of death for crime,]~~ in a capital case~~[, where the State is seeking the death penalty]~~;

2. That the juror ~~[he]~~ is related within the third degree of consanguinity or affinity, as determined under Chapter 573, Government Code, to the defendant; and

3. That the juror ~~[he]~~ has a bias or prejudice against any phase of the law upon which the State is entitled to rely for conviction or punishment.

SECTION 19. Article 35.17, Code of Criminal Procedure, is amended to read as follows:

Art. 35.17. VOIR DIRE EXAMINATION

~~[1]~~. When the court in its discretion so directs, ~~[except as provided in Section 2,]~~ the state and defendant shall conduct the voir dire examination of prospective jurors in the presence of the

1 entire panel.

2 ~~[2. In a capital felony case in which the State seeks the~~  
3 ~~death penalty, the court shall propound to the entire panel of~~  
4 ~~prospective jurors questions concerning the principles, as~~  
5 ~~applicable to the case on trial, of reasonable doubt, burden of~~  
6 ~~proof, return of indictment by grand jury, presumption of~~  
7 ~~innocence, and opinion. Then, on demand of the State or defendant,~~  
8 ~~either is entitled to examine each juror on voir dire individually~~  
9 ~~and apart from the entire panel, and may further question the juror~~  
10 ~~on the principles propounded by the court.]~~

11 SECTION 20. Article 35.25, Code of Criminal Procedure, is  
12 amended to read as follows:

13 Art. 35.25. MAKING PEREMPTORY CHALLENGE. The ~~[In~~  
14 ~~non-capital cases and in capital cases in which the State's~~  
15 ~~attorney has announced that he will not qualify the jury for, or~~  
16 ~~seek the death penalty, the]~~ party desiring to challenge any juror  
17 peremptorily shall strike the name of such juror from the list  
18 furnished the party ~~[him]~~ by the clerk.

19 SECTION 21. Article 35.26, Code of Criminal Procedure, is  
20 amended to read as follows:

21 Art. 35.26. LISTS RETURNED TO CLERK. ~~[(a)]~~ When the  
22 parties have made or declined to make their peremptory challenges,  
23 they shall deliver their lists to the clerk. The ~~[Except as~~  
24 ~~provided in Subsection (b) of this section, the]~~ clerk shall, if the  
25 case be in the district court, call off the first twelve names on  
26 the lists that have not been stricken. If the case be in the county  
27 court, the clerk ~~[he]~~ shall call off the first six names on the

1 lists that have not been stricken. Those whose names are called  
2 shall be the jury.

3 ~~[(b) In a capital case in which the state seeks the death~~  
4 ~~penalty, the court may direct that two alternate jurors be selected~~  
5 ~~and that the first fourteen names not stricken be called off by the~~  
6 ~~clerk. The last two names to be called are the alternate jurors.]~~

7 SECTION 22. Article 36.29(a), Code of Criminal Procedure,  
8 is amended to read as follows:

9 (a) Not less than twelve jurors can render and return a  
10 verdict in a felony case. It must be concurred in by each juror and  
11 signed by the foreman. After ~~[Except as provided in Subsection (b),~~  
12 ~~however, after]~~ the trial of any felony case begins and a juror dies  
13 or, as determined by the judge, becomes disabled from sitting at any  
14 time before the charge of the court is read to the jury, the  
15 remainder of the jury shall have the power to render the verdict;  
16 but when the verdict shall be rendered by less than the whole  
17 number, it shall be signed by every member of the jury concurring in  
18 it.

19 SECTION 23. Section 2(b), Article 37.07, Code of Criminal  
20 Procedure, is amended to read as follows:

21 (b) If ~~[Except as provided by Article 37.071 or 37.072, if]~~  
22 a finding of guilty is returned, it shall then be the responsibility  
23 of the judge to assess the punishment applicable to the offense;  
24 provided, however, that (1) in any criminal action where the jury  
25 may recommend community supervision and the defendant filed his  
26 sworn motion for community supervision before the trial began, and  
27 (2) in other cases where the defendant so elects in writing before

1 the commencement of the voir dire examination of the jury panel, the  
2 punishment shall be assessed by the same jury, except as provided in  
3 Section 3(c) of this article and in Article 44.29. If a finding of  
4 guilty is returned, the defendant may, with the consent of the  
5 attorney for the state, change his election of one who assesses the  
6 punishment.

7 SECTION 24. Section 1, Article 42.01, Code of Criminal  
8 Procedure, is amended to read as follows:

9 Sec. 1. A judgment is the written declaration of the court  
10 signed by the trial judge and entered of record showing the  
11 conviction or acquittal of the defendant. The sentence served  
12 shall be based on the information contained in the judgment. The  
13 judgment shall reflect:

- 14 1. The title and number of the case;
- 15 2. That the case was called and the parties appeared,  
16 naming the attorney for the state, the defendant, and the attorney  
17 for the defendant, or, where a defendant is not represented by  
18 counsel, that the defendant knowingly, intelligently, and  
19 voluntarily waived the right to representation by counsel;
- 20 3. The plea or pleas of the defendant to the offense  
21 charged;
- 22 4. Whether the case was tried before a jury or a jury  
23 was waived;
- 24 5. The submission of the evidence, if any;
- 25 6. In cases tried before a jury that the jury was  
26 charged by the court;
- 27 7. The verdict or verdicts of the jury or the finding

1 or findings of the court;

2           8. In the event of a conviction that the defendant is  
3 adjudged guilty of the offense as found by the verdict of the jury  
4 or the finding of the court, and that the defendant be punished in  
5 accordance with the jury's verdict or the court's finding as to the  
6 proper punishment;

7           9. In the event of conviction where [~~death or~~] any  
8 punishment is assessed that the defendant be sentenced to [~~death,~~]  
9 a term of confinement or community supervision, or to pay a fine, as  
10 the case may be;

11           10. In the event of conviction where the imposition of  
12 sentence is suspended and the defendant is placed on community  
13 supervision, setting forth the punishment assessed, the length of  
14 community supervision, and the conditions of community  
15 supervision;

16           11. In the event of acquittal that the defendant be  
17 discharged;

18           12. The county and court in which the case was tried  
19 and, if there was a change of venue in the case, the name of the  
20 county in which the prosecution was originated;

21           13. The offense or offenses for which the defendant  
22 was convicted;

23           14. The date of the offense or offenses and degree of  
24 offense for which the defendant was convicted;

25           15. The term of sentence;

26           16. The date judgment is entered;

27           17. The date sentence is imposed;

1           18. The date sentence is to commence and any credit for  
2 time served;

3           19. The terms of any order entered pursuant to Article  
4 42.08 of this code that the defendant's sentence is to run  
5 cumulatively or concurrently with another sentence or sentences;

6           20. The terms of any plea bargain;

7           21. Affirmative findings entered pursuant to  
8 Subdivision (2) of Subsection (a) of Section 3g of Article 42.12 of  
9 this code;

10          22. The terms of any fee payment ordered under Article  
11 42.151 of this code;

12          23. The defendant's thumbprint taken in accordance  
13 with Article 38.33 of this code;

14          24. In the event that the judge orders the defendant to  
15 repay a reward or part of a reward under Articles 37.073 and 42.152  
16 of this code, a statement of the amount of the payment or payments  
17 required to be made;

18          25. In the event that the court orders restitution to  
19 be paid to the victim, a statement of the amount of restitution  
20 ordered and:

21               (A) the name and address of a person or agency  
22 that will accept and forward restitution payments to the victim; or

23               (B) if the court specifically elects to have  
24 payments made directly to the crime victim, the name and permanent  
25 address of the victim at the time of judgment;

26          26. In the event that a presentence investigation is  
27 required by Section 9(a), (b), (h), or (i), Article 42.12 of this



code, a statement that the presentence investigation was done according to the applicable provision;

27. In the event of conviction of an offense for which registration as a sex offender is required under Chapter 62, a statement that the registration requirement of that chapter applies to the defendant and a statement of the age of the victim of the offense;

28. The defendant's state identification number required by Article [~~Section~~] 60.052(a)(2), if that number has been assigned at the time of the judgment; and

29. The incident number required by Article [~~Section~~] 60.052(a)(4), if that number has been assigned at the time of the judgment.

SECTION 25. Sections 1 and 3, Article 42.09, Code of Criminal Procedure, are amended to read as follows:

Sec. 1. Except as provided in Sections 2 and 3, a defendant shall be delivered to a jail or to the Texas Department of Criminal Justice when his sentence is pronounced [~~or his sentence to death is announced~~] by the court. The defendant's sentence begins to run on the day it is pronounced, but with all credits, if any, allowed by Article 42.03.

Sec. 3. If a defendant is convicted of a felony and sentenced to [~~death~~] life [~~or~~] or a term of more than ten years in the Texas Department of Criminal Justice and the defendant [~~he~~] gives notice of appeal, the defendant [~~he~~] shall be transferred to the department on a commitment pending a mandate from the court of appeals or the Court of Criminal Appeals.

SECTION 26. Article 44.29(b), Code of Criminal Procedure, is amended to read as follows:

(b) If the court of appeals or the Court of Criminal Appeals awards a new trial to a defendant ~~[other than a defendant convicted of an offense under Section 19.03, Penal Code,]~~ only on the basis of an error or errors made in the punishment stage of the trial, the cause shall stand as it would have stood in case the new trial had been granted by the court below, except that the court shall commence the new trial as if a finding of guilt had been returned and proceed to the punishment stage of the trial under Subsection (b), Section 2, Article 37.07, of this code. If the defendant elects, the court shall empanel a jury for the sentencing stage of the trial in the same manner as a jury is empaneled by the court for other trials before the court. At the new trial, the court shall allow both the state and the defendant to introduce evidence to show the circumstances of the offense and other evidence as permitted by Section 3 of Article 37.07 of this code.

SECTION 27. Section 6(a), Article 49.25, Code of Criminal Procedure, is amended to read as follows:

(a) Any medical examiner, or his duly authorized deputy, shall be authorized, and it shall be his duty, to hold inquests with or without a jury within his county, in the following cases:

1. When a person shall die within twenty-four hours after admission to a hospital or institution or in prison or in jail;

2. When any person is killed; or from any cause dies an unnatural death~~[, except under sentence of the law]~~; or dies in

1 the absence of one or more good witnesses;

2 3. When the body or a body part of a person is found,  
3 the cause or circumstances of death are unknown, and:

4 (A) the person is identified; or

5 (B) the person is unidentified;

6 4. When the circumstances of the death of any person  
7 are such as to lead to suspicion that he came to his death by  
8 unlawful means;

9 5. When any person commits suicide, or the  
10 circumstances of his death are such as to lead to suspicion that he  
11 committed suicide;

12 6. When a person dies without having been attended by a  
13 duly licensed and practicing physician, and the local health  
14 officer or registrar required to report the cause of death under  
15 Section 193.005, Health and Safety Code, does not know the cause of  
16 death. When the local health officer or registrar of vital  
17 statistics whose duty it is to certify the cause of death does not  
18 know the cause of death, he shall so notify the medical examiner of  
19 the county in which the death occurred and request an inquest;

20 7. When the person is a child who is younger than six  
21 years of age and the death is reported under Chapter 264, Family  
22 Code; and

23 8. When a person dies who has been attended  
24 immediately preceding his death by a duly licensed and practicing  
25 physician or physicians, and such physician or physicians are not  
26 certain as to the cause of death and are unable to certify with  
27 certainty the cause of death as required by Section 193.004, Health

1 and Safety Code. In case of such uncertainty the attending  
2 physician or physicians, or the superintendent or general manager  
3 of the hospital or institution in which the deceased shall have  
4 died, shall so report to the medical examiner of the county in which  
5 the death occurred, and request an inquest.

6 SECTION 28. Article 60.052(c), Code of Criminal Procedure,  
7 is amended to read as follows:

8 (c) Information in the corrections tracking system relating  
9 to the handling of offenders must include the following information  
10 about each imprisonment or ~~[,]~~ confinement~~[, or execution]~~ of an  
11 offender:

12 (1) the date of the imprisonment or confinement;

13 (2) ~~[if the offender was sentenced to death:~~

14 ~~[(A) the date of execution; and~~

15 ~~[(B) if the death sentence was commuted, the~~  
16 ~~sentence to which the sentence of death was commuted and the date of~~  
17 ~~commutation;~~

18 ~~[(3)]~~ the date the offender was released from  
19 imprisonment or confinement and whether the release was a discharge  
20 or a release on parole or mandatory supervision;

21 (3) ~~[(4)]~~ if the offender is released on parole or  
22 mandatory supervision:

23 (A) the offense for which the offender was  
24 convicted by offense code and incident number;

25 (B) the date the offender was received by an  
26 office of the parole division;

27 (C) the county in which the offender resides

1 while under supervision;

2 (D) any program in which an offender is placed or  
3 has previously been placed and the level of supervision the  
4 offender is placed on while under the jurisdiction of the parole  
5 division;

6 (E) the date a program described by Paragraph (D)  
7 begins, the date the program ends, and whether the program was  
8 completed successfully;

9 (F) the date a level of supervision described by  
10 Paragraph (D) begins and the date the level of supervision ends;

11 (G) if the offender's release status is revoked,  
12 the reason for the revocation and the date of revocation;

13 (H) the expiration date of the sentence; and

14 (I) the date of the offender's release from the  
15 parole division or the date on which the offender is granted  
16 clemency; and

17 (4) ~~[(5)]~~ if the offender is released under Section  
18 6(a), Article 42.12, the date of the offender's release.

19 SECTION 29. Article 64.01(c), Code of Criminal Procedure,  
20 is amended to read as follows:

21 (c) A convicted person is entitled to counsel during a  
22 proceeding under this chapter. The convicting court shall appoint  
23 counsel for the convicted person if the person informs the court  
24 that the person wishes to submit a motion under this chapter, the  
25 court finds reasonable grounds for a motion to be filed, and the  
26 court determines that the person is indigent. Counsel must be  
27 appointed under this subsection not later than the 45th day after

1 the date the court finds reasonable grounds or the date the court  
2 determines that the person is indigent, whichever is  
3 later. Compensation of counsel is provided in the same manner as  
4 is required by[÷

5 [~~(1) Article 11.071 for the representation of a~~  
6 ~~petitioner convicted of a capital felony, and~~

7 [~~(2)~~] Chapter 26 for the representation in a habeas  
8 corpus hearing of an indigent defendant convicted of a felony other  
9 than a capital felony.

10 SECTION 30. Article 64.05, Code of Criminal Procedure, is  
11 amended to read as follows:

12 Art. 64.05. APPEALS. An appeal under this chapter is to a  
13 court of appeals in the same manner as an appeal of any other  
14 criminal matter[, ~~except that if the convicted person was convicted~~  
15 ~~in a capital case and was sentenced to death, the appeal is a direct~~  
16 ~~appeal to the court of criminal appeals]~~.

17 SECTION 31. Section 508.145(a), Government Code, is amended  
18 to read as follows:

19 (a) An inmate [~~under sentence of death,~~] serving a sentence  
20 of life imprisonment without parole, serving a sentence for an  
21 offense under Section 21.02, Penal Code, or serving a sentence for  
22 an offense under Section 22.021, Penal Code, that is punishable  
23 under Subsection (f) of that section is not eligible for release on  
24 parole.

25 SECTION 32. Sections 508.146(a) and (f), Government Code,  
26 are amended to read as follows:

27 (a) An inmate other than an inmate who is serving a sentence

1 of [~~death or~~] life without parole may be released on medically  
2 recommended intensive supervision on a date designated by a parole  
3 panel described by Subsection (e), except that an inmate with an  
4 instant offense that is an offense described in Section 3g, Article  
5 [42.12](#), Code of Criminal Procedure, or an inmate who has a reportable  
6 conviction or adjudication under Chapter 62, Code of Criminal  
7 Procedure, may only be considered if a medical condition of  
8 terminal illness or long-term care has been diagnosed by a  
9 physician, if:

10           (1) the Texas Correctional Office on Offenders with  
11 Medical or Mental Impairments, in cooperation with the Correctional  
12 Managed Health Care Committee, identifies the inmate as being:

13                   (A) elderly, physically disabled, mentally ill,  
14 terminally ill, or mentally retarded or having a condition  
15 requiring long-term care, if the inmate is an inmate with an instant  
16 offense that is described in Section 3g, Article [42.12](#), Code of  
17 Criminal Procedure; or

18                   (B) in a persistent vegetative state or being a  
19 person with an organic brain syndrome with significant to total  
20 mobility impairment, if the inmate is an inmate who has a reportable  
21 conviction or adjudication under Chapter 62, Code of Criminal  
22 Procedure;

23           (2) the parole panel determines that, based on the  
24 inmate's condition and a medical evaluation, the inmate does not  
25 constitute a threat to public safety; and

26           (3) the Texas Correctional Office on Offenders with  
27 Medical or Mental Impairments, in cooperation with the pardons and

paroles division, has prepared for the inmate a medically recommended intensive supervision plan that requires the inmate to submit to electronic monitoring, places the inmate on super-intensive supervision, or otherwise ensures appropriate supervision of the inmate.

(f) An inmate who is not a citizen of the United States, as defined by federal law, who is not under a sentence of ~~[death or]~~ life without parole, and who does not have a reportable conviction or adjudication under Chapter 62, Code of Criminal Procedure, or an instant offense described in Section 3g, Article 42.12, Code of Criminal Procedure, may be released to immigration authorities pending deportation on a date designated by a parole panel described by Subsection (e) if the parole panel determines that on release the inmate would be deported to another country and that the inmate does not constitute a threat to public safety in the other country or this country and is unlikely to reenter this country illegally.

SECTION 33. Section 552.134(b), Government Code, is amended to read as follows:

(b) Subsection (a) does not apply to ~~+~~ ~~[(1)]~~ statistical or other aggregated information relating to inmates confined in one or more facilities operated by or under a contract with the department ~~+, or~~ ~~[(2) information about an inmate sentenced to death]~~.

SECTION 34. Section 557.012(b), Government Code, is amended to read as follows:

(b) An offense under this section is punishable by ~~+~~



1           ~~[(1) death, or~~  
2           ~~[(2)]~~ confinement in the Texas Department of Criminal  
3 Justice for:

- 4                   (1) ~~[(A)]~~ life; or  
5                   (2) ~~[(B)]~~ a term of not less than two years.

6           SECTION 35. Section 46.03(a), Penal Code, is amended to  
7 read as follows:

8           (a) A person commits an offense if the person intentionally,  
9 knowingly, or recklessly possesses or goes with a firearm, illegal  
10 knife, club, or prohibited weapon listed in Section 46.05(a):

11                   (1) on the physical premises of a school or  
12 educational institution, any grounds or building on which an  
13 activity sponsored by a school or educational institution is being  
14 conducted, or a passenger transportation vehicle of a school or  
15 educational institution, whether the school or educational  
16 institution is public or private, unless pursuant to written  
17 regulations or written authorization of the institution;

18                   (2) on the premises of a polling place on the day of an  
19 election or while early voting is in progress;

20                   (3) on the premises of any government court or offices  
21 utilized by the court, unless pursuant to written regulations or  
22 written authorization of the court;

23                   (4) on the premises of a racetrack;

24                   (5) in or into a secured area of an airport; or

25                   (6) within 1,000 feet of premises the location of  
26 which is designated by the Texas Department of Criminal Justice as a  
27 place of execution ~~[under Article 43.19, Code of Criminal~~

~~Procedure,~~] on a day that a sentence of death is set to be imposed on the designated premises and the person received notice that:

(A) going within 1,000 feet of the premises with a weapon listed under this subsection was prohibited; or

(B) possessing a weapon listed under this subsection within 1,000 feet of the premises was prohibited.

SECTION 36. The following provisions of the Code of Criminal Procedure are repealed:

- (1) Article 11.071;
- (2) Articles 26.044(a)(2) and (n);
- (3) Articles 26.052(a), (b), (c), (d), (e), (i), (j), (k), (l), (m), and (n);
- (4) Article 34.04;
- (5) Articles 35.13, 35.15(a), and 35.29(c);
- (6) Article 36.29(b);
- (7) Articles 37.071, 37.0711, and 37.072;
- (8) Articles 38.43(i), (j), (k), (l), and (m);
- (9) Article 42.04;
- (10) Articles 43.14, 43.141, 43.15, 43.16, 43.17, 43.18, 43.19, 43.20, 43.21, 43.22, 43.23, 43.24, and 43.25;
- (11) Articles 44.251, 44.2511, and 44.29(c) and (d);
- and
- (12) Article 46.05.

SECTION 37. The change in law made by this Act applies only to a criminal case in which the indictment in the case is filed on or after the effective date of this Act. A criminal case in which the indictment was filed before the effective date of this Act is

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1 governed by the law in effect when the indictment was filed, and the  
2 former law is continued in effect for that purpose.

3 SECTION 38. This Act takes effect September 1, 2015.