

By: Hinojosa

S.B. No. 1743

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to expanding the powers and duties of the office of capital  
3 writs and renaming the office of capital writs the Texas office of  
4 post-conviction defender.

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

6 SECTION 1. The heading to Chapter 78, Government Code, is  
7 amended to read as follows:

8 CHAPTER 78. CAPITAL WRITS COMMITTEE AND TEXAS OFFICE OF  
9 POST-CONVICTION DEFENDER [~~CAPITAL WRITS~~]

10 SECTION 2. The heading to Subchapter B, Chapter 78,  
11 Government Code, is amended to read as follows:

12 SUBCHAPTER B. TEXAS OFFICE OF POST-CONVICTION DEFENDER [~~CAPITAL~~  
13 ~~WRITS~~]

14 SECTION 3. Section 78.051(2), Government Code, is amended  
15 to read as follows:

16 (2) "Office" means the Texas office of post-conviction  
17 defender [~~capital writs~~] established under this subchapter.

18 SECTION 4. Section 78.052(a), Government Code, is amended  
19 to read as follows:

20 (a) The Texas office of post-conviction defender [~~capital~~  
21 ~~writs~~] is established and operates under the direction and  
22 supervision of the director of the office.

23 SECTION 5. Section 78.053(b), Government Code, is amended  
24 to read as follows:

1 (b) The director shall employ attorneys and employ or retain  
2 licensed investigators, experts, and other personnel necessary to  
3 perform the duties of the office. To be employed by the director,  
4 an attorney may not have been found by a state or federal court to  
5 have rendered ineffective assistance of counsel during the trial or  
6 appeal of a criminal [~~death penalty~~] case.

7 SECTION 6. Section 78.054, Government Code, is amended by  
8 amending Subsection (b) and adding Subsection (d) to read as  
9 follows:

10 (b) The office may not represent a defendant in a federal  
11 habeas review. The office may not represent a defendant in an action  
12 or proceeding in state court other than an action or proceeding  
13 that:

14 (1) is conducted under Article 11.071 or 11.073, Code  
15 of Criminal Procedure;

16 (2) is collateral to the preparation of an application  
17 under Article 11.071 or 11.073, Code of Criminal Procedure; [~~or~~]

18 (3) concerns any other post-conviction matter in a  
19 death penalty case other than a direct appeal, including an action  
20 or proceeding under Article 46.05 or Chapter 64, Code of Criminal  
21 Procedure; or

22 (4) concerns any other post-conviction matter in a  
23 case that involves a forensic science issue.

24 (d) The office may consult with law school clinics with  
25 applicable knowledge and experience and with other experts as  
26 necessary to investigate the facts of a particular case.

27 SECTION 7. This Act takes effect September 1, 2015.