

By: Lucio

S.J.R. No. 54

A JOINT RESOLUTION

1 proposing a constitutional amendment abolishing the death penalty.

2 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

3 SECTION 1. Article I, Texas Constitution, is amended by  
4 adding Section 13a to read as follows:

5 Sec. 13a. A penalty of death shall not be imposed against  
6 any person.

7 SECTION 2. Section 4(b), Article V, Texas Constitution, is  
8 amended to read as follows:

9 (b) For the purpose of hearing cases, the Court of Criminal  
10 Appeals may sit in panels of three Judges, the designation thereof  
11 to be under rules established by the court. In a panel of three  
12 Judges, two Judges shall constitute a quorum and the concurrence of  
13 two Judges shall be necessary for a decision. The Presiding Judge,  
14 under rules established by the court, shall convene the court en  
15 banc for the transaction of all other business and may convene the  
16 court en banc for the purpose of hearing cases. The court must sit  
17 en banc during proceedings involving capital cases [~~punishment~~] and  
18 other cases as required by law. When convened en banc, five Judges  
19 shall constitute a quorum and the concurrence of five Judges shall  
20 be necessary for a decision. The Court of Criminal Appeals may  
21 appoint Commissioners in aid of the Court of Criminal Appeals as  
22 provided by law.

23 SECTION 3. Section 5(b), Article V, Texas Constitution, is  
24 amended to read as follows:

1           (b) ~~[The appeal of all cases in which the death penalty has~~  
2 ~~been assessed shall be to the Court of Criminal Appeals.]~~ The  
3 appeal of all ~~[other]~~ criminal cases shall be to the Courts of  
4 Appeal as prescribed by law. In addition, the Court of Criminal  
5 Appeals may, on its own motion, review a decision of a Court of  
6 Appeals in a criminal case as provided by law. Discretionary review  
7 by the Court of Criminal Appeals is not a matter of right, but of  
8 sound judicial discretion.

9           SECTION 4. This proposed constitutional amendment shall be  
10 submitted to the voters at an election to be held November 3, 2015.  
11 The ballot shall be printed to provide for voting for or against the  
12 proposition: "The constitutional amendment abolishing the death  
13 penalty."