

By: Turner

H.B. No. 345

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the creation of a commission to study intellectual and
3 developmental disability determinations in capital cases in which
4 the state seeks the death penalty.

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

6 SECTION 1. COMMISSION TO STUDY INTELLECTUAL AND
7 DEVELOPMENTAL DISABILITY DETERMINATIONS IN DEATH PENALTY CASES.

8 (a) A commission is created to conduct a study on intellectual and
9 developmental disability determinations of defendants in capital
10 cases in this state in which the state seeks the death penalty.

11 (b) In conducting the study, the commission shall:

12 (1) identify the prevailing standards among medical
13 and mental health professionals for determining whether a person
14 has an intellectual or developmental disability;

15 (2) to the extent practicable, determine the number
16 and percentage of defendants sentenced to death who have an
17 intellectual or developmental disability, as defined by the
18 standards identified in Subdivision (1) of this subsection; and

19 (3) make recommendations regarding the appropriate
20 intellectual and developmental disability determination standards
21 and procedures to be implemented in capital cases to ensure that
22 defendants who have an intellectual or developmental disability are
23 identified and, if convicted, receive sentences in accordance with
24 constitutional standards.

1 (c) The commission is composed of the following 11 members:

2 (1) two members appointed by the governor;

3 (2) two members appointed by the lieutenant governor;

4 (3) two members appointed by the speaker of the house
5 of representatives;

6 (4) two members appointed by the presiding judge of
7 the Texas Court of Criminal Appeals;

8 (5) one member appointed by the chief justice of the
9 Supreme Court of Texas;

10 (6) the chair of the House Committee on Criminal
11 Jurisprudence; and

12 (7) the chair of the Senate Committee on Criminal
13 Justice.

14 (d) In making appointments to the commission, the
15 appointing officers shall consult with one another to ensure that
16 the membership of the commission has substantial experience
17 relevant to the commission's duties and includes:

18 (1) medical and mental health professionals
19 experienced and qualified in diagnosing intellectual and
20 developmental disabilities; and

21 (2) representatives of all areas of the criminal
22 justice system, including a prosecutor, a defense attorney, an
23 appellate attorney, a judge, and a legal scholar.

24 (e) The governor shall designate one member of the
25 commission to serve as the presiding officer of the commission.

26 (f) A vacancy on the commission shall be filled by the
27 officer that appointed the vacating member.

1 (g) A member of the commission is not entitled to
2 compensation or reimbursement of expenses for commission service.
3 The appointing officers shall provide the commission with necessary
4 support to enable the commission to perform its duties.

5 (h) The commission shall meet at the call of the presiding
6 officer.

7 (i) Not later than January 1, 2019, the commission shall
8 report the commission's findings and recommendations to the
9 governor, the lieutenant governor, the speaker of the house of
10 representatives, the Supreme Court of Texas, the Texas Court of
11 Criminal Appeals, and the standing committees of the house of
12 representatives and the senate with primary jurisdiction over
13 criminal justice.

14 SECTION 2. APPOINTMENT OF MEMBERS. Not later than the 60th
15 day after the effective date of this Act, the appropriate officers
16 shall appoint the members of the commission created by this Act.

17 SECTION 3. ABOLITION OF COMMISSION. The commission is
18 abolished and this Act expires January 31, 2019.

19 SECTION 4. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect on the 91st day after the last day of the
24 legislative session.