

By: Burton

S.B. No. 1079

A BILL TO BE ENTITLED

AN ACT

relating to the creation of a commission to review certain penal laws of this state that do not prescribe a culpable mental state.

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

SECTION 1. COMMISSION TO STUDY CERTAIN PENAL LAWS. (a) A commission is created to study and review all penal laws of this state that define a criminal offense but do not prescribe a culpable mental state, other than criminal offenses:

(1) under the Penal Code;

(2) under Chapter 481, Health and Safety Code; or

(3) related to the operation of a motor vehicle.

(b) The commission shall:

(1) evaluate all laws described by Subsection (a) of this section; and

(2) for each law evaluated, make recommendations to the legislature regarding the culpable mental state, if any, that best serves the intended purpose of the law.

(c) The commission is composed of nine members appointed as follows:

(1) two members appointed by the governor;

(2) two members appointed by the lieutenant governor;

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

(4) two members appointed by the chief justice of the

1 Supreme Court of Texas; and

2 (5) one member appointed by the presiding judge of the
3 Texas Court of Criminal Appeals.

4 (d) The officials making appointments to the commission
5 under Subsection (c) of this section shall ensure that the
6 membership of the commission includes representatives of all areas
7 of the criminal justice system, including prosecutors, defense
8 attorneys, judges, legal scholars, and relevant business
9 interests.

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

12 (f) A member of the commission is not entitled to
13 compensation or reimbursement of expenses.

14 (g) The commission shall meet at the call of the presiding
15 officer.

16 (h) Not later than November 1, 2018, the commission shall
17 report the commission's findings and recommendations to the
18 governor, the lieutenant governor, the speaker of the house of
19 representatives, the Supreme Court of Texas, the Texas Court of
20 Criminal Appeals, and the standing committees of the house of
21 representatives and the senate with primary jurisdiction over
22 criminal justice. The commission shall include in its
23 recommendations any specific statutes that the commission
24 recommends revising.

25 SECTION 2. APPOINTMENT OF MEMBERS. Not later than the 60th
26 day after the effective date of this Act, the governor, the
27 lieutenant governor, the speaker of the house of representatives,

1 the chief justice of the Supreme Court of Texas, and the presiding
2 judge of the Texas Court of Criminal Appeals shall appoint the
3 members of the commission created under this Act.

4 SECTION 3. ABOLITION OF COMMISSION. The commission is
5 abolished and this Act expires December 31, 2018.

6 SECTION 4. EFFECTIVE DATE. This Act takes effect
7 immediately if it receives a vote of two-thirds of all the members
8 elected to each house, as provided by Section 39, Article III, Texas
9 Constitution. If this Act does not receive the vote necessary for
10 immediate effect, this Act takes effect September 1, 2017.