

## **BILL ANALYSIS**

S.B. 280  
By: Hinojosa  
Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The office of capital and forensic writs is a judicial agency that is the statewide public defender for post-conviction matters. The director of the office is appointed by the Texas Court of Criminal Appeals (CCA) to a four-year term, upon a recommendation of the statutorily created capital and forensic writs committee. Apart from interviewing and recommending qualified candidates for the position of director to the CCA, the committee does not serve in any advisory or oversight capacity. While the CCA selects and appoints the director of the office, and can terminate the director upon good cause, there is currently no mechanism for ongoing oversight of the office's programmatic and fiscal governance, or any entity with the responsibility to provide support and assistance in advancing the office's mission. A 2018 outside assessment of the office recommended that an independent oversight board be created to ensure program integrity, professional independence, and accountability. S.B. 280 seeks to revise the composition and duties of the existing capital and forensic writs committee to enhance governance, accountability, and support, while maintaining professionally appropriate independence for the office.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

S.B. 280 amends the Government Code to include the following among the duties of the capital and forensic writs committee:

- providing oversight and strategic guidance to the office of capital and forensic writs; and
- setting policy and developing a budget proposal for the office.

The bill prohibits the committee from accessing privileged or confidential information.

S.B. 280 revises the composition of the committee as follows:

- by removing the requirement for two members to be district judges and requiring those members to be attorneys instead; and
- by changing the nature of the appointments from all five members appointed by the president of the State Bar of Texas with ratification by its executive committee to the following:
  - three attorneys appointed by the executive director of the Texas Indigent Defense Commission; and
  - two attorneys appointed by the state bar president with that ratification.

The bill requires all members to be a licensed attorney with significant experience in capital defense or indigent criminal defense policy or practice and prohibits members from being a prosecutor, a law enforcement official, a judge of a court that presides over criminal offenses, or an employee of the office. The bill establishes four-year member terms, authorizes reappointment, provides for the filling of member vacancies, and removes language establishing that members serve at the pleasure of the state bar president.

**EFFECTIVE DATE**

September 1, 2021.