By:  Hinojosa S.B. No. 280

(In the Senate - Filed January 4, 2021; March 3, 2021, read first time and referred to Committee on Criminal Justice; April 21, 2021, reported favorably by the following vote: Yeas 6, Nays 0; April 21, 2021, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Whitmire        X

Huffman         X

Bettencourt     X

Birdwell        X

Hinojosa        X

Miles                     X

Nichols         X

A BILL TO BE ENTITLED

AN ACT

relating to the composition and duties of the capital and forensic writs committee.

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

SECTION 1.  Section 78.002, Government Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b)  The committee shall provide oversight and strategic guidance to the office of capital and forensic writs, including:

(1)  recommending [~~recommend~~] to the court of criminal appeals as provided by Section 78.004 a director for the office of capital and forensic writs when a vacancy exists for the position of director;

(2)  setting policy for the office of capital and forensic writs; and

(3)  developing a budget proposal for the office of capital and forensic writs.

(c)  The committee may not access privileged or confidential information.

SECTION 2.  Section 78.003, Government Code, is amended by amending Subsections (a) and (c) and adding Subsections (a-1), (a-2), and (a-3) to read as follows:

(a)  The committee is composed of the following seven [~~five~~] members who are appointed as follows [~~by the president of the State Bar of Texas, with ratification by the executive committee of the State Bar of Texas~~]:

(1)  three attorneys who are appointed by the executive director of the Texas Indigent Defense Commission [~~members of the State Bar of Texas and who are not employed as prosecutors or law enforcement officials, all of whom must have criminal defense experience with death penalty proceedings in this state~~]; [~~and~~]

(2)  two attorneys who are appointed by the president of the State Bar of Texas, with ratification by the executive committee of the State Bar of Texas; and

(3)  two attorneys, each of whom are appointed by a majority of the deans of the public law schools in this state [~~two state district judges, one of whom serves as presiding judge of an administrative judicial region~~].

(a-1)  Each member of the committee must be a licensed attorney and must have significant experience in capital defense or indigent criminal defense policy or practice. A member of the committee may not be a prosecutor, a law enforcement official, a judge of a court that presides over criminal offenses, or an employee of the office of capital and forensic writs.

(a-2)  Members of the committee serve four-year terms and may be reappointed.

(a-3)  If a vacancy occurs, the appropriate appointing authority shall appoint a person to serve for the remainder of the unexpired term in the same manner as the original appointment.

(c)  The committee shall meet [~~members serve at the pleasure of the president of the State Bar of Texas, and the committee meets~~] at the call of the presiding officer of the committee.

SECTION 3.  This Act takes effect September 1, 2021.

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