

By: White

H.B. No. 1355

A BILL TO BE ENTITLED

AN ACT

relating to the presence of a spiritual leader during the execution of a person.

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

SECTION 1. Chapter 43, Code of Criminal Procedure, is amended by adding Article 43.205 to read as follows:

Art. 43.205. PRESENCE OF SPIRITUAL LEADER DURING EXECUTION.

(a) Not later than 30 days after an order setting an execution date is sent under Article 43.141(b-1), the condemned person may choose a spiritual leader to be present at the person's execution. The condemned person shall inform the warden Subject to Subsection (b), the Texas Department of Criminal Justice shall ensure that the spiritual leader of the condemned person's choosing is:

(1) present in the room during the execution of the person, with no wall or other barrier separating the spiritual leader from the person; and

(2) in close proximity to the person.

(b) The board shall develop a process for determining whether a spiritual leader chosen by the condemned person presents a security risk to the orderly carrying out of the execution, including:

(1) criteria for determining whether a spiritual leader presents a security risk; and

(2) a process for a condemned person to appeal a

1 decision by the board under this subsection.

2 (c) A condemned person may appeal a decision that the
3 spiritual advisor of their choosing presents a security risk
4 through the process developed by the board under Subdivision
5 (b)(2). The finding of an appeal under this subsection is final.

6 (d) If the board determines a spiritual leader chosen by the
7 condemned person presents a security risk, the department shall
8 make a good faith effort to ensure the presence of a spiritual
9 leader who is, to the greatest extent practicable, of the condemned
10 person's faith and denomination through:

11 (1) providing a chaplain employed by the department;

12 or

13 (2) entering an agreement with a spiritual leader not
14 employed by the department and chosen by the board.

15 SECTION 2. This Act takes effect September 1, 2021.