

By: Sherman, Sr.

H.B. No. 3586

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the creation of the Texas Sentencing Commission and to
3 the collection and analysis of certain criminal sentencing
4 information.

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

6 SECTION 1. Chapter 42, Code of Criminal Procedure, is
7 amended by adding Article 42.25 to read as follows:

8 Art. 42.25. SENTENCING INFORMATION FORM. On accepting a
9 plea of guilty or nolo contendere or entering an adjudication of
10 guilt, the judge shall complete and return the sentencing
11 information form made available by the Office of Court
12 Administration of the Texas Judicial System under Section 72.257,
13 Government Code.

14 SECTION 2. Chapter 72, Government Code, is amended by
15 adding Subchapter H to read as follows:

16 SUBCHAPTER H. TEXAS SENTENCING COMMISSION

17 Sec. 72.251. DEFINITIONS. In this subchapter, "commission"
18 means the Texas Sentencing Commission.

19 Sec. 72.252. ESTABLISHMENT. The Texas Sentencing
20 Commission is established to ensure that criminal sentencing in
21 this state is justly implemented to:

22 (1) punish an offender commensurate with:

23 (A) the nature and extent of the harm caused by
24 the offense committed; and

1 (B) facts or circumstances that mitigate the
2 offender's culpability; and

3 (2) rehabilitate the offender so that the offender may
4 successfully reenter the offender's community.

5 Sec. 72.253. COMPOSITION; TERMS. (a) The commission is
6 composed of the following members:

7 (1) nine voting members, appointed by the governor,
8 including:

9 (A) three members who are judges of district or
10 county courts who hear criminal cases;

11 (B) two members who are prosecuting attorneys;
12 and

13 (C) two members who are public defenders;

14 (2) one advisory member appointed by the senate
15 committee with primary jurisdiction over the judiciary; and

16 (3) one advisory member appointed by the house
17 committee with primary jurisdiction over the judiciary.

18 (b) The governor shall select a member of the commission to
19 serve as presiding officer.

20 (c) Members of the commission serve staggered four-year
21 terms, with the terms of four or five members expiring on February 1
22 of each odd-numbered year.

23 (d) A vacancy on the commission shall be filled in the same
24 manner as the original appointment.

25 Sec. 72.254. STAFF. The commission may employ an executive
26 director, an assistant director, two attorneys licensed to practice
27 in this state, and an intern as necessary to administer the

1 commission's functions.

2 Sec. 72.255. MEETINGS. The commission shall meet at least
3 four times each year at the call of the presiding officer.

4 Sec. 72.256. COMPENSATION; REIMBURSEMENT OF EXPENSES. A
5 member of the commission is not entitled to compensation for
6 service on the commission or reimbursement of expenses incurred in
7 performing functions as a commission member.

8 Sec. 72.257. DUTIES OF COMMISSION. The commission shall:

9 (1) evaluate the efficacy of sentencing laws and
10 policies throughout the state;

11 (2) develop suggested sentencing standards for each
12 trial judge in this state that hears criminal cases;

13 (3) develop a sentencing information form to be used
14 by each trial judge in this state that hears criminal cases that
15 requires the judge to provide the following information regarding
16 each criminal case:

17 (A) demographic information of the offender and
18 each victim, if known;

19 (B) the outcome of the case;

20 (C) a description of the sentence ordered, if
21 any;

22 (D) the reasons the sentence ordered differed
23 from the suggested sentencing standard developed under Subdivision
24 (2), if known and applicable, and

25 (E) the signature of the judge and the
26 prosecuting attorney;

27 (4) analyze the information included on each

1 sentencing information form collected by the office and returned to
2 the commission; and

3 (5) update sentencing standards and forms developed
4 under this subsection as necessary to better achieve the
5 commission's purpose under Section 72.252.

6 Sec. 72.258. BIENNIAL REPORT. The commission shall submit
7 a biennial report to the legislature not later than November 1 of
8 each even-numbered year detailing the commission's legislative
9 recommendations relating to sentencing in criminal cases.

10 Sec. 72.259. SENTENCING STANDARDS AND FORMS. (a) The
11 office shall make available the sentencing standards and form
12 developed by the commission under Section 72.257 to each trial
13 judge in this state that hears criminal cases and make the standards
14 and form available on the office's Internet website.

15 (b) The office shall develop and implement a procedure to
16 collect completed sentencing information forms under this section
17 and return the forms to the commission.

18 Sec. 72.260. ADMINISTRATIVE SUPPORT. The office shall
19 provide administrative and technical support services to the
20 commission as necessary to carry out the purposes of this
21 subchapter.

22 SECTION 3. As soon as practicable after the effective date
23 of this Act, the appropriate persons shall appoint the members of
24 the Texas Sentencing Commission created by Subchapter H, Chapter
25 72, Government Code, as added by this Act.

26 SECTION 4. As soon as practicable after the effective date
27 of this Act, the Office of Court Administration of the Texas

1 Judicial System shall make available on the office's Internet
2 website all forms and materials required by Section 72.257,
3 Government Code, as added by this Act.

4 SECTION 5. This Act takes effect September 1, 2021.