

By: Hinojosa

S.B. No. 280

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the composition and duties of the capital and forensic
3 writs committee.

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

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

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

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

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

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

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

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

23 (a) The committee is composed of the following seven [~~five~~]
24 members who are appointed as follows [~~by the president of the State~~

1 ~~Bar of Texas, with ratification by the executive committee of the~~
2 ~~State Bar of Texas]:~~

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

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

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

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

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

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

26 (c) The committee shall meet [~~members serve at the pleasure~~
27 ~~of the president of the State Bar of Texas, and the committee meets]~~

1 at the call of the presiding officer of the committee.

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