

BILL ANALYSIS

C.S.H.B. 180
By: Moody
Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current law allows the state's attorney to request the withdrawal of an execution date for a person sentenced to capital punishment but only the presiding judge of the sentencing court may issue the order to do so. By custom, this has usually been seen as a ministerial duty, with judges honoring such requests. However, conflicts between attorneys and judges have arisen in some recent cases, creating uncertainty and eroding public confidence in the administration of justice. The state's attorney may be in the best position to make decisions regarding execution date withdrawals because they are tasked with seeking justice and are privy to developments in ongoing capital litigation unknown to a sentencing judge. C.S.H.B. 180 seeks to remedy these issues by requiring a convicting court to withdraw an execution date on the motion of the state's attorney.

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

C.S.H.B. 180 amends the Code of Criminal Procedure to require the convicting court in a death penalty case to withdraw the order setting a date for execution on the motion of the state's attorney. The bill applies only to an order entered on or after the bill's effective date.

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 180 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes a provision absent from the introduced that limits the applicability of the bill's provisions to an order entered on or after the bill's effective date.