

BILL ANALYSIS

Senate Research Center
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S.B. 544
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Criminal Justice
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As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Between supporters and opponents alike, there exist numerous procedural concerns regarding the just application of capital punishment in Texas. Issues such as inadequate legal representation, incomplete use of available technology in evidence, verdicts based on racial bias, and inequitable application of capital punishment based on racial and social factors have called into question the fairness of the state's capital punishment system. If the use of this supreme and irreversible form of punishment is to be continued in this state, it is imperative that these issues be resolved.

S.B. 544 establishes the Texas Capital Punishment Commission (commission) to complete a full review of the Texas capital punishment system and assess and evaluate the application of the death penalty in Texas. Members would consist of the executive director or designee of the Texas District and County Attorneys Association, the executive director or designee of the Texas Criminal Defense Lawyers Association, the executive director or designee of Justice for All, the executive director or designee of Murder Victims' Families for Reconciliation, two members appointed by the governor, two members appointed by the lieutenant governor, one of whom must be a former appellate judge recommended by the Texas Judicial Council, one member appointed by the speaker of the house of representatives, one member appointed by the dean of the law school at The University of Texas at Austin, and one member appointed by the dean of the law school at Texas Tech University. Every member should have general experience in criminal justice matters and will serve at the pleasure of the authority who appointed them.

The commission would submit its reports and any recommendations to the Texas Legislature for review and consideration. The commission would be abolished on January 1, 2007.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 37, Code of Criminal Procedure, by adding Article 37.15, as follows:

Art. 37.15. TEXAS CAPITAL PUNISHMENT COMMISSION

Sec. 1. CREATION. Creates the Texas Capital Punishment Commission (commission).

Sec. 2. DUTIES. (a) Requires the commission to study capital punishment in this state, concentrating on issues relating to indigent defense, identifying aspects of the capital punishment process which need improvement, and establishing safeguards governing the investigation, prosecution, and appeals of capital cases.

(b) Authorizes the commission to use the American Bar Association protocol, Death Without Justice: A Guide for Examining the Administration of the Death Penalty, in conducting said study.

(c) Requires the commission to propose legislation to correct any inequities in the state's capital punishment process, so that the administration of capital punishment in this state is fair, just, and accurate.

Sec. 3. COMPOSITION. Provides that the commission is composed of 11 members and sets forth the individuals composing the commission. Requires each member of the commission to be generally experienced in criminal justice matters, provides that each appointed member serves at the pleasure of the official by whom the member is appointed, and requires the governor to designate a member to serve as presiding officer.

Sec. 4. REIMBURSEMENT. Prohibits a member of the commission from receiving compensation, but provides that the member is entitled to reimbursement for the member's travel expenses as provided by Chapter 660 (Travel Expenses), Government Code, and the General Appropriations Act.

Sec. 5. ASSISTANCE. Requires the Texas Legislative Council and the Legislative Budget Board to assist the commission in performing its duties.

Sec. 6. SUBMISSION. Requires the commission to submit the proposed legislation described in the commission's duties to the lieutenant governor and the speaker of the house of representatives not later than January 1, 2007.

Sec. 7. INITIAL APPOINTMENTS. Requires certain persons to make the initial appointments to the commission no later than 31 days after the effective date of this article.

Sec. 8. OTHER LAW. Provides that the commission is not subject to Chapter 2110 (State Agency Advisory Committees), Government Code.

Sec. 9. ABOLITION. Provides that the commission is abolished on January 1, 2007, and this article expires on that date.

SECTION 2. Effective date: September 1, 2005.