

BILL ANALYSIS

C.S.H.B. 48
By: McClendon
Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

When a person is convicted of a crime and subsequently found innocent of that crime, a grave injustice has occurred in the criminal justice system. Those wrongfully convicted may suffer many years in prison and may lose the relationship with their family, employment, and parental rights along with their freedom, while the taxpayers are burdened with the cost of incarcerating an unjustly convicted person. Interested parties contend that this is unacceptable for Texas because it undermines public safety and penalizes innocent people, while the truly guilty person may remain free with the potential to commit more crimes. These parties assert that the state needs an established commission to help bring a halt to the conviction and imprisonment of innocent persons. C.S.H.B. 48 seeks to address this need by creating a commission to review exonerations in Texas to determine the causes of previous wrongful convictions and to provide recommendations for the prevention of future wrongful convictions.

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. 48 amends the Code of Criminal Procedure to create the Timothy Cole Exoneration Review Commission, which exists under the Texas Judicial Council but operates independently of the council, and to set out provisions relating to the composition of the commission, the terms of commission members, the commission's presiding officer, the filling of vacancies on the commission, and the hiring of commission personnel. The bill authorizes the commission to receive advice and guidance from an advisory panel and prescribes the panel's composition. The bill establishes that the commission is administratively attached to the Office of Court Administration of the Texas Judicial System and sets out the office's duties with respect to that administrative attachment.

C.S.H.B. 48 requires the commission to conduct a public hearing at least once a year, the agenda of which must include a review of the commission's work conducted in the preceding year, authorizes the advisory panel to participate in the public hearing, and sets out provisions relating to commission meetings, hearings, concurrences, quorums, and member compensation and reimbursement for certain expenses. The bill prescribes the circumstances under which a commission member may not participate in or vote on a commission matter or serve on or act as general counsel to the commission, establishes the grounds for removal of a commission member, provides for commission member training, and sets out provisions relating to the gifts, grants, and donations the commission may request and accept to carry out its functions.

C.S.H.B. 48 requires the commission to thoroughly review and examine all cases in which an innocent defendant was convicted and exonerated, including convictions vacated based on a plea to time served, to identify the causes of wrongful convictions and suggest ways to prevent future wrongful convictions and improve the reliability and fairness of the criminal justice system; to ascertain errors and defects in the laws, evidence, and procedures applied or omitted in the defendant's case; to identify errors and defects in the criminal justice system in Texas generally, using research, expert analysis, and demographic data; to consider suggestions to correct the identified errors and defects through legislation or procedural changes; to identify procedures, programs, and educational or training opportunities designed to eliminate or minimize the identified causes of wrongful convictions, including the identified errors and defects in the criminal justice system that contribute to wrongful convictions; and to collect and evaluate data and information from an actual innocence exoneration reported to the commission by a state-funded innocence project, for inclusion in the commission's reports. The bill authorizes the commission, subject to available funding and applicable accreditation procedures, to assist with and suggest training and continuing education opportunities for persons involved in the investigation, prosecution, defense, trial, or appeal of matters in the criminal justice system.

C.S.H.B. 48 requires the commission to review and examine each case in which a final ruling was made by the court of criminal appeals on a writ of habeas corpus granted for actual innocence on or after January 1, 1994, and each case in which a commutation of punishment or pardon was granted before January 1, 1994, based on a claim of actual innocence. The bill requires the commission to use relevant data and information for the following purposes: to identify any apparent breach of professional responsibility or misconduct by attorneys, judges, or criminal justice system personnel revealed in the course of any habeas review process existing in the case; to refer any apparent breach of professional responsibility or misconduct to the appropriate agency or office to review the apparent breach of responsibility or misconduct; to identify any patterns in apparent breaches of professional responsibility or misconduct by attorneys, judges, or criminal justice system personnel or errors or defects in the Texas criminal justice system that impact the pretrial, trial, appellate, or habeas review process; and to consider and suggest legislative, training, or procedural changes to correct those identified patterns, errors, and defects.

C.S.H.B. 48 requires the commission to consider potential implementation plans, costs, cost savings, and the impact on the criminal justice system for each potential solution identified through the commission's work and authorizes the commission, subject to available funding, to enter into contracts for research, analysis, and professional services as may be necessary or appropriate to facilitate the commission's work and activities or to complete the review and examination of a case in which there has been a commutation of punishment, a pardon, or a final ruling of actual innocence on an application for a writ of habeas corpus. The bill prescribes requirements for the commission in its first biennium of operation with regard to the research, reports, and recommendations of the Timothy Cole advisory panel established in the 81st Regular Session and in each subsequent biennium with regard to monitoring the progress and implementation of the recommendations made in the first biennium and to future items for study and authorizes the commission to solicit input from certain entities. The bill sets out provisions relating to commission reports and records and establishes deadlines for submitting the required reports to the governor, the lieutenant governor, the speaker of the house of representatives, the legislature, and the Texas Judicial Council.

C.S.H.B. 48 authorizes the commission, subject to available funding, to request assistance from the Legislative Budget Board and any state-supported university in performing the commission's duties, authorizes the commission to request the assistance of other state agencies and officers, and requires a state agency or officer to assist the commission in carrying out its functions when assistance is requested.

C.S.H.B. 48 amends the Government Code to require a legal clinic or program in Texas operated by a law school and receiving financial support from the Texas Indigent Defense Commission, at

the same time the clinic or program submits its annual report to that commission, to submit a comprehensive report to the Timothy Cole Exoneration Review Commission containing the information in that annual report and providing a narrative describing the services and work performed by the clinic or program during the previous fiscal year that includes the number of innocence claims the clinic or program handled that year, including a summary of each claim, the legal remedies pursued, and the type of relief granted in the case, if any.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 48 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Chapter 43, Code of Criminal Procedure, is amended by adding Article 43.27 to read as follows:

Art. 43.27. TIMOTHY COLE EXONERATION REVIEW COMMISSION

Sec. 1. CREATION. The Timothy Cole Exoneration Review Commission is created.

Sec. 2. COMPOSITION. The commission is composed of nine members, at least one of whom must be a member of the law enforcement community, appointed by the governor. The governor shall make appointments to the commission without regard to the race, color, disability, sex, religion, age, or national origin of the appointee.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Chapter 43, Code of Criminal Procedure, is amended by adding Article 43.27 to read as follows:

Art. 43.27. TIMOTHY COLE EXONERATION REVIEW COMMISSION

Sec. 1. CREATION. The Timothy Cole Exoneration Review Commission is created.

Sec. 2. COMPOSITION. The commission is composed of the following nine members:

(1) the presiding judge of the court of criminal appeals, or another judge of the court of criminal appeals appointed by the presiding judge;

(2) the chief justice of the Texas Supreme Court, or another justice of the Texas Supreme Court appointed by the chief justice;

(3) a district court judge, appointed by the presiding judge of the court of criminal appeals;

(4) the presiding officer of the Texas Commission on Law Enforcement, or a member or employee of the Texas Commission on Law Enforcement appointed by the presiding officer;

(5) the presiding officer of the Texas Indigent Defense Commission, or a member or employee of the Texas Indigent Defense Commission appointed by the presiding officer;

(6) the presiding officer of the Texas Forensic Science Commission, or a member or employee of the Texas Forensic Science Commission who has significant experience in the field of forensic science appointed by the presiding officer;

- (7) the chair of the Senate Committee on Criminal Justice, or the chair's designee;
- (8) the chair of the House Committee on Criminal Jurisprudence, or the chair's designee; and
- (9) the president of the State Bar of Texas, or the president's designee.

No equivalent provision.

Sec. 3. ADVISORY PANEL. The commission may receive advice and guidance from an advisory panel composed of the following members:

- (1) the president of the Texas Criminal Defense Lawyers Association, or the president's designee;
- (2) the chairman of the board of the Texas District and County Attorneys Association, or the chairman's designee; and
- (3) the director of the Texas Center for Actual Innocence at The University of Texas School of Law, the director of the Texas Innocence Network at the University of Houston Law Center, the executive director of the Innocence Project of Texas, or the executive director of the Innocence Project at Thurgood Marshall School of Law, each serving on a rotating basis.

Sec. 3. TERMS; VACANCIES. (a) Members serve staggered six-year terms, with one-third of the members' terms expiring February 1 of each odd-numbered year.

(b) In the event of a vacancy, the governor shall appoint a replacement to fill the unexpired portion of the term.

(c) The presiding officer of the commission shall be elected on an annual basis by the members of the commission.

No equivalent provision.

Sec. 4. TERMS; VACANCIES. (a) If a member of the commission is appointed under Sections 2(1)-(6), the member serves for a six-year term.

(c) If a person appointed to the commission does not complete the person's term, the vacancy is filled for the unexpired portion of the term in the same manner as the original appointment.

(b) The presiding officer of the commission shall be elected on an annual basis by the members of the commission.

(d) The presiding officer may appoint committees from the membership of the commission as needed to organize the commission or to perform the duties of the commission.

(e) The commission may hire a director and other necessary personnel to perform the duties of the commission.

Sec. 5. ADMINISTRATIVE ATTACHMENT. (a) The commission exists under the Texas Judicial Council created under Chapter 71, Government Code. The commission operates

independently of the Texas Judicial Council.

(b) The commission is administratively attached to the Office of Court Administration of the Texas Judicial System.

(c) Notwithstanding any other law, and subject to available funding, the Office of Court Administration of the Texas Judicial System shall:

(1) provide administrative assistance and services to the commission, including budget planning and purchasing;

(2) accept, deposit, and disburse money made available to the commission;

(3) pay the salaries and benefits of the director and employees of the commission; and

(4) provide the commission with adequate computer equipment and support.

Sec. 4. MEETINGS. (a) The commission may hold its meetings, hearings, and other proceedings at times and places as the commission shall determine, but shall meet in Austin at least once each year. Proceedings shall be conducted by majority vote of those present.

(b) The commission shall conduct a public hearing at least once a year, the agenda of which must include a review of the work of the commission in reviewing and examining matters considered by the commission under this article.

Sec. 6. MEETINGS. (a) The commission may hold its meetings, hearings, and other proceedings at a time and in a manner determined by the commission, but shall meet in Austin at least annually.

(b) The commission shall conduct a public hearing at least annually, the agenda of which must include a review of the work conducted by the commission in the preceding year. The advisory committee may participate in a public hearing of the commission.

(c) Five members of the commission constitute a quorum. The commission may act only on the concurrence of five or more members. The commission may issue a report under Section 13 only on the concurrence of six members.

(d) A member of the commission is entitled only to reimbursement for the member's travel expenses as provided by Section 10 of this article, Chapter 660, Government Code, and the General Appropriations Act.

Sec. 5. QUALIFICATIONS.

(a) Each member must be a registered voter of the state.

(b) A member of the commission may not hold any other public office or be an employee of any state department or agency, or be an employee or member of another state board or commission during the member's tenure on the commission.

(c) An individual may not be a member of

Sec. 7. QUALIFICATIONS.

(a) A member of the commission may not participate in or vote on any matter before the commission if the matter directly concerns an individual related to the member within the second degree by affinity or consanguinity.

(b) An individual may not be a member of

the commission or act as the general counsel to the commission if the individual or individual's spouse is required to register as a lobbyist under Chapter 305, Government Code, because of the individual's activities for compensation on behalf of a profession or entity related to the operation of the commission.

Sec. 6. GROUNDS FOR REMOVAL. (a) It is a ground for removal from the commission that a member:

(1) does not have at the time of appointment the qualifications required by this article;

(2) does not maintain during service on the commission the qualifications required by this article;

(3) violates a prohibition established by this article;

(4) is ineligible for membership under this article;

(5) cannot, because of illness or disability, discharge the member's duties for a substantial part of the member's term; or

(6) is absent from more than half of the regularly scheduled meetings that the member is eligible to attend during a calendar year, unless the absence is excused by a majority vote of the commission.

(b) The validity of an action of the commission is not affected by the fact that it is taken when a ground for removal of a commission member exists.

Sec. 7. COMMISSION MEMBER TRAINING. (a) A person who is appointed to and qualifies for office as a member of the commission shall complete a training program that meets the requirements of this section.

(b) The training program must provide the person with information regarding:

(1) the legislation that created the commission;

(2) the programs operated by the commission;

(3) the role and functions of the commission;

(4) the rules of the commission, with an emphasis on the rules that relate to its examination authority;

(5) the requirements of laws relating to public officials and public meetings, including conflict-of-interest laws; and

(6) any applicable ethics policies adopted

the commission or act as the general counsel to the commission if the individual or individual's spouse is required to register as a lobbyist under Chapter 305, Government Code, because of the individual's activities for compensation on behalf of a profession or entity related to the operation of the commission.

Sec. 8. GROUNDS FOR REMOVAL. (a) It is a ground for removal from the commission that a member:

(1) if applicable, does not have at the time of appointment the qualifications required by this article;

(2) does not maintain during service on the commission the qualifications required by this article;

(3) violates a prohibition established by this article;

(4) is ineligible for membership under this article;

(5) cannot, because of illness or disability, discharge the member's duties for a substantial part of the member's term; or

(6) is absent from more than half of the regularly scheduled meetings that the member is eligible to attend during a calendar year, unless the absence is excused by a majority vote of the commission.

(b) The validity of an action of the commission is not affected by the fact that it is taken when a ground for removal of a commission member exists.

Sec. 9. COMMISSION MEMBER TRAINING. (a) A member of the commission shall complete a training program that meets the requirements of this section.

(b) The training program must provide the person with information regarding:

(1) the legislation that created the commission;

(2) the programs operated by the commission;

(3) the role and functions of the commission;

(4) the rules of the commission, with an emphasis on the rules that relate to its examination authority;

(5) the requirements of laws relating to public officials and public meetings, including conflict-of-interest laws; and

(6) any applicable ethics policies adopted

by the commission or the Texas Ethics Commission.

Sec. 8. SUNSET PROVISION. The Timothy Cole Exoneration Review Commission is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the Timothy Cole Exoneration Review Commission is abolished and this article expires September 1, 2027.

Sec. 9. DUTIES. (a) The commission shall thoroughly review and examine all cases in which an innocent defendant was convicted and exonerated, including convictions vacated based on a plea to time served, to:
(1) identify the causes of wrongful convictions;

(2) ascertain errors and defects in the laws, rules, proof, and procedures applied in prosecuting the defendant's case at issue or implicated by each identified cause of wrongful convictions;

(3) identify errors and defects in the criminal justice system in this state generally, using peer-reviewed research, expert analysis, and demographic data;

(4) consider and develop solutions and methods to correct the identified errors and defects through legislation, rule, or procedural changes; and

(5) identify procedures, programs, and educational or training opportunities demonstrated to eliminate or minimize the causes of wrongful convictions and prevent the future occurrence of wrongful convictions and any related wrongful executions.

by the commission or the Texas Ethics Commission.

No equivalent provision.

Sec. 12. DUTIES. (a) The commission shall thoroughly review and examine all cases in which an innocent defendant was convicted and exonerated, including convictions vacated based on a plea to time served, to:
(1) identify the causes of wrongful convictions and suggest ways to prevent future wrongful convictions and improve the reliability and fairness of the criminal justice system;

(2) ascertain errors and defects in the laws, evidence, and procedures applied or omitted in the defendant's case;

(3) identify errors and defects in the criminal justice system in this state generally, using research, expert analysis, and demographic data;

(4) consider suggestions to correct the identified errors and defects through legislation or procedural changes;

(5) identify procedures, programs, and educational or training opportunities designed to eliminate or minimize the identified causes of wrongful convictions, including the identified errors and defects in the criminal justice system that contribute to wrongful convictions; and

(6) collect and evaluate data and information from an actual innocence exoneration reported to the commission by a state-funded innocence project, for inclusion in the commission's reports under Section 13.

(b) Subject to available funding and applicable accreditation procedures, the commission may assist with and suggest training and continuing education opportunities for persons involved in the investigation, prosecution, defense, trial, or appeal of matters in the criminal justice

(b) The commission shall thoroughly review and examine each application for writ of habeas corpus made to the court of criminal appeals, and for which the court has issued a final ruling, to:

(1) identify any ethical violations or misconduct by attorneys or judges revealed in the course of the habeas review process;

(2) refer any ethical violations or misconduct discovered to the State Commission on Judicial Conduct, the State Bar of Texas, the office of the attorney general, or other appropriate agency or office to review the violations or misconduct and, if appropriate, initiate or take corrective disciplinary action;

(3) identify any patterns of ethical violations or misconduct by attorneys or judges or errors or defects in the criminal justice system in this state that impact the habeas review process;

(4) consider and develop solutions and methods to correct through legislation, rule, or procedural changes the patterns, errors, and defects identified under Subdivision (3); and

(5) identify procedures, programs, and educational or training opportunities demonstrated to eliminate or minimize the patterns, errors, and defects identified under Subdivision (3).

(c) The commission shall consider potential implementation plans, costs, cost savings, and the impact on the criminal justice system for each potential solution identified under Subsection (a) or (b).

(d) The commission may enter into contracts for research and professional services, including forensic testing and autopsies, as may be necessary or appropriate to facilitate the work and activities of the commission or to complete

system.

(c) The commission shall review and examine each case in which a final ruling was made by the court of criminal appeals on a writ of habeas corpus granted for actual innocence on or after January 1, 1994, and each case in which a commutation of punishment or pardon was granted before January 1, 1994, based on a claim of actual innocence and shall use relevant data and information to:

(1) identify any apparent breach of professional responsibility or misconduct by attorneys, judges, or criminal justice system personnel that is revealed in the course of any habeas review process existing in the case;

(2) refer any apparent breach of professional responsibility or misconduct to, as appropriate, the State Commission on Judicial Conduct, the State Bar of Texas, the Texas Commission on Law Enforcement, the office of the attorney general, or other appropriate agency or office, for their review of the apparent breach of professional responsibility or misconduct;

(3) identify any patterns in:

(A) apparent breaches of professional responsibility or misconduct by attorneys, judges, or criminal justice system personnel;

or
(B) errors or defects in the criminal justice system in this state that impact the pretrial, trial, appellate, or habeas review process; and

(4) consider and suggest legislative, training, or procedural changes to correct the patterns, errors, and defects identified through the work of the commission.

(d) The commission shall consider potential implementation plans, costs, cost savings, and the impact on the criminal justice system for each potential solution identified through the work of the commission.

(e) The commission may, subject to available funding, enter into contracts for research, analysis, and professional services as may be necessary or appropriate to facilitate the work and activities of the commission or to complete the review and

the review and examination of a case in which there has been an exoneration or a final ruling on an application for a writ of habeas corpus.

examination of a case in which there has been a commutation of punishment, a pardon, or a final ruling of actual innocence on an application for a writ of habeas corpus.

(f) In its first biennium of operation the commission shall give particular attention to reviewing and updating the research, reports, and recommendations of the Timothy Cole advisory panel established in the 81st Regular Session and the degree to which the panel's recommendations were implemented.

(g) Following the initial biennium, in each subsequent biennium the commission shall:

(1) continue to monitor the progress and implementation of the recommendations made in the first biennium; and

(2) determine future items for study by identifying not more than 10 prominent criminal justice issues to consider, of which the chief justice of the Texas Supreme Court and the presiding judge of the court of criminal appeals biennially shall choose not more than six to be studied by the commission in the applicable biennium.

(h) The commission may solicit input from innocence projects, bar associations, judicial entities, law enforcement agencies, prosecutor associations, public defender or criminal defense associations, and advocacy organizations.

Sec. 10. REPORTS AND RECORDS. (a)

The commission shall compile a detailed annual report of its findings and recommendations, including any proposed legislation, rule, or policy changes necessary or appropriate to implement procedures and programs to prevent the causes and occurrence of future wrongful convictions, wrongful executions, or errors or defects in the habeas review process. The commission may also compile interim reports for the same or similar purposes.

(b) Official annual and interim reports issued by the commission must be made available to the public on request.

(c) The findings and recommendations contained in the official reports issued by the commission may be used as evidence in any subsequent civil or criminal proceeding, according to the applicable procedural and evidentiary rules for the tribunal in which a particular matter is or may be pending.

(d) Working papers and records, including

Sec. 13. REPORTS AND RECORDS. (a)

The commission shall compile and issue a detailed annual report of its findings and recommendations, including any proposed legislation or policy changes necessary or appropriate to implement procedures and programs to prevent the causes and occurrence of future wrongful convictions, wrongful executions, or errors or defects in the habeas review process. The commission may also compile and issue interim reports for the same or similar purposes.

(b) Official annual and interim reports issued by the commission must be made available to the public on request.

(c) Working papers and records, including

all documentary or other information, prepared or maintained by the commission or members or staff of the commission in performing the commission's duties under this article or other law to conduct an evaluation and prepare a report, are excepted from the public disclosure requirements of Section 552.021, Government Code. A record held by another entity that is considered to be confidential by law and that the commission receives in connection with the performance of the commission's functions under this article or other law remains confidential and is excepted from the public disclosure requirements of Section 552.021, Government Code.

Sec. 11. SUBMISSION. The commission shall submit the reports described by Section 10 to the governor, the lieutenant governor, the speaker of the house of representatives, and the legislature not later than December 1 of each even-numbered year, or not later than the 60th day after the date the report is issued, whichever occurs first.

Sec. 12. GIFTS AND GRANTS. (a) The commission may apply for and accept gifts, grants, and donations from any organization described in Section 501(c)(3) or (4), Internal Revenue Code of 1986, for the purpose of funding any activity of the commission under this article. The commission may apply for and accept grants under federal programs.

(b) The commission may receive donations from private individuals or entities.

(c) All gifts, grants, and donations must be accepted in an open meeting by a majority of the members of the commission then

all documentary or other information, collected, received, prepared, or maintained by the commission or members or staff of the commission in performing the commission's duties under this article or other law to conduct an evaluation and prepare a report, are confidential and not subject to disclosure under Chapter 552, Government Code.

(e) Information held by an entity of state government or of a political subdivision that is confidential and that the commission receives in connection with the performance of the commission's functions under this article or other law remains confidential and is not subject to disclosure under Chapter 552, Government Code.

(d) The commission may request that an entity of state government or of a political subdivision provide information related to the commission's duties under Section 12. On the request of the commission, an entity shall provide information to the commission unless otherwise prohibited from disclosing that information. The commission may examine the public records, documents, and files of an entity of state government or a political subdivision in carrying out the commission's duties.

Sec. 15. SUBMISSION. The commission shall submit the reports described by Section 13 to the governor, the lieutenant governor, the speaker of the house of representatives, the legislature, and the Texas Judicial Council not later than December 1 of each even-numbered year, or not later than the 60th day after the date the report is issued, whichever occurs first.

Sec. 11. GIFTS, GRANTS, AND DONATIONS. (a) The commission may request and accept gifts, grants, and donations from any source to carry out its functions, except that the commission may not request or accept gifts from:

(1) a law firm, as defined by Section 72.028, Government Code;

(2) an attorney or the attorney's spouse; or

(3) an employee of the law firm or an attorney or the spouse of that employee.

(b) All gifts, grants, and donations must be accepted in an open meeting by a majority of the members of the commission then

present and voting, and must be reported in the public records of the commission with the name of the donor and purpose of the gift, grant, or donation accepted.

(d) The commission may authorize and disburse subgrants of funds from those funds that the commission may accept from time to time under this section for appropriate programs, services, and activities related to and in accord with the purposes and activities of the commission.

Sec. 13. COMPENSATION; REIMBURSEMENT. A member of the commission may not receive compensation for the services provided as a member. A member is entitled to reimbursement by the commission for the member's actual and necessary expenses incurred in performing commission duties, subject to the availability of funds from general revenue that may be appropriated to the commission by the state. Reimbursements to members for actual and necessary expenses incurred may be authorized by the commission through funds received and administered by the commission from gifts, grants, and donations the commission accepts under Section 12.

Sec. 14. ASSISTANCE OF STATE AGENCIES; ACCESS TO STATE AGENCIES. (a) The Legislative Budget Board and The University of Texas at Austin shall assist the commission in performing the commission's duties.

(b) The commission may also request the assistance of other state agencies and officers. When assistance is requested, a state agency or officer shall assist the commission in carrying out its functions under this article. The commission or its designee may inspect the records, documents, and files of any state agency in carrying out the commission's duties.

SECTION 2. In appointing the initial members of the Timothy Cole Exoneration Review Commission, the governor shall appoint three persons to terms expiring February 1, 2017, three to terms expiring February 1, 2019, and three to terms expiring February 1, 2021.

present and voting, and must be reported in the public records of the commission with the name of the donor and purpose of the gift, grant, or donation accepted.

(c) The commission may authorize and disburse subgrants of funds from those funds that the commission may accept from time to time under this section for appropriate programs, services, and activities related to and in accord with the purposes and activities of the commission.

Sec. 10. COMPENSATION; REIMBURSEMENT. A member of the commission may not receive compensation for the services provided as a member. A member is entitled to reimbursement by the commission for the member's actual and necessary expenses incurred in performing commission duties, subject to the availability of funds that may be appropriated to the commission by the state. Reimbursements to members for actual and necessary expenses incurred may be authorized by the commission through funds received and administered by the commission from gifts, grants, and donations the commission accepts under Section 11.

Sec. 14. ASSISTANCE OF STATE AGENCIES; ACCESS TO STATE AGENCIES. (a) Subject to available funding, the commission may request assistance from the Legislative Budget Board and any state-supported university in performing the commission's duties.

(b) The commission may also request the assistance of other state agencies and officers. When assistance is requested, a state agency or officer shall assist the commission in carrying out its functions under this article.

No equivalent provision.

SECTION 3. The appointments to the Timothy Cole Exoneration Review Commission required by Article 43.27, Code of Criminal Procedure, as added by this Act, shall be made not later than the 60th day after the effective date of this Act.

No equivalent provision.

No equivalent provision.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

No equivalent provision.

SECTION 2. The heading to Section 79.039, Government Code, is amended to read as follows:

Sec. 79.039. EXONERATION REPORTS [~~REPORT~~].

SECTION 3. Section 79.039, Government Code, is amended by adding Subsection (c) to read as follows:

(c) At the same time the legal clinic or program submits a report under Subsection (a), the clinic or program shall submit a comprehensive report to the Timothy Cole Exoneration Review Commission that:
(1) contains all information included in the report submitted under Subsection (a); and
(2) provides a narrative describing the services and work performed by the clinic or program during the previous fiscal year that includes the number of innocence claims the clinic or program handled in that year, including a summary of each claim, the legal remedies pursued, and the type of relief granted in the case, if any.

SECTION 4. Same as introduced version.