

**SUBJECT:** Expanding duties of the Office of Capital Writs to include forensic writs

**COMMITTEE:** Criminal Jurisprudence — favorable, without amendment

**VOTE:** 4 ayes — Herrero, Leach, Shaheen, Simpson  
0 nays  
3 absent — Moody, Canales, Hunter

**SENATE VOTE:** On final passage, May 5 — 31-0

**WITNESSES:** For — (*Registered, but did not testify:* Amanda Marzullo, Texas Defender Service)  
Against — None  
On — (*Registered, but did not testify:* Brad Levenson, Office of Capital Writs; Lynn Garcia, Texas Forensic Science Commission)

**BACKGROUND:** Government Code, ch. 78 establishes the state Office of Capital Writs. The office provides legal representation for indigent individuals sentenced to death in state post-conviction writs of habeas corpus and related proceedings. Writs of habeas corpus are a way to challenge the constitutionality of a criminal conviction or the process that resulted in a conviction or sentence.  
Code of Criminal Procedure, art. 11.073 allows courts to grant relief on writs of habeas corpus, subject to certain criteria, if relevant scientific evidence that is currently available was not available at the time of trial and certain conditions are met.

**DIGEST:** SB 1743 would expand the duties of the office of capital writs to include representing defendants in the filing of writs of habeas corpus under Code of Criminal Procedure, art. 11.073. The bill would allow the office to represent defendants in actions and proceedings that concern other post-

conviction matters in a case involving a forensic science issue.

The office would be renamed the “Office of Capital and Forensic Writs.” The office could consult with law school clinics with knowledge and experience and with other experts as necessary to investigate facts of a case. The office would be able to employ experts, in addition to the currently authorized personnel, to perform its duties.

The bill would take effect September 1, 2015.