

BILL ANALYSIS

Senate Research Center
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S.B. 680
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Criminal Justice
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As Filed

DIGEST AND PURPOSE

Currently, there is widespread concern about the implementation of capital punishment among both proponents and opponents of the death penalty in Texas criminal cases. These concerns include cases of inadequate legal representation for indigent defendants; questions about the certainty of the guilt of defendants when evidence has not been tested with new technologies such as DNA; cases in which race is a contributing factor in determining a defendant's guilt; and uncertainty about the sufficiency of the appellate review for poor and minority defendants who have been sentenced to death row. S.B. 680 is intended to assemble a highly respected group of individuals, experienced in criminal justice matters, to form a blue ribbon commission to be called the Texas Capital Punishment Commission. The commission, which could consist of current or former criminal prosecutors, defense attorneys, judges, deans of law schools, and representatives of victim's rights advocacy groups, will investigate and evaluate the fairness of how the death penalty is implemented in Texas. The commission will address concerns about capital punishment either by endorsing, suggesting improvements to, or identifying problems with capital punishment in Texas, and submitting a report to the legislature. As proposed, S.B. 680 creates the Texas Capital Punishment Commission to study implementation of the death penalty in Texas.

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. Provides that the Capital Punishment Commission (commission) is created.

Sec. 2. DUTIES. Requires the commission to study capital punishment in this state, concentrating particularly on issues relating to the legal representation of indigent inmates in capital cases, the certainty of the guilt of individuals convicted in capital cases and the ability of new technologies such as DNA testing to increase that certainty, race as a factor in decision-making in capital cases, and the sufficiency of appellate review of convictions in capital cases. Requires the commission, after completing the study, to propose legislation to correct any inequities in the capital punishment process in this state.

Sec. 3. COMPOSITION. Provides that the commission is composed of 11 members who have general experience in criminal justice matters: three appointed by the governor, with at least one having experience in prosecution of capital cases; three appointed by the lieutenant governor, with at least one having experience in defense of capital cases; three appointed by the speaker of the house of representatives, with at least one having experience as a trial judge and

at least one having experience as an advocate for victims of crime; one appointed by the dean of the law school at The University of Texas at Austin; and one of whom is appointed by the dean of the law school at Texas Tech University. Provides that each member serves at the pleasure of the official by whom the member is appointed. 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 a member is entitled to reimbursement of travel expenses incurred while conducting the business of the commission, as provided in the General Appropriations Act.

Sec. 5. ASSISTANCE. Requires the Texas Legislative Council, the Legislative Budget Board, and the Criminal Justice Policy Council to assist the commission in performing the commission's duties.

Sec. 6. SUBMISSION. Requires the commission to submit the proposed legislation described by Section 2 to the lieutenant governor and the speaker of the house of representatives not later than January 1, 2003.

Sec. 7. INITIAL APPOINTMENTS. Requires the governor, lieutenant governor, speaker of the house of representatives, and deans of the law schools at The University of Texas at Austin and Texas Tech University to make their appointments to the commission not later than the 31st day 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 2, 2003, and this article expires on that date.

SECTION 2. Effective date: September 1, 2001.