

BILL ANALYSIS

Senate Research Center
78R4739 KCR-D

S.B. 444
By: Shapleigh
State Affairs
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As Filed

DIGEST AND PURPOSE

Current Texas law does not provide for a commission charged with studying the implementation of the death penalty in this state. As proposed, S.B. 444 creates the Texas Capital Punishment Commission, comprised of a range of professionals and appointees, and requires that commission to prepare a report to the legislature and make recommendations regarding legal representation of indigent inmates in capital cases, the certainty of guilt of individuals convicted in capital cases and the ability of new technologies 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.

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 Texas, concentrating on issues relating to the legal representation of indigent inmates in capital cases, the certainty of guilt of individuals convicted in capital cases and the ability of new technologies 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 to propose legislation to correct any inequities in the capital punishment process in the state, upon completion of the study.

Sec. 3. COMPOSITION. Specifies the composition of the 11-member 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. 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 entitles a member to reimbursement of travel expenses incurred while conducting business of the commission, as provided by 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 under Section 2 to the lieutenant governor and the speaker of the house of representatives by January 1, 2005.

Sec. 7. INITIAL APPOINTMENTS. Requires the officials appointing members to the commission to make those appointments within 31 days of this article's effective date.

Sec. 8. OTHER LAW. Exempts the commission from Chapter 2110, Government Code.

Sec. 9. ABOLITION. Provides that the commission is abolished, and this article expires, on January 2, 2005.

SECTION 2. Effective date: September 1, 2003.