

## **BILL ANALYSIS**

Senate Research Center  
78R1909 EMT-D

S.J.R. 12  
By: Shapleigh  
Criminal Justice  
2/28/2003  
As Filed

### **DIGEST AND PURPOSE**

Currently, there are concerns about the implementation of capital punishment in Texas. The concerns include questions on the adequacy of legal representation of indigent defendants, the use of emerging technologies such as DNA testing, and the sufficiency of appellate review of capital cases. As proposed, S.J.R. 12 requires the submission to the voters of a proposed amendment to the Texas Constitution authorizing the governor to issue an order prohibiting the Texas Department of Criminal Justice from performing executions while the order is in effect.

### **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 Section 11, Article IV, Texas Constitution, by adding Subsection (c), to authorize the governor to issue an order prohibiting the Texas Department of Criminal Justice from performing executions on and after the effective date of the order and until the order is revoked either by the governor issuing the order or by a successor to the governor issuing the order.

SECTION 2. Requires this proposed amendment to be submitted to the voters at an election to be held on November 4, 2003. Requires the ballot to be printed to permit voting for or against the proposition: "The constitutional amendment authorizing a moratorium on the execution of persons convicted of capital offenses."