

BILL ANALYSIS

Senate Research Center
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S.B. 263
By: Ellis
Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, when an innocent person is wrongfully convicted, the Texas justice system does not have any institutional mechanism to evaluate the conviction, find out what went wrong, and correct the mistake. The Texas Innocence Commission would investigate convictions of innocent people in much the same way as the National Transportation Safety Board investigates major accidents. When a major airplane, train, or space shuttle accident occurs, an in-depth investigation begins within hours to identify the causes and possible remedies to ensure it is not repeated.

As proposed, S.B. 263 creates a Texas Innocence Commission to investigate wrongful convictions of innocent Texans, evaluate what went wrong and make recommendations to prevent such wrongful convictions from reoccurring in the future.

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 43, Code of Criminal Procedure, by adding Article 43.27, as follows:

Art. 43.27. TEXAS INNOCENCE COMMISSION

Sec. 1. CREATION. Creates the Texas Innocence Commission (commission).

Sec. 2. COMPOSITION. (a) Provides that the commission is composed of nine members. Requires the governor and the chancellor of The University of Texas System to each appoint two specific members to the commission. Requires the attorney general, the chair of the criminal justice committee of the senate, the chair of the criminal jurisprudence committee of the house of representatives, the chief justice of the supreme court, and the Texas Criminal Defense Lawyers Association to each appoint one specific member to the commission.

(b) Provides that each member of the commission serves a two-year term.

(c) Requires the governor to designate one member of the commission to serve as presiding officer.

Sec. 3. DUTIES. (a) Requires the commission to investigate all postconviction exonerations and all colorable allegations that an innocent person has been executed.

(b) Authorizes the commission to enter into contracts for research services in order to complete the investigation of a particular case, including forensic testing and autopsies.

(c) Authorizes the commission to administer oaths and issue subpoenas to compel the production of documents and the attendance of witnesses as considered necessary to conduct a thorough investigation. Requires a subpoena from the

commission to be served by a peace officer in the manner in which district court subpoenas are served. Requires a district court in Travis County to compel compliance with the subpoena in the same manner as for district court subpoenas.

Sec. 4. REPORT. (a) Requires the commission to compile a detailed annual report of its findings and recommendations, including any proposed legislation to implement procedures and programs to prevent future wrongful convictions or executions.

(b) Requires the report to be made available to the public on request.

(c) Prohibits the findings and recommendations in the report from being used as binding evidence in a subsequent civil or criminal proceeding.

Sec. 5. SUBMISSION. Requires the commission to submit the report to the governor, the lieutenant governor, and the speaker of the house of representatives no later than December 1 of each even-numbered year.

Sec. 6. RESPONSE. Requires the governor, lieutenant governor, and the speaker of the house of representatives to singly or jointly issue a formal written response to the findings and recommendations of the commission not later than 60 days after the date of the receipt of the report.

Sec. 7. REIMBURSEMENT. Entitles a member of the commission reimbursement of travel expenses as provided by Chapter 660 (Travel Expenses), Government Code, and the General Appropriations Act. Provides that a member of the commission is not entitled to compensation.

Sec. 8. ASSISTANCE. Requires the Texas Legislative Council, the Legislative Budget Board, and The University of Texas at Austin to assist the commission in performing the commission's duties.

Sec. 9. OTHER LAW. Provides that the commission is not subject to Chapter 2110 (State Agency Advisory Committees), Government Code.

SECTION 2. Requires appointments to be made to the commission not later than 60 days after the effective date of this Act.

SECTION 3. Effective date: September 1, 2007.