

By: Hinojosa

S.B. No. 1071

A BILL TO BE ENTITLED

AN ACT

relating to requiring notice of the scheduling of an execution date and the issuance of a warrant of execution.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 43.141, Code of Criminal Procedure, is amended by adding Subsection (b-1) to read as follows:

(b-1) A convicting court may not set an execution date unless:

(1) the attorney representing the state files a written motion to set an execution date; and

(2) not later than the 10th day before the date on which the court enters an order setting the execution date, a copy of the motion is served on:

(A) the attorney who represented the condemned person in the most recently concluded stage of a state or federal postconviction proceeding; and

(B) the office of capital writs established under Subchapter B, Chapter 78, Government Code.

SECTION 2. Article 43.15, Code of Criminal Procedure, is amended to read as follows:

Art. 43.15. WARRANT OF EXECUTION. (a) Whenever any person is sentenced to death, the clerk of the court in which the sentence is pronounced~~[7]~~ shall, not later than the 10th day ~~[within ten days]~~ after the court enters its order setting the date for

1 execution, issue a warrant under the seal of the court for the
 2 execution of the sentence of death, which shall recite the fact of
 3 conviction, setting forth specifically the offense, the judgment of
 4 the court, and the time fixed for the [~~his~~] execution, and which
 5 shall be directed to the director of the correctional institutions
 6 division of the Texas Department of Criminal Justice [~~Director of~~
 7 ~~the Department of Corrections~~] at Huntsville, Texas, commanding the
 8 director [~~him~~] to proceed, at the time and place named in the order
 9 of execution, to carry the same into execution, as provided in [~~the~~
 10 ~~preceding~~] Article 43.14, and shall deliver such warrant to the
 11 sheriff of the county in which such judgment of conviction was had,
 12 to be [~~by him~~] delivered by the sheriff to the director [~~said~~
 13 ~~Director of the Department of Corrections~~], together with the
 14 condemned person if the person [~~he~~] has not previously been so
 15 delivered.

16 (b) At the time the warrant is issued under Subsection (a),
 17 the clerk of the court shall send a copy of the warrant to:

18 (1) the attorney who represented the condemned person
 19 in the most recently concluded stage of a state or federal
 20 postconviction proceeding;

21 (2) the attorney representing the state; and

22 (3) the office of capital writs established under
 23 Subchapter B, Chapter 78, Government Code.

24 SECTION 3. (a) Article 43.141, Code of Criminal Procedure,
 25 as amended by this Act, applies only to an order entered on or after
 26 the effective date of this Act. An order entered before the
 27 effective date of this Act is governed by the law in effect on the

1 date the order was entered, and the former law is continued in
2 effect for that purpose.

3 (b) Article [43.15](#), Code of Criminal Procedure, as amended by
4 this Act, applies only to a warrant issued on or after the effective
5 date of this Act. A warrant issued before the effective date of
6 this Act is governed by the law in effect on the date the warrant was
7 issued, and the former law is continued in effect for that purpose.

8 SECTION 4. This Act takes effect September 1, 2015.