

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 Subsections (b-1), (b-2), and (b-3) to read as follows:

(b-1) The attorney representing the state must ensure that a copy of the state's motion to set an execution date is served on the condemned person's attorney.

(b-2) If the convicting court intends to set an execution date under this article on its own motion, the clerk of the convicting court must provide written notice of that intent to:

(1) the condemned person's attorney and the attorney representing the state; and

(2) if the person is not a citizen of the United States, the nearest consular official of the country of which the person is a citizen.

(b-3) A copy served or notice provided under Subsection (b-1) or (b-2) must be:

(1) personally delivered not later than the 10th day before the day on which the court enters an order setting the execution date; or

(2) sent by first class mail and deposited in the mail

1 not later than the 16th day before the day on which the court enters
2 an order setting the execution date.

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

5 Art. 43.15. WARRANT OF EXECUTION. (a) Whenever any person
6 is sentenced to death, the clerk of the court in which the sentence
7 is pronounced~~[7]~~ shall, not later than the 10th day ~~[within ten~~
8 ~~days]~~ after the court enters its order setting the date for
9 execution, issue a warrant under the seal of the court for the
10 execution of the sentence of death, which shall recite the fact of
11 conviction, setting forth specifically the offense, the judgment of
12 the court, and the time fixed for the ~~[his]~~ execution, and which
13 shall be directed to the director of the correctional institutions
14 division of the Texas Department of Criminal Justice ~~[Director of~~
15 ~~the Department of Corrections]~~ at Huntsville, Texas, commanding the
16 director ~~[him]~~ to proceed, at the time and place named in the order
17 of execution, to carry the same into execution, as provided in ~~[the~~
18 ~~preceding]~~ Article 43.14, and shall deliver such warrant to the
19 sheriff of the county in which such judgment of conviction was had,
20 to be ~~[by him]~~ delivered by the sheriff to the director ~~[said~~
21 ~~Director of the Department of Corrections]~~, together with the
22 condemned person if the person ~~[he]~~ has not previously been so
23 delivered.

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

26 (1) the condemned person's attorney and the attorney
27 representing the state; and

1 (2) if the person is not a citizen of the United
2 States, the nearest consular official of the country of which the
3 person is a citizen.

4 SECTION 3. (a) Article 43.141, Code of Criminal Procedure,
5 as amended by this Act, applies only to an order entered on or after
6 the effective date of this Act. An order entered before the
7 effective date of this Act is governed by the law in effect on the
8 date the order was entered, and the former law is continued in
9 effect for that purpose.

10 (b) Article 43.15, Code of Criminal Procedure, as amended by
11 this Act, applies only to a warrant issued on or after the effective
12 date of this Act. A warrant issued before the effective date of this
13 Act is governed by the law in effect on the date the warrant was
14 issued, and the former law is continued in effect for that purpose.

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