

1-1 By: Hinojosa S.B. No. 1071  
1-2 (In the Senate - Filed March 9, 2015; March 16, 2015, read  
1-3 first time and referred to Committee on Criminal Justice;  
1-4 April 7, 2015, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 7, Nays 0; April 7, 2015,  
1-6 sent to printer.)

1-7	COMMITTEE VOTE				
1-8		Yea	Nay	Absent	PNV
1-9	Whitmire	X			
1-10	Huffman	X			
1-11	Burton	X			
1-12	Creighton	X			
1-13	Hinojosa	X			
1-14	Menéndez	X			
1-15	Perry	X			

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 1071 By: Hinojosa

1-17 A BILL TO BE ENTITLED  
1-18 AN ACT

1-19 relating to requiring notice of the scheduling of an execution date  
1-20 and the issuance of a warrant of execution.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Article 43.141, Code of Criminal Procedure, is  
1-23 amended by adding Subsections (b-1), (b-2), and (b-3) to read as  
1-24 follows:

1-25 (b-1) The attorney representing the state must ensure that a  
1-26 copy of the state's motion to set an execution date is served on the  
1-27 attorney who represented the condemned person in the most recently  
1-28 concluded stage of a state or federal postconviction proceeding.

1-29 (b-2) If the convicting court intends to set an execution  
1-30 date under this article on its own motion, the clerk of the  
1-31 convicting court must provide written notice of that intent to:

1-32 (1) the attorney who represented the condemned person  
1-33 in the most recently concluded stage of a state or federal  
1-34 postconviction proceeding;

1-35 (2) the attorney representing the state; and

1-36 (3) the office of capital writs established under  
1-37 Subchapter B, Chapter 78, Government Code.

1-38 (b-3) A copy served or notice provided under Subsection  
1-39 (b-1) or (b-2) must be:

1-40 (1) personally delivered not later than the 10th day  
1-41 before the day on which the court enters an order setting the  
1-42 execution date; or

1-43 (2) sent by first class mail and deposited in the mail  
1-44 not later than the 16th day before the day on which the court enters  
1-45 an order setting the execution date.

1-46 SECTION 2. Article 43.15, Code of Criminal Procedure, is  
1-47 amended to read as follows:

1-48 Art. 43.15. WARRANT OF EXECUTION. (a) Whenever any person  
1-49 is sentenced to death, the clerk of the court in which the sentence  
1-50 is pronounced~~[r]~~ shall, not later than the 10th day ~~[within ten~~  
1-51 ~~days]~~ after the court enters its order setting the date for  
1-52 execution, issue a warrant under the seal of the court for the  
1-53 execution of the sentence of death, which shall recite the fact of  
1-54 conviction, setting forth specifically the offense, the judgment of  
1-55 the court, and the time fixed for the ~~[his]~~ execution, and which  
1-56 shall be directed to the director of the correctional institutions  
1-57 division of the Texas Department of Criminal Justice ~~[Director of~~  
1-58 ~~the Department of Corrections]~~ at Huntsville, Texas, commanding the  
1-59 director ~~[him]~~ to proceed, at the time and place named in the order  
1-60 of execution, to carry the same into execution, as provided in ~~[the~~

2-1 ~~preceding~~] Article 43.14, and shall deliver such warrant to the  
2-2 sheriff of the county in which such judgment of conviction was had,  
2-3 to be ~~[by him]~~ delivered by the sheriff to the director ~~[said~~  
2-4 ~~Director of the Department of Corrections]~~, together with the  
2-5 condemned person if the person ~~[he]~~ has not previously been so  
2-6 delivered.

2-7 (b) At the time the warrant is issued under Subsection (a),  
2-8 the clerk of the court shall send a copy of the warrant to:

2-9 (1) the attorney who represented the condemned person  
2-10 in the most recently concluded stage of a state or federal  
2-11 postconviction proceeding;

2-12 (2) the attorney representing the state; and

2-13 (3) the office of capital writs established under  
2-14 Subchapter B, Chapter 78, Government Code.

2-15 SECTION 3. (a) Article 43.141, Code of Criminal Procedure,  
2-16 as amended by this Act, applies only to an order entered on or after  
2-17 the effective date of this Act. An order entered before the  
2-18 effective date of this Act is governed by the law in effect on the  
2-19 date the order was entered, and the former law is continued in  
2-20 effect for that purpose.

2-21 (b) Article 43.15, Code of Criminal Procedure, as amended by  
2-22 this Act, applies only to a warrant issued on or after the effective  
2-23 date of this Act. A warrant issued before the effective date of  
2-24 this Act is governed by the law in effect on the date the warrant was  
2-25 issued, and the former law is continued in effect for that purpose.

2-26 SECTION 4. This Act takes effect September 1, 2015.

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