

By: Workman

H.B. No. 1396

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the construction of certain statutes and rules that  
3 create or define criminal offenses and penalties and a review of  
4 certain penal laws of this state.

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

6 SECTION 1. Subchapter C, Chapter 311, Government Code, is  
7 amended by adding Section 311.035 to read as follows:

8 Sec. 311.035. CONSTRUCTION OF STATUTE OR RULE INVOLVING  
9 CRIMINAL OFFENSE OR PENALTY. (a) In this section, "actor" and  
10 "element of offense" have the meanings assigned by Section 1.07,  
11 Penal Code.

12 (b) Except as provided by Subsection (c), a statute or rule  
13 that creates or defines a criminal offense or penalty shall be  
14 construed in favor of the actor if any part of the statute or rule is  
15 ambiguous on its face or as applied to the case, including:

16 (1) an element of offense; or

17 (2) the penalty to be imposed.

18 (c) Subsection (b) does not apply to a criminal offense or  
19 penalty under the Penal Code or under the Texas Controlled  
20 Substances Act.

21 (d) The ambiguity of a part of a statute or rule to which  
22 this section applies is a matter of law to be resolved by the judge.

23 SECTION 2. (a) A commission is created to study and review  
24 all penal laws of this state other than criminal offenses:

- 1           (1) under the Penal Code;
- 2           (2) under Chapter 481, Health and Safety Code; or
- 3           (3) related to the operation of a motor vehicle.

4           (b) The commission shall:

5           (1) evaluate all laws described by Subsection (a) of

6 this section; and

7           (2) make recommendations to the legislature regarding

8 the repeal of laws that are identified as being unnecessary,

9 unclear, duplicative, overly broad, or otherwise insufficient to

10 serve the intended purpose of the law.

11          (c) The commission is composed of nine members appointed as

12 follows:

- 13           (1) two members appointed by the governor;
- 14           (2) two members appointed by the lieutenant governor;
- 15           (3) two members appointed by the speaker of the house
- 16 of representatives;

17           (4) two members appointed by the chief justice of the

18 Supreme Court of Texas; and

19           (5) one member appointed by the presiding judge of the

20 Texas Court of Criminal Appeals.

21          (d) The officials making appointments to the commission

22 under Subsection (c) of this section shall ensure that the

23 membership of the commission includes representatives of all areas

24 of the criminal justice system, including prosecutors, defense

25 attorneys, judges, legal scholars, and relevant business

26 interests.

27          (e) The governor shall designate one member of the

1 commission to serve as the presiding officer of the commission.

2 (f) A member of the commission is not entitled to  
3 compensation or reimbursement of expenses.

4 (g) The commission shall meet at the call of the presiding  
5 officer.

6 (h) Not later than November 1, 2016, the commission shall  
7 report the commission's findings and recommendations to the  
8 governor, the lieutenant governor, the speaker of the house of  
9 representatives, the Supreme Court of Texas, the Texas Court of  
10 Criminal Appeals, and the standing committees of the house of  
11 representatives and the senate with primary jurisdiction over  
12 criminal justice. The commission shall include in its  
13 recommendations any specific statutes that the commission  
14 recommends revising or repealing.

15 (i) Not later than November 1, 2015, the governor, the  
16 lieutenant governor, the speaker of the house of representatives,  
17 the chief justice of the Supreme Court of Texas, and the presiding  
18 judge of the Texas Court of Criminal Appeals shall appoint the  
19 members of the commission created under this section.

20 (j) The commission is abolished and this section expires  
21 December 31, 2016.

22 SECTION 3. The change in law made by this Act applies only  
23 to a criminal proceeding that commences on or after the effective  
24 date of this Act. A criminal proceeding that commences before the  
25 effective date of this Act is governed by the law in effect on the  
26 date the proceeding commenced, and the former law is continued in  
27 effect for that purpose.

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