

BILL ANALYSIS

C.S.H.B. 1967
By: Moody
Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that funds provided by the Texas Indigent Defense Commission for innocence projects would be better utilized if the direct investigation and litigation of wrongful convictions were prioritized. C.S.H.B. 1967 seeks to address this concern by authorizing the commission to create an innocence project grant program to distribute funds provided for innocence projects.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Indigent Defense Commission in SECTION 2 of this bill.

ANALYSIS

C.S.H.B. 1967 amends the Government Code to authorize the Texas Indigent Defense Commission to establish, using any funds available for the purpose, an innocence project grant program to support projects that screen, investigate, and litigate post-conviction claims of actual innocence in non-capital cases in Texas and to support associated expenses necessary to conduct those activities. The bill requires the commission, in making grant awards under the program, to promote among projects coordinated strategies that will enable those projects to efficiently screen requests for assistance and to engage in effective investigation and litigation activities. The bill restricts eligibility to receive grants under the program to a public or private law school in Texas. The bill authorizes a law school that receives such a grant to enter into a contract with a nonprofit organization that is based in Texas and operates an innocence project, provided that the law school accepts primary responsibility for monitoring the contract. The bill authorizes the commission to adopt rules to implement the bill's provisions relating to the program. The bill removes the specification that a legal clinic or program in Texas that receives financial support from the commission and is required to submit an annual report regarding certain criminal cases to the commission is a clinic or program operated by a law school.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1967 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial

differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 79.039(a), Government Code, is amended.

SECTION 2. Subchapter C, Chapter 79, Government Code, is amended by adding Section 79.041 to read as follows:

Sec. 79.041. INNOCENCE PROJECT GRANT PROGRAM. (a) Using any funds available for the purpose, the commission may establish an innocence project grant program to support:

(1) projects that screen, investigate, and litigate post-conviction claims of actual innocence in non-capital cases in this state; and

(2) associated expenses necessary to conduct those activities.

(b) In making grant awards under the program, the commission shall promote among projects coordinated strategies that will enable those projects to efficiently screen requests for assistance and to engage in effective investigation and litigation activities.

(c) Only the following entities are eligible to receive grants under the program:

(1) a public or private law school in Texas; or

(2) a nonprofit organization based in this state that operates an innocence project.

(d) The commission may adopt rules to implement this section.

SECTION 3. This Act takes effect September 1, 2017.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Same as introduced version.

SECTION 2. Subchapter C, Chapter 79, Government Code, is amended by adding Section 79.041 to read as follows:

Sec. 79.041. INNOCENCE PROJECT GRANT PROGRAM. (a) Using any funds available for the purpose, the commission may establish an innocence project grant program to support:

(1) projects that screen, investigate, and litigate post-conviction claims of actual innocence in non-capital cases in this state; and

(2) associated expenses necessary to conduct those activities.

(b) In making grant awards under the program, the commission shall promote among projects coordinated strategies that will enable those projects to efficiently screen requests for assistance and to engage in effective investigation and litigation activities.

(c) Only a public or private law school in Texas is eligible to receive grants under the program.

(d) A law school that receives a grant under Subsection (c) may enter into a contract with a nonprofit organization that is based in this state and operates an innocence project, provided that the law school accepts primary responsibility for monitoring the contract.

(e) The commission may adopt rules to implement this section.

SECTION 3. Same as introduced version.