

SUBJECT: Introducing extraneous evidence during sentencing phase of a capital case

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 6 ayes — Keel, Riddle, Pena, Denny, Escobar, Raymond

0 nays

3 absent — Hodge, P. Moreno, Reyna

SENATE VOTE: On final passage, May 3 — 31-0, on Local and Uncontested Calendar

WITNESSES: For — Keith S. Hampton, Texas Criminal Defense Lawyers Association

Against — None

BACKGROUND: Code of Criminal Procedure Art. 37.07 sec. 3(g) establishes requirements for the introduction of evidence in criminal trials for non-capital offenses. It sets criteria for the introduction by prosecutors of extraneous crimes or bad acts including when the notice to introduce such information is considered reasonable.

DIGEST: SB 1507 would require that the introduction of evidence about extraneous conduct during the sentencing phase of capital murder cases be governed by the same notice requirements applied to such evidence introduced in non-capital trials.

The bill would take effect September 1, 2005, and would apply only to offenses committed on or after that date.

SUPPORTERS SAY: SB 1507 would codify the standard practice occurring now with regard to the introduction of extraneous evidence in capital cases. Non-capital and capital cases are governed by separate statutes, and the provision requiring certain practices to be followed when extraneous evidence is introduced was never placed in the statute governing capital cases, although it is followed routinely by all prosecutors. SB 1507 would ensure that this practice continued to be followed and that all parties were clear about the requirements for introducing this evidence. It would not increase the

burden on any prosecutor because the requirement in the bill already is routinely followed.

OPPONENTS
SAY:

No apparent opposition.