

BILL ANALYSIS

Senate Research Center
77R604 GWK-D

S.B. 133
By: West
Criminal Justice
2/22/2001
Committee Report (Amended)

DIGEST AND PURPOSE

Under current Texas law, offering as evidence that the race or ethnicity of the defendant makes it either likely or unlikely that the defendant will engage in future criminal conduct is not prohibited. As proposed, S.B. 133 prohibits evidence being offered by the state that the race or ethnicity of the defendant makes it likely that the defendant will engage in future criminal conduct.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 3(a), Article 37.07, Code of Criminal Procedure, to prohibit evidence, notwithstanding Subdivision (1), from being offered by the state to establish that the race or ethnicity of the defendant makes it likely that the defendant will engage in future criminal conduct. Updates references to Texas Rules of Evidence, rather than Criminal Evidence.

SECTION 2. Amends Section 2(a), Article 37.071, Code of Criminal Procedure, to make conforming changes.

SECTION 3. Amends Section 3(a), Article 37.0711, Code of Criminal Procedure, to make conforming changes.

SECTION 4. Provides that the change in law made by this Act applies to any sentencing proceeding on or after the effective date, regardless of when the offense for which the defendant was convicted occurred.

SECTION 5. Effective date: September 1, 2001.

SUMMARY OF COMMITTEE CHANGES

Committee Amendment No. 1.

Amends proposed new language to remove text prohibiting the defendant from offering as evidence the race or ethnicity of the defendant in determining the likelihood of future criminal conduct in each place in the bill where it appears.