

BILL ANALYSIS

Senate Research Center
81R2254 HLT-D

H.B. 4314
By: Gallego, Thompson (Shapleigh)
Criminal Justice
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The purpose of the proposed legislation is to provide a more expedient method of filing an appeal in a death penalty case.

In 2007, Judge Sharon Keller of the Texas Court of Criminal Appeals denied a condemned man's plea for a 20-minute extension beyond the court's usual 5:00 p.m. closing time. The man's lawyer needed the extra time to print the necessary paper copies because a computer malfunction was preventing him from filing at 5:00 p.m. Keller refused to delay the closing of her clerk's office past 5:00 p.m. The convicted man was executed that evening.

Currently, the law requires pleas to be filed as paper copies. Changing this law would allow the modernization of the court.

H.B. 4314 authorizes the court of criminal appeals to file capital case documents electronically, including briefs, pleadings, and other documents.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the court of criminal appeals in SECTION 1 (Section 22.1095, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 22, Government Code, by adding Section 22.1095, as follows:

Sec. 22.1095. RULES ON ELECTRONIC FILING OF DOCUMENTS FOR CAPITAL CASES IN COURT OF CRIMINAL APPEALS. (a) Authorizes the court of criminal appeals, notwithstanding Subchapter I (Electronic Filing of Certain Documents), Chapter 51 (Clerks), or any other law, to adopt rules and procedures providing for and governing the electronic filing of briefs, pleadings, and other documents for capital cases in that court.

(b) Requires the court of criminal appeals, in the adoption of rules and procedures under Subsection (a), to coordinate with the Supreme Court of Texas and the rules and procedures adopted by that court.

SECTION 2. Effective date: September 1, 2009.