

BILL ANALYSIS

Senate Research Center
83R2770 JRR-D

S.B. 252
By: West
Criminal Justice
3/7/2013
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Section 11.07(d), Code of Criminal Procedure, requires the clerk of the convicting court to, after the convicting court makes a finding of fact or approves the findings of the person designated to make them, "immediately transmit" the transcript of all depositions and hearings to the Texas Court of Criminal Appeals (court). It also requires that the court reporter prepare that transcript within 15 days of the conclusion of the hearing. However, it does not require the court reporter to deliver the transcript to the clerk of the court. This oversight in the law can require a clerk to transmit to the court a document that they may not yet have in their possession. It is even possible for the court to hold the clerk in contempt for not transmitting a document the clerk may not have received.

The district clerk of Dallas County recommends that this problem be resolved by adding language to stipulate that, upon completion of the transcript, the document be delivered by the reporter to the clerk of the convicting court immediately.

As proposed, S.B. 252 amends current law relating to certain procedures regarding an application for a writ of habeas corpus filed in a noncapital felony case.

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(d), Article 11.07, Code of Criminal Procedure, to require the reporter who is designated to transcribe a hearing to, immediately upon completion of the transcript of a hearing held pursuant to this article, transmit the required transcript to the clerk of the convicting court.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2013.