

AN ACT

relating to requiring notice of the scheduling of an execution date and the issuance of a warrant of execution.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 43.141, Code of Criminal Procedure, is amended by adding Subsections (b-1) and (b-2) and amending Subsection (c) to read as follows:

(b-1) Not later than the second business day after the date on which the convicting court enters an order setting the execution date, a copy of the order must be sent by first-class mail, e-mail, or fax to:

(1) the attorney who represented the condemned person in the most recently concluded stage of a state or federal postconviction proceeding; and

(2) the office of capital writs established under Subchapter B, Chapter 78, Government Code.

(b-2) The exclusive remedy for a failure to comply with Subsection (b-1) is the resetting of the execution date under this article.

(c) An ~~[The first]~~ execution date may not be earlier than the 91st day after the date the convicting court enters the order setting the execution date. ~~[A subsequent execution date may not be earlier than the 31st day after the date the convicting court enters the order setting the execution date.]~~

1 SECTION 2. Article 43.15, Code of Criminal Procedure, is  
2 amended to read as follows:

3 Art. 43.15. WARRANT OF EXECUTION. (a) Whenever any person  
4 is sentenced to death, the clerk of the court in which the sentence  
5 is pronounced~~[7]~~ shall, not later than the 10th day ~~[within ten~~  
6 ~~days]~~ after the court enters its order setting the date for  
7 execution, issue a warrant under the seal of the court for the  
8 execution of the sentence of death, which shall recite the fact of  
9 conviction, setting forth specifically the offense, the judgment of  
10 the court, and the time fixed for the ~~[his]~~ execution, and which  
11 shall be directed to the director of the correctional institutions  
12 division of the Texas Department of Criminal Justice ~~[Director of~~  
13 ~~the Department of Corrections]~~ at Huntsville, Texas, commanding the  
14 director ~~[him]~~ to proceed, at the time and place named in the order  
15 of execution, to carry the same into execution, as provided in ~~[the~~  
16 ~~preceding]~~ Article 43.14, and shall deliver such warrant to the  
17 sheriff of the county in which such judgment of conviction was had,  
18 to be ~~[by him]~~ delivered by the sheriff to the director ~~[said~~  
19 ~~Director of the Department of Corrections]~~, together with the  
20 condemned person if the person ~~[he]~~ has not previously been so  
21 delivered.

22 (b) At the time the warrant is issued under Subsection (a),  
23 the clerk of the court shall send a copy of the warrant to:

24 (1) the attorney who represented the condemned person  
25 in the most recently concluded stage of a state or federal  
26 postconviction proceeding;

27 (2) the attorney representing the state; and

1           (3) the office of capital writs established under  
2 Subchapter B, Chapter 78, Government Code.

3           SECTION 3. (a) Article 43.141, Code of Criminal Procedure,  
4 as amended by this Act, applies only to an order entered on or after  
5 the effective date of this Act. An order entered before the  
6 effective date of this Act is governed by the law in effect on the  
7 date the order was entered, and the former law is continued in  
8 effect for that purpose.

9           (b) Article 43.15, Code of Criminal Procedure, as amended by  
10 this Act, applies only to a warrant issued on or after the effective  
11 date of this Act. A warrant issued before the effective date of  
12 this Act is governed by the law in effect on the date the warrant was  
13 issued, and the former law is continued in effect for that purpose.

14           SECTION 4. This Act takes effect September 1, 2015.

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President of the Senate

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Speaker of the House

I hereby certify that S.B. No. 1071 passed the Senate on April 20, 2015, by the following vote: Yeas 30, Nays 0; May 28, 2015, Senate refused to concur in House amendment and requested appointment of Conference Committee; May 29, 2015, House granted request of the Senate; May 30, 2015, Senate adopted Conference Committee Report by the following vote: Yeas 30, Nays 1.

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Secretary of the Senate

I hereby certify that S.B. No. 1071 passed the House, with amendment, on May 24, 2015, by the following vote: Yeas 141, Nays 0, two present not voting; May 29, 2015, House granted request of the Senate for appointment of Conference Committee; May 31, 2015, House adopted Conference Committee Report by the following vote: Yeas 142, Nays 0, two present not voting.

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Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor