

H.B. No. 498

AN ACT

relating to the establishment of an advisory panel to assist with a study regarding the prevention of wrongful convictions.

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

SECTION 1. (a) The Timothy Cole advisory panel on wrongful convictions is established to assist the Task Force on Indigent Defense established under Subchapter D, Chapter 71, Government Code, in conducting a study and preparing a report regarding the prevention of wrongful convictions as provided by this section.

(b) The advisory panel is composed of the following members:

- (1) the director of the Task Force on Indigent Defense;
- (2) the chair of the criminal justice committee of the

senate or a member of the senate designated by the chair;

(3) the chair of the jurisprudence committee of the senate or a member of the senate designated by the chair;

(4) the chair of the criminal jurisprudence committee of the house of representatives or a member of the house of representatives designated by the chair;

(5) the chair of the corrections committee of the house of representatives or a member of the house of representatives designated by the chair;

(6) the executive director of the Texas Criminal Defense Lawyers Association or a representative designated by the executive director;

(7) the president of the Texas District and County Attorneys Association or a representative designated by the president;

(8) the presiding judge of the court of criminal appeals

or a representative who is designated by the presiding judge and who is a judge of the court of criminal appeals;

(9) one representative of a public law school in this state, chosen by the deans of the public law schools in this state; and

(10) one employee of the office of the governor, appointed by the governor.

(c) The director of the Task Force on Indigent Defense is the presiding officer of the advisory panel. The advisory panel shall meet at the call of the presiding officer but not less than three times in person and as needed by telephone conference call.

(d) The Task Force on Indigent Defense, with the advice and assistance of the advisory panel, shall conduct a study regarding:

(1) the causes of wrongful convictions;

(2) procedures and programs that may be implemented to prevent future wrongful convictions;

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(3) the effects of state law on wrongful convictions, as determined based on state statutes regarding eyewitness identification procedures, the recording of custodial interrogations, postconviction DNA testing, and writs of habeas corpus based on relevant scientific evidence; and

(4) whether the creation of an innocence commission to investigate wrongful convictions would be appropriate.

(e) The Task Force on Indigent Defense may request that an entity in the legislative, judicial, or executive branch of state government or a political subdivision provide to the advisory panel information related to the advisory panel's duties under this section. On the request of the Task Force on Indigent Defense under this subsection, an entity may provide information to the advisory panel unless the entity is otherwise prohibited from disclosing the information.

(f) Not later than January 1, 2011, the Task Force on

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Indigent Defense shall prepare a report regarding the results of the study conducted under this section and submit the report, after consulting with the advisory panel, to the governor, the lieutenant governor, the speaker of the house of representatives, and the standing committees of each house of the legislature with a representative serving on the advisory panel.

(g) This section expires January 1, 2011.

SECTION 2. This Act takes effect September 1, 2009.

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President of the Senate

Speaker of the House

I certify that H.B. No. 498 was passed by the House on May 15, 2009, by the following vote: Yeas 87, Nays 51, 2 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 498 on May 29, 2009, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 498 on May 31, 2009, by the following vote: Yeas 89, Nays 56, 1 present, not voting.

Chief Clerk of the House

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I certify that H.B. No. 498 was passed by the Senate, with amendments, on May 27, 2009, by the following vote: Yeas 28, Nays 3; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 498 on May 31, 2009, by the following vote: Yeas 27, Nays 4.

Secretary of the Senate

APPROVED: _____

Date

Governor