

By: Toth, Collier, Sanford, Vasut, Moody,  
et al.

H.B. No. 77

A BILL TO BE ENTITLED

AN ACT

relating to prohibiting the death penalty for a defendant whose conviction is based solely on certain evidence.

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

SECTION 1. Section 1, Article 37.071, Code of Criminal Procedure, is amended by adding Subsection (a-1) to read as follows:

(a-1) A defendant who is found guilty in a capital felony case may not be sentenced to death, and the state may not seek the death penalty, if the finding of guilt is based solely on the testimony of a single eyewitness without any corroborating evidence.

SECTION 2. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 3. This Act takes effect September 1, 2021.