

By: Toth

H.B. No. 77

A BILL TO BE ENTITLED

AN ACT

1
2 relating to prohibiting the death penalty for a defendant whose
3 conviction is based solely on certain evidence.

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

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

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

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

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