

By: Leach

H.B. No. 1340

A BILL TO BE ENTITLED

AN ACT

relating to the extent of a defendant's criminal responsibility for the conduct of a coconspirator in certain capital felony cases.

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 (c) to read as follows:

(c) A defendant who is found guilty in a capital felony case in which the jury charge at the guilt or innocence stage permitted the jury to find the defendant guilty as a party under Section 7.02(b), Penal Code, may not be sentenced to death.

SECTION 2. Section 2, Article 37.0711, Code of Criminal Procedure, is amended to read as follows:

Sec. 2. (a) If a defendant is found guilty in a case in which the state does not seek the death penalty, the judge shall sentence the defendant to life imprisonment.

(b) A defendant who is found guilty in a capital felony case in which the jury charge at the guilt or innocence stage permitted the jury to find the defendant guilty as a party under Section 7.02(b), Penal Code, may not be sentenced to death.

SECTION 3. The change in law made by this Act applies to a criminal proceeding that commences on or after the effective date of this Act. A criminal proceeding that commences before the effective date of this Act is governed by the law in effect on the date the proceeding commenced, and the former law is continued in

1 effect for that purpose.

2 SECTION 4. This Act takes effect September 1, 2021.