

By: Wu

H.B. No. 1362

A BILL TO BE ENTITLED

AN ACT

relating to the punishment for a capital felony committed by an individual younger than 21 years of age.

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

SECTION 1. Section 8.07(c), Penal Code, is amended to read as follows:

(c) No person may, in any case, be punished by death for an offense committed while the person was younger than 21 [~~18~~] years.

SECTION 2. Section 12.31, Penal Code, is amended to read as follows:

Sec. 12.31. CAPITAL FELONY. (a) An individual adjudged guilty of a capital felony in a case in which the state seeks the death penalty shall be punished by imprisonment in the Texas Department of Criminal Justice for life without parole or by death. An individual adjudged guilty of a capital felony in a case in which the state does not seek the death penalty shall be punished by imprisonment in the Texas Department of Criminal Justice for:

(1) life, if the individual committed the offense when younger than 21 [~~18~~] years of age; or

(2) life without parole, if the individual committed the offense when 21 [~~18~~] years of age or older.

(b) In a capital felony trial in which the state seeks the death penalty, prospective jurors shall be informed that a sentence of life imprisonment without parole or death is mandatory on

1 conviction of a capital felony. In a capital felony trial in which  
2 the state does not seek the death penalty, prospective jurors shall  
3 be informed that the state is not seeking the death penalty and  
4 that:

5 (1) a sentence of life imprisonment is mandatory on  
6 conviction of the capital felony, if the individual committed the  
7 offense when younger than 21 [~~18~~] years of age; or

8 (2) a sentence of life imprisonment without parole is  
9 mandatory on conviction of the capital felony, if the individual  
10 committed the offense when 21 [~~18~~] years of age or older.

11 SECTION 3. The change in law made by this Act:

12 (1) applies to a criminal action pending, on appeal,  
13 or commenced on or after the effective date of this Act, regardless  
14 of whether the criminal action is based on an offense committed  
15 before, on, or after the effective date of this Act; and

16 (2) does not affect a final conviction that exists on  
17 the effective date of this Act.

18 SECTION 4. This Act takes effect September 1, 2023.