

BILL ANALYSIS

H.B. 614
By: Keel
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In 2002, the United States Supreme Court held in *Atkins v. Virginia*, 536 U.S. 304, 122 S.Ct. 2242, 153 L.Ed.2d 335 (2002), that executing people with mental retardation constitutes unconstitutionally cruel and unusual punishment. In regard to determining which offenders are persons with mental retardation, the *Atkins* court decided to “leave to the State (s) the task of developing appropriate ways to enforce the constitutional restriction upon its execution of sentences.”

House Bill 614 enables a defendant in a capital case in which the state seeks the death penalty to raise mental retardation as a special issue to be determined by a jury in the punishment phase of trial. If the defendant is convicted of capital murder, H.B. 614 requires a trial court to sentence a defendant found by a jury to be a person with mental retardation to confinement in the institutional division of the Texas Department of Criminal Justice for life.

RULEMAKING AUTHORITY

It is the committee’s opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

House Bill 614 amends the Code of Criminal Procedure to enable a defendant in a capital case in which the state seeks the death penalty to raise mental retardation as a special issue to be determined by a jury in the punishment phase of trial. Evidence regarding mental retardation may include evidence of the circumstances of the offense or other crimes, wrongs, or acts. If the defendant is convicted of capital murder, H.B. 614 requires a trial court to sentence a defendant, who found by a jury to be a person with mental retardation, to confinement in the institutional division of the Texas Department of Criminal Justice for life.

EFFECTIVE DATE

September 1, 2003.