

By: Haggerty

H.B. No. 563

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the murder of a commissioned security officer as a
3 capital offense.

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

5 SECTION 1. Section 1.07, Penal Code, is amended by adding
6 Subdivision (49) to read as follows:

7 (49) "Commissioned security officer" has the meaning
8 assigned by Section 1702.002(5), Occupations Code.

9 SECTION 2. Section 19.03(a), Penal Code, is amended to read
10 as follows:

11 (a) A person commits an offense if the person [~~he~~] commits
12 murder as defined under Section 19.02(b)(1) and:

13 (1) the person murders a peace officer or fireman who
14 is acting in the lawful discharge of an official duty and who the
15 person knows is a peace officer or fireman;

16 (2) the person intentionally commits the murder in the
17 course of committing or attempting to commit kidnapping, burglary,
18 robbery, aggravated sexual assault, arson, or obstruction or
19 retaliation;

20 (3) the person commits the murder for remuneration or
21 the promise of remuneration or employs another to commit the murder
22 for remuneration or the promise of remuneration;

23 (4) the person commits the murder while escaping or
24 attempting to escape from a penal institution;

1 (5) the person, while incarcerated in a penal
2 institution, murders another:

3 (A) who is employed in the operation of the penal
4 institution; or

5 (B) with the intent to establish, maintain, or
6 participate in a combination or in the profits of a combination;

7 (6) the person:

8 (A) while incarcerated for an offense under this
9 section or Section 19.02, murders another; or

10 (B) while serving a sentence of life imprisonment
11 or a term of 99 years for an offense under Section 20.04, 22.021, or
12 29.03, murders another;

13 (7) the person murders more than one person:

14 (A) during the same criminal transaction; or

15 (B) during different criminal transactions but
16 the murders are committed pursuant to the same scheme or course of
17 conduct; ~~or~~

18 (8) the person murders an individual under six years
19 of age; or

20 (9) the person murders a commissioned security officer
21 while the officer is performing a duty as a security officer and is
22 wearing a distinctive uniform or badge indicating the person's
23 status as a commissioned security officer.

24 SECTION 3. This Act takes effect September 1, 2003, and
25 applies only to an offense committed on or after that date. An
26 offense committed before the effective date of this Act is covered
27 by the law in effect when the offense was committed, and the former

1 law is continued in effect for that purpose. For purposes of this
2 section, an offense was committed before the effective date of this
3 Act if any element of the offense occurred before that date.