

BILL ANALYSIS

H.B. 434
By: Dutton
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, Texas law sets the minimum age for the execution of a juvenile at 17. Of the confirmed 2000 American executions since 1908, 365 have been juveniles. Twenty one of these 365 executions have been carried out during the current era (1973-2002), constituting 2.6% of the total of 820 executions during the period. Almost two-thirds of the most recent executions of juvenile offenders have occurred in Texas.

Of America's 40 death penalty jurisdictions, 18 jurisdictions have expressly chosen a minimum of age 18, 5 jurisdictions have chosen a minimum age of 17, and the other 17 death penalty jurisdictions use age 16 as the minimum age.

While the death penalty for juveniles has been abandoned legally by other nations, according to the provisions of the United Nations Convention on the Rights of the Child and other international treaties and agreements, the United States is the only country in the world who has not ratified this international agreement. However about 10 other state legislatures are now considering raising their minimum ages to 18. House Bill 434 raises the minimum age to 18.

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 434 amends the Penal Code to provide that no person may, in any case, be punished by death for an offense committed while the person was younger than 18 years.

EFFECTIVE DATE

On passage, or if the Act does not receive the necessary vote, the Act takes effect September 1, 2005.