

By: Haggerty

H.B. No. 966

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. Section 1.07, Penal Code, is amended by adding Subdivision (50) to read as follows:

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

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

(a) A person commits an offense if the person commits murder as defined under Section 19.02(b)(1) and:

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

(2) the person intentionally commits the murder in the course of committing or attempting to commit kidnapping, burglary, robbery, aggravated sexual assault, arson, obstruction or retaliation, or terroristic threat under Section 22.07(a)(1), (3), (4), (5), or (6);

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

(4) the person commits the murder while escaping or

1 attempting to escape from a penal institution;

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

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

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

8 (6) the person:

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

11 (B) while serving a sentence of life imprisonment  
12 or a term of 99 years for an offense under Section 20.04, 22.021, or  
13 29.03, murders another;

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

15 (A) during the same criminal transaction; or

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

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

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

25 SECTION 3. This Act applies only to an offense committed on  
26 or after September 1, 2005. An offense committed before September  
27 1, 2005, is covered by the law in effect when the offense was

1 committed, and the former law is continued in effect for that  
2 purpose. For purposes of this section, an offense was committed  
3 before September 1, 2005, if any element of the offense occurred  
4 before that date.

5 SECTION 4. This Act takes effect September 1, 2005.