

By: Whitmire

S.B. No. 1791

A BILL TO BE ENTITLED

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AN ACT

relating to the prosecution of the offense of capital murder.

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

SECTION 1. Subsection (a), Section 19.03, 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 attempting to escape from a penal institution;

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

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

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

3 (6) the person:

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

6 (B) while serving a sentence of life imprisonment
7 or a term of 99 years for an offense under Section 20.04, 22.021, or
8 29.03, murders another;

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

10 (A) during the same criminal transaction; or

11 (B) during different criminal transactions but
12 the murders are committed pursuant to the same scheme or course of
13 conduct; [~~or~~]

14 (8) the person murders an individual under six years
15 of age; or

16 (9) the person murders another person in retaliation
17 for or on account of the service or status of the other person as a
18 judge or justice of the supreme court, the court of criminal
19 appeals, a court of appeals, a district court, a criminal district
20 court, a constitutional county court, a statutory county court, a
21 justice court, or a municipal court.

22 SECTION 2. This Act takes effect September 1, 2005.