

1-1 By: Whitmire S.B. No. 1791
1-2 (In the Senate - Filed March 16, 2005; April 4, 2005, read
1-3 first time and referred to Committee on Criminal Justice;
1-4 April 22, 2005, reported favorably by the following vote: Yeas 6,
1-5 Nays 0; April 22, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the prosecution of the offense of capital murder.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Subsection (a), Section 19.03, Penal Code, is
1-11 amended to read as follows:

1-12 (a) A person commits an offense if the person commits murder
1-13 as defined under Section 19.02(b)(1) and:

1-14 (1) the person murders a peace officer or fireman who
1-15 is acting in the lawful discharge of an official duty and who the
1-16 person knows is a peace officer or fireman;

1-17 (2) the person intentionally commits the murder in the
1-18 course of committing or attempting to commit kidnapping, burglary,
1-19 robbery, aggravated sexual assault, arson, obstruction or
1-20 retaliation, or terroristic threat under Section 22.07(a)(1), (3),
1-21 (4), (5), or (6);

1-22 (3) the person commits the murder for remuneration or
1-23 the promise of remuneration or employs another to commit the murder
1-24 for remuneration or the promise of remuneration;

1-25 (4) the person commits the murder while escaping or
1-26 attempting to escape from a penal institution;

1-27 (5) the person, while incarcerated in a penal
1-28 institution, murders another:

1-29 (A) who is employed in the operation of the penal
1-30 institution; or

1-31 (B) with the intent to establish, maintain, or
1-32 participate in a combination or in the profits of a combination;

1-33 (6) the person:

1-34 (A) while incarcerated for an offense under this
1-35 section or Section 19.02, murders another; or

1-36 (B) while serving a sentence of life imprisonment
1-37 or a term of 99 years for an offense under Section 20.04, 22.021, or
1-38 29.03, murders another;

1-39 (7) the person murders more than one person:

1-40 (A) during the same criminal transaction; or

1-41 (B) during different criminal transactions but
1-42 the murders are committed pursuant to the same scheme or course of
1-43 conduct; ~~or~~

1-44 (8) the person murders an individual under six years
1-45 of age; or

1-46 (9) the person murders another person in retaliation
1-47 for or on account of the service or status of the other person as a
1-48 judge or justice of the supreme court, the court of criminal
1-49 appeals, a court of appeals, a district court, a criminal district
1-50 court, a constitutional county court, a statutory county court, a
1-51 justice court, or a municipal court.

1-52 SECTION 2. This Act takes effect September 1, 2005.

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