

By: Hinojosa

S.B. No. 839

A BILL TO BE ENTITLED

AN ACT

relating to the punishment for a capital felony committed by a juvenile whose case is transferred to criminal court.

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

SECTION 1. Section 12.31, Penal Code, is amended to read as follows:

Sec. 12.31. CAPITAL FELONY. (a) An individual adjudged guilty of a capital felony in a case in which the state seeks the death penalty shall be punished by imprisonment in the Texas Department of Criminal Justice [~~institutional division~~] for life without parole or by death. An individual adjudged guilty of a capital felony in a case in which the state does not seek the death penalty shall be punished by imprisonment in the Texas Department of Criminal Justice [~~institutional division~~] for:

(1) life or life without parole, if the individual's case was transferred to the court under Section 54.02, Family Code;
or

(2) life without parole, if the individual's case is not described by Subdivision (1).

(b) In a capital felony trial in which the state seeks the death penalty, prospective jurors shall be informed that a sentence of life imprisonment without parole or death is mandatory on conviction of a capital felony. In a capital felony trial in which the state does not seek the death penalty, prospective jurors shall

1 be informed that the state is not seeking the death penalty and
2 that:

3 (1) a sentence of life imprisonment or life
4 imprisonment without parole is mandatory on conviction of the
5 capital felony, if the case was transferred to the court under
6 Section 54.02, Family Code; or

7 (2) a sentence of life imprisonment without parole is
8 mandatory on conviction of the capital felony, if the case is not
9 described by Subdivision (1).

10 SECTION 2. Section 508.145, Government Code, is amended by
11 adding Subsection (b) to read as follows:

12 (b) An inmate serving a life sentence under Section
13 12.31(a)(1), Penal Code, for a capital felony is not eligible for
14 release on parole until the actual calendar time the inmate has
15 served, without consideration of good conduct time, equals 40
16 calendar years.

17 SECTION 3. The change in law made by this Act applies only
18 to an offense committed on or after the effective date of this Act.
19 An offense committed before the effective date of this Act is
20 covered by the law in effect when the offense was committed, and the
21 former law is continued in effect for that purpose. For purposes of
22 this section, an offense was committed before the effective date of
23 this Act if any element of the offense occurred before that date.

24 SECTION 4. This Act takes effect September 1, 2009.