

By: Hinojosa

S.B. No. 839

Substitute the following for S.B. No. 839:

By: Hodge

C.S.S.B. No. 839

A BILL TO BE ENTITLED

1

AN ACT

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

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

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

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

15 (1) life, if the individual's case was transferred to
16 the court under Section 54.02, Family Code; or

17 (2) life without parole.

18 (b) In a capital felony trial in which the state seeks the
19 death penalty, prospective jurors shall be informed that a sentence
20 of life imprisonment without parole or death is mandatory on
21 conviction of a capital felony. In a capital felony trial in which
22 the state does not seek the death penalty, prospective jurors shall
23 be informed that the state is not seeking the death penalty and
24 that:

1 (1) a sentence of life imprisonment is mandatory on
2 conviction of the capital felony, if the case was transferred to the
3 court under Section 54.02, Family Code; or

4 (2) a sentence of life imprisonment without parole is
5 mandatory on conviction of the capital felony.

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

8 (b) An inmate serving a life sentence under Section
9 12.31(a)(1), Penal Code, for a capital felony is not eligible for
10 release on parole until the actual calendar time the inmate has
11 served, without consideration of good conduct time, equals 40
12 calendar years.

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

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