

BILL ANALYSIS

Senate Research Center
82R3138 AJZ-F

S.B. 377
By: Huffman, Patrick
Criminal Justice
3/18/2011
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 377 amends Section 19.03(a)(8), Penal Code, in order to alter the threshold age for a charge of capital murder of a child from age six to age 10.

Of the states that have an age-based trigger for a charge of capital murder, Texas has the youngest at age six. Most states classify capital murder of a child as the murder of a person under the age of 12. Wyoming even proceeds as high as the age of 17. New Hampshire has a more nebulous concept based on whether the victim's youth makes the victim particularly vulnerable.

S.B. 377 will raise the threshold age of the victim for a capital murder charge from age six to age 10 to bring Texas closer in line with other states that have an age-based trigger for capital murder charges.

As proposed, S.B. 377 amends current law relating to the murder of a child as a capital offense.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 19.03(a), Penal Code, as follows:

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

- (1)-(7) Makes no changes to these subdivisions;
- (8) the person murders an individual under 10, rather than six, years of age;
- (9) Makes no changes to this subdivision.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2011.