

Amend SB 23 (house committee report) as follows:

(1) On page 1, strike lines 13-18 and substitute the following:

"imprisonment in the Texas Department of Criminal Justice [~~for~~]:

(1) for life, if the individual committed the offense when younger than 17 years of age [~~individual's case was transferred to the court under Section 54.02, Family Code~~];

(2) for life or for life without parole, if the individual committed the offense when 17 years of age; or

(3) for [~~(2)~~] life without parole, if the individual committed the offense when 18 years of age or older."

(2) On page 2, strike lines 4-5 and substitute the following:

"offense when younger than 17 years of age [~~case was transferred to the court under Section 54.02, Family Code~~];

(2) a sentence of either life imprisonment or life imprisonment without parole is mandatory on conviction of the capital felony, if the individual committed the offense when 17 years of age; or"

(3) On page 2, line 6, strike "(2)" and substitute "(3) [~~(2)~~]".

(4) Strike SECTION 2 of the bill (page 2, lines 9-15), substitute the following appropriately numbered SECTIONS, and renumber subsequent SECTIONS of the bill accordingly.:

SECTION _____. Section 1, Article 37.071, Code of Criminal Procedure, is amended to read as follows:

Sec. 1. (a) If a defendant is found guilty in a capital felony case in which the state does not seek the death penalty, the [~~judge shall sentence the~~] defendant shall be sentenced to imprisonment for life or for life [~~imprisonment~~] without parole as described by this section and by Section 12.31, Penal Code.

(b) The judge shall impose a sentence of imprisonment in the Texas Department of Criminal Justice for life without parole with respect to a defendant who was 18 years of age or older at the time the capital felony was committed.

(c) The judge shall impose a sentence of imprisonment in the Texas Department of Criminal Justice for life with respect to a

defendant who was younger than 17 years of age at the time the capital felony was committed.

(d)(1) The judge or jury shall impose a sentence of imprisonment in the Texas Department of Criminal Justice for life or for life without parole with respect to a defendant who was 17 years of age at the time the capital felony was committed.

(2) In determining the appropriate sentence under this subsection, the court shall consider any mitigating factors that may have contributed to the commission of the offense.

(3) If the punishment is to be assessed by the jury rather than the judge, the judge shall charge the jury in writing as follows:

"Under the law applicable in this case, it is possible that any sentence of life imprisonment might be reduced by the award of parole. However, the defendant will not become eligible for parole until the actual time served equals 40 years, without consideration of good conduct time, and the eligibility for parole does not guarantee that parole will be granted.

"It cannot accurately be predicted how the parole law might be applied to this defendant if the defendant is sentenced to life imprisonment, because the application of these laws will depend on decisions made by prison and parole authorities.

"You may consider the existence of the parole law. However, you are not to consider the manner in which the parole law may be applied to this particular defendant."

(4) Subdivision (3) does not permit the introduction of evidence on the operation of parole laws.

SECTION _____. Section 508.145(b), Government Code, is amended to read as follows:

(b) An inmate serving a life sentence under Section 12.31(a)(1) or (2), Penal Code, for a capital felony is not eligible for release on parole until the actual calendar time the inmate has served, without consideration of good conduct time, equals 40 calendar years.