

Amend Amendment No. 1 by Schaefer to **SB 23** as follows:

(1) On page 1, line 18, strike "capitol felony" and substitute "capital felony".

(2) On page 2, immediately following the underlined period at the end of line 15, insert the following:

Notwithstanding the exception language provided by Section 2(b), Article 37.07, the determination of who will assess punishment under this subsection is governed by Section 2(b), Article 37.07.

(3) On page 2, strike lines 16-18 and substitute the following:

(2) Evidence may be offered by the state and the defendant as to any matter that the court considers relevant to the sentence, as governed by Section 3, Article 37.07, including evidence of the defendant's background or character and evidence of the circumstances of the offense. In determining the appropriate sentence, the judge or jury shall consider any relevant mitigating evidence, including the defendant's age.

(4) On page 2, strike lines 22 and 23 and substitute the following:

"Under the law applicable in this case, a defendant sentenced to imprisonment for life without parole is ineligible for release on parole from the Texas Department of Criminal Justice.

"It is possible that any other sentence of imprisonment for life might be reduced by the

(5) On page 2, line 31, strike "these laws" and substitute "this law".