

Amend SB 2 (house committee report) as follows:

(1) On page 1, line 13, strike "for" and substitute "~~for~~".

(2) On page 1, line 14, strike "life" and substitute "for life or for a term of not more than 99 years or less than 25 years".

(3) On page 1, line 17, between "(2)" and "life", insert "for".

(4) On page 2, line 2, strike "life imprisonment" and substitute "either ~~life~~ imprisonment for life or imprisonment for a term of not more than 99 years or less than 25 years".

(5) 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 in the Texas Department of Criminal Justice for a term of not more than 99 years or less than 25 years, 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 for life without parole on a defendant who was 18 years of age or older at the time the capital felony was committed.

(c)(1) The judge or jury shall impose a sentence of imprisonment for a term of not more than 99 years or less than 25 years or a sentence of imprisonment for life on a defendant who was younger than 18 years of age at the time the capital felony was committed. Notwithstanding the exception language provided by Section 2(b), Article 37.07, the determination of whether the judge or jury will assess punishment under this subsection is governed by Section 2(b), Article 37.07.

(2) Evidence may be offered by the state and the defendant as to any matter 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 factor or circumstance, including any factor or circumstance that may have contributed to the commission of the offense.

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

(b)(1) An inmate serving a life sentence under Section 12.31(a)(1), 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.

(2) An inmate serving a sentence of imprisonment for a term of not more than 99 years or less than 25 years under Section 12.31(a)(1), 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 25 calendar years.