

Amend SB 2 (house committee report) by striking SECTION 2 of the bill (page 2, lines 9-15), substituting the following appropriately numbered SECTIONS, and renumbering 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 required 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)(1) The jury shall impose a sentence of imprisonment in the Texas Department of Criminal Justice for life with respect to a defendant who was younger than 18 years of age at the time the capital felony was committed. In imposing the sentence, the jury shall determine the number of calendar years the defendant must serve before becoming eligible for parole.

(2) 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 the number of calendar years determined by you as the jury in this case, 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 this law 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."

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), 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 the number of [40] calendar years determined by the jury at sentencing.