

BILL ANALYSIS

H.B. 4
By: Kolkhorst
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current Texas law permits the imposition of life imprisonment without parole for capital offenses committed by an individual who is 17 years of age. However, the U.S. Supreme Court has recently declared that practice unconstitutional. H.B. 4 seeks to remedy this situation by revising the relevant punishment statutes to bring Texas law in line with constitutional requirements.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 4 amends the Penal Code and the Code of Criminal Procedure to change the standard by which an individual adjudged guilty of a capital felony in a case in which the state does not seek the death penalty is punished by imprisonment in the Texas Department of Criminal Justice for life, by requiring such punishment if the individual committed the offense when younger than 18 years of age, rather than if the individual's case was transferred from juvenile court to the appropriate district court or criminal district court for criminal proceedings. The bill clarifies that the punishment of imprisonment for life without parole for a capital felony in such a case applies if the individual committed the offense when 18 years of age or older. The bill's provisions apply to a criminal action pending, on appeal, or commenced on or after the bill's effective date, regardless of whether the criminal action is based on an offense committed before, on, or after that date, and do not affect a final conviction that exists on the bill's effective date.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, the 91st day after the last day of the legislative session.