

1-1 By: Huffman, Estes, Patrick S.B. No. 2  
1-2 (In the Senate - Filed June 28, 2013; July 1, 2013, read  
1-3 first time and referred to Committee on Criminal Justice;  
1-4 July 2, 2013, reported favorably by the following vote: Yeas 4,  
1-5 Nays 0; July 2, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Whitmire	X		
1-9	Huffman	X		
1-10	Carona		X	
1-11	Hinojosa	X		
1-12	Patrick	X		
1-13	Rodriguez		X	
1-14	Schwertner		X	

1-15 A BILL TO BE ENTITLED  
1-16 AN ACT

1-17 relating to the punishment for a capital felony committed by an  
1-18 individual younger than 18 years of age.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Section 12.31, Penal Code, is amended to read as  
1-21 follows:

1-22 Sec. 12.31. CAPITAL FELONY. (a) An individual adjudged  
1-23 guilty of a capital felony in a case in which the state seeks the  
1-24 death penalty shall be punished by imprisonment in the Texas  
1-25 Department of Criminal Justice for life without parole or by death.  
1-26 An individual adjudged guilty of a capital felony in a case in which  
1-27 the state does not seek the death penalty shall be punished by  
1-28 imprisonment in the Texas Department of Criminal Justice for:

1-29 (1) life, if the individual committed the offense when  
1-30 younger than 18 years of age ~~[individual's case was transferred to~~  
1-31 ~~the court under Section 54.02, Family Code];~~ or

1-32 (2) life without parole, if the individual committed  
1-33 the offense when 18 years of age or older.

1-34 (b) In a capital felony trial in which the state seeks the  
1-35 death penalty, prospective jurors shall be informed that a sentence  
1-36 of life imprisonment without parole or death is mandatory on  
1-37 conviction of a capital felony. In a capital felony trial in which  
1-38 the state does not seek the death penalty, prospective jurors shall  
1-39 be informed that the state is not seeking the death penalty and  
1-40 that:

1-41 (1) a sentence of life imprisonment is mandatory on  
1-42 conviction of the capital felony, if the individual committed the  
1-43 offense when younger than 18 years of age ~~[case was transferred to~~  
1-44 ~~the court under Section 54.02, Family Code];~~ or

1-45 (2) a sentence of life imprisonment without parole is  
1-46 mandatory on conviction of the capital felony, if the individual  
1-47 committed the offense when 18 years of age or older.

1-48 SECTION 2. Section 1, Article 37.071, Code of Criminal  
1-49 Procedure, is amended to read as follows:

1-50 Sec. 1. If a defendant is found guilty in a capital felony  
1-51 case in which the state does not seek the death penalty, the judge  
1-52 shall sentence the defendant to life imprisonment or to life  
1-53 imprisonment without parole as required by Section 12.31, Penal  
1-54 Code.

1-55 SECTION 3. The change in law made by this Act:

1-56 (1) applies to a criminal action pending, on appeal,  
1-57 or commenced on or after the effective date of this Act, regardless  
1-58 of whether the criminal action is based on an offense committed  
1-59 before, on, or after that date; and

1-60 (2) does not affect a final conviction that exists on  
1-61 the effective date of this Act.

2-1 SECTION 4. This Act takes effect immediately if it receives  
2-2 a vote of two-thirds of all the members elected to each house, as  
2-3 provided by Section 39, Article III, Texas Constitution. If this  
2-4 Act does not receive the vote necessary for immediate effect, this  
2-5 Act takes effect on the 91st day after the last day of the  
2-6 legislative session.

2-7

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