

## **BILL ANALYSIS**

S.B. 187  
By: Huffman  
Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

For criminal law purposes, Texas currently considers a 17-year-old individual to be an adult, but several high court decisions regarding juveniles, defined as individuals younger than 18 years of age, who are convicted of murder have held that the death penalty or even a life sentence without the possibility of parole is unconstitutional for juveniles. Thus, interested parties note that a 17-year-old offender cannot be punished for a capital felony under Texas law and, therefore, must be prosecuted for a lesser offense such as murder or aggravated robbery. Under Texas Family Code provisions, a juvenile between the ages of 14 and 16 may be transferred from juvenile court to the adult criminal justice system at the judge's discretion for certain serious offenses and subsequently prosecuted under Penal Code provisions for capital offenses. If convicted under these penal provisions, the individual could receive a mandatory life sentence with parole, which would subject the individual to stiffer punishment than a 17-year-old adult engaging in the same conduct. S.B. 187 seeks to remedy this situation.

### **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**

S.B. 187 amends the Penal Code to change the standard by which an individual adjudged guilty of a capital felony 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, and to clarify that the punishment of life without parole is required in such a case 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.

S.B. 187 amends the Code of Criminal Procedure to make conforming changes.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.