

By: Kolkhorst

H.B. No. 901

A BILL TO BE ENTITLED

AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

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

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

(2) life without parole.

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

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

5           (2) a sentence of life imprisonment without parole is  
6 mandatory on conviction of the capital felony, if the individual  
7 committed the offense when 18 years of age or older.

8           SECTION 2. The change in law made by this Act:

9           (1) applies to a criminal action pending, on appeal,  
10 or commenced on or after the effective date of this Act, regardless  
11 of whether the criminal action is based on an offense committed  
12 before, on, or after that date; and

13           (2) does not affect a final conviction that exists on  
14 the effective date of this Act.

15           SECTION 3. This Act takes effect immediately if it receives  
16 a vote of two-thirds of all the members elected to each house, as  
17 provided by Section 39, Article III, Texas Constitution. If this  
18 Act does not receive the vote necessary for immediate effect, this  
19 Act takes effect September 1, 2013.