

By: Farrar

H.B. No. 1703

A BILL TO BE ENTITLED

AN ACT

relating to abolishing the death penalty.

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'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) a sentence of life imprisonment is mandatory on conviction of the capital felony, if the case was transferred to the

1 court under Section 54.02, Family Code; or

2 (2) a sentence of life imprisonment without parole is
3 mandatory on conviction of the capital felony.

4 SECTION 2. Article 1.13(a), Code of Criminal Procedure, is
5 amended to read as follows:

6 (a) The defendant in a criminal prosecution for any offense
7 [~~other than a capital felony case in which the state notifies the~~
8 ~~court and the defendant that it will seek the death penalty~~] shall
9 have the right, upon entering a plea, to waive the right of trial by
10 jury, conditioned, however, that, except as provided by Article
11 27.19, the waiver must be made in person by the defendant in writing
12 in open court with the consent and approval of the court, and the
13 attorney representing the state. The consent and approval by the
14 court shall be entered of record on the minutes of the court, and
15 the consent and approval of the attorney representing the state
16 shall be in writing, signed by that attorney, and filed in the
17 papers of the cause before the defendant enters the defendant's
18 plea.

19 SECTION 3. Article 4.03, Code of Criminal Procedure, is
20 amended to read as follows:

21 Art. 4.03. COURTS OF APPEALS. The Courts of Appeals shall
22 have appellate jurisdiction coextensive with the limits of their
23 respective districts in all criminal cases [~~except those in which~~
24 ~~the death penalty has been assessed~~]. This article may [~~Article~~
25 ~~shall~~] not be so construed as to embrace any case which has been
26 appealed from any inferior court to the county court, the county
27 criminal court, or county court at law, in which the fine imposed or

1 affirmed by the county court, the county criminal court or county
2 court at law does not exceed one hundred dollars, unless the sole
3 issue is the constitutionality of the statute or ordinance on which
4 the conviction is based.

5 SECTION 4. Section 2, Article 4.04, Code of Criminal
6 Procedure, is amended to read as follows:

7 Sec. 2. The Court of Criminal Appeals shall have, and is
8 hereby given, final appellate and review jurisdiction in criminal
9 cases coextensive with the limits of the state, and its
10 determinations shall be final. [~~The appeal of all cases in which~~
11 ~~the death penalty has been assessed shall be to the Court of~~
12 ~~Criminal Appeals.~~] In addition, the Court of Criminal Appeals may,
13 on its own motion, with or without a petition for such discretionary
14 review being filed by one of the parties, review any decision of a
15 court of appeals in a criminal case. Discretionary review by the
16 Court of Criminal Appeals is not a matter of right, but of sound
17 judicial discretion.

18 SECTION 5. The heading to Article 11.07, Code of Criminal
19 Procedure, is amended to read as follows:

20 Art. 11.07. PROCEDURE AFTER CONVICTION [~~WITHOUT DEATH~~
21 ~~PENALTY~~]

22 SECTION 6. Section 2, Article 11.07, Code of Criminal
23 Procedure, is amended to read as follows:

24 Sec. 2. After indictment found in any felony case [~~other~~
25 ~~than a case in which the death penalty is imposed,~~] and before
26 conviction, the writ must be made returnable in the county where the
27 offense has been committed.

1 SECTION 7. Section 3(b), Article 11.07, Code of Criminal
2 Procedure, is amended to read as follows:

3 (b) An application for writ of habeas corpus filed after
4 final conviction in a felony case[~~, other than a case in which the~~
5 ~~death penalty is imposed,~~] must be filed with the clerk of the court
6 in which the conviction being challenged was obtained, and the
7 clerk shall assign the application to that court. When the
8 application is received by that court, a writ of habeas corpus,
9 returnable to the Court of Criminal Appeals, shall issue by
10 operation of law. The clerk of that court shall make appropriate
11 notation thereof, assign to the case a file number (ancillary to
12 that of the conviction being challenged), and forward a copy of the
13 application by certified mail, return receipt requested, or by
14 personal service to the attorney representing the state in that
15 court, who shall answer the application not later than the 15th day
16 after the date the copy of the application is received. Matters
17 alleged in the application not admitted by the state are deemed
18 denied.

19 SECTION 8. Articles 26.04(b) and (g), Code of Criminal
20 Procedure, are amended to read as follows:

21 (b) Procedures adopted under Subsection (a) shall:
22 (1) authorize only the judges of the county courts,
23 statutory county courts, and district courts trying criminal cases
24 in the county, or the judges' designee, to appoint counsel for
25 indigent defendants in the county;
26 (2) apply to each appointment of counsel made by a
27 judge or the judges' designee in the county;

1 (3) ensure that each indigent defendant in the county
2 who is charged with a misdemeanor punishable by confinement or with
3 a felony and who appears in court without counsel has an opportunity
4 to confer with appointed counsel before the commencement of
5 judicial proceedings;

6 (4) [~~require appointments for defendants in capital~~
7 ~~cases in which the death penalty is sought to comply with any~~
8 ~~applicable requirements under Articles 11.071 and 26.052;~~

9 [~~(5)~~] ensure that each attorney appointed from a
10 public appointment list to represent an indigent defendant perform
11 the attorney's duty owed to the defendant in accordance with the
12 adopted procedures, the requirements of this code, and applicable
13 rules of ethics; and

14 (5) [~~(6)~~] ensure that appointments are allocated
15 among qualified attorneys in a manner that is fair, neutral, and
16 nondiscriminatory.

17 (g) A countywide alternative program for appointing counsel
18 for indigent defendants in criminal cases is established by a
19 formal action in which two-thirds of the judges of the courts
20 designated under this subsection vote to establish the alternative
21 program. An alternative program for appointing counsel in
22 misdemeanor and felony cases may be established in the manner
23 provided by this subsection by the judges of the county courts,
24 statutory county courts, and district courts trying criminal cases
25 in the county. An alternative program for appointing counsel in
26 misdemeanor cases may be established in the manner provided by this
27 subsection by the judges of the county courts and statutory county

1 courts trying criminal cases in the county. An alternative program
2 for appointing counsel in felony cases may be established in the
3 manner provided by this subsection by the judges of the district
4 courts trying criminal cases in the county. In a county in which an
5 alternative program is established:

6 (1) the alternative program may:

7 (A) use a single method for appointing counsel or
8 a combination of methods; and

9 (B) use a multicounty appointment list using a
10 system of rotation; and

11 (2) the procedures adopted under Subsection (a) must
12 ensure that:

13 (A) attorneys appointed using the alternative
14 program to represent defendants in misdemeanor cases punishable by
15 confinement:

16 (i) meet specified objective
17 qualifications for that representation, which may be graduated
18 according to the degree of seriousness of the offense and whether
19 representation will be provided in trial court proceedings,
20 appellate proceedings, or both; and

21 (ii) are approved by a majority of the
22 judges of the county courts and statutory county courts trying
23 misdemeanor cases in the county;

24 (B) attorneys appointed using the alternative
25 program to represent defendants in felony cases:

26 (i) meet specified objective
27 qualifications for that representation, which may be graduated

1 according to the degree of seriousness of the offense and whether
2 representation will be provided in trial court proceedings,
3 appellate proceedings, or both; and

4 (ii) are approved by a majority of the
5 judges of the district courts trying felony cases in the county; and

6 (C) ~~[appointments for defendants in capital~~
7 ~~cases in which the death penalty is sought comply with the~~
8 ~~requirements of Article 26.052; and~~

9 ~~[(D)]~~ appointments are reasonably and
10 impartially allocated among qualified attorneys.

11 SECTION 9. Articles 26.05(a) and (d), Code of Criminal
12 Procedure, are amended to read as follows:

13 (a) A counsel, other than an attorney with a public
14 defender's office ~~[or an attorney employed by the office of capital~~
15 ~~writes]~~, appointed to represent a defendant in a criminal
16 proceeding, including a habeas corpus hearing, shall be paid a
17 reasonable attorney's fee for performing the following services,
18 based on the time and labor required, the complexity of the case,
19 and the experience and ability of the appointed counsel:

20 (1) time spent in court making an appearance on behalf
21 of the defendant as evidenced by a docket entry, time spent in
22 trial, and time spent in a proceeding in which sworn oral testimony
23 is elicited;

24 (2) reasonable and necessary time spent out of court
25 on the case, supported by any documentation that the court
26 requires;

27 (3) preparation of an appellate brief and preparation

1 and presentation of oral argument to a court of appeals or the Court
2 of Criminal Appeals; and

3 (4) preparation of a motion for rehearing.

4 (d) A counsel in a criminal [~~noncapital~~] case, other than an
5 attorney with a public defender's office, appointed to represent a
6 defendant under this code shall be reimbursed for reasonable and
7 necessary expenses, including expenses for investigation and for
8 mental health and other experts. Expenses incurred with prior
9 court approval shall be reimbursed in the [~~same~~] manner provided
10 [~~for capital cases~~] by Articles 26.052(f) and (g), and expenses
11 incurred without prior court approval shall be reimbursed in the
12 manner provided [~~for capital cases~~] by Article 26.052(h).

13 SECTION 10. The heading to Article 26.052, Code of Criminal
14 Procedure, is amended to read as follows:

15 Art. 26.052. [~~APPOINTMENT OF COUNSEL IN DEATH PENALTY~~
16 ~~CASE.]~~ REIMBURSEMENT OF [~~INVESTIGATIVE~~] EXPENSES INCURRED BY
17 APPOINTED COUNSEL.

18 SECTION 11. Section 3, Article 31.08, Code of Criminal
19 Procedure, is amended to read as follows:

20 Sec. 3. An [~~Except for the review of a death sentence under~~
21 ~~Section 2(h), Article 37.071, or under Section 2(h), Article~~
22 ~~37.072, an]~~ appeal taken in a cause returned to the original county
23 under this article must be docketed in the appellate district in
24 which the county of original venue is located.

25 SECTION 12. Article 35.15(b), Code of Criminal Procedure,
26 is amended to read as follows:

27 (b) In [~~non-capital~~] felony cases [~~and in capital cases in~~

1 ~~which the State does not seek the death penalty~~], the State and
2 defendant shall each be entitled to ten peremptory challenges. If
3 two or more defendants are tried together each defendant shall be
4 entitled to six peremptory challenges and the State to six for each
5 defendant.

6 SECTION 13. Article 35.16(b), Code of Criminal Procedure,
7 is amended to read as follows:

8 (b) A challenge for cause may be made by the State for any of
9 the following reasons:

10 1. That the juror has conscientious scruples in regard
11 to the imposition [~~infliction~~] of a sentence of imprisonment for
12 life without parole [~~the punishment of death for crime,~~] in a
13 capital case[~~, where the State is seeking the death penalty~~];

14 2. That he is related within the third degree of
15 consanguinity or affinity, as determined under Chapter 573,
16 Government Code, to the defendant; and

17 3. That he has a bias or prejudice against any phase of
18 the law upon which the State is entitled to rely for conviction or
19 punishment.

20 SECTION 14. Article 35.17, Code of Criminal Procedure, is
21 amended to read as follows:

22 Art. 35.17. VOIR DIRE EXAMINATION

23 [1]. When the court in its discretion so directs, [~~except as~~
24 ~~provided in Section 2,~~] the state and defendant shall conduct the
25 voir dire examination of prospective jurors in the presence of the
26 entire panel.

27 [~~2. In a capital felony case in which the State seeks the~~

1 ~~death penalty, the court shall propound to the entire panel of~~
2 ~~prospective jurors questions concerning the principles, as~~
3 ~~applicable to the case on trial, of reasonable doubt, burden of~~
4 ~~proof, return of indictment by grand jury, presumption of~~
5 ~~innocence, and opinion. Then, on demand of the State or defendant,~~
6 ~~either is entitled to examine each juror on voir dire individually~~
7 ~~and apart from the entire panel, and may further question the juror~~
8 ~~on the principles propounded by the court.]~~

9 SECTION 15. Article 35.25, Code of Criminal Procedure, is
10 amended to read as follows:

11 Art. 35.25. MAKING PEREMPTORY CHALLENGE. The [~~In~~
12 ~~non-capital cases and in capital cases in which the State's~~
13 ~~attorney has announced that he will not qualify the jury for, or~~
14 ~~seek the death penalty, the]~~ party desiring to challenge any juror
15 peremptorily shall strike the name of such juror from the list
16 furnished him by the clerk.

17 SECTION 16. Article 35.26, Code of Criminal Procedure, is
18 amended to read as follows:

19 Art. 35.26. LISTS RETURNED TO CLERK. [~~(a)~~] When the parties
20 have made or declined to make their peremptory challenges, they
21 shall deliver their lists to the clerk. The [~~Except as provided in~~
22 ~~subsection (b) of this section, the]~~ clerk shall, if the case be in
23 the district court, call off the first twelve names on the lists
24 that have not been stricken. If the case be in the county court, he
25 shall call off the first six names on the lists that have not been
26 stricken. Those whose names are called shall be the jury.

27 [~~(b) In a capital case in which the state seeks the death~~

1 ~~penalty, the court may direct that two alternate jurors be selected~~
2 ~~and that the first fourteen names not stricken be called off by the~~
3 ~~clerk. The last two names to be called are the alternate jurors.]~~

4 SECTION 17. Article 36.29(a), Code of Criminal Procedure,
5 is amended to read as follows:

6 (a) Not less than twelve jurors can render and return a
7 verdict in a felony case. It must be concurred in by each juror and
8 signed by the foreman. After [~~Except as provided in Subsection (b),~~
9 ~~however, after~~] the trial of any felony case begins and a juror dies
10 or, as determined by the judge, becomes disabled from sitting at any
11 time before the charge of the court is read to the jury, the
12 remainder of the jury shall have the power to render the verdict;
13 but when the verdict shall be rendered by less than the whole
14 number, it shall be signed by every member of the jury concurring in
15 it.

16 SECTION 18. Section 2(b), Article 37.07, Code of Criminal
17 Procedure, is amended to read as follows:

18 (b) If [~~Except as provided by Article 37.071 or 37.072, if~~]
19 a finding of guilty is returned, it shall then be the responsibility
20 of the judge to assess the punishment applicable to the offense;
21 provided, however, that (1) in any criminal action where the jury
22 may recommend community supervision and the defendant filed his
23 sworn motion for community supervision before the trial began, and
24 (2) in other cases where the defendant so elects in writing before
25 the commencement of the voir dire examination of the jury panel, the
26 punishment shall be assessed by the same jury, except as provided in
27 Section 3(c) of this article and in Article 44.29. If a finding of

1 guilty is returned, the defendant may, with the consent of the
2 attorney for the state, change his election of one who assesses the
3 punishment.

4 SECTION 19. Section 1, Article 42.01, Code of Criminal
5 Procedure, is amended to read as follows:

6 Sec. 1. A judgment is the written declaration of the court
7 signed by the trial judge and entered of record showing the
8 conviction or acquittal of the defendant. The sentence served
9 shall be based on the information contained in the judgment. The
10 judgment shall reflect:

- 11 1. The title and number of the case;
- 12 2. That the case was called and the parties appeared,
13 naming the attorney for the state, the defendant, and the attorney
14 for the defendant, or, where a defendant is not represented by
15 counsel, that the defendant knowingly, intelligently, and
16 voluntarily waived the right to representation by counsel;
- 17 3. The plea or pleas of the defendant to the offense
18 charged;
- 19 4. Whether the case was tried before a jury or a jury
20 was waived;
- 21 5. The submission of the evidence, if any;
- 22 6. In cases tried before a jury that the jury was
23 charged by the court;
- 24 7. The verdict or verdicts of the jury or the finding
25 or findings of the court;
- 26 8. In the event of a conviction that the defendant is
27 adjudged guilty of the offense as found by the verdict of the jury

1 or the finding of the court, and that the defendant be punished in
2 accordance with the jury's verdict or the court's finding as to the
3 proper punishment;

4 9. In the event of conviction where [~~death or~~] any
5 punishment is assessed that the defendant be sentenced to [~~death,~~]
6 a term of confinement or community supervision, or to pay a fine, as
7 the case may be;

8 10. In the event of conviction where the imposition of
9 sentence is suspended and the defendant is placed on community
10 supervision, setting forth the punishment assessed, the length of
11 community supervision, and the conditions of community
12 supervision;

13 11. In the event of acquittal that the defendant be
14 discharged;

15 12. The county and court in which the case was tried
16 and, if there was a change of venue in the case, the name of the
17 county in which the prosecution was originated;

18 13. The offense or offenses for which the defendant
19 was convicted;

20 14. The date of the offense or offenses and degree of
21 offense for which the defendant was convicted;

22 15. The term of sentence;

23 16. The date judgment is entered;

24 17. The date sentence is imposed;

25 18. The date sentence is to commence and any credit for
26 time served;

27 19. The terms of any order entered pursuant to Article

1 42.08 of this code that the defendant's sentence is to run
2 cumulatively or concurrently with another sentence or sentences;

3 20. The terms of any plea bargain;

4 21. Affirmative findings entered pursuant to
5 Subdivision (2) of Subsection (a) of Section 3g of Article 42.12 of
6 this code;

7 22. The terms of any fee payment ordered under Article
8 42.151 of this code;

9 23. The defendant's thumbprint taken in accordance
10 with Article 38.33 of this code;

11 24. In the event that the judge orders the defendant to
12 repay a reward or part of a reward under Articles 37.073 and 42.152
13 of this code, a statement of the amount of the payment or payments
14 required to be made;

15 25. In the event that the court orders restitution to
16 be paid to the victim, a statement of the amount of restitution
17 ordered and:

18 (A) the name and address of a person or agency
19 that will accept and forward restitution payments to the victim; or

20 (B) if the court specifically elects to have
21 payments made directly to the crime victim, the name and permanent
22 address of the victim at the time of judgment;

23 26. In the event that a presentence investigation is
24 required by Section 9(a), (b), (h), or (i), Article 42.12 of this
25 code, a statement that the presentence investigation was done
26 according to the applicable provision;

27 27. In the event of conviction of an offense for which

1 registration as a sex offender is required under Chapter 62, a
2 statement that the registration requirement of that chapter applies
3 to the defendant and a statement of the age of the victim of the
4 offense;

5 28. The defendant's state identification number
6 required by Article [~~Section~~] 60.052(a)(2), if that number has been
7 assigned at the time of the judgment; and

8 29. The incident number required by Article [~~Section~~]
9 60.052(a)(4), if that number has been assigned at the time of the
10 judgment.

11 SECTION 20. Sections 1 and 3, Article 42.09, Code of
12 Criminal Procedure, are amended to read as follows:

13 Sec. 1. Except as provided in Sections 2 and 3, a defendant
14 shall be delivered to a jail or to the Texas Department of Criminal
15 Justice when his sentence is pronounced [~~, or his sentence to death~~
16 ~~is announced,~~] by the court. The defendant's sentence begins to
17 run on the day it is pronounced, but with all credits, if any,
18 allowed by Article 42.03.

19 Sec. 3. If a defendant is convicted of a felony and
20 sentenced to [~~death,~~] life [~~,~~] or a term of more than ten years in
21 the Texas Department of Criminal Justice and he gives notice of
22 appeal, he shall be transferred to the department on a commitment
23 pending a mandate from the court of appeals or the Court of Criminal
24 Appeals.

25 SECTION 21. Article 64.05, Code of Criminal Procedure, is
26 amended to read as follows:

27 Art. 64.05. APPEALS. An appeal under this chapter is to a

1 court of appeals in the same manner as an appeal of any other
2 criminal matter [~~, except that if the convicted person was convicted~~
3 ~~in a capital case and was sentenced to death, the appeal is a direct~~
4 ~~appeal to the court of criminal appeals]~~.

5 SECTION 22. Section 79.031, Government Code, is amended to
6 read as follows:

7 Sec. 79.031. FAIR DEFENSE ACCOUNT. The fair defense
8 account is an account in the general revenue fund that may be
9 appropriated only to [+

10 [~~(1)~~] the commission for the purpose of implementing
11 this chapter [~~, and~~

12 [~~(2) the office of capital writs for the purpose of~~
13 ~~implementing Subchapter B, Chapter 78]~~.

14 SECTION 23. Section 508.145(a), Government Code, is amended
15 to read as follows:

16 (a) An inmate [~~under sentence of death,~~] serving a sentence
17 of life imprisonment without parole, serving a sentence for an
18 offense under Section 21.02, Penal Code, or serving a sentence for
19 an offense under Section 22.021, Penal Code, that is punishable
20 under Subsection (f) of that section is not eligible for release on
21 parole.

22 SECTION 24. Sections 508.146(a) and (f), Government Code,
23 are amended to read as follows:

24 (a) An inmate other than an inmate who is serving a sentence
25 of [~~death or~~] life without parole may be released on medically
26 recommended intensive supervision on a date designated by a parole
27 panel described by Subsection (e), except that an inmate with an

1 instant offense that is an offense described in Section 3g, Article
2 42.12, Code of Criminal Procedure, or an inmate who has a reportable
3 conviction or adjudication under Chapter 62, Code of Criminal
4 Procedure, may only be considered if a medical condition of
5 terminal illness or long-term care has been diagnosed by a
6 physician, if:

7 (1) the Texas Correctional Office on Offenders with
8 Medical or Mental Impairments, in cooperation with the Correctional
9 Managed Health Care Committee, identifies the inmate as being:

10 (A) elderly, physically disabled, mentally ill,
11 terminally ill, or mentally retarded or having a condition
12 requiring long-term care, if the inmate is an inmate with an instant
13 offense that is described in Section 3g, Article 42.12, Code of
14 Criminal Procedure; or

15 (B) in a persistent vegetative state or being a
16 person with an organic brain syndrome with significant to total
17 mobility impairment, if the inmate is an inmate who has a reportable
18 conviction or adjudication under Chapter 62, Code of Criminal
19 Procedure;

20 (2) the parole panel determines that, based on the
21 inmate's condition and a medical evaluation, the inmate does not
22 constitute a threat to public safety; and

23 (3) the Texas Correctional Office on Offenders with
24 Medical or Mental Impairments, in cooperation with the pardons and
25 paroles division, has prepared for the inmate a medically
26 recommended intensive supervision plan that requires the inmate to
27 submit to electronic monitoring, places the inmate on

1 super-intensive supervision, or otherwise ensures appropriate
2 supervision of the inmate.

3 (f) An inmate who is not a citizen of the United States, as
4 defined by federal law, who is not under a sentence of [~~death or~~
5 life without parole, and who does not have a reportable conviction
6 or adjudication under Chapter 62, Code of Criminal Procedure, or an
7 instant offense described in Section 3g, Article 42.12, Code of
8 Criminal Procedure, may be released to immigration authorities
9 pending deportation on a date designated by a parole panel
10 described by Subsection (e) if the parole panel determines that on
11 release the inmate would be deported to another country and that the
12 inmate does not constitute a threat to public safety in the other
13 country or this country and is unlikely to reenter this country
14 illegally.

15 SECTION 25. Section 552.134(b), Government Code, is amended
16 to read as follows:

17 (b) Subsection (a) does not apply to[+
18 [~~(1)~~] statistical or other aggregated information
19 relating to inmates confined in one or more facilities operated by
20 or under a contract with the department[+, or
21 [~~(2)~~ information about an inmate sentenced to death].

22 SECTION 26. The following provisions of the Code of
23 Criminal Procedure are repealed:

- 24 (1) Article 1.13(b);
25 (2) Article 11.071;
26 (3) Article 26.044(a)(2);
27 (4) Articles 26.052(a), (b), (c), (d), (e), (i), (j),

1 (k), (l), (m), and (n);

2 (5) Articles 34.04, 35.13, 35.15(a), 36.29(b),
3 37.071, and 37.072;

4 (6) Article 42.04;

5 (7) Articles 43.14, 43.141, 43.15, 43.16, 43.17,
6 43.18, 43.19, 43.20, 43.21, 43.22, 43.23, 43.24, and 43.25; and

7 (8) Articles 44.251 and 44.29(c) and (d).

8 SECTION 27. The following provisions of the Government Code
9 are repealed:

10 (1) Chapter 78; and

11 (2) Section 79.001(12).

12 SECTION 28. The change in law made by this Act applies only
13 to the punishment for an offense under Section 19.03, Penal Code, if
14 the indictment in the case is filed on or after the effective date
15 of this Act. If the indictment in the case is filed before the
16 effective date of this Act, the punishment in the case is governed
17 by the law in effect when the offense was committed, and the former
18 law is continued in effect for that purpose.

19 SECTION 29. This Act takes effect September 1, 2013.