

1-1 By: Huffman S.B. No. 187
1-2 (In the Senate - Filed January 18, 2013; January 29, 2013,
1-3 read first time and referred to Committee on Criminal Justice;
1-4 March 18, 2013, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 6, Nays 0; March 18, 2013,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Whitmire	X		
1-10	Huffman	X		
1-11	Carona		X	
1-12	Hinojosa	X		
1-13	Patrick	X		
1-14	Rodriguez	X		
1-15	Schwertner	X		

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 187 By: Huffman

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the punishment for a capital felony committed by an
1-20 individual younger than 18 years of age.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 12.31, Penal Code, is amended to read as
1-23 follows:

1-24 Sec. 12.31. CAPITAL FELONY. (a) An individual adjudged
1-25 guilty of a capital felony in a case in which the state seeks the
1-26 death penalty shall be punished by imprisonment in the Texas
1-27 Department of Criminal Justice for life without parole or by
1-28 death. An individual adjudged guilty of a capital felony in a case
1-29 in which the state does not seek the death penalty shall be punished
1-30 by imprisonment in the Texas Department of Criminal Justice for:

1-31 (1) life, if the individual committed the offense when
1-32 younger than 18 years of age [~~individual's case was transferred to~~
1-33 ~~the court under Section 54.02, Family Code~~]; or

1-34 (2) life without parole, if the individual committed
1-35 the offense when 18 years of age or older.

1-36 (b) In a capital felony trial in which the state seeks the
1-37 death penalty, prospective jurors shall be informed that a sentence
1-38 of life imprisonment without parole or death is mandatory on
1-39 conviction of a capital felony. In a capital felony trial in which
1-40 the state does not seek the death penalty, prospective jurors shall
1-41 be informed that the state is not seeking the death penalty and
1-42 that:

1-43 (1) a sentence of life imprisonment is mandatory on
1-44 conviction of the capital felony, if the individual committed the
1-45 offense when younger than 18 years of age [~~case was transferred to~~
1-46 ~~the court under Section 54.02, Family Code~~]; or

1-47 (2) a sentence of life imprisonment without parole is
1-48 mandatory on conviction of the capital felony, if the individual
1-49 committed the offense when 18 years of age or older.

1-50 SECTION 2. Section 1, Article 37.071, Code of Criminal
1-51 Procedure, is amended to read as follows:

1-52 Sec. 1. If a defendant is found guilty in a capital felony
1-53 case in which the state does not seek the death penalty, the judge
1-54 shall sentence the defendant to life imprisonment or to life
1-55 imprisonment without parole as required by Section 12.31, Penal
1-56 Code.

1-57 SECTION 3. The change in law made by this Act:

1-58 (1) applies to a criminal action pending, on appeal,
1-59 or commenced on or after the effective date of this Act, regardless
1-60 of whether the criminal action is based on an offense committed

2-1 before, on, or after that date; and
2-2 (2) does not affect a final conviction that exists on
2-3 the effective date of this Act.

2-4 SECTION 4. This Act takes effect immediately if it receives
2-5 a vote of two-thirds of all the members elected to each house, as
2-6 provided by Section 39, Article III, Texas Constitution. If this
2-7 Act does not receive the vote necessary for immediate effect, this
2-8 Act takes effect September 1, 2013.

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