

By: Ellis

S.B. No. 720

A BILL TO BE ENTITLED

AN ACT

relating to jury instructions regarding the insanity defense in a criminal case.

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

SECTION 1. Article 46C.154, Code of Criminal Procedure, is amended to read as follows:

Art. 46C.154. INFORMING JURY REGARDING CONSEQUENCES OF ACQUITTAL. The court shall provide instruction to the jury to inform the jury [~~, the attorney representing the state, or the attorney for the defendant may not inform a juror or a prospective juror~~] of the consequences to the defendant if a verdict of not guilty by reason of insanity is returned, in substantially the following form:

"A jury during its deliberations must never consider or speculate concerning matters relating to the consequences of its verdict. However, because of the lack of common knowledge regarding the consequences of a verdict of 'not guilty by reason of insanity,' I charge you that if you render this verdict there will be hearings as to the defendant's present mental condition and, where appropriate, involuntary commitment proceedings."[~~+~~]

SECTION 2. The change in law made by this Act applies only to a defendant charged with an offense committed on or after the effective date of this Act. A defendant charged with an offense committed before the effective date of this Act is covered by the

1 law in effect when the offense was committed, and the former law is
2 continued in effect for that purpose. For purposes of this section,
3 an offense was committed before the effective date of this Act if
4 any element of the offense occurred before that date.

5 SECTION 3. This Act takes effect September 1, 2013.