

By: Guillen

H.B. No. 109

A BILL TO BE ENTITLED

AN ACT

1
2 relating to consideration of certain mitigating evidence at the
3 sentencing proceeding of a defendant or the disposition hearing of
4 a child.

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

6 SECTION 1. Chapter 42, Code of Criminal Procedure, is
7 amended by adding Article 42.021 to read as follows:

8 Art. 42.021. LIMITATION ON MITIGATING EVIDENCE.

9 Notwithstanding any other law, at the sentencing proceeding of a
10 defendant the trier of fact may not consider any evidence offered to
11 establish that the defendant did not understand the consequences of
12 the defendant's actions because the defendant was raised in a
13 household that was overly permissive due to affluent circumstances.

14 SECTION 2. Chapter 54, Family Code, is amended by adding
15 Section 54.0403 to read as follows:

16 Sec. 54.0403. LIMITATION ON MITIGATING EVIDENCE.

17 Notwithstanding any other law, at a disposition hearing held under
18 Section 54.04 the trier of fact may not consider any evidence
19 offered to establish that the defendant did not understand the
20 consequences of the defendant's actions because the defendant was
21 raised in a household that was overly permissive due to affluent
22 circumstances.

23 SECTION 3. Article 42.021, Code of Criminal Procedure, as
24 added by this Act, applies only to a sentencing proceeding that

1 commences on or after the effective date of this Act, regardless of
2 whether the applicable offense occurred before, on, or after the
3 effective date of this Act.

4 SECTION 4. Section 54.0403, Family Code, as added by this
5 Act, applies to a disposition hearing that commences on or after the
6 effective date of this Act, regardless of whether the applicable
7 delinquent conduct occurred before, on, or after the effective date
8 of this Act.

9 SECTION 5. This Act takes effect September 1, 2015.