A BILL TO BE ENTITLED

AN ACT

relating to the extent of a defendant's criminal responsibility for
the conduct of a coconspirator in certain felony cases.

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

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

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

(b) A defendant who is found guilty in a capital felony case
only as a party under Section 7.02(b), Penal Code, may not be
sentenced to death, and the state may not seek the death penalty in
any case in which the defendant's liability is based solely on that
subsection.

SECTION 2. Section 2, Article 37.0711, Code of Criminal
Procedure, is amended to read as follows:

Sec. 2. (a) If a defendant is found guilty in a case in
which the state does not seek the death penalty, the judge shall
sentence the defendant to life imprisonment.

(b) A defendant who is found guilty in a capital felony case
only as a party under Section 7.02(b), Penal Code, may not be
sentenced to death, and the state may not seek the death penalty in
any case in which the defendant's liability is based solely on that
subsection.

SECTION 3. The change in law made by this Act applies to a
criminal proceeding that commences on or after the effective date
of this Act. A criminal proceeding that commences before the
effective date of this Act is governed by the law in effect when the
proceeding commenced, and the former law is continued in effect for
that purpose.

SECTION 4. This Act takes effect September 1, 2017.