By:  Thompson of Harris, et al. H.B. No. 1139

     (Senate Sponsor - Miles, West)

(In the Senate - Received from the House April 30, 2019; May 1, 2019, read first time and referred to Committee on Criminal Justice; May 17, 2019, reported adversely, with favorable Committee Substitute by the following vote: Yeas 6, Nays 0; May 17, 2019, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Whitmire        X

Huffman                  X

Buckingham      X

Flores          X

Hughes          X

Miles           X

Perry           X

COMMITTEE SUBSTITUTE FOR H.B. No. 1139 By:  Whitmire

A BILL TO BE ENTITLED

AN ACT

relating to the applicability of the death penalty to a capital offense committed by a person with an intellectual disability.

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

SECTION 1.  Title 1, Code of Criminal Procedure, is amended by adding Chapter 46E to read as follows:

CHAPTER 46E. CAPITAL CASE: EFFECT OF INTELLECTUAL DISABILITY

Art. 46E.001.  RESTRICTION ON DEATH PENALTY. A defendant who is a person with an intellectual disability may not be sentenced to death.

Art. 46E.002.  PREVAILING MEDICAL STANDARDS. Evidence offered by either party for purposes of determining whether a defendant is a person with an intellectual disability must be consistent with prevailing medical standards for the diagnosis of intellectual disabilities.

SECTION 2.  The changes in law made by this Act apply only to a trial that commences on or after the effective date of this Act, regardless of whether the alleged offense was committed before, on, or after that date.

SECTION 3.  This Act takes effect September 1, 2019.

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