

By: Frank

H.B. No. 261

Substitute the following for H.B. No. 261:

By: Bell of Kaufman

C.S.H.B. No. 261

A BILL TO BE ENTITLED

1 AN ACT
2 relating to increasing the punishment for certain conduct
3 constituting the offense of murder and providing for the
4 prosecution of that conduct as capital murder.

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

6 SECTION 1. This Act shall be known as Lauren's Law.

7 SECTION 2. Section 19.03(a), Penal Code, is amended to read
8 as follows:

9 (a) A person commits an offense if the person commits murder
10 as defined under Section 19.02(b)(1) and:

11 (1) the person murders a peace officer or fireman who
12 is acting in the lawful discharge of an official duty and who the
13 person knows is a peace officer or fireman;

14 (2) the person intentionally commits the murder in the
15 course of committing or attempting to commit kidnapping, burglary,
16 robbery, aggravated sexual assault, arson, obstruction or
17 retaliation, or terroristic threat under Section 22.07(a)(1), (3),
18 (4), (5), or (6);

19 (3) the person commits the murder for remuneration or
20 the promise of remuneration or employs another to commit the murder
21 for remuneration or the promise of remuneration;

22 (4) the person commits the murder while escaping or
23 attempting to escape from a penal institution;

24 (5) the person, while incarcerated in a penal

1 institution, murders another:

2 (A) who is employed in the operation of the penal
3 institution; or

4 (B) with the intent to establish, maintain, or
5 participate in a combination or in the profits of a combination;

6 (6) the person:

7 (A) while incarcerated for an offense under this
8 section or Section 19.02, murders another; or

9 (B) while serving a sentence of life imprisonment
10 or a term of 99 years for an offense under Section 20.04, 22.021, or
11 29.03, murders another;

12 (7) the person murders more than one person:

13 (A) during the same criminal transaction; or

14 (B) during different criminal transactions but
15 the murders are committed pursuant to the same scheme or course of
16 conduct;

17 (8) the person murders an individual under 10 years of
18 age; ~~or~~

19 (9) the person murders an individual 10 years of age or
20 older but younger than 15 years of age; or

21 (10) the person murders another person in retaliation
22 for or on account of the service or status of the other person as a
23 judge or justice of the supreme court, the court of criminal
24 appeals, a court of appeals, a district court, a criminal district
25 court, a constitutional county court, a statutory county court, a
26 justice court, or a municipal court.

27 SECTION 3. Section 1, Article 37.071, Code of Criminal

1 Procedure, is amended to read as follows:

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

7 (b) A defendant who is found guilty of an offense under
8 Section 19.03(a)(9), Penal Code, may not be sentenced to death, and
9 the state may not seek the death penalty in any case based solely on
10 an offense under that subdivision.

11 SECTION 4. The change in law made by this Act applies only
12 to an offense committed on or after the effective date of this Act.
13 An offense committed before the effective date of this Act is
14 governed by the law in effect on the date the offense was committed,
15 and the former law is continued in effect for that purpose. For
16 purposes of this section, an offense was committed before the
17 effective date of this Act if any element of the offense occurred
18 before that date.

19 SECTION 5. This Act takes effect September 1, 2019.