

By: Leach

H.B. No. 4113

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 capital 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 or in a capital felony case described by Subsection (b), 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 in which the jury charge at the guilt or innocence stage permitted the jury to find the defendant guilty as a party under Section 7.02(b), Penal Code, may not be sentenced to death.

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 or in a case described by Subsection (b), the judge shall sentence the defendant to life imprisonment.

(b) A defendant who is found guilty in a capital felony case in which the jury charge at the guilt or innocence stage permitted the jury to find the defendant guilty as a party under Section

1 7.02(b), Penal Code, may not be sentenced to death.

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

8 SECTION 4. This Act takes effect September 1, 2019.