

By: Hinojosa

S.B. No. 929

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the extent of a defendant's criminal responsibility for
3 the conduct of a coconspirator in certain capital felony cases.

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

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

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

12 (b) A defendant who is found guilty in a capital felony case
13 in which the jury charge at the guilt or innocence stage permitted
14 the jury to find the defendant guilty as a party under Section
15 7.02(b), Penal Code, may not be sentenced to death.

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

18 Sec. 2. (a) If a defendant is found guilty in a case in
19 which the state does not seek the death penalty or in a case
20 described by Subsection (b), the judge shall sentence the defendant
21 to life imprisonment.

22 (b) A defendant who is found guilty in a capital felony case
23 in which the jury charge at the guilt or innocence stage permitted
24 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.