

BILL ANALYSIS

C.S.H.B. 252
By: Moody
Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Concerns have been raised over ambiguity in the language contained in jury instructions in a sentencing proceeding in certain capital punishment cases, which may cause jurors to be confused about their authority. C.S.H.B. 252 seeks to address these concerns by revising the language in jury instructions provided in a sentencing proceeding in a capital felony case in which the state seeks the death penalty.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 252 amends the Code of Criminal Procedure to revise the jury instructions provided in a sentencing proceeding in a capital felony case in which the state seeks the death penalty. The bill clarifies that the jury is required to answer the following issues "no" unless it answers the issues "yes" unanimously:

- whether there is a probability that the defendant would commit criminal acts of violence that would constitute a continuing threat to society; or
- in cases in which the jury finds the defendant guilty under the law of parties, whether the defendant actually caused the deceased's death or did not but intended to kill the deceased or another or anticipated that a human life would be taken.

C.S.H.B. 252 clarifies that a jury that returns an affirmative finding to those issues is required to answer "yes" to the following issue unless it answers the issue "no" unanimously: whether, taking into consideration all of the evidence, including the circumstances of the offense and the defendant's character, background, and personal moral culpability, there is a sufficient mitigating circumstance or circumstances to warrant that a sentence of life imprisonment without parole rather than a death sentence be imposed.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 252 differs from the original in minor or nonsubstantive ways by conforming to certain bill drafting conventions.