

BILL ANALYSIS

C.S.S.B. 719
By: Fallon
Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Concerns have been raised that the under 10 years of age threshold age of a child whose murder constitutes the offense of capital murder is too low and that the murder of children above that age is equally serious. C.S.S.B. 719 seeks to address these concerns and provide prosecutors additional options when prosecuting murder offenses by including the murder of an individual 10 years of age or older but younger than 15 years of age as conduct that constitutes capital murder.

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.S.B. 719 amends the Penal Code to include the murder of an individual 10 years of age or older but younger than 15 years of age as conduct that constitutes capital murder.

C.S.S.B. 719 amends the Code of Criminal Procedure to prohibit the sentencing of a defendant who is found guilty of capital murder of such an individual to death and prohibits the state from seeking the death penalty in any case based solely on such a capital murder offense committed against such an individual.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 719 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

The substitute does not specifically raise the age of an individual whose murder constitutes capital murder but the substitute includes the murder of an individual 10 years of age or older but younger than 15 years of age instead as conduct that constitutes capital murder.

The substitute includes a prohibition against sentencing a defendant found guilty of capital murder of such an individual to death and a prohibition against the state seeking the death

penalty in any case based solely on such a capital murder offense committed against such an individual.