

SUBJECT: Instituting life without parole for murder of child 10 through 14 years old

COMMITTEE: Criminal Jurisprudence — committee substitute recommended

VOTE: 7 ayes — Collier, Zedler, K. Bell, Hunter, P. King, Murr, Pacheco

1 nay — J. González

1 absent — Moody

SENATE VOTE: On final passage, April 16 — 31-0

WITNESSES: *On House companion bill, HB 261:*

For — Vern Landavazo; (*Registered, but did not testify*: Jon Dahlvig; Bianka Landavazo)

Against — Michael Barba, Texas Catholic Conference of Bishops; Kristin Houle, Texas Coalition to Abolish the Death Penalty; (*Registered, but did not testify*: Roy Hunter, Texas Police Chiefs Association)

On — Amanda Marzullo, Texas Defender Service

BACKGROUND: Capital murder is defined by Penal Code sec. 19.03 as murder in specific situations or of specific types of persons. Included on the list of actions considered capital murder is the murder of an individual under 10 years old. Capital murder carries a punishment of the death penalty or life without parole.

Under Penal Code sec. 19.02, the offense of murder is a first-degree felony (life in prison or a sentence of five to 99 years and an optional fine of up to \$10,000). Under Government Code sec. 508.145(d)(1), those convicted of murder are not eligible for parole until their actual time served, not counting good conduct time, equals one-half of their sentence or 30 years, whichever is less, with a minimum of two years.

DIGEST: CSSB 719 would make the murder of an individual who was at least 10

years old but younger than 15 years old a capital murder. The bill would specify that those found guilty of the murder of such a person could not be sentenced to death based solely on that offense.

The bill would be known as Lauren's Law.

The bill would take effect September 1, 2019, and would apply only to offenses committed on or after that date.

**SUPPORTERS
SAY:**

CSSB 719 would give law enforcement authorities a tool to pursue appropriate punishments when children 10 through 14 years old are murdered. The bill would not expand the death penalty but would establish the punishment of life without parole in such cases.

Currently, those who murder a child younger than 10 years old could be subject to the death penalty or life without parole while those murdering older children would receive the punishments for a first-degree felony under which parole could be possible. The need for this bill is illustrated by the brutal murder of a 13-year-old in 2016 in which the crime did not fall under the state's capital felony statutes and the offender will become eligible for parole. The heinous crime of murdering a vulnerable child age 10 to 15 deserves a serious punishment under which there would be no chance of parole.

CSSB 719 would be in line with other laws that impose stronger penalties when children are the victims of violent crimes, and such punishment could help deter these murders. The bill would apply to children 10 to 14 years old to be in line with other laws that recognize this age group with special provisions.

**OPPONENTS
SAY:**

Current laws impose serious punishments on those convicted of the crime of murder with long sentences of up to 99 years and restrictions on parole, and this punishment should not be enhanced. While the statutes allow those convicted of murder to eventually be eligible for parole, that does not mean that parole will be granted, only that the Board of Pardons and Paroles would consider the case. In cases in which parole is inappropriate,

it would be denied, but it should remain available for potential use when appropriate.