

## **BILL ANALYSIS**

Senate Research Center  
76R202 GWK-D

S.B. 39  
By: Lucio  
Criminal Justice  
4/13/1999  
As Filed

### **DIGEST**

Currently, Texas law does not require a court to instruct the jury of certain requirements of the defendant's life sentence. Juries are led to believe that sentencing a defendant to life means that the defendant will remain in prison for the rest of his or her natural life. In reality, these defendants are eligible for a parole hearing in 40 years. S.B. 39 requires the court to instruct the jury of certain requirements of the defendant's life sentence.

### **PURPOSE**

As proposed, S.B. 39 sets forth jury instructions and charges in capital cases.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 2(e), Article 37.071, Code of Criminal Procedure, to require the court to instruct a jury when the circumstances which warrant a life sentence, rather than a death sentence may be imposed, that the defendant will become eligible for release on parole when the actual time served by the defendant equals 40 years, without consideration of any good conduct time. Makes conforming changes.

SECTION 2. Amends Section 3(e), Article 37.071, Code of Criminal Procedure, to make conforming changes.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Emergency clause.  
Effective date: upon passage.