

BILL ANALYSIS

Senate Research Center
76R202 GWK-D

S.B. 39
By: Lucio
Criminal Justice
4/15/1999
Committee Report (Amended)

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. Makes application of this Act prospective.
Effective date: September 1, 1999.

SECTION 3. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 2.

Deletes proposed changes to Section 3(e), Article 37.071, Code of Criminal Procedure.

Adds prospective clause and effective date of September 1, 1999.

SECTION 3.

Redesignates from existing SECTION 4. Deletes effective date.