

BILL ANALYSIS

Senate Research Center
83R11075 ADM-D

S.B. 1428
By: Hinojosa
Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The 81st Legislature, in 2009, enacted S.B. 839 which established the juvenile life without parole statute.

As proposed, S.B. 1428 amends current law relating to the reformation of the sentences of juveniles convicted of capital felonies after being transferred to criminal court.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 44, Code of Criminal Procedure, by adding Article 44.252, as follows:

Art. 44.252. REFORMATION OF SENTENCE IN CAPITAL CASE INVOLVING JUVENILE DEFENDANT. Requires the court of criminal appeals to reform a sentence of imprisonment of a defendant committed to the Texas Department of Criminal Justice (TDCJ) for life without parole, including a sentence already reformed from death to a sentence of imprisonment in TDCJ for life without parole, to a sentence of imprisonment in TDCJ for life as provided by Section 12.31(a)(1) (relating to an individual adjudged guilty of a capital felony is sentenced to life, if the individual's case was transferred to a different court), Penal Code, if the court finds that the defendant is a person whose case was transferred to a criminal court under Section 54.02 (Waiver of Jurisdiction and Discretionary Transfer to Criminal Court), Family Code.

SECTION 2. Provides that, notwithstanding Section 3, Chapter 765 (S.B. No. 839), Acts of the 81st Legislature, Regular Session, 2009, the changes made by that Act to Section 12.31 (Capital Felony), Penal Code, and Section 508.145 (Eligibility for Release on Parole; Computation of Parole Eligibility Date), Government Code, apply to offenses committed before, on, or after September 1, 2009, the effective date of that Act

SECTION 3. Effective date: September 1, 2013.