

BILL ANALYSIS

Senate Research Center
76R152 GWK-D

S.B. 38
By: Lucio
Criminal Justice
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As Filed

DIGEST

Currently, Texas law allows an inmate convicted of a capital felony to be eligible for parole. Texas law also requires the court to instruct juries in capital felony cases to consider whether there are sufficient mitigating circumstances to warrant that a sentence of life imprisonment, rather than a death sentence, be imposed, if the jury returns an affirmative finding regarding certain issues. This bill would eliminate the possibility of parole for all inmates convicted of a capital offense and, require the court to sentence the defendant to confinement for life, if the jury returns an affirmative finding.

PURPOSE

As proposed, S.B. 38 establishes provisions regarding punishment for capital offenses.

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 508.046, Government Code, to delete text regarding the release on parole of an inmate who was convicted specifically of a capital felony.

SECTION 2. Amends Section 508.145(b), Government Code, to delete text regarding the actual calendar time that must pass before an inmate serving a life sentence for a capital felony may be eligible for parole.

SECTION 3. Amends Section 2, Article 37.071, Code of Criminal Procedure, by amending Subsection (e), to require the court to charge the jury that if the jury returns an affirmative finding on the issue submitted under this subsection, the court shall sentence the defendant to confinement in the institutional division of the Department of Criminal Justice for life without the possibility of release on parole or mandatory supervision. Makes a conforming change.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 1999.

SECTION 6. Emergency clause.