

BILL ANALYSIS

Senate Research Center
77R1530 GWK-F

S.B. 16
By: Nelson
Criminal Justice
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As Filed

DIGEST AND PURPOSE

Currently, the Texas Penal Code allows a defendant, in the punishment phase of a murder trial, to attempt to prove that a murder was an act of sudden-passion, and sets forth the definition of “adequate cause” for a sudden-passion defense. If proven, the penalty for the offense may be lessened from a first degree felony to a second degree felony. As proposed, S.B. 16 redefines “adequate cause” by deleting certain terms for the purposes of a sudden passion defense in the punishment phase of a murder trial, to draw a distinction between committing a crime out of anger and committing it out of great fear for one’s own safety.

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 Section 19.02(a)(1), Penal Code, to redefine “adequate cause” by deleting the words anger, rage, or resentment.

SECTION 2. Makes application of this act prospective.

SECTION 3. Effective date: September 1, 2001.