

BILL ANALYSIS

Senate Research Center
83R23019 ADM-F

C.S.S.B. 1428
By: Hinojosa
Criminal Justice
4/18/2013
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

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

C.S.S.B. 1428 amends current law relating to the reformation of the sentences of juveniles convicted of capital felonies.

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 previously reformed from death to a sentence of imprisonment in TDCJ for life without parole, to a sentence of imprisonment in TDCJ for life, or for any term of not more than 99 years, if the court finds that the defendant committed the offense before the defendant's 18th birthday. Requires the court to make an individualized assessment of the defendant's circumstances and the circumstances surrounding the offense in determining the length of the reformed sentence.

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.