

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 1139
By: Thompson, Senfronia et al. (Miles)
Criminal Justice
5/17/2019
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Concerns have been raised over the applicability of the death penalty to a capital offense committed by a defendant who may have an intellectual disability. As a result of these concerns, there have been calls for a uniform pretrial procedure to determine whether such a defendant has such a disability and should instead be sentenced to imprisonment for life. H.B. 1139 seeks to address these issues by prohibiting the sentencing of a defendant who is a person with an intellectual disability to death and by creating a hearing process for purposes of determining whether a defendant is a person with an intellectual disability. (Original Author's/Sponsor's Statement of Intent)

C.S.H.B. 1139 amends current law relating to the applicability of the death penalty to a capital offense committed by a person with an intellectual disability.

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 Title 1, Code of Criminal Procedure, by adding Chapter 46E, as follows:

CHAPTER 46E. CAPITAL CASE: EFFECT OF INTELLECTUAL DISABILITY

Art. 46E.001. RESTRICTION ON DEATH PENALTY. Prohibits a defendant who is a person with an intellectual disability from being sentenced to death.

Art. 46E.002. PREVAILING MEDICAL STANDARDS. Requires evidence offered by either party for purposes of determining whether a defendant is a person with an intellectual disability to be consistent with prevailing medical standards for the diagnosis of intellectual disabilities.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2019.