

BILL ANALYSIS

Senate Research Center

S.B. 971
By: Wentworth
Criminal Justice
4-15-97
As Filed

DIGEST

Currently, the law provides that a person commits a capital murder if the person murders a peace officer who is in the lawful discharge of an official duty and who is known to the offender to be a peace officer. However, there is some question as to whether a person could be charged with capital murder if the person killed a peace officer who was duty and in uniform. This bill will clarify that the murder of a peace officer acting in the lawful discharge of an official duty, and is known to be a peace officer, is a capital offense regardless of whether the peace officer is on or off duty.

PURPOSE

As proposed, S.B. 971 clarifies that the murder of a peace officer acting in the lawful discharge of an official duty, and is known to be a peace officer, is a capital offense regardless of whether the peace officer is on or off duty.

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 19.03(a), Penal Code, to provide that a person commits an offense if the person commits murder as defined under Section 19.02(b)(1), and the person murders a peace officer who is acting in the lawful discharge of an official duty, regardless of whether the peace officer is on duty at the time of the commission of the offense or murders a fireman who is acting in the lawful discharge of an official duty and who the person knows is a fireman.

SECTION 2. Effective date: September 1, 1997.

SECTION 3. Emergency clause.