

AN ACT

relating to the punishment for a capital felony committed by a juvenile whose case is transferred to criminal court.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 12.31, Penal Code, is amended to read as follows:

Sec. 12.31. CAPITAL FELONY. (a) An individual adjudged guilty of a capital felony in a case in which the state seeks the death penalty shall be punished by imprisonment in the Texas Department of Criminal Justice [~~institutional division~~] for life without parole or by death. An individual adjudged guilty of a capital felony in a case in which the state does not seek the death penalty shall be punished by imprisonment in the Texas Department of Criminal Justice [~~institutional division~~] for:

(1) life, if the individual's case was transferred to the court under Section 54.02, Family Code; or

(2) life without parole.

(b) In a capital felony trial in which the state seeks the death penalty, prospective jurors shall be informed that a sentence of life imprisonment without parole or death is mandatory on conviction of a capital felony. In a capital felony trial in which the state does not seek the death penalty, prospective jurors shall be informed that the state is not seeking the death penalty and that:

1 (1) a sentence of life imprisonment is mandatory on
2 conviction of the capital felony, if the case was transferred to the
3 court under Section 54.02, Family Code; or

4 (2) a sentence of life imprisonment without parole is
5 mandatory on conviction of the capital felony.

6 SECTION 2. Section 508.145, Government Code, is amended by
7 adding Subsection (b) to read as follows:

8 (b) An inmate serving a life sentence under Section
9 12.31(a)(1), Penal Code, for a capital felony is not eligible for
10 release on parole until the actual calendar time the inmate has
11 served, without consideration of good conduct time, equals 40
12 calendar years.

13 SECTION 3. The change in law made by this Act applies only
14 to an offense committed on or after the effective date of this Act.
15 An offense committed before the effective date of this Act is
16 covered by the law in effect when the offense was committed, and the
17 former law is continued in effect for that purpose. For purposes of
18 this section, an offense was committed before the effective date of
19 this Act if any element of the offense occurred before that date.

20 SECTION 4. This Act takes effect September 1, 2009.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 839 passed the Senate on April 8, 2009, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 29, 2009, by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

I hereby certify that S.B. No. 839 passed the House, with amendment, on May 20, 2009, by the following vote: Yeas 101, Nays 37, three present not voting.

Chief Clerk of the House

Approved:

Date

Governor