

BILL ANALYSIS

H.B. 1030
By: Moody
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

There are concerns that jurors in a capital case are not adequately informed about the effect of their sentencing decisions that ultimately may end a person's life. H.B. 1030 seeks to address these concerns by revising the language contained in jury instructions provided in a sentencing proceeding in certain capital cases.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1030 amends the Code of Criminal Procedure to remove from the jury instructions provided in a sentencing proceeding in a capital felony case in which the state seeks the death penalty the condition that 10 or more jurors agree for the jury to answer "no" to either of the following issues:

- whether there is a probability that the defendant would commit criminal acts of violence that would constitute a continuing threat to society; or
- in cases in which the jury charge at the guilt or innocence stage permitted the jury to find the defendant guilty as a party under the law of parties, whether the defendant actually caused the deceased's death or did not but intended to kill the deceased or another or anticipated that a human life would be taken.

H.B. 1030 removes from those jury instructions the condition that 10 or more jurors agree for the jury to answer "yes" to the issue of whether, taking into consideration all of the evidence, including the circumstances of the offense and the defendant's character, background, and personal moral culpability, there is a sufficient mitigating circumstance or circumstances to warrant that a sentence of life imprisonment without parole rather than a death sentence be imposed.

EFFECTIVE DATE

September 1, 2019.