

BILL ANALYSIS

Senate Research Center

S.B. 46
By: Shapiro
Criminal Justice
3-4-97
Committee Report (Amended)

DIGEST

Currently, the terms under which a defendant can be sentenced to life imprisonment can be found in Section 12.42(d), Penal Code. This bill introduces a Two Strikes measure that eliminates the need for a third felony conviction before a defendant can be sentenced to life in prison. S.B. 46 provides that a defendant need only be convicted of a felony twice to qualify for life imprisonment in certain cases involving assaultive offenses including sexual assault.

PURPOSE

As proposed, S.B. 46 requires a defendant to be sentenced to life imprisonment for certain assaultive offenses including sexual assault.

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 12.42(c), Penal Code, to require a defendant to be punished by imprisonment in the institutional division of the Texas Department of Criminal Justice for life if the defendant is convicted of or has been previously convicted once of offenses including aggravated assault, aggravated kidnapping, burglary, indecency with a child, sexual assault, sexual performance with a child, and possession or promotion of child pornography. Makes a conforming change.

SECTION 2. Amends Section 12.42(d), Penal Code, by deleting text requiring a defendant to be punished by imprisonment in the institutional division under certain conditions.

SECTION 3. Amends Section 8(b)(2), Article 42.18, Code of Criminal Procedure, to make conforming and nonsubstantive changes.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 1997.

SECTION 6. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

Amends SECTION 1, Section 12.42(c)(2)(A)(i), Penal Code, to add Section 22.011, Penal Code, to the list of conditions which require a defendant to be punished by imprisonment in the institutional division of the Texas Department of Criminal Justice for life.