

BILL ANALYSIS

Senate Research Center
78R1493 GWK-D

S.B. 320
By: Armbrister
Criminal Justice
2/17/2003
As Filed

DIGEST AND PURPOSE

Currently, the duties of a prosecutor, as set forth in Chapter 2, Code of Criminal Procedure, do not require a prosecutor to seek specific sentencing relating to certain offenses. As proposed, S.B. 320 would make it mandatory for the prosecutor to seek the imposition of the death penalty, upon conviction, if the victim of the alleged offense is a peace officer.

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 Chapter 2, Code of Criminal Procedure, by adding Article 2.011, as follows:

Art. 2.011. DUTY IN CERTAIN CAPITAL CASES. Requires the attorney representing the state to seek the imposition of the death penalty on conviction of a defendant, if the defendant is charged with an offense under Section 19.03(a)(1), Penal Code (Capital Murder of a Peace Officer or Fireman), and the victim of the alleged offense is a peace officer.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2003.