

## **BILL ANALYSIS**

Senate Research Center

S.B. 719  
By: Fallon  
Criminal Justice  
6/17/2019  
Enrolled

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Thirteen-year-old Lauren Landavazo was shot and killed walking home from McNiel Middle School in Wichita Falls on September 2, 2016. Found guilty of her murder by a Fort Worth jury two years later, 22-year-old Kody Lott was sentenced to life in prison for murder, plus an additional 20-year sentence for aggravated assault with a deadly weapon of Makayla Smith in the same shooting.

S.B. 719 will be known as "Lauren's Law" in her memory.

#### Bill Purpose:

Under current law, perpetrators of crimes against victims aged 11–14 are charged with first-degree felony murder. S.B. 719 would move the age of victim for which a suspect can be prosecuted for a capital felony from under age 10 to under the age of 15. The difference between first-degree murder and a capital offense is the range of punishment.

People convicted of first-degree felonies in Texas face a punishment range of five to 99 years, or life, in prison; they are eligible for parole after serving half their sentence or 30 years, whichever is less. Adults found guilty of a capital felony in Texas face one of two punishments: the death penalty or life without parole.

The terrible murder of 13-year-old Lauren Landavazo in 2016 was obviously an unspeakable tragedy for her family, friends, and the Wichita Falls community. While I am glad that her killer was brought to justice and handed the maximum sentence allowed under state law, this terrible act should be treated as the egregious crime that it is—capital murder—and thus eligible only for life without parole or the death penalty. Texas needs an additional deterrent to protect children like Lauren. (Original Author's/Sponsor's Statement of Intent)

S.B. 719 amends current law relating to increasing the punishment for certain conduct constituting the offense of murder and providing for the prosecution of that conduct as capital murder.

### **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. Requires this Act to be known as Lauren's Law.

SECTION 2. Amends Section 19.03(a), Penal Code, as follows:

(a) Provides that a person commits an offense if the person commits murder as defined under Section 19.02(b)(1) (relating to a person committing an offense if the person intentionally or knowingly causes the death of an individual) and:

(1)–(7) makes no changes to these subdivisions;

(8) makes a nonsubstantive change to this subdivision;

(9) the person murders an individual 10 years of age or older but younger than 15 years of age.

(10) creates this subdivision from existing text and makes no further changes.

SECTION 3. Amends Section 1, Article 37.071, Code of Criminal Procedure, as follows:

Sec. 1. (a) Creates this subsection from existing text and makes no further changes.

(b) Prohibits a defendant who is found guilty of an offense under Section 19.03(a)(9), Penal Code, from being sentenced to death and prohibits the state from seeking the death penalty in any case based solely on an offense under that subdivision.

SECTION 4. Makes application of this Act prospective. Provides that, for purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 5. Effective date: September 1, 2019.