

By: Fallon, Nelson

S. B. No. 714

A BILL TO BE ENTITLED

# 1 AN ACT

2 relating to the prosecution of the criminal offense of capital  
3 murder.

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

5 SECTION 1. Section 19.03, Penal Code, is amended by  
6 amending Subsection (a) and adding Subsection (d) to read as  
7 follows:

8                   (a) A person commits an offense if the person commits murder  
9 as defined under Section 19.02(b)(1) and:

10 (1) the person murders a peace officer, ~~[or]~~ fireman,  
11 or emergency medical services personnel who is acting in the lawful  
12 discharge of an official duty and who the person knows is a peace  
13 officer, ~~[or]~~ fireman, or emergency medical services personnel;

14 (2) the person intentionally commits the murder in the  
15 course of committing or attempting to commit kidnapping, burglary,  
16 robbery, aggravated sexual assault, arson, obstruction or  
17 retaliation, or terroristic threat under Section 22.07(a)(1), (3),  
18 (4), (5), or (6);

19 (3) the person commits the murder for remuneration or  
20 the promise of remuneration or employs another to commit the murder  
21 for remuneration or the promise of remuneration;

22 (4) the person commits the murder while escaping or  
23 attempting to escape from a penal institution;

24 (5) the person, while incarcerated in a penal

1 institution, murders another:

2 (A) who is employed in the operation of the penal

3 institution; or

4 (B) with the intent to establish, maintain, or  
5 participate in a combination or in the profits of a combination;

6 (6) the person:

7 (A) while incarcerated for an offense under this  
8 section or Section 19.02, murders another; or

9 (B) while serving a sentence of life imprisonment  
10 or a term of 99 years for an offense under Section 20.04, 22.021, or  
11 29.03, murders another;

12 (7) the person murders more than one person:

13 (A) during the same criminal transaction; or

14 (B) during different criminal transactions but  
15 the murders are committed pursuant to the same scheme or course of  
16 conduct;

17 (8) the person murders an individual under 10 years of  
18 age; or

19 (9) the person murders another person in retaliation  
20 for or on account of the service or status of the other person as a  
21 judge or justice of the supreme court, the court of criminal  
22 appeals, a court of appeals, a district court, a criminal district  
23 court, a constitutional county court, a statutory county court, a  
24 justice court, or a municipal court.

25 (d) In this section, "emergency medical services personnel"

26 has the meaning assigned by Section 773.003, Health and Safety

27 Code.

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1 SECTION 2. The change in law made by this Act applies only  
2 to an offense committed on or after the effective date of this Act.  
3 An offense committed before the effective date of this Act is  
4 governed by the law in effect on the date the offense was committed,  
5 and the former law is continued in effect for that purpose. For  
6 purposes of this section, an offense was committed before the  
7 effective date of this Act if any element of the offense was  
8 committed before that date.

9 SECTION 3. This Act takes effect September 1, 2019.