

CHAPTER 442

S.B. No. 1349

An Act relating to the reformation of a jury verdict that assesses punishment not authorized by law; amending Article 37.10, Code of Criminal Procedure, 1965.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Article 37.10, Code of Criminal Procedure, 1965, is amended to read as follows:

“Article 37.10. **INFORMAL VERDICT.** (a) If the verdict of the jury is informal, its attention shall be called to it, and with its consent the verdict may, under the direction of the court, be reduced to the proper form. If the jury refuses to have the verdict altered, it shall again retire to its room to deliberate, unless it manifestly appear that the verdict is intended as an acquittal; and in that case, the judgment shall be rendered accordingly, discharging the defendant.

“(b) *If the jury assesses punishment in a case and in the verdict assesses both punishment that is authorized by law for the offense and punishment that is not authorized by law for the offense, the court shall reform the verdict to show the punishment authorized by law and to omit the punishment not authorized by law. If the trial court is required to reform a verdict under this subsection and fails to do so, the appellate court shall reform the verdict as provided by this subsection.*”

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on April 30, 1985, by the following vote: Yeas 28, Nays 0; passed the House on May 17, 1985, by the following vote: Yeas 134, Nays 0, one present not voting.

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69th LEGIS—REGULAR SESSION

Approved: June 11, 1985

Effective: Immediately

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