

CHAPTER 715

S.B. No. 818

AN ACT

relating to the punishment as a capital offense of certain murders committed by individuals incarcerated in penal institutions.

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

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

(a) A person commits an offense if he commits murder as defined under Section 19.02(a)(1) of this code and:

(1) the person murders a peace officer or fireman who is acting in the lawful discharge of an official duty and who the person knows is a peace officer or fireman;

(2) the person intentionally commits the murder in the course of committing or attempting to commit kidnapping, burglary, robbery, aggravated sexual assault, or arson;

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

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

(5) the person, while incarcerated in a penal institution, murders another:

(A) who is employed in the operation of the penal institution; or

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

(6) *the person, while serving a sentence of life imprisonment or a term of 99 years for the commission of any offense listed in Section 39(a)(1), Article 42.12, Code of Criminal Procedure, murders another; or*

(7) the person murders more than one person:

(A) during the same criminal transaction; or

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

*(d) In this section, "combination" and "profits" have the meanings assigned by Section 71.01 of this code.*

SECTION 2. (a) The change in law made by this Act applies only to a defendant convicted of an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before the effective date.

(b) A defendant convicted of an offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 1993.

SECTION 4. 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.

Passed the Senate on April 14, 1993, by a viva-voce vote; passed the House on May 26, 1993, by a non-record vote.

Approved June 16, 1993.

Effective Sept. 1, 1993.