

BILL SUMMARY
1st Session of the 57th Legislature

Bill No.:	HB2310
Version:	CCS
Request Number:	
Author:	Frix
Date:	5/7/2019
Impact:	Please see previous summary of this measure

Research Analysis

The Conference committee substitute to HB 2310 establishes the judicial procedure in all cases in which a jury may assess and declare punishment. At the conclusion of the evidence, the judge is to instruct the jury on the offense charged. The jury is instructed to determine only the guilt or innocence of the defendant and that punishment will be determined later. If the jury reaches a verdict that the defendant is guilty of the offense charged or guilty of a lesser included offense, the court proceeds to a second stage in which the jury shall assess punishment within the statutory limitations. If the defendant is not prosecuted for a second or subsequent offense, evidence of aggravating and mitigating circumstances and argument on punishment is received by the jury unless waived by the state and the defendant. The jury may assess and declare in its punishment any sentencing alternatives available to the court. If the defendant is prosecuted for a second or subsequent offense, evidence of aggravating and mitigating circumstances and argument on punishment shall be received by the jury unless waived by the state and the defendant. The court shall instruct the jury on the penalty fixed by law for the offense including sentencing alternatives available to the court.

Prepared By: Brad Wolgamott

Fiscal Analysis

The measure is currently under review and impact information will be completed.

Prepared By: Mark Tygret

Other Considerations

None.