

Introduced

In Committee

Passed House

Passed Senate

To President

Became Law

S. 023 – Federal Penal Code – Capital Murder and Murder

Introduced By: Senate President Stephen Luke

Introduced 05-12-21

HOUSE OF REPRESENTATIVES		
Rep. David McGee	Speaker of the House	North Dracul State
Rep. Connor Modena	Member of Parliament	Bran District
THE SENATE		
Vice President Stephen Luke	Senate President	Bran District
Sen. Scott Jeanes	President Pro Tem	North Dracul State
Sen. Paul Frye	Majority Whip	North Dracul State
Sen. Manu Rani	Minority Caucus Chair	South Dracul State

MURDER. (a) In this section:

(1) "Adequate cause" means cause that would commonly produce a degree of anger, rage, resentment, or terror in a person of ordinary temper, sufficient to render the mind incapable of cool reflection.

(2) "Sudden passion" means passion directly caused by and arising out of provocation by the individual killed or another acting with the person killed which passion arises at the time of the offense and is not solely the result of former provocation.

(b) A person commits an offense if he:

(1) intentionally or knowingly causes the death of an individual.

(2) intends to cause serious bodily injury and commits an act clearly dangerous to human life that causes the death of an individual; or

(3) commits or attempts to commit a felony, other than manslaughter, and in the course of and in furtherance of the commission or attempt, or in immediate flight from the commission or attempt, he commits or attempts to commit an act clearly dangerous to human life that causes the death of an individual.

(c) Except as provided by Subsection (d), an offense under this section is a felony of the first degree.

(d) At the punishment stage of a trial, the defendant may raise the issue as to whether he caused the death under the immediate influence of sudden passion arising from an adequate cause. If the defendant proves the issue in the affirmative by a preponderance of the evidence, the offense is a felony of the second degree.

Sec. 19.03. CAPITAL MURDER. (a) A person commits an offense if the person commits murder as defined under Section 19.02(b)(1) 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 while committing or attempting to commit kidnapping, burglary, robbery, aggravated sexual assault, arson, obstruction or retaliation, or terroristic threat.

(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:

(A) while incarcerated for an offense, murders another; or

- (B) while serving a sentence of life imprisonment or a term of 99 years for an offense, murders another.
- (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.
- (8) the person murders an individual under 10 years of age.
- (9) the person murders an individual 10 years of age or older but younger than 15 years of age; or
- (10) the person murders another person in retaliation for or on account of the service or status of the other person as a judge or justice of the supreme court, the court of criminal appeals, a court of appeals, a district court, a criminal district court, a constitutional county court, a statutory county court, a justice court, or a municipal court.
- (b) An offense under this section is a capital felony.
- (c) If the jury or, when authorized by law, the judge does not find beyond a reasonable doubt that the defendant is guilty of an offense under this section, he may be convicted of murder or of any other lesser included offense.

MEMBER OF PARLIAMENT	POSITION	PARLIAMENT VOTE
Representative David McGee	Speaker of the House	YAY NAY PRESENT
Representative Connor Modena	Member of Parliament	YAY NAY PRESENT
Vice President Stephen Luke	Senate President	YAY NAY PRESENT
Senator Scott Jeanes	President pro tem	YAY NAY PRESENT
Senator Paul Frye	Majority Whip	YAY NAY PRESENT
Senator Manu Rani	Minority Caucus Chair	YAY NAY PRESENT

PRESIDENT SIGNATURE

I, Dmitri Howie, President of the Commonwealth of Dracul, have reviewed the contents of this bill and approve the entirety of the bill to be signed into law, with my signature affixed below.

President Signature Dmitri Howie

Date 05/25/2021