

BILL ANALYSIS

H.B. 11

Keel

Defense Affairs and State-Federal Relations
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The current Texas capital murder statute does not encompass scenarios where a terrorist may kill one person with the accompanying specific intent to intimidate the citizenry or paralyze commerce, transportation or governmental operations. Such scenarios have recently occurred in multiple jurisdictions in the northeastern United States. House Bill 11 includes murder in the course of a terroristic threat to the list of offenses that constitute capital murder. Furthermore, the bill utilizes language constituting acts of terrorism that is similar to that used in the U. S. code and in the new laws of other states.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Section 19.03(a), Penal Code, to add murder in the course of a terroristic threat to the list of offenses under Section 19.03(a)(2) that constitute capital murder. A "terroristic threat" has the meaning assigned under Chapter 22.07, Penal Code, where a person intentionally causes the death of an individual, and in the course thereof he furthermore threatens to commit any offense involving violence with the additional specific intent to cause a reaction by an emergency agency, to interrupt the occupation of a building or transportation conveyance, to impair the operation of public works, to generally place the civilian population at large in fear of serious bodily injury, or to coerce or influence the operation of any level of government, the offender would be subject to capital charges.

SECTION 2. Amends Section 22.07, Penal Code, to expand the definition of "terroristic threat" to include threatening violence with intent to place the public in fear of serious bodily injury or with intent to influence the conduct or activities of a branch or agency of government.

SECTION 3. (a) The change in law made by this Act applies only to 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) 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 4. Effective Date - September 1, 2003.