By: Workman   H.B. No. 2568

A BILL TO BE ENTITLED

1   AN ACT

2 relating to strict construction of statutes that create or define

3 criminal offenses and penalties.

4   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5   SECTION 1. Subchapter C, Chapter 311, Government Code, is

6 amended by adding Section 311.035 to read as follows:

7   Sec. 311.035. CONSTRUCTION OF STATUTE OR RULE INVOLVING

8 CRIMINAL OFFENSE OR PENALTY. (a) In this section, "actor" and

9 "element of offense" have the meanings assigned by Section 1.07,

10 Penal Code.

11   (b) A statute or rule that creates or defines a criminal

12 offense or penalty shall be strictly construed against the

13 government and construed in favor of the actor if any part of the

14 statute or rule is susceptible to more than one objectively

15 reasonable interpretation, including:

16   (1) an element of offense; or

17   (2) the penalty to be imposed.

18   SECTION 2. Sections 1.05(a) and (b), Penal Code, are

19 amended to read as follows:

20   (a) The rule that a penal statute is to be strictly

21 construed applies [does not apply] to this code. [The provisions of

22 this code shall be construed according to the fair import of their

23 terms, to promote justice and effect the objectives of the code.]

24   (b) Unless a different construction is required by the

1 context, Sections 311.011, 311.012, 311.014, 311.015, [and]

2 311.021 through 311.032, and 311.035 of Chapter 311, Government

3 Code (Code Construction Act), apply to the construction of this

4 code.

5   SECTION 3. The change in law made by this Act applies to a

6 criminal proceeding that commences on or after the effective date

7 of this Act. A criminal proceeding that commences before the

8 effective date of this Act is covered by the law in effect when the

9 proceeding commenced, and the former law is continued in effect for

10 that purpose.

11   SECTION 4. This Act takes effect September 1, 2013.