

BILL ANALYSIS

H.B. 688
By: Dutton
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In Texas, a person attempting to carry out a conspiracy to commit a felony with another may be charged with capital murder committed by the coconspirator, regardless of whether the person actually committed murder or intended for murder to be committed. While the "law of parties," or criminal responsibility for conduct of another, is a common legal concept, Texas has a uniquely worded law. In fact, no other death penalty state has a statute that is applied in the same manner as the Texas law. There have been calls to ensure that in instances in which capital murder is committed, any conspirator who was not culpable for the murder may only be charged for conduct for which the conspirator is directly responsible. H.B. 688 seeks to address this issue by excluding the prosecution of a capital murder offense from the applicability of the law of parties with respect to the conduct of a conspirator.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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

H.B. 688 amends the Penal Code to exclude the prosecution of a capital murder offense from the applicability of the law of parties in which all conspirators in an attempt to carry out a conspiracy to commit one felony are guilty of another felony actually committed by one of the conspirators during that attempt.

EFFECTIVE DATE

September 1, 2021.