

By: Thompson of Harris, Collier, Hinojosa,
A. Johnson of Harris

H.B. No. 2290

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the affirmative defense to prosecution for a criminal
3 offense for persons acting under duress.

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

5 SECTION 1. Section 8.05(c), Penal Code, is amended to read
6 as follows:

7 (c) Compulsion within the meaning of this section exists
8 only if the force or threat of force would render a reasonable
9 person in the situation of the defendant [~~reasonable firmness~~]
10 incapable of resisting the pressure.

11 SECTION 2. The change in law made by this Act applies only
12 to an offense committed on or after the effective date of this Act.
13 An offense committed before the effective date of this Act is
14 governed by the law in effect on the date the offense was committed,
15 and the former law is continued in effect for that purpose. For
16 purposes of this section, an offense was committed before the
17 effective date of this Act if any element of the offense occurred
18 before that date.

19 SECTION 3. This Act takes effect September 1, 2021.