

BILL ANALYSIS

H.B. 327
By: Thompson, Senfronia
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In Texas, victims who have been compelled to break the law in the context of an inherently coercive arrangement with a trafficker or abuser are not able to introduce evidence of their history of victimization as an affirmative defense at trial. A recent criminal appeals court ruling provided that the current standard of "reasonable firmness" with regard to compulsion to commit an offense does not include a person who has become more susceptible to coercion because of a traumatic event. Consequently, someone who is more susceptible to coercion than the average person because of a traumatic event is unable to introduce evidence of their past trauma for a jury to consider at trial. H.B. 327 seeks to clarify that the law is meant to allow juries to consider the complete picture of a duress-inducing threat by allowing defendants to introduce evidence of their past trauma so that juries may consider whether the force or threat of force would render a reasonable person in the situation of the defendant incapable of resisting pressure.

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. 327 amends the Penal Code to change the circumstances under which "compulsion" exists for purposes of asserting an affirmative defense to prosecution of an offense committed under duress to only if the force or threat of force would render a reasonable person in the situation of the defendant incapable of resisting the pressure. The change applies only to an offense committed on or after the bill's effective date.

EFFECTIVE DATE

September 1, 2023.