

BILL ANALYSIS

C.S.H.B. 2961
By: Cook
Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

In Texas capital murder cases, a person may be convicted under the law of parties for the criminal conduct of another. State law provides that a person can be found guilty under the law of parties which states that "if in the attempt to carry out a conspiracy to commit one felony, another felony is committed by one of the conspirators, all conspirators are guilty of the felony actually committed, though having no intent to commit it, if the offense was committed in furtherance of the unlawful purpose and was one that should have been anticipated as a result of the carrying out of the conspiracy." However, current law does not include a definition of "conspiracy" for use in determining criminal responsibility in such cases. C.S.H.B. 2961 seeks to address this issue by defining "conspiracy" for purposes of this particular application of the law of parties.

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

C.S.H.B. 2961 to amend the Penal Code to define "conspiracy," for purposes of determining criminal responsibility under the law of parties regarding the commission of a felony other than an attempted felony, as an agreement between two or more persons to commit a felony. The bill applies only to an offense committed on or after the bill's effective date. The bill provides for the continuation of the law in effect before the bill's effective date for purposes of an offense, or any element thereof, that occurred before that date.

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 2961 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute omits a requirement present in the introduced for a judge, during the trial of a case in which a defendant is tried as a conspirator under the law of parties, to include in the court's charge to the jury the following statement:

A criminal conspiracy is an agreement between two or more persons, with intent that a felony be committed, that they, or one or more of them, engage in conduct that would constitute the offense, and one or more of them perform an overt act in pursuance of the agreement. An agreement constituting a conspiracy may be inferred from acts of the parties.

The substitute includes a provision absent from the introduced defining "conspiracy," for purposes of determining criminal responsibility under the law of parties regarding the commission of a felony other than an attempted felony, as an agreement between two or more persons to commit a felony.

Accordingly, while the introduced established that the bill applied only to a trial that began on or after the bill's effective date regardless of whether the alleged offense was committed before, on, or after that date, the substitute establishes that the bill applies only to an offense committed on or after the bill's effective date and provides for the continuation of the law in effect before the bill's effective date for purposes of an offense, or any element thereof, that occurred before that date.