

## **BILL ANALYSIS**

H.B. 341  
By: Dutton  
Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties contend that the law of parties can have unjust results, especially when the death penalty is a potential punishment. These parties point to a recent incident in which a death sentence was justly commuted to life in prison following a positive recommendation from the Texas Board of Pardons and Paroles. H.B. 341 seeks to address this issue.

### **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. 341 amends the Code of Criminal Procedure to prohibit the imposition of the death penalty on a defendant who is found guilty as a coconspirator in a capital felony case only as a party under a Penal Code provision making all conspirators in an attempt to commit one felony guilty of any other felony committed by one of the conspirators in that attempt if the felony was committed in furtherance of the unlawful purpose and should have been anticipated as a result of carrying out the conspiracy. The bill prohibits the state from seeking the death penalty in any case in which the liability of such a convicted defendant is based solely on that statutory provision.

### **EFFECTIVE DATE**

September 1, 2015.