

SUBJECT: Correcting tampering with a witness offense

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 7 ayes — Place, Talton, Dunnam, Galloway, Hinojosa, Keel, Reyna
0 nays
2 absent— Farrar, Nixon

WITNESSES: For — Sherri Wallace, Dallas County District Attorney's Office
Against — None
On — Carl Reynolds, Texas Board of Criminal Justice; Tom Krapitz, Texas District and County Attorneys Association

BACKGROUND : In 1993 the 73rd Legislature overhauled the Penal Code, revising penalties and reorganizing chapters and sections. One of the revisions combined the offenses of tampering with a witness and "compounding," defined as when a witness "solicits, accepts or agrees to accept any benefit and then abstains, delays or discontinues the prosecution of another for an offense." In the drafting process, the statute was rewritten to read "to abstain from, discontinue, or delay the prosecution of another *witness*."

DIGEST: HB 312 would remove the word "witness" from the phrase that was rewritten during the Penal Code revisions.
The bill would take effect September 1, 1997, and apply to offenses committed on or after that date.

SUPPORTERS SAY: HB 312 is a simple clean-up bill to correct an error that occurred in drafting one of the smaller revisions to the Penal Code. The Legislature clearly intended to incorporate into the combined offense of tampering with a witness the full meaning of compounding. This bill would eliminate any misunderstanding about that intent, but to avoid any constitutional problems would apply only to offenses committed after the bill's effective date.

HB 312
House Research Organization
page 2

OPPONENTS No apparent opposition.
SAY: