

SUBJECT: Revising affirmative defense to prosecution for compulsion

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 7 ayes — Moody, Bhojani, Bowers, Darby, Leach, C. Morales, Schatzline
2 nays — Cook, Harrison

WITNESSES: For — Torey Tipton, Allies Against Slavery; Elizabeth Henneke, Lone Star Justice Alliance; Rhonda Kuykendall, Texas Human Trafficking Survivor Leader Council (*Registered, but did not testify*: Lauren Johnson, ACLU of Texas; Ray Sullivan, BCFS Health and Human Services; Jason Sabo, Children at Risk; Shea Place, Texas Criminal Defense Lawyers' Association; Nikki Pressley, Texas Public Policy Foundation; Jennifer Allmon, The Texas Catholic Conference of Bishops; Idona Griffith; Thomas Parkinson; Roxy D Hall Williamson)

Against — (*Registered, but did not testify*: James Parnell, Dallas Police Association; Ray Hunt, Houston Police Officers' Union; John Wilkerson, Texas Municipal Police Association; AJ Louderback, Texas Sheriffs' Regional Alliance)

BACKGROUND: Some have suggested that the law should be clarified in cases of offenses committed under coercion to allow a jury to consider a defendant's experience with traumatic events so as to better understand if the defendant was incapable of resisting pressure.

DIGEST: HB 327 would specify that compulsion for the purposes of Penal Code sec. 8.05, which provides affirmative defense to prosecution for an actor engaged in criminal conduct because the actor was compelled to do so by certain threats, would exist only if the force or threat of force would render a reasonable person in the situation of the defendant, rather than in the situation of someone of reasonable firmness, incapable of resisting the pressure.

The bill would take effect September 1, 2023, and would apply only to an

offense committed on or after that date.