

BILL ANALYSIS

Senate Research Center

H.B. 312
By: Place (Whitmire)
Criminal Justice
5-10-97
Engrossed

DIGEST

The Punishment Standards Commission recommended to the 73rd Legislature that the offense of compounding be combined with tampering with a witness because of the similarity of the offenses. Compounding occurs 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 rewritten statute, a glitch occurred and the new law relating to compounding inadvertently reads "to abstain from, discontinue, or delay the prosecution of another witness." H.B. 312, if enacted, would clean up the language in the present statute to remove the unintended word "witness," thereby eliminating misunderstandings as to the intent of the law.

PURPOSE

As proposed, H.B. 312 establishes the offense of tampering with a witness.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 36.05(a), Penal Code, to establish that a person commits an offense if, with intent to influence the witness, the person offers, confers, or agrees to confer any benefit on a witness or prospective witness in an official proceeding or coerces a witness or prospective witness in an official proceeding to abstain from, discontinue, or delay the prosecution of another. Deletes existing text making reference to "another witness."

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 1997.

SECTION 4. Emergency clause.