

CHAPTER 462

H.B. No. 24

AN ACT

relating to the commission of and prosecution and punishment for the offense of criminal solicitation.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 15.03, Penal Code, is amended to read as follows:

Sec. 15.03. CRIMINAL SOLICITATION. (a) A person commits an offense if:

(1)[,] with intent that a capital felony or felony of the first degree be committed, he requests, commands, or attempts to induce another to engage in specific conduct that, under the circumstances surrounding his conduct as the actor believes them to be, would constitute the felony or make the other a party to its commission; or

(2) with intent that a felony be committed, he requests, commands, or attempts to induce a child to engage in specific conduct that, under the circumstances surrounding the conduct of the child as the actor believes them to be, would constitute the felony or make the child a party to its commission.

(b) A person may not be convicted under this section [~~on the uncorroborated testimony of the person allegedly solicited and~~] unless the solicitation is made under circumstances strongly corroborative of both the solicitation itself and the actor's intent that the other person act on the solicitation.

(c) It is no defense to prosecution under this section that:

(1) the person solicited is not criminally responsible for the felony solicited;

(2) the person solicited has been acquitted, has not been prosecuted or convicted, has been convicted of a different offense or of a different type or class of offense, or is immune from prosecution;

(3) the actor belongs to a class of persons that by definition of the felony solicited is legally incapable of committing the offense in an individual capacity; or

(4) the felony solicited was actually committed.

(d) An offense under *Subsection (a)(1)* of this section is:

(1) a felony of the first degree if the offense solicited is a capital offense; or

(2) a felony of the second degree if the offense solicited is a felony of the first degree.

(e) *An offense under Subsection (a)(2) of this section is a felony of the same degree as the most serious offense solicited unless the offense solicited is capital murder, in which event the offense under Subsection (a)(2) is a felony of the first degree.*

(f) *In this section, "child" is defined as any person under the age of 17.*

SECTION 2. (a) The change in the law made by this Act applies only to an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before the effective date.

(b) An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 3. This Act takes effect September 1, 1993.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the

constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on April 23, 1993, by a non-record vote; the House concurred in Senate amendments on May 24, 1993, by a non-record vote; passed by the Senate, with amendments, on May 20, 1993: Yeas 31, Nays 0.

Approved June 9, 1993.

Effective Sept. 1, 1993.