

BILL ANALYSIS

S.B. 1258
By: Buckingham
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been noted that while most forms of business may be treated as a person for the purpose of criminal liability in certain circumstances, such treatment does not apply to a limited liability company. Furthermore, it has been suggested that other business formats may be developed later that criminal liability state law does not anticipate. S.B. 1258 seeks to address these issues by including a limited liability company and certain other business entities among the entities that may be prosecuted as a person in certain circumstances.

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

S.B. 1258 amends the Penal Code to apply to a limited liability company or another entity or organization governed by the Business Organizations Code statutory provisions governing the criminal responsibility of a corporation or association, the criminal responsibility of a person for conduct in behalf of a corporation or association, the defense to such criminal responsibility, and the authorized punishments for corporations and associations. The bill includes such a company, entity, or organization in the definition of "person" for purposes of the Penal Code and makes conforming changes to provisions relating to kidnapping, unlawful restraint, and smuggling of persons and relating to commercial bribery.

EFFECTIVE DATE

September 1, 2019.