

## **BILL ANALYSIS**

H.B. 77  
By: Toth  
Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Concerns have been raised regarding the imposition of the death penalty in cases in which a finding of guilt is based on eyewitness testimony without sufficient corroborating evidence. There have been calls to ensure that the death penalty may not be imposed in these instances. H.B. 77 seeks to address this issue by prohibiting the imposition of the death penalty for a defendant whose conviction is based solely upon the testimony of a single eyewitness without any corroborating evidence.

### **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**

H.B. 77 amends the Code of Criminal Procedure to prohibit the state from seeking the death penalty for and to prohibit the sentencing to death of a defendant who is found guilty in a capital felony case of an offense committed on or after the bill's effective date in which the finding of guilt is based solely on the testimony of a single eyewitness without any corroborating evidence.

### **EFFECTIVE DATE**

September 1, 2021.