Sec. 7.01. PARTIES TO OFFENSES. (a) A person is criminally responsible as a party to an offense if the offense is committed by his own conduct, by the conduct of another for which he is criminally responsible, or by both.

(b) Each party to an offense may be charged with commission of the offense.

(c) All traditional distinctions between accomplices and principals are abolished by this section, and each party to an offense may be charged and convicted without alleging that he acted as a principal or accomplice.


Sec. 7.02. CRIMINAL RESPONSIBILITY FOR CONDUCT OF ANOTHER. (a) A person is criminally responsible for an offense committed by the conduct of another if:

1. acting with the kind of culpability required for the offense, he causes or aids an innocent or nonresponsible person to engage in conduct prohibited by the definition of the offense;

2. acting with intent to promote or assist the commission of the offense, he solicits, encourages, directs, aids, or attempts to aid the other person to commit the offense; or

3. having a legal duty to prevent commission of the offense and acting with intent to promote or assist its commission, he fails to make a reasonable effort to prevent commission of the offense.

(b) If, in the attempt to carry out a conspiracy to commit one felony, another felony is committed by one of the conspirators, all conspirators are guilty of the felony actually committed, though having no intent to commit it, if the offense was committed
in furtherance of the unlawful purpose and was one that should have
been anticipated as a result of the carrying out of the conspiracy.
Amended by Acts 1993, 73rd Leg., ch. 900, Sec. 1.01, eff. Sept. 1,
1994.

Sec. 7.03. DEFENSES EXCLUDED. In a prosecution in which an
actor's criminal responsibility is based on the conduct of another,
the actor may be convicted on proof of commission of the offense and
that he was a party to its commission, and it is no defense:

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

(2) that the person for whose conduct the actor is
criminally responsible 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.
Amended by Acts 1993, 73rd Leg., ch. 900, Sec. 1.01, eff. Sept. 1,
1994.

SUBCHAPTER B. CORPORATIONS AND ASSOCIATIONS

The following section was amended by the 86th Legislature. Pending
publication of the current statutes, see S.B. 1258, 86th
Legislature, Regular Session, for amendments affecting the
following section.

Sec. 7.21. DEFINITIONS. In this subchapter:

(1) "Agent" means a director, officer, employee, or
other person authorized to act in behalf of a corporation or
association.

(2) "High managerial agent" means:
   (A) a partner in a partnership;
   (B) an officer of a corporation or association;
   (C) an agent of a corporation or association who
   has duties of such responsibility that his conduct reasonably may
   be assumed to represent the policy of the corporation or
association.

The following section was amended by the 86th Legislature. Pending publication of the current statutes, see S.B. 1258, 86th Legislature, Regular Session, for amendments affecting the following section.

Sec. 7.22. CRIMINAL RESPONSIBILITY OF CORPORATION OR ASSOCIATION. (a) If conduct constituting an offense is performed by an agent acting in behalf of a corporation or association and within the scope of his office or employment, the corporation or association is criminally responsible for an offense defined:

(1) in this code where corporations and associations are made subject thereto;
(2) by law other than this code in which a legislative purpose to impose criminal responsibility on corporations or associations plainly appears; or
(3) by law other than this code for which strict liability is imposed, unless a legislative purpose not to impose criminal responsibility on corporations or associations plainly appears.

(b) A corporation or association is criminally responsible for a felony offense only if its commission was authorized, requested, commanded, performed, or recklessly tolerated by:

(1) a majority of the governing board acting in behalf of the corporation or association; or
(2) a high managerial agent acting in behalf of the corporation or association and within the scope of his office or employment.


The following section was amended by the 86th Legislature. Pending
Sec. 7.23. CRIMINAL RESPONSIBILITY OF PERSON FOR CONDUCT IN BEHALF OF CORPORATION OR ASSOCIATION. (a) An individual is criminally responsible for conduct that he performs in the name of or in behalf of a corporation or association to the same extent as if the conduct were performed in his own name or behalf.

(b) An agent having primary responsibility for the discharge of a duty to act imposed by law on a corporation or association is criminally responsible for omission to discharge the duty to the same extent as if the duty were imposed by law directly on him.

(c) If an individual is convicted of conduct constituting an offense performed in the name of or on behalf of a corporation or association, he is subject to the sentence authorized by law for an individual convicted of the offense.


The following section was amended by the 86th Legislature. Pending publication of the current statutes, see S.B. 1258, 86th Legislature, Regular Session, for amendments affecting the following section.

Sec. 7.24. DEFENSE TO CRIMINAL RESPONSIBILITY OF CORPORATION OR ASSOCIATION. It is an affirmative defense to prosecution of a corporation or association under Section 7.22(a)(1) or (a)(2) that the high managerial agent having supervisory responsibility over the subject matter of the offense employed due diligence to prevent its commission.