

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the use of hypnotically induced statements in a
3 criminal trial.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Chapter 38, Code of Criminal Procedure, is
6 amended by adding Article 38.24 to read as follows:

7 Art. 38.24. STATEMENTS OBTAINED BY INVESTIGATIVE HYPNOSIS.

8 (a) In this article, "investigative hypnosis" means a technique
9 that uses hypnosis to explore the memory of a witness to enhance the
10 witness's recall of a legally relevant event, including
11 descriptions of people, conversations, and the environment.

12 (b) This article applies to all statements made during a
13 hypnotic session by a person who has undergone investigative
14 hypnosis for the purpose of enhancing the person's recollection of
15 an event at issue in a criminal investigation or case, including
16 courtroom testimony regarding those statements and including
17 statements identifying an accused that are made pursuant to
18 pretrial identification procedures.

19 (c) A statement described by Subsection (b) is not
20 admissible against a defendant in a criminal trial, whether offered
21 in the guilt or innocence phase or the punishment phase of the
22 trial. Notwithstanding Article 38.23, this article does not affect
23 the admissibility of evidence derived from a statement described by
24 Subsection (b) that corroborates a crime.

1 SECTION 2. The change in law made by this Act applies to the
2 admissibility of a statement in a criminal proceeding that
3 commences on or after the effective date of this Act. The
4 admissibility of a statement in a criminal proceeding that
5 commences before the effective date of this Act is governed by the
6 law in effect on the date the proceeding commenced, and the former
7 law is continued in effect for that purpose.

8 SECTION 3. This Act takes effect September 1, 2021.