

By: Thompson of Harris, Garcia, et al.

H.B. No. 412

A BILL TO BE ENTITLED

AN ACT

relating to requiring the corroboration of certain testimony in a criminal case involving a controlled substance.

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

SECTION 1. Article 38.141, Code of Criminal Procedure, is amended to read as follows:

Art. 38.141. CORROBORATION REQUIRED FOR CERTAIN TESTIMONY RELATING TO COVERT LAW ENFORCEMENT ACTIVITY [~~OF UNDERCOVER PEACE OFFICER OR SPECIAL INVESTIGATOR~~]. (a) A defendant may not be convicted of an offense under Chapter 481, Health and Safety Code, on the testimony of a person who is [~~not a licensed peace officer or a special investigator but who is~~] acting covertly on behalf of a law enforcement agency or under the color of law enforcement unless the testimony is corroborated by other evidence tending to connect the defendant with the offense committed.

(b) Corroboration is not sufficient for the purposes of this article if the corroboration only shows the commission of the offense.

~~[(c) In this article, "peace officer" means a person listed in Article 2.12, and "special investigator" means a person listed in Article 2.122.]~~

SECTION 2. The change in law made by this Act applies to any case in which a judgment is entered on or after the effective date of this Act. A case in which a judgment is entered before the

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1 effective date of this Act is governed by the law in effect on the  
2 date the judgment was entered, and the former law is continued in  
3 effect for that purpose.

4 SECTION 3. This Act takes effect September 1, 2023.