

BILL ANALYSIS

Senate Research Center

C.S.S.B. 515
By: Hinojosa
Criminal Justice
5/14/2003
Committee Report (Substituted)

DIGEST AND PURPOSE

Current law requires corroborating evidence for the testimony of a confidential informant (CI) to obtain a conviction under Texas' Controlled Substances Act, but does not require the corroboration of a peace officer's testimony. Moreover, in 2001, 180 drug cases from undercover stings were dismissed because officers' testimonies were uncorroborated and the officers were discredited or unavailable at the trials. C.S.S.B. 515 prohibits a person from being convicted under the Texas Controlled Substances Act on the uncorroborated testimony of a law enforcement officer unless the judge instructs the jury that it should not convict unless it believes the unsupported testimony beyond a reasonable doubt.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 38.141, Code of Criminal Procedure, as follows:

Art. 38.141. New heading: TESTIMONY RELATING TO COVERT LAW ENFORCEMENT ACTIVITY. (a) Deletes text relating to prohibiting conviction of an offense under Chapter 481 (Texas Controlled Substances Act), Health and Safety Code, based on the uncorroborated testimony of a person who is not a licensed peace officer or special investigator.

(b) Makes no changes to this section.

(c) Prohibits a defendant from being convicted of an offense under Chapter 481, Health and Safety Code, on the testimony of a licensed peace officer or a special investigator who is acting covertly on behalf of a law enforcement agency or under the color of law enforcement unless the judge instructs the jury that it should not convict the defendant on the uncorroborated testimony of a single witness, even if that witness is a peace officer, unless the jury believes the unsupported testimony beyond a reasonable doubt.

(d) Defines "peace officer" and "special investigator." Redesignated from existing Subsection (c).

SECTION 2. Effective date: September 1, 2003.
Makes application of this Act prospective.