

By: Dutton

H.B. No. 351

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the admissibility of certain evidence in capital cases
3 in which the state seeks the death penalty.

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 38.41 to read as follows:

7 Art. 38.41. EVIDENCE IN DEATH PENALTY CASES. (a) This
8 article applies to a capital case other than a capital case in which
9 the attorney representing the state has notified the court in
10 writing or in open court that the state will not seek the death
11 penalty.

12 (b) Testimony of an informant or of an alleged accomplice of
13 the defendant is not admissible if the testimony is given in
14 exchange for a grant or promise by the attorney representing the
15 state or another of immunity from prosecution, reduction of
16 sentence, or any other form of leniency or special treatment.
17 Article 38.14 does not apply to accomplice testimony described by
18 this subsection.

19 (c) A statement against interest made by the defendant to a
20 person who at the time of the alleged statement was in custody with
21 or imprisoned or confined with the defendant is admissible only if
22 the statement is corroborated by an electronic recording.

23 SECTION 2. This Act takes effect September 1, 2003, and
24 applies only to the admissibility of evidence in a capital case in

1 which the voir dire examination begins on or after the effective
2 date of this Act. A capital case in which the voir dire examination
3 begins before the effective date of this Act is covered by the law
4 in effect when the examination begins, and the former law is
5 continued in effect for that purpose.