

1-1 By: Hinojosa, West S.B. No. 515  
1-2 (In the Senate - Filed February 17, 2003; February 19, 2003,  
1-3 read first time and referred to Committee on Criminal Justice;  
1-4 May 14, 2003, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 5, Nays 1; May 14, 2003,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 515 By: Ratliff

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to requiring the corroboration of certain testimony in a  
1-11 criminal case involving controlled substances.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Article 38.141, Code of Criminal Procedure, is  
1-14 amended to read as follows:

1-15 Art. 38.141. TESTIMONY RELATING TO COVERT LAW ENFORCEMENT  
1-16 ACTIVITY [OF UNDERCOVER PEACE OFFICER OR SPECIAL INVESTIGATOR].

1-17 (a) A defendant may not be convicted of an offense under Chapter  
1-18 481, Health and Safety Code, on the testimony of a person who is  
1-19 [~~not a licensed peace officer or a special investigator but who is~~]  
1-20 acting covertly on behalf of a law enforcement agency or under the  
1-21 color of law enforcement unless the testimony is corroborated by  
1-22 other evidence tending to connect the defendant with the offense  
1-23 committed.

1-24 (b) Corroboration is not sufficient for the purposes of this  
1-25 article if the corroboration only shows the commission of the  
1-26 offense.

1-27 (c) A defendant may not be convicted of an offense under  
1-28 Chapter 481, Health and Safety Code, on the testimony of a licensed  
1-29 peace officer or a special investigator who is acting covertly on  
1-30 behalf of a law enforcement agency or under the color of law  
1-31 enforcement unless the judge instructs the jury that it should not  
1-32 convict the defendant on the uncorroborated testimony of a single  
1-33 witness, even if that witness is a peace officer, unless the jury  
1-34 believes the unsupported testimony beyond a reasonable doubt.

1-35 (d) In this article, "peace officer" means a person listed  
1-36 in Article 2.12, and "special investigator" means a person listed  
1-37 in Article 2.122.

1-38 SECTION 2. This Act takes effect September 1, 2003, and  
1-39 applies to any case in which a judgment has not been entered before  
1-40 the effective date of this Act. A case in which a judgment has been  
1-41 entered before the effective date of this Act is covered by the law  
1-42 in effect when the judgment is entered, and the former law is  
1-43 continued in effect for that purpose.

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