

By: Hodge

H.B. No. 3166

A BILL TO BE ENTITLED

AN ACT

1
2 relating to requiring the corroboration of certain testimony to
3 support a criminal conviction.

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 38.142 to read as follows:

7 Art. 38.142. TESTIMONY OF IN-CUSTODY INFORMANT. (a) A
8 defendant may not be convicted of an offense on the testimony of an
9 in-custody informant unless the testimony is corroborated by other
10 evidence tending to connect the defendant with the offense
11 committed.

12 (b) Corroboration is not sufficient for the purposes of this
13 article if the corroboration only shows that the offense was
14 committed.

15 (c) In this article, "in-custody informant" includes:

16 (1) a person detained by a peace officer or law
17 enforcement agency for the purposes of custodial interrogation; and

18 (2) a person confined in a correctional facility, as
19 defined by Section 1.07, Penal Code, after being arrested for,
20 charged with, or convicted of an offense.

21 SECTION 2. The change in law made by this Act applies to any
22 case in which a judgment has not been entered before the effective
23 date of this Act. A case in which a judgment has been entered before
24 the effective date of this Act is governed by the law in effect when

1 the judgment was entered, and the former law is continued in effect
2 for that purpose.

3 SECTION 3. This Act takes effect September 1, 2005.