

By: Dutton

H.B. No. 298

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. Chapter 38, Code of Criminal Procedure, is amended by adding Article 38.45 to read as follows:

Art. 38.45. EVIDENCE IN CERTAIN DEATH PENALTY CASES. (a) This article applies only to a capital case in which the state seeks the death penalty.

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

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

SECTION 2. Article 38.45, Code of Criminal Procedure, as added by this Act, applies only to the admissibility of evidence in a capital case in which the voir dire examination begins on or after the effective date of this Act. A capital case in which the voir

H.B. No. 298

1 dire examination begins before the effective date of this Act is
2 covered by the law in effect when the examination begins, and the
3 former law is continued in effect for that purpose.

4 SECTION 3. This Act takes effect September 1, 2009.