

BILL ANALYSIS

Senate Research Center
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H.B. 834
By: Thompson, Senfronia et al. (Hinojosa)
Jurisprudence
5/21/2021
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

During the 77th Legislative Session, Texas passed a law requiring corroboration of all informant testimony in order to secure a conviction under the Texas Controlled Substances Act. This effort followed the Tulia, Texas, drug sting of 1999 that led to the wrongful arrests of more than 10 percent of the town's African-American population. The drug charges were based on the testimony of a lone undercover officer who had no evidence to corroborate that testimony.

Specifically, H.B. 2351 amended the Code of Criminal Procedure to prohibit a defendant from being convicted of a controlled substance offense on the testimony of a person who is not a licensed peace officer or a special investigator but who is acting covertly on behalf of a law enforcement agency or under the color of law enforcement unless the testimony is corroborated by other evidence tending to connect the defendant with the offense committed and to provide that the corroboration is not sufficient if the corroboration only shows the commission of the offense.

H.B. 834 amends the Code of Criminal Procedure to prohibit a defendant from being convicted for an offense under the Texas Controlled Substances Act on the testimony of licensed police officer or a special investigator unless the testimony is corroborated by other evidence.

H.B. 834 amends current law relating to requiring the corroboration of certain testimony in a criminal case involving a controlled substance.

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: CORROBORATION REQUIRED FOR CERTAIN TESTIMONY RELATING TO COVERT LAW ENFORCEMENT ACTIVITY. (a) Prohibits a defendant from being convicted of an offense under Chapter 481 (Texas Controlled Substances Act), Health and Safety Code, on the testimony of a person who is acting covertly on behalf of a law enforcement agency or under the color of law enforcement unless the testimony is corroborated by other evidence tending to connect the defendant with the offense committed. Deletes existing text prohibiting a defendant from being convicted of an offense under Chapter 481, Health and Safety Code, on the testimony of a person who is not a licensed peace officer or a special investigator but who is acting on behalf of a law enforcement agency or under the color of law enforcement. Makes a nonsubstantive change.

(b) Makes no changes to this subsection.

Deletes existing Subsection (c) defining "peace officer" and "special investigator."

SECTION 2. Provides that the change in law made by this Act applies to any case in which a judgment is entered on or after the effective date of this Act. Provides that a case in which a judgment is entered before the effective date of this Act is governed by the law in effect on the date the judgment was entered, and the former law is continued in effect for that purpose.

SECTION 3. Effective date: September 1, 2021.