

BILL ANALYSIS

S.B. 281
By: Hinojosa
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Concerns have been raised regarding the use of testimony obtained by hypnosis against a defendant in a criminal trial. It has been suggested that the use of such a volatile form of testimony violates the constitutional right of Texans to a fair trial. S.B. 281 seeks to address this issue by making testimony obtained by hypnosis inadmissible against a defendant in a criminal trial.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 281 amends the Code of Criminal Procedure to make inadmissible against a defendant in a criminal trial, whether offered in the guilt or innocence phase or the punishment phase of the trial, all statements made during a hypnotic session by a person who has undergone investigative hypnosis for the purpose of enhancing the person's recollection of an event at issue in a criminal investigation or case, including courtroom testimony regarding those statements and including statements identifying an accused that are made pursuant to pretrial identification procedures. The bill's provisions do not affect the admissibility of evidence derived from such a statement that corroborates a crime.

S.B. 281 defines "investigative hypnosis" as a technique that uses hypnosis to explore the memory of a witness to enhance the witness's recall of a legally relevant event, including descriptions of people, conversations, and the environment.

EFFECTIVE DATE

September 1, 2021.