

AN ACT

relating to the use of hypnotically induced statements in a criminal trial.

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

SECTION 1. Chapter 38, Code of Criminal Procedure, is amended by adding Article 38.24 to read as follows:

Art. 38.24. STATEMENTS OBTAINED BY INVESTIGATIVE HYPNOSIS.

(a) In this article, "investigative hypnosis" means 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.

(b) This article applies to all statements made during or after 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.

(c) A statement described by Subsection (b) is not admissible against a defendant in a criminal trial, whether offered in the guilt or innocence phase or the punishment phase of the trial. Notwithstanding Article 38.23, this article does not affect the admissibility of any physical evidence, or the testimony of any witness identified, that independently corroborates the crime.

1           SECTION 2. The change in law made by this Act applies to the  
2 admissibility of a statement in a criminal proceeding that  
3 commences on or after the effective date of this Act. The  
4 admissibility of a statement in a criminal proceeding that  
5 commences before the effective date of this Act is governed by the  
6 law in effect on the date the proceeding commenced, and the former  
7 law is continued in effect for that purpose.

8           SECTION 3. This Act takes effect September 1, 2021.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 281 passed the Senate on April 20, 2021, by the following vote: Yeas 31, Nays 0; May 25, 2021, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 27, 2021, House granted request of the Senate; May 29, 2021, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 281 passed the House, with amendments, on May 19, 2021, by the following vote: Yeas 143, Nays 0, two present not voting; May 27, 2021, House granted request of the Senate for appointment of Conference Committee; May 29, 2021, House adopted Conference Committee Report by the following vote: Yeas 136, Nays 0, one present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor