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| BILL ANALYSIS |

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| H.B. 412 |
| By: Thompson, Senfronia |
| Criminal Jurisprudence |
| Committee Report (Unamended) |

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| **BACKGROUND AND PURPOSE**  Current law requires corroboration for the testimony of an informant in drug cases, unless that informant is a police officer. The corroboration requirement dates to "The Tulia Bill" of 2001 designed to address the ease with which false cases were made against dozens of innocent Black residents of Tulia, Texas. Despite the fact that the undercover informant who falsified cases in Tulia was a police officer, the bill passed with an exception for undercover police testimony. All over the state, prosecutors began to apply this rule to most cases, strengthening the cases that moved forward and avoiding false convictions. However, the exception for undercover police testimony allowed rogue police officers to continue to falsify cases, a problem highlighted by the dozens of drug convictions reopened, including the conviction of George Floyd, after Officer Gerald Goines of Houston was found to have lied in his affidavits. H.B. 412 seeks to provide a critical, missing protection against police misconduct by requiring corroboration for any undercover witness testimony in drug cases. |
| **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**  H.B. 412 amends the Code of Criminal Procedure to prohibit a defendant from being convicted of an offense under the Texas Controlled Substances Act on the testimony of any 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. The bill applies to any case in which a judgment is entered on or after the bill's effective date. |
| **EFFECTIVE DATE**  September 1, 2023. |