

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1585
By: Van de Putte
Jurisprudence
5/1/2001
Committee Report (Substituted)

DIGEST AND PURPOSE

C.S.S.B. 1585 requires corroborating evidence to support the testimony of a person who is not a licensed peace officer or a special investigator in a criminal trial but is acting covertly on behalf of a law enforcement agency in a criminal trial involving controlled substances.

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 Chapter 38, Code of Criminal Procedure, by adding Article 38.141, as follows:

Art. 31.141. TESTIMONY OF UNDERCOVER PEACE OFFICER OR SPECIAL INVESTIGATOR. (a) Provides that a defendant may not be convicted of an offense under Chapter 481 (Texas Controlled Substances Act), 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 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.

(b) Provides that corroboration is not sufficient for the purposes of this article if the corroboration only shows the commission of the offense.

(c) Defines "peace officer" and "special investigator."

SECTION 2. Effective date: September 1, 2001.

SUMMARY OF COMMITTEE CHANGES

Differs from the original by amending the caption, changing the heading of the proposed article, and specifying that the relevant offense be an offense related to controlled substances rather than any criminal offense. The substitute also differs from the original by changing "undercover law enforcement officer" to "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." The substitute removes the previously proposed requirement that the evidence connect the defendant with each element of the offense committed and replaces it with the requirement that the evidence "tend to connect the defendant with the offense." The substitute also adds the proposed definitions in Subsection (c).