

BILL ANALYSIS

H.B. 834
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Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law requires corroboration for the testimony of undercover operatives in drug cases, unless that informant is a police officer. The corroboration requirement dates back to the "Tulia" bill, which was designed to address the ease with which false cases were made against dozens of innocent residents of Tulia, Texas. Despite the fact that the undercover operatives who falsified cases in Tulia was a police officer, the bill passed with an exception for undercover police testimony. The corroboration requirement has been an effective check on rogue drug investigations and many prosecutors across Texas have applied it to their cases, which has strengthened the cases that moved forward and avoided false convictions. However, the exception for undercover police testimony continues to allow rogue police officers to falsify cases, a problem most recently highlighted by the numerous drug convictions reopened, including that of George Floyd, after Houston Police Narcotics Officer Gerald Goines was found to have lied on his affidavits. H.B. 834 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. 834 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.

EFFECTIVE DATE

September 1, 2021.