

1-1 By: Hinojosa S.B. No. 281
 1-2 (In the Senate - Filed January 4, 2021; March 3, 2021, read
 1-3 first time and referred to Committee on Criminal Justice;
 1-4 April 15, 2021, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 5, Nays 0; April 15, 2021,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Whitmire	X			
1-9 Huffman	X			
1-10 Bettencourt			X	
1-11 Birdwell			X	
1-12 Hinojosa	X			
1-13 Miles	X			
1-14 Nichols	X			

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 281 By: Miles

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the use of hypnotically induced statements in a
 1-20 criminal trial.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Chapter 38, Code of Criminal Procedure, is
 1-23 amended by adding Article 38.24 to read as follows:

1-24 Art. 38.24. STATEMENTS OBTAINED BY INVESTIGATIVE HYPNOSIS.

1-25 (a) In this article, "investigative hypnosis" means a technique
 1-26 that uses hypnosis to explore the memory of a witness to enhance the
 1-27 witness's recall of a legally relevant event, including
 1-28 descriptions of people, conversations, and the environment.

1-29 (b) This article applies to all statements made during a
 1-30 hypnotic session by a person who has undergone investigative
 1-31 hypnosis for the purpose of enhancing the person's recollection of
 1-32 an event at issue in a criminal investigation or case, including
 1-33 courtroom testimony regarding those statements and including
 1-34 statements identifying an accused that are made pursuant to
 1-35 pretrial identification procedures.

1-36 (c) A statement described by Subsection (b) is not
 1-37 admissible against a defendant in a criminal trial, whether offered
 1-38 in the guilt or innocence phase or the punishment phase of the
 1-39 trial.

1-40 SECTION 2. The change in law made by this Act applies to the
 1-41 admissibility of a statement in a criminal proceeding that
 1-42 commences on or after the effective date of this Act. The
 1-43 admissibility of a statement in a criminal proceeding that
 1-44 commences before the effective date of this Act is governed by the
 1-45 law in effect on the date the proceeding commenced, and the former
 1-46 law is continued in effect for that purpose.

1-47 SECTION 3. This Act takes effect September 1, 2021.

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